SENATE—*Wednesday, June 4, 1997*

The Senate met at 3 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Gracious Lord, our hearts are filled with an attitude of gratitude for the gifts of life, intellect, emotion, will, strength, fortitude, and courage. We are privileged to live in this free land You have so richly blessed.

You have created each of us to know, love, and serve You. Thanksgiving is the memory of our hearts. You have shown us that gratitude is the parent of all other virtues. Without gratitude our lives miss the greatness You intended, and remain proud, self-centered, and limited. Thanksgiving is the thermostat of our souls opening us to the inflow of Your Spirit and the realization of even greater blessings.

But so often we need to thank You for the problems that make us more dependent on You for Your guidance and strength. When we have turned to You in the past, You have given us the leadership skills we needed. Thank You, Lord, for taking us where we are with all our human weaknesses, and using us for Your glory. May we always be distinguished by the immensity of our gratitude for the way You pour out Your wisdom and vision when with humility we call out to You for help. We are profoundly grateful, in the name of our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

SCHEDULE

Mr. LOTT. For the information of all Senators, today the Senate will immediately resume consideration of S. 4, the Family Friendly Workplace Act. By previous consent, Senator KENNEDY or his designee will be recognized for 30 minutes of debate to be followed by Senator ASHCROFT for up to 30 minutes. At the expiration of that time, the Senate will proceed to a vote on cloture on the substitute amendment to S. 4. Senators can therefore expect that cloture vote at approximately 4 p.m. today. I guess it will probably be shortly after 4. Senators are also reminded that they have until 3:30 this afternoon in order to file second-degree amendments to the substitute to S. 4. It is my hope that cloture will be invoked and the Senate can then proceed to conclude action on this very important measure. If that is the case, Senators should be prepared to continue the debate and vote on amendments to S. 4.

In addition, as previously announced, it is my hope that we can conclude work on the budget conference report—and I understand the conferees have met today and should be able to complete the conference, if not this afternoon, sometime tomorrow—and the supplemental appropriations conference report as soon as those items are available for consideration.

Now, I understand that some of my colleagues are concerned about the supplemental appropriations conference report and are now talking about extensive debate. I do want to say that I have just been advised that the conferees have been working and they feel they have made real good progress and, as a matter of fact, they could conclude action on the conference report even within the hour now. Knowing how conferences work, sometimes when you get right to the end, that last 10 percent or 2 percent causes a problem and they may still encounter further delays. But the appropriators and the conferees are meeting, they are working, and I believe they are making progress. Hopefully, they will get to some conclusion this afternoon on the conference report that we could vote on.

I understand the frustration of Members on all sides. It is very important language here. The administration needs to understand that Pennsylvania Avenue is a two-way street. It doesn't just come from the Capitol down to the White House, where we send down billions of the taxpayers' dollars; we have to get a little cooperation. We feel very strongly about the importance of a law enforcement commission to take a look at the overall application of law enforcement in America. We feel very strongly about the census issue. How do we make sure that it's fair and thorough and complete and accurate? We may come to an agreement on how that can be done, either in terms of actual count or some modification, but not without consultation and not without the Congress being involved in a constitutional issue. We also remind people that the only way—the only way—the disaster funds will stop flowing from FEMA or SBA—and the money is flowing right now—is if we have some sort of fun and games at the end of the fiscal year with a Government shutdown.

I think we can work these matters out. We should. But everybody needs to understand these are important issues. This is not abnormal. I have been through supplemental bills probably 24 times or more in my career in Congress. I have been through disasters. There is nothing new here. There is nothing out of order here. We need to keep working together, and if we heighten the rhetoric and the partisanship, it doesn't help.

I tried my very best to make sure that the Senate in fact is a family friendly workplace. I say to the Senator from Massachusetts, we have flexibility in our schedules and we have tried not to work into the wee hours of the night. In fact, I think only one night this year have we gone beyond 8:30. I think that is wise, because over the years I have noticed that any time the Congress, House or Senate, stays in after about 8 o'clock, they start making mistakes. And some of us still have wives that we like to see or spouses that we like to see or children that we enjoy being with. So the threat of staying up all night tonight to talk about a bill that in fact we hope we can come to agreement on shortly rings hollow to me. Let's just do our work and keep calm and we can get this thing solved.

MESSAGES FROM THE HOUSE

At 3:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 84) establishing the congressional budget for the United States Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002, and agrees to the conferences asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. KASICH, Mr. HOBSON, and Mr. SPRATT as managers of the conference on the part of the House.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 79. An act to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe.

H.R. 908. An act to establish a Commission on Structural Alternatives for the Federal Courts of Appeals.

H.R. 1019. An act to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, Colorado, to correct the effects of earlier erroneous land surveys.

H.R. 1020. An act to adjust the boundary of the White River National Forest in the State

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

of Colorado to include all National Forest System lands within Summit County, Colorado, which are currently part of the Dillon Ranger District of the Arapaho National Forest.

H.R. 1420. An act to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.

H.R. 1439. An act to facilitate the sale of certain land in Tahoe National Forest, in the State of California to Placer County, California.

H.J. Res. 75. Joint Resolution to confer status as an honorary veteran of the United States Armed Forces on Leslie Townes (Bob) Hope.

MEASURES REFERRED

The following bills and joint resolution were read the first and second times by unanimous consent and referred as indicated:

H.R. 79. An act to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe; to the Committee on Indian Affairs.

H.R. 1019. An act to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, Colorado, to correct the effects of earlier erroneous land surveys; to the Committee on Energy and Natural Resources.

H.R. 1020. An act to adjust the boundary of the White River National Forest in the State of Colorado to include all National Forest System lands within Summit County, Colorado, which are currently part of the Dillon Ranger District of the Arapaho National Forest; to the Committee on Energy and Natural Resources.

H.R. 1439. An act to facilitate the sale of certain land in Tahoe National Forest, in the State of California to Placer County, California; to the Committee on Energy and Natural Resources.

H.J. Res. 75. Joint resolution to confer status as an honorary veteran of the United States Armed Forces on Leslie Townes (Bob) Hope; to the Committee on Veterans' Affairs.

AMENDMENTS SUBMITTED

THE FAMILY FRIENDLY WORKPLACE ACT

KENNEDY AMENDMENT NO. 368

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to amendment No. 256 proposed by Mr. GRASSLEY to the bill (S. 4) 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; as follows:

Beginning on page 9, strike line 19 and all that follows through page 10, line 3 and insert the following:

"(9)(A) An employee shall be permitted by an employer to use any compensatory time off provided under paragraph (2)—

"(i) for any reason that qualifies for leave under—

"(I) section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)), irrespective of whether the employer is covered, or the employee is eligible, under such Act; or

"(II) an applicable State law that provides greater family or medical leave rights than does the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.);

"(ii) for any reason after providing notice to the employer not later than 2 weeks prior to the date on which the compensatory time off is to be used, except that an employee may not be permitted to use compensatory time off under this clause if the use off the compensatory time of will cause substantial and grievous injury to the operations of the employer; or

"(iii) for any reason after providing notice to the employer later than 2 weeks prior to the date on which the compensatory time off is to be used, except that an employee may not be permitted to use compensatory time off under this clause if the use of the compensatory time off will unduly disrupt the operations of the employer.

KENNEDY AMENDMENT NO. 369

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to amendment No. 265 proposed by Mr. GORTON to the bill, S. 4, supra; as follows:

On page 7, strike line 13 and insert the following:

"(B) It shall be an unlawful act of discrimination, within the meaning of section 15(a)(3), for an employer—

"(i) to discharge or in any other manner penalize, discriminate against, or interfere with, any employee because—

"(I) the employee may refuse or has refused to request or accept compensatory time off in lieu of monetary overtime compensation;

"(II) the employee may request to use or has used compensatory time off in lieu of monetary overtime compensation; or

"(III) the employee has requested the use of compensatory time off at a specific time of the employee's choice;

"(ii) to request, directly or indirectly, that an employee accept compensatory time off in lieu of monetary overtime compensation;

"(iii) to require an employee to request compensatory time off in lieu of monetary overtime compensation as a condition of employment or as a condition of employment rights or benefits;

"(iv) to qualify the availability of work for which monetary overtime compensation is required upon the request of an employee for, or acceptance of, compensatory time off in lieu of monetary overtime compensation; or

"(v) to deny an employee the right to use, or coerce an employee to use, earned compensatory time off in violation of this subsection.

"(C) An agreement or understanding that is entered".

SPECTER AMENDMENT NO. 370

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill, S. 4, supra; as follows:

Beginning on page 6, strike line 20 and all that follows through page 8, line 23 and insert the following:

"(6)(A) An employer that provides compensatory time off under paragraph (2) to an employee shall not—

"(i) directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of—

"(I) interfering with the rights of the employee under this subsection to request or not request compensatory time off in lieu of payment of monetary overtime compensation for overtime hours;

"(II) interfering with the rights of the employee to use accrued compensatory time off in accordance with paragraph (9); or

"(III) requiring the employee to use the compensatory time off; or

"(ii)(I) request, directly or indirectly, that an employee accept compensatory time off in lieu of payment of monetary overtime compensation; or

"(II) discriminate by qualifying the availability of work for which overtime compensation is required on the request of an employee for, or the acceptance by an employee of, compensatory time off in lieu of payment of monetary overtime compensation.

"(B) An agreement or understanding that is entered into by an employee and employer under paragraph (3)(A)(ii) shall permit the employee to elect, for an applicable workweek—

"(i) the payment of monetary overtime compensation for the workweek; or

"(ii) the accrual of compensatory time off in lieu of the payment of monetary overtime compensation for the workweek.

"(C) In this paragraph, the term 'intimidate, threaten, or coerce' has the meaning given the term in section 13A(d)(2).".

(2) REMEDIES AND SANCTIONS.—

(A) IN GENERAL.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended by adding at the end the following:

"(f)(1) If an employee demonstrates that an employer has engaged in an employment practice that violates either or both of clauses (i) and (ii) of section 7(r)(6)(A), and that the employee has been harmed by the practice, the employer shall be liable to the employee in an amount equal to—

"(A) such legal or equitable relief as may be appropriate to effectuate the purposes of section 7(r)(6)(A), including employment, reinstatement, promotion, and the payment of wages lost; and

"(B) 3 times the legal or equitable monetary relief provided in accordance with subparagraph (A), as liquidated damages.

"(2) The employer shall be subject to such liability in addition to any other remedy available for such violation under this section (other than the first sentence of subsection (b)) or section 17, including a criminal penalty under subsection (a) and a civil penalty under subsection (e).".

(B) CONFORMING AMENDMENTS.—Section 16 of such Act is amended—

(i) in subsection (a)—

(I) by striking "(a) Any" and inserting "(a)(1) Except as provided in paragraph (2), any";

(II) in paragraph (1) (as designated in subclause (I)), by striking "subsection" the first

place it appears and inserting "paragraph"; and

(III) by adding at the end the following:

"(2) Any person who willfully engages in an employment practice that violates either or both of clauses (i) and (ii) of section 7(r)(6)(A) shall on conviction be subject to a fine of not more than $25,000, or to imprisonment for not more than 5 years, or both. No person shall be imprisoned under this paragraph except for an offense committed after the conviction of such person for a prior offense under this subsection.";

(ii) in subsection (b)—

(I) in the first sentence, by inserting "(other than section 7(r)(6)(A))" after "of this Act";

(II) in the third sentence, by striking "preceding sentences" and inserting "preceding sentences, or in subsection (f) or (g),"; and

(III) in the last sentence, by inserting before the period the following: "or section 7(r)(6)(A)"; and

(iii) in subsection (c)—

(I) in the first sentence—

(aa) by inserting after "7 of this Act" the following: ", or of the appropriate legal or monetary equitable relief owing to any employee or employees under section 7(r)(6)(A) or section 13A"; and

(bb) by striking "wages or unpaid overtime compensation and an additional equal amount as" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and the appropriate amount (as determined under subsection (b), (f), or (g)) of";

(II) in the second sentence, by striking "wages or overtime compensation and an equal amount as" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and the appropriate amount of"; and

(III) in the third sentence—

(aa) by striking "first sentence of such subsection" and inserting "third sentence of such subsection"; and

(bb) by striking "wages or unpaid overtime compensation under sections 6 and 7 or" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, or".

(C) RULE.—Notwithstanding subsection (b)(3), the amendments made by subsection (b)(3) to section 16(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(c)) shall not take effect.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 4, 1997, at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON AVIATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Aviation Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on June 4, 1997, at 2 p.m., on bilateral aviation relations with the United Kingdom.

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

ADDITIONAL STATEMENTS

EIGHTH ANNIVERSARY OF TIANANMEN SQUARE MASSACRE

• Mr. FEINGOLD. Mr. President, I rise today to join in marking the eighth anniversary of the Tiananmen Square Massacre, a tragic day when a still unknown number of Chinese—some say hundreds, others thousands—died at the hands of the People's Liberation Army.

This anniversary is significant because it is the first since the death of China's paramount leader Deng Xiaoping, the man who orchestrated the bloody crackdown against the prodemocracy movement. Unfortunately, even with Deng out of the picture, the Chinese Communist Party remains unwilling to re-examine the events of June 4, 1989. Indeed, China's leaders would like nothing more than to have Tiananmen fade from the world's memory.

But Tiananmen is still very much a part of the present. As all of us are aware, Wang Dan, a student leader of Tiananmen, was sent back to prison last October for continuing to advocate democratic reform. According to Amnesty International, 303 people remain in prison for their role in the 1989 demonstrations. Certainly for these people and their families, Tiananmen remains a part of daily life.

Today, Tiananmen is still very much on the minds of Hong Kong's people. The 1989 prodemocracy demonstrations created an outpouring of support from the British colony. Hong Kong residents donated hundreds of tents and sleeping bags to the students occupying Tiananmen Square. Thousands are expected to gather this evening in Hong Kong's Victoria Park for a candlelight vigil. Many are worried that public observance of Tiananmen will be banned once Hong Kong reverts to Chinese rule this summer. After the transfer of Hong Kong is completed, commemoration of June 4 will become the ultimate test of whether China will allow Hong Kong to maintain its cherished freedoms.

For those of us who are concerned about human rights in China, June 4 is still a powerful reminder that the Chinese Government has not changed. I was appalled to hear that, during his visit to Washington last December, China's Defense Minister Chi Haotian said that "not a single person lost their life in Tiananmen Square." That was an insult to the memory of those who died on the streets of Beijing that night.

Mr. President, yesterday Senator HELMS and I submitted a resolution of disapproval of the President's decision to renew most-favored-nation trade privileges to China. I feel strongly that the decision in 1994 to delink human rights and MFN was a mistake. Disconnecting the two has helped make China's leaders feel secure enough to renew their crackdown on the democracy movement and commit further human rights atrocities in Tibet. I believe that denying MFN is the best way to communicate to the leadership in Beijing that the United States still values human rights.

It is the best way to tell the Chinese Government that we will not forget Tiananmen.•

IN MEMORY OF TIANANMEN

• Mr. MOYNIHAN. Mr. President, I rise today to note the solemn anniversary of the massacre of Chinese students and prodemocracy activists in Tiananmen Square, and to honor the memory of the men and women who were so cruelly murdered by the totalitarian regime of the People's Republic of China.

No one who witnessed the events will soon forget the images of students and others rallying around the Goddess of Democracy statue, modeled on Bartholdi's Statue of Liberty Enlightening the World in New York harbor.

The Chinese Government has long argued that democracy is inimical to Asian values and that Americans' insistence on human rights is a form of cultural imperialism. The students in Tiananmen Square provided the most compelling refutation of such tripe.

Our hope that we were witnessing the dawn of a new era in China was dashed when, on June 4, 1989, the so-called People's Liberation Army moved into Tiananmen to thwart the aspirations of the Chinese people. The photograph of one lone Chinese individual—Wang Weilin—confronting a column of 18 PLA tanks is both a tribute to the courage of the Chinese people and a fitting emblem for a regime that believes it can crush ideas with 120 millimeter guns and hold back the tide of history with bayonets.

I am sorry to say that since 1989, China has continued to silence dissent. So much so that the State Department reported this year that by 1996, "all public dissent against the party and government was effectively silenced by intimidation, exile, the imposition of prison terms, administrative detention, or house arrest. No dissidents were known to be active at year's end."

On this occasion, let us honor the memory of those who were slain and reiterate our solidarity with Chinese dissidents imprisoned by their government.•

WE THE PEOPLE . . . THE CITIZENS AND THE CONSTITUTION COMPETITION

• Mr. CLELAND. Mr. President, I rise today to recognize the following students of Dunwoody High School in Dunwoody, GA, and their teacher for

their excellent performance in the We the People . . . The Citizens and the Constitution: Deno Adkins, Leslie Alterman, Chuck Askew, Querida Brisbane, John Brown, Alice Bui, Kevin Campbell, Carrie Chu, Jeff Guggenheim, Susie Ham, Adam Hassler, Judy Hong, Michael Landis, Rachel Moore, Regan O'Boyle, Youn Park, Kim Pham, Ahmer Siddiq, David Stewart, Adam Tate, Brad Thomas, David Tran, Christin Voytko, Morhan Willis, Brent Wolkin, and teacher Celeste Boemker. I would also like to recognize the efforts of the State coordinator, Michele Collins and district coordinator, John Carr, who helped these students make it to the finals.

This bright young group of students competed against 50 other classes from around the Nation, testing their knowledge of the U.S. Constitution and our Government. They spent hours roleplaying and testing to prepare themselves for this competition. This 3-day program simulates a congressional hearing in which students' presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

Mr. President, it is with great pride that I offer my congratulations to these students from Dunwoody High School for their outstanding performance at the We the People competition, and wish them continuing success with their future studies.●

INDONESIAN ELECTIONS

● Mr. FEINGOLD. Mr. President, I rise today to draw the Senate's attention to the parliamentary elections that took place in Indonesia last Thursday, May 29.

Actually, it does not seem accurate to call this event an election since the polling was conducted amid worsening political repression and human rights abuses by the Indonesian Government. As in past elections, all candidates were prescreened and new political parties banned. Individuals who posed even the slightest challenge to President Suharto's power were not allowed to participate. We cannot mistake this process for a real election. Rather, it was a pitiful example of a brutal authoritarian Government attempting to masquerade as a democracy.

Clearly many in Indonesia are angry about not having a voice. This latest election was the most violent in 30 years. Rampant corruption among Indonesia's ruling elite and continued high unemployment have created a deep vein of discontent. Yet Indonesians are given no choice other than Suharto, who already has ruled Indonesia for more than three decades.

Mr. President, the human rights situation in Indonesia remains as bad as ever. Five demonstrators were killed by troops last July after the Government engineered an attack on the office of an opposition party. In addition to the 5 dead, 23 protestors are still missing. Also last summer, labor leader Muchtar Pakpahan was arrested on trumped-up sedition charges. Mr. Pakpahan's only crime was to demand democracy, respect for human rights, and decent labor conditions.

The State Department's 1996 human rights report indicates that prisoners like Mr. Pakpahan frequently die at the hands of their interrogators. The report states that Indonesian "security forces continue to employ torture and other forms of mistreatment, particularly in regions where there were active security concerns, such as Irian Jaya, and East Timor. Police often resort to physical abuse, even in minor incidents."

Indeed, the human rights situation in East Timor continues to be a matter of great concern. Since last Tuesday, as many as 41 people—both East Timorese citizens and Indonesian soldiers—have died in election-related violence. Unfortunately, such killings are a part of daily life in East Timor. Human rights monitors estimate that as many as 200,000 East Timorese have died under the Indonesian regime. Two hundred thousand. That represents a full third of East Timor's population before Indonesia invaded the former Portuguese colony back in 1975.

On the day before Indonesia's election, East Timorese activist and cowinner of the 1996 Nobel Peace Prize Jose Ramos-Horta visited Washington. Mr. Ramos-Horta carried with him graphic evidence of human rights abuses that have occurred in East Timor in the last few months, evidence that includes disturbing photographs of Indonesian military officers torturing East Timorese detainees with electric shocks and lit cigarettes.

In his statement on the elections, Mr. Ramos-Horta notes that the unrest in East Timor is now spreading into Indonesia as people grow more frustrated with the existing political system. According to Mr. Ramos-Horta "a spiral of violence can be anticipated for Indonesia from now on as dissent grows. It will be met with the customary repression by the military-backed regime, now increasingly desperate as its grip on power begins to slip, leading to an extended period of instability, disruption to peace and much human suffering."

I agree that the violence in Indonesia will only subside after President Suharto initiates real democratic change and, for example, allows all parties to compete equally in the political process.

However, like their counterparts in China, Indonesian authorities try to argue that greater democracy will lead to instability which in turn will impede economic development. I fundamentally reject this idea. Clearly, with so many Indonesians venting their anger against the present regime, the problem is not too much democracy, but too little. Just because President Suharto's government has boosted economic growth does not mean it has the right to murder and torture Indonesians and East Timorese.

Mr. President, the events of last week only further my discomfort regarding United States policy in Indonesia. As you know, the United States has supplied Indonesia with military training and weapons. Rather than aid Indonesia's military, we should encourage the democratic forces within Indonesian society. As a world leader with great influence in Jakarta, the United States should work to convince Indonesia's leaders that holding real elections, the kind that give people a true say in how they are governed, is a sign of national strength, not weakness.●

TRIBUTE TO ISADOR LOUIS KUNIAN

● Mr. CLELAND. Mr. President, I rise today to honor Isador Louis Kunian, a long-time friend who passed away on March 5, 1997. Born in Atlanta, GA as Isador Louis Kunianski, he shortened his last name, but everyone who knew him called him Sonny. We are honoring Sonny not only because he was successful, but because he used the fruits of his success to help others. One of Sonny's greatest personal drives was to help people who wanted to help themselves. His participation in the education of hundreds of persons will provide a legacy to Sonny. In Sonny's own words, "Providing for a person's education is the greatest investment that I have ever made."

In 1980, he established the Mildred and I.L. Kunian Scholarship Fund at Georgia Tech that has helped more than a hundred students pay their college bills. In addition, he founded the Georgia Tech Satellite Literacy Program, which broadcasts, via satellite television, adult basic education classes to over 100 classrooms in rural Georgia. Sonny was instrumental in securing funding for the program from Federal, State and foundation sources.

Sonny was a graduate of Atlanta's Boy's High School and then Georgia Tech, receiving his degree in textile engineering in 1934. Sonny played freshman football for Georgia Tech, was on the student council and was a member of several honor societies. Following college, he went to work in the textile industry until needed by the Navy from 1943 to 1945. Following this, he distinguished himself in the business world as a past president and partner with Atlanta's Kay Developers and later his own real estate development company, Kunian Enterprises.

In civic affairs, Mr. Kunian was active and held office in a number of organizations, including the Center for

Rehabilitative Technology, Inc., the Georgia Chapter of the Arthritis Foundation, the Atlanta Symphony Orchestra Association, the Southeastern Regional Board of the Anti-Defamation League, Families First, the American Jewish Committee, the Georgia Council on Adult Literacy, the Southern Regional Education Board and the National Jewish Welfare Board.

Mr. President, I ask that you join me in recognizing the impact Sonny made on the world in which we live. He will be sorely missed.●

FAMILY FRIENDLY WORKPLACE ACT

The PRESIDENT pro tempore. The Senate will now resume consideration of S. 4, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 4) 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.

The Senate resumed consideration of the bill.

Pending:

Grassley amendment No. 253, to provide protections in bankruptcy proceedings for claims relating to compensatory time off and flexible work credit hours.

Grassley modified amendment No. 256, to apply to Congress the same provisions relating to compensatory time off, biweekly work programs, flexible credit hour programs, and exemptions of certain professionals from the minimum wage and overtime requirements as apply to private sector employees.

Gorton modified amendment No. 265, to prohibit coercion by employers of certain public employees who are eligible for compensatory time off under the Fair Labor Standards Act of 1938 and provide for additional remedies in a case of coercion by such employers of such employees.

Mr. LOTT. Mr. President, on the family friendly workplace bill itself, the comptime/flextime issue, I hope that we can come to an agreement on this. Senator DASCHLE has indicated he would like to work with us on it. The President said during the election campaign and, in fact, 2 weeks ago, he would like to work with us on giving some flexibility to workers' schedules. I believe he has indicated that again today. Senator ASHCROFT has done such a magnificent job on this bill. In fact, I believe the President said flextime is very important—flexibility is very important. I wrote it down and gave a copy of it to the Senator from Missouri.

So, we all agree that having a little option of taking your comptime in terms of higher pay or the option of it being some time off, that's a good idea. We all agree, I think, that working spouses ought to have a little flexibility in their schedules. That is who really benefits from the flextime portion of this bill.

Now, if there are questions or concerns about making sure that it is fair and there is no intimidation, it is truly voluntary, hey, let's work that out. We ought to do that. We want those protections. We want those guarantees. But I want somebody to explain to me how I can explain to the hourly workers in my State that they should not have these options even though Federal employees do. And, as a matter of fact, in truth, so do salaried employees. If they want a little time off, they take it off. But, no, not the hourly workers, not the blue collar workers in my State, not the people out there pulling the load. They don't even have this option.

Protect them, make sure that the law doesn't get out of control, that it's abused—let's do that. But to have this type of flexibility, to have a more family friendly workplace, isn't that a worthwhile goal? Can't we do this?

The Senator from Massachusetts and I worked together on some bills that he forced me to work with him on. I didn't particularly want to, but we wound up doing it. We got health insurance reform last year, thanks to the good help of the Senator from Kansas, Senator Kassebaum. This very day, an unbelievable achievement was signed by the President of the United States: IDEA, I-D-E-A, Individuals With Disabilities Education Act. Last year we gave up in exhaustion. We couldn't get it done. This year, because of a lot of good staff work, administration input, Democrats, Republicans, all regions, all races, all ethnic backgrounds, all degrees of philosophy, we came together on a bill that will help education in America—not just for the disabled, but I believe all of our children will be better off because of this bill. We got it done because we put aside our prejudices and our determinations that we were going to be committed to this position or that position and we said we need results and we got results.

We need to do this on this legislation. Let's get started. Let's work together. If you have amendments, put them up. I would like them to be germane. I would rather we not solve some irrelevant issue. Let's stick to the subject at hand. And I believe the American people would be the beneficiaries.

So I hope that my colleagues on both sides of the aisle will vote for this cloture, or if they don't, tell us how we can come together and give this opportunity to working Americans.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I was listening to the comments of our friend and our majority leader with regard to the cooperative effort on the IDEA legislation, and he has correctly characterized that. He himself deserves great credit. This was worked out in a strong, bipartisan way.

I am hopeful that we can have that same kind of cooperative effort on our children's health insurance proposal, which Senator HATCH has introduced and which I have cosponsored, which has such broad Republican and Democratic support across the country and which I believe a majority of the Members of this body, Republican and Democrat, support as well.

The Senator made a very eloquent statement about how we want to be family friendly. I would like to see some progress for the sons and daughters of working families who are making $20,000 to $25,000. I would like to see some progress for the single heads of households with two children who are unable to afford the premium for their health insurance. Those Americans need to have what I would consider to be one of the most, if not the most important, family friendly protection, and that is to make sure that their children can have the same healthy start as do children of so many of the Members of this Congress and Senate.

So, I know that the next business before the Senate is the cloture motion on S. 4. But I am very hopeful that we will find an opportunity to address this important proposal. The majority leader felt our amendment on the budget was inconsistent with other terms in that agreement. Yet, I would say to my friend and colleague, it was interesting yesterday when the House Members went down to see the President that they introduced a new concept, a medical savings account, which Republicans and Democrats had agreed to last year on the Kassebaum-Kennedy bill, for 750,000 people. And the Republicans also proposed a limitation on punitive damages to protect doctors, even though we have some 50,000 Americans who die in hospitals every year from preventable injuries. Yet I didn't hear that that proposal was part of the budget deal.

So, I hope, as we move forward, we will be able to gain the attention of the majority leader on the issues of children's health. The majority leader knows very well the administration is trying to help children covered by Medicaid, who are the poorest of the poor. We commend that. The Rockefeller-Chafee proposal is a bipartisan effort to target resources to make sure those children who are eligible for Medicaid will continue to be covered. We believe that proposal will cover about 3 million poor children. But we cannot forget the other 7.5 million children. Our proposal is paid for in its entirety—so we would not interfere with the general outlines that have been agreed to in the budget—with a cigarette tax, which has the

added benefit of discouraging teenagers from smoking.

I know, when the Senator was talking about the areas where there has been cooperation, I want to commend him for the great leadership he provided on IDEA. He also referenced the progress that was made last year and commended Senator Kassebaum. I look forward this year, when we pass the Hatch-Kennedy bill, to commending a similar bipartisan effort. I believe if we just had a little more favorable view from our majority leader, that proposal could go through here in incredibly rapid time.

But I see our leader on the floor at this time, so I will withhold further comments to permit him to speak.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Madam President, let me commend the distinguished senior Senator from Massachusetts for his comments.

Let me say I completely associate myself with his remarks and appreciate his extraordinary leadership on children's health issues in particular. I came to the floor just to respond to the distinguished majority leader. I didn't hear all that he said, but it was reported to me. I know he made comment about the progress we are making on the supplemental appropriations bill. I must say, I am pleased to hear maybe some progress has been made.

We have been patient, and I think he would concede that we have been patient. And we have been very tolerant of the extraordinary delay that has existed now for some time in moving this legislation forward. He tried, prior to the time of the Memorial Day recess, to negotiate some settlement, as did the rest of us, and failed to find some way with which to resolve the differences.

The problem we have, though, Madam President, is that we continue to send the message that even though people in the Dakotas, and Minnesota are losing sleep, even though mayors and city councilmen and business people and homeowners and farmers continue to be exasperated and frustrated with the lack of progress here, it is business as usual on the Senate floor. It is business as usual in the Congress. We send the message that it doesn't seem to matter how grave the circumstances, we are not going to change the way we are doing business here; we will continue to do business as usual.

So our message to them was that we don't care how long it takes, this Congress ought to stay here tonight, tomorrow, tomorrow night, the next night until we get an agreement on this conference report, until we can find some way to resolve these differences, until we can say to those people without equivocation, we know it is not business as usual, we know that we have to get something done, we know that you are hurting and we are going to respond. But we are not sending that message when we adjourn, when we don't meet, when we don't make progress on any of the contentious issues for which there has been disagreement now for weeks. When does it end? When do we break some new ground and move the bill on?

I am pleased, if the majority leader is accurate, with the report that we could have some resolution to some of these issues this afternoon. At long last, we may be able to send the right message to the people waiting now all this time. But there are 33 States detrimentally affected, probably no States more detrimentally affected than those States in the Midwest, Dakotas, and Minnesota. So, clearly, something has to be done. I hope if we are not going to resolve the conference report this afternoon, the majority leader will allow us to stay in, will allow us to continue to address these issues, that we will not accept business as usual, and that we can send as clear a message as possible that we understand how grave this situation is, and we are going to respond just as effectively and as quickly and as completely as we possibly can. That is what the message ought to be.

We are going to have a compensation vote again this afternoon, a comptime vote. I must say, I am disappointed. The majority leader talked about it being a two-way street on the supplemental appropriations. I would like it to be a two-way street on comptime. I would like the Republican leadership and our Republican colleagues to take a good look at what we are suggesting as a way with which to resolve this impasse. That has not happened yet. Whether it is the supplemental, comptime or any one of a number of issues, the only way we can demonstrate this two-way street is if we can find some common ground and work together. At least let's recognize today that we will not leave, we will not adjourn, we will not pretend it is business as usual so long as we haven't resolved the outstanding differences on the supplemental bill.

I urge the leader to do that, and I hope that he can work with us to ensure that we send that message out to those who are detrimentally affected all across this country and are looking for some hope and some understanding of our appreciation of the seriousness of the problems that they are facing. I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I join in the urging of our distinguished leader in hopes that there can be some resolution to this enormous human tragedy in the Dakotas and in parts of the Midwest. Massachusetts is not affected, Madam President, but it was not long ago that we had hurricanes that came across the Massachusetts coast, that traveled through New England and brought devastation, hardship, and plight to many communities. Many New Englanders lost their homes, their businesses, and their property. And, when the hurricanes went through South Carolina, I remember the words of our friend and colleague, Senator HOLLINGS, who spoke on that issue so passionately. And I remember how this institution responded so quickly. I think all of us remember the tragedies caused by the recent hurricanes in Florida. Homestead Air Force Base was devastated and many of the communities in the surrounding areas were destroyed. And all of us must remember how we in the Congress reacted.

Every American has been touched by what has happened in the Midwest. When the Senator from South Dakota speaks about this issue, as the Senator from Minnesota did yesterday, and the Senators from North Dakota did in the past few days, they are really speaking for all Americans. This is not just a regional issue, it is a national issue, and it is of national importance. I think all of us who have watched the courage and the strength of those families as they have faced this extraordinary human tragedy are challenged to say why not now? Why not take the action now? This is special. It is unique. It is a crisis. It is affecting children. It is affecting families. It is affecting elderly people. It is affecting them in many different ways, and we should be able to respond.

I commend our colleagues from those areas, who know it best, for their very constructive recommendations. We have given them assurances from all parts of the country that we stand behind them. As we are about to use the last of the time before the cloture vote, I join with the Democratic leader in being troubled by the earlier statement that we would not see any further action on this measure today. I was unable to speak on this issue yesterday. We have other Members on the floor who want to address the Senate on S. 4, but I see the Senator from South Dakota.

Mr. DASCHLE. Madam President, I will be very brief.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Let me just thank the Senator from Massachusetts for his words of support. As he has indicated, even though perhaps it is the upper Midwest that is most detrimentally affected, States all over the country are affected, even in those areas where there hasn't been a disaster, as in the State of Massachusetts.

The Senator speaks eloquently about the degree of support and sensitivity that we find across the country for the

plight that we have in the Dakotas and Minnesota, particularly. Let me just say, we have had a remarkable degree of response within our caucus. Virtually every Senator has indicated they would be willing to stay tonight and speak for a period of time about the circumstances in their State or the circumstances involving the legislation. Every Senator has expressed a willingness to come to the floor, whether it is 2 or 3 or 5 o'clock in the morning. They have indicated a willingness to be here.

Let me thank all of my colleagues for their expressions of interest and participation and my hope that we can participate in a meaningful way, not in a controversial or confrontational way necessarily, but simply providing the rest of the country a better opportunity to understand the extraordinary situation that we are facing and the need for us to respond as quickly as possible, given this late date.

So I thank my colleagues. I hope that we get Republican participation. I certainly hope that this notion that we are going to adjourn rather than to have a good debate is nothing but a false rumor and that we will have the opportunity to participate in that colloquy tonight. I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I say to my friend and colleague from South Dakota that churches all over Massachusetts last Sunday had collections for people in the Dakotas. This is illustrative of the feeling all over this country.

Madam President, how has the time been allocated and what remains between the Senators?

The PRESIDING OFFICER. The Senator from Massachusetts has 13 minutes; the Senator from Missouri has 23 minutes remaining.

Mr. KENNEDY. I will take 2 minutes, and then I will yield to our colleagues.

On the issue, Madam President, of the so-called Family Friendly Workplace Act, I believe it is basically a cruel hoax on American workers. It is really a one-sided bill that provides maximum flexibility for employers and no flexibility for employees. It deserves no support from any Senator. It received none from any Democrat on the first cloture vote 3 weeks ago. In fact, two Republicans broke with their party to oppose cloture, and I encourage my colleagues to oppose cloture again today.

Some have suggested that with this second cloture vote, the Republican proponents of S. 4 are simply playing out an elaborate charade. By forcing further debate on S. 4 in this way, they hope that the Ballenger bill in the House will seem less extreme.

That strategy will fail. Less extreme is still extreme. Our Democratic alternative—and I pay tribute to Senator BAUCUS, Senator LANDRIEU, and Senator KERREY for the development of that alternative—remedies the gross defects of both the Ashcroft Senate bill and the Ballenger House bill. It is a realistic approach to comptime that is not slanted in favor of employers and against employees. It is the only comptime bill that is worth the name and it deserves to pass.

The Democratic alternative is superior in many ways. First, it protects the 40-hour week, while the Ashcroft bill abolishes that fundamental principle.

Second, our alternative forbids discrimination against workers who need overtime pay and cannot afford to take the time off instead. The Ashcroft bill permits employers to assign all the overtime work to employees who will accept comptime.

Third, the Democratic alternative guarantees employees the right to use comptime when they need it the most. That is the key element. The employees have the right, that is the key in any evaluation of which bill deserves support. The alternative provides that the employees have the right to use the time when they need it. The Ashcroft bill does not give employees a right to use the comptime even in the most serious family or medical emergencies.

Finally, the Democratic alternative imposes no pay cut on working families, while the Ashcroft bill would reduce workers' wages substantially.

For all these reasons, I urge my colleagues to oppose cloture. The Ashcroft paycheck reduction act does nothing for working women. It does nothing for working men. It does nothing for working families. It should be rejected out of hand, and I urge my colleagues to do so.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. KENNEDY. I yield 3 minutes to Senator LANDRIEU.

Ms. LANDRIEU. Three minutes is just fine.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Thank you, Madam President. To my distinguished colleague from Massachusetts who has been such a strong and solid voice for working families and working people throughout this country, I appreciate his help on this issue.

I am here today with my colleagues, Senator BAUCUS and Senator KERREY, to offer some thoughts as to how we can make this particular bill more meaningful to working families.

There is an architect, Bill McCuen, in South Carolina who is now running for Congress. He recently changed his political affiliation from the GOP to the Democratic Party. Mr. McCuen has suggested that the national GOP is "substituting rhetoric for wisdom and * * * building walls instead of opening windows." With all due respect to my colleagues on the other side of the aisle, I have concluded that Mr. McCuen's analysis is applicable in this instance. Perhaps he has had an opportunity to study S. 4.

This bill, in its current form, is not about families nor is it friendly. The issue before us today is about workplace fairness. The bill is harmful to families in its current form. Our distinguished majority leader says S. 4 provides much-needed flexibility to workers. But Madam President, this measure is not about giving flexibility to workers; this bill is about flexibility only to employers or bosses. The 40-hour work week and the protections it affords have been in place since 1938. Under S. 4, these protections are clearly abolished. I believe that as Members of this body we have a real obligation to create truly family-friendly legislation as opposed to the proposal being offered by the majority.

There has also been a lot said Madam President about this bill helping women who are now working more than ever before. Today, 60 percent of mothers with young children are in the workplace.

This bill does not offer any relief for mothers to spend more time with their children or to meet necessary family obligations.

Madam President, this bill neither makes for a better workplace nor is it family friendly. This legislation is merely a comptime scheme that will hurt the hard-working families of America—it will cut their pay, decrease their benefits and pensions, and threaten their long-term plans.

It will take decisions that should be made by a worker and give them to an employer and it abolishes a standard that this Nation has abided by for the last 60 years—the 40-hour work week.

Madam President, my Democratic colleagues want real flexibility and choice that will protect the working families of this country. We Democrats understand and support the desire employees have for more flexibility between work and family. Democrats fought for an increase in the minimum wage and the Family and Medical Leave Act so that workers would not have to choose between serving their family and serving their employer. Between taking their child to the doctor or getting to work on time.

However, we also recognize that we need to have innovative arrangements in the workplace so that both employers and employees can be sure that their basic interests are protected. Madam President, the Baucus-Kerrey-Landrieu alternative would provide this real flexibility to working families because: Employees could decide when to accept overtime pay and when to accept comp time; employees could decide when to use their comptime; health and pension benefits for workers

would be protected; and the 40-hour work week would be preserved.

Madam President, the legislation that my distinguished Republican colleagues have introduced is wrong for working families and would be harmful to the continued economic success of this Nation because it does not offer workers any flexibility in meeting their obligations to their families and fulfilling their duties to their employers.

Instead, S. 4 gives employees less control over both their time and their paychecks. Critical decisions that affect time spent at work, time spent at home, vacation, sick leave, and compensation are all in the hands of the employer instead of where they belong—with the employee.

S. 4 undermines the 60-year tradition of the 40-hour work week—a tradition that has helped build this Nation into the world's leading economy. This bill, as it stands, would create an 80-hour work period before an employee could earn overtime. Workplaces have been governed by the principle that asking employees to work more than 40 hours would be a serious infringement on their personal lives—what working parent would want to have even less time with their children than they have now?

Under the bill offered by my distinguished colleague from Missouri, employees would make less money and have less choice. Hours of comptime used would be counted as hours worked. This means that an employee who used 5 hours of comptime on Monday to take care of a sick child at home could be forced to work on a Saturday or Sunday to make up the hours but would not be paid overtime.

Furthermore, Madam President, the health and retirement benefits of many employees are linked to the number of hours they work so their benefits could be slashed under S. 4. Also, nothing in this bill would prevent an employer from substituting an existing paid leave plan, such as vacation or sick leave, with comptime. Employees could be forced to work overtime and choose comptime if they wanted a vacation or needed sick leave.

The bill offered by my friend from Missouri is also unrealistic, employees couldn't really take advantage of comptime when they needed it. Employers could deny an employee's request to use comptime if the employer could claim that the business would be unduly disrupted—regardless of why the employee needed the time off. This bill forces employees to take a chance that they may be able to take time off when it is as valuable to them as overtime pay.

For example, Madam President, take an employee who wants to chaperone her daughter's fourth grade class on a field trip. She chooses to accept comptime for overtime hours worked in order to earn enough paid time off to spend that time with her child and her classmates. Her employer agrees. But when it comes time for the field trip, after the employee has already worked enough overtime to account for any time off, the employer could claim that the employee's absence for the trip would unduly disrupt the business and then justifiably, under this bill, replace the time off with overtime pay. How much money could replace that field trip—the time off that the mother earned and worked for?

Would it be enough to pay for the nonrefundable cost of the trip?

Would it be enough to make a child forget about a lost chance to spend quality time with a parent?

Would it be enough to make up for the inconvenience that the school would have in getting another chaperone?

Madam President, I believe that, at that point, the overtime pay just isn't enough.

Madam President, public employees have long had protections that private sector workers do not enjoy. For example, Federal workers can only be fired for just cause under the Civil Service system. Alternative work schedules like comptime and flextime went into effect for Federal employees as a 3-year experiment in 1978. They were extended in 1982 and made permanent in 1985. In all cases, employees may elect but cannot be compelled to accept comptime in lieu of overtime pay.

Madam President, I agree with my distinguished colleague from Missouri that private sector workers should have greater flexibility and I commend Senator ASHCROFT for his honest effort on behalf of the people of his State and the country. However, S. 4 does not provide workers the flexibility my Republicans colleagues are looking for. The Baucus-Kerrey-Landrieu substitute, though, does.

Our measure, a meaningful substitute to S. 4, protects working families by providing: That employers cannot discriminate in offering comptime or overtime pay; employees could use comptime for any purpose, as long as they give their employers at least 2 weeks prior notice; comptime could be used with less notice if the business would not be unduly disrupted; overtime for over 40 hours worked in 1 week would be preserved, maintaining the 1938 Fair Labor Standards Act; employers would be prohibited from intimidating, threatening, or coercing employees into participating in a biweekly flexible credit hour program; comptime is treated as hours worked in calculating retirement and health benefits; comptime could not be used to replace or substitute for vacation or sick leave plans; and construction, garment, and other seasonal workers would be exempt.

Madam President, S. 4 is a total sham. It is not friendly toward working families. Employers, not employees, maintain the ultimate control over use of comptime earned under this bill.

The unfairness of this bill is further borne out by the fact that during the Labor Committee markup of S. 4, the majority refused to provide workers real choices in the workplace by rejecting an amendment that would have ensured that employees could take compensatory time for any of the reasons currently covered under the Family and Medical Leave Act such as to take care of an ill parent if the absence of such workers would not cause "substantial and grievous injury to the operation of the employer."

Madam President, the Baucus-Kerrey-Landrieu substitute gives real flexibility and protection to working women and their families but, most importantly, it allows both employers and employees to work together to create the right kind of cooperation in the workplace while at the same time allowing working families to choose if and when and how they take and use comptime. I urge my colleagues to support and adopt this substitute.

Thank you, Madam President. I yield the floor.

Madam President, 56 percent of hourly workers are women, nearly 60 percent of those earning minimum wage are women, more than 80 percent of overtime recipients have annual earnings of less than $28,000; and 61 percent earn $20,000 per year or less.

Working women need their overtime pay. They need flexibility but it needs to be the choice of the workers, not the employers.

Finally, I would like to say that I believe most employers in this country want a bill that is fair both to their businesses and to their workers.

I reach across the aisle to my colleagues and say: Let us work toward a compromise that establishes real comptime for working families in America. Let us substitute wisdom for rhetoric. Let us open windows instead of building walls as we work to create a policy that will help all Americans in the workplace.

I thank the Senator for the additional time, and yield to Senator BAUCUS.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor and controls the time, unless the Senator from Missouri seeks recognition.

Mr. KENNEDY. How much time do I control?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. KENNEDY. Four minutes?

Mr. BAUCUS. Five?

Mr. KENNEDY. Five.

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

Mr. BAUCUS. Thank you, Madam President. I also thank my good friend and colleague from Massachusetts.

Madam President, I rise today in very firm opposition to the cloture motion on S. 4, the so-called Family Friendly Workplace Act, sponsored by my colleague from Missouri, Senator ASHCROFT. Why do I do so? In speaking against cloture, I do not wish to convey that I oppose the idea of comptime. Quite the contrary, comptime is an idea whose time has come. Indeed, Federal workers get comptime. I think that other employees should also get comptime.

We all hear from people in our home States—I know you do, Madam President—we all do—how pressed people are, particularly working moms, pressed for time, and do not have the time to keep their job as well as take their children to Babe Ruth ballgames or to parent-teacher conferences, and are very pressed for time. It only makes sense, Madam President, that employees, women and men on the job, get a little more flexibility so they can take time off to be with their family, with their children.

It is not an easy task that parents have these days. Comptime would let working parents balance the needs of their families with the demands of their jobs. I believe it is only fair that we give America's families that tool.

Unfortunately, the bill we are now debating, the so-called Family Friendly Workplace Act, fails to live up to its name. It is not family friendly at all. Why do I say that? First of all, the bill does not give workers the choice they need to make comptime effective. Under this bill, the employer can decide when a worker takes time off, not the employee. That means there is no guarantee that a parent would have time off when he or she needs it the most. That completely undermines the very concept of comptime.

In addition, this bill dismantles two important safeguards that are fundamental to protecting the rights of workers.

First, the bill eliminates the 40-hour workweek and replaces that time-honored tradition with an 80-hour, 2-week system, which means, under their bill, a worker who works 60 hours in 1 week may not be entitled to 1 minute of overtime.

Second, this legislation would allow an employer to discriminate against a worker who chooses to take their overtime in the form of pay. Why? Because by assigning overtime only to workers who they know will take their accrued time in the form of vacation, the employer can save some money. But the worker gets pinched.

Both of these changes will result in a pay cut for people who punch the clock. Lots of families depend on that extra money to make ends meet. We cannot risk taking it away from them.

So that is why I rise in opposition to the cloture motion today, Madam President. But, as I said earlier, I am not speaking today against the idea of comptime. I like comptime. That is why I have offered a substitute amendment joined by Senators KERREY and LANDRIEU. We will offer that substitute at the appropriate time. I think our bill gives workers the right kind of comptime.

We offer employees comptime where they can choose when they take their own time off, comptime where they can take pay or time off without worrying about discrimination from their employers, and comptime that preserves the 40-hour workweek.

Our amendment, I think, is clear. It is more reasonable and it is a better choice. I believe, Madam President, that when Senators look at both choices, the substitute that I plan to offer, as well as the current bill, they will realize that the better approach is the approach that we are suggesting.

Madam President, the President has indicated that he would veto the current bill but he would sign the bill that we will be offering at the appropriate moment. I urge my colleagues again to vote against cloture.

I yield back the balance of my time.

Ms. MOSELEY-BRAUN. Madam President, I oppose S. 4, the so-called Family Friendly Workplace Act, for the basic reason that it is not family friendly. This legislation, as written, will disrupt family schedules, decrease family incomes, and make it harder for working families to balance the competing needs of work and family.

S. 4 will serve to decrease family incomes by eliminating overtime pay for many workers. Under S. 4, an employer has the ability to select which worker is given extra hours to work. An employee who wants overtime pay instead of comptime may be passed over for the additional, and often needed, extra work. The lost income can mean a pay cut of up to 15 percent for many families.

In this country, more than 80 percent of overtime recipients earn less than $28,000 a year and 44 percent of those who count on overtime earn as little as $16,000 a year or less. These are hard working mothers and fathers, willing to work extra hours to help support the family. These are not families that can afford a pay cut. S. 4 has been called the paycheck reduction act exactly because these families will be forced to lose the extra work or to take comptime in lieu of overtime.

S. 4 will interfere with the carefully crafted schedules of families struggling to work and raise children for several reasons. First, employers are given enormous control over how, when, and if workers can earn overtime or comptime. Workers who are given the option to choose comptime by their employer and do so, cannot necessarily use the comptime when they want. Employers can deny a comptime request if it would unduly disrupt business. There is no consideration of the importance or necessity of the time off for the family. If a family sacrifices to earn comptime, there is no guarantee that they will ever be able to use it.

S. 4 would eliminate the 40 hour work week for many hourly workers. Under this legislation an employee could be asked to work 65 hours one week and 15 hours the next. In the next 2-week period, the employee could be given a schedule of 23 hours one week and 57 hours the next. This would wreak havoc on the home life of employees, particularly ones with children at home.

Under S. 4, employers are given flexibility—the flexibility to change workers' schedules to meet the demands of the factory or office. This is flexibility in only one direction. A real comptime bill would provide workers with the flexibility to change their schedules to meet the demands of the home and the family.

The majority of hourly workers are women and many of these women are already struggling with the issue of working and raising a family. The issue of child care is particularly relevant. Constantly fluctuating work hours make it difficult to find good child care. The interests of children, who may be home alone more now because of the loss of schedule certainty, are denied here. Flexibility in only one direction can be coercion, and that is not the balance we should strive to achieve.

Six organizations representing working women throughout America are opposing S. 4, precisely because this bill is so hard on working women; 9-to-5—the National Association of Working Women, the American Nurses Association, the Business and Professional Women, the National Council of Jewish Women, the National Women's Law Center, and the Women's Legal Defense Fund are all on record as opposing this legislation, because they "believe passage of S. 4, the Family Friendly Workplace Act, fails to offer real flexibility to the working women it purports to help * * *"

I support making workplaces more family friendly. Unfortunately, that is not what S. 4, does. I urge my colleagues to vote against cloture and against S. 4. This legislation will be bad for workers, bad for women, bad for children, and bad for families. Let us make the 105th Congress a family friendly Congress by opposing S. 4.

Mr. BINGAMAN. Madam President, I rise to speak briefly about S. 4, the Family Friendly Workplace Act of 1997 and the alternative that has been offered by my friends and colleagues, Senators BAUCUS, KERREY and LANDRIEU.

Madam President, while the goals embodied in S. 4 may, on the surface, appear to be family friendly, the legislation passed by the Labor Committee is decidedly worker unfriendly.

Unlike the bill recently passed by the House, S. 4 is not limited to the issue of compensatory time. Instead it includes provisions related to flexible scheduling and flexible credit hours that repeal the 40-hour workweek, which has been the bulwark of employee protection for almost 60 years, and turn the purported choice for employees that supporters claim S. 4 provides into no real choice at all.

S. 4 provides compensatory time to employees in lieu of time-and-a-half. While this is an idea that resonates with a great number of people, I believe the compensatory time provision of S. 4 does not provide sufficient autonomy to employees in selecting compensatory time in lieu of overtime and that many employees will be forced to take the option of flextime.

By allowing employers to choose which of the three options to offer, compensatory time, flexible scheduling, or flexible credit hours, it is inevitable that they will offer either the flexible 80 hour work schedule or flexible credit-hour program.

That is because, unlike comptime which is in lieu of overtime and therefore must be exchanged for 1½ hours off, the flexible schedule options require only a one-to-one exchange. Any employer looking at his bottom line will make the choice for the employees and the choice will be flextime over overtime or comptime. The obvious solution to this is to do what the House did and pass a comptime only bill, one that includes the protections for workers contained in the Baucus-Kerrey-Landrieu alternative.

S. 4 does not adequately protect employees' rights to choose comptime, to use it when they want and to be free from discrimination against employees who choose not to agree to take comptime or work flexible schedules. As written, S. 4 provides that an employee who requests the use of comptime off shall be permitted to use the time so long as it does not unduly disrupt the operations of the employer.

The alternative offered by my friends and colleagues, Senators BAUCUS, KERREY and LANDRIEU, would allow an employee to take banked comp after giving 2 weeks notice so long as it will not cause grievous injury to the employer, as well as for qualifying Family and Medical Leave Act purposes. It is important to remember that the banked hours are hours that the employee has earned. She should have control over when she uses them and the employer should have to meet a high standard for denying the request of employees to take the earned hours.

While S. 4 does not provide sufficient protection for vulnerable sectors of the economy such as garment and agricultural workers, the Baucus-Kerrey-Landrieu proposal does. It exempts part-time and garment industry workers, and provides the Secretary of Labor with authority to exempt other vulnerable categories of employees if she determines there is a pattern of violations of the act or to ensure that employees receive the compensation they have earned. These are important protections that should be included in any compensatory time bill we consider.

S. 4 allows too many comptime hours to be "banked" and does not sufficiently protect those hours in the event of bankruptcy. Senator BAUCUS' alternative allows 80 hours to be banked and does protect those hours in bankruptcy. It is interesting to note, that even the House-passed bill allows only 160 hours to be banked.

The Baucus-Kerrey-Landrieu also provides significant penalties for employers who violate it's provisions by discharging or otherwise discriminating against employees who choose not to take comptime in lieu of overtime.

Another important distinction between S. 4 and the Baucus-Kerrey-Landrieu alternative is that S. 4 does not sunset the provisions relating to either comp or flex time. Senator BAUCUS' proposal sunsets the provisions relating to compensatory time after 4 years and requires a Presidential commission to study the impact of the compensatory time provisions. Madam President, even the House comptime bill sunsets after 5 years. This is yet another reasonable and sensible change to S. 4 that we should adopt and that will go a long way toward making S. 4 a truly worker-friendly bill.

Briefly, with regard to flexible credit hours and flexible scheduling, I believe these provisions are simply unnecessary and will be harmful to workers if enacted. Employers currently have a wide range of options with regard to offering flexible scheduling options to employees within the context of the 40-hour workweek. Employees can, for example, work 4, 10-hour days and be allowed to take the fifth day off. What the flexible scheduling and flexible credit-hour provisions of this bill do instead is present employees with a Hobson choice; either take the flexible credit hour or flexible scheduling option or forgo the chance to earn overtime. Simply put, S. 4 does away with the 40-hour workweek without providing anything for employees except a smaller paycheck. Despite claims to the contrary about the support for the idea of flexible scheduling, I sincerely doubt that American workers want to give up the 40-hour workweek in exchange for a potential 80-hour workweek.

Madam President, I believe that many American workers could benefit from the option of choosing compensatory time in lieu of overtime pay. As many have said during debate on this measure, the workplace has changed significantly since enactment of the Fair Labor Standards Act. The American family has changed too. While many families might like to be able to take extra time to spend with their children or on other family matters, I don't believe that they would be willing to do so under the guise of S. 4.

As with many bills that come before the Senate, S. 4 embodies principles that both Democrats and Republicans can support. I hope that we will be able to do the right thing when it comes to S. 4 and limit the bill's scope to compensatory time and include the additional, needed protections for American families and workers.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Parliamentary inquiry. Am I correct that we have our 30 minutes and then the Senator from Missouri has the second 30 minutes? Usually under a cloture motion, the time is evenly divided.

The PRESIDING OFFICER. Under the agreement last night, the order was that the Senator from Massachusetts would have the first period of time followed by the Senator from Missouri.

Mr. KENNEDY. Madam President, I will yield myself the final minute and 45 seconds. How much time do I have?

The PRESIDING OFFICER. Two minutes and fifty seconds.

Mr. KENNEDY. I yield myself 2½ minutes.

Madam President, I want to just end up this debate by talking about women in our work force.

Madam President, 38 percent of hourly workers earning overtime pay are women; 11.6 million women work over 40 hours each week. This is 22 percent of all working women. Why do they work more than 40 hours a week? Because they need the overtime pay.

And 6.2 million women work over 48 hours a week each week. This is 12 percent of all working women. Why? Because they need the overtime. They need the pay.

And 3.6 million multiple job holders are women. This is 47 percent of all job holders. More women are getting second jobs. Why? Because they need the overtime pay.

And 1.8 million women hold two or more jobs and work over 44 hours each week. This is half of all women with two or more jobs. Why? Because they need the money.

The Ashcroft proposal abolishes the 40-hour week. Those women would not get the overtime because this bill abolishes the 40-hour week.

Under the Ashcroft proposal, the decision about whether employees will be able to take the time off is left to the employer. This is not the case under the Landrieu and Baucus and Kerrey bill, where the employee makes the decision. This is not the case under the Murray amendment, where the employee makes the decision whether to

take a maximum of 24 hours over the course of the year. That amendment was defeated in our committee. Why? Because the employee makes the decision.

This bill is a pay reduction act for those women. That is why every women's organization that has fought for economic opportunity and progress for women—whether it be the minimum wage, the day-care program, pay equity, right across the board—every women's organization has condemned this bill because of what it would mean for working women.

Madam President, I hope that the cloture vote will fail. This bill does not deserve the support of this body. We have an alternative that will address those issues. And with the leadership of Senators LANDRIEU, BAUCUS, and KERREY, that is the way we should go.

I yield the balance of my time.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. I yield 4 minutes to the distinguished majority whip, Senator NICKLES.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, if my colleagues from Massachusetts and Louisiana and Montana wish to offer a substitute, they can vote for cloture. We can consider their amendment. I am happy to vote on their amendment. If other Senators have different ideas, we would like to get to the bill. Yet, our colleagues on the other side, they say, "We've got amendments," but they do not let us vote on the amendments.

They want to filibuster. They want to talk. But they do not want to vote. We want to vote. We want to give all Americans the same rights that we give Federal employees.

If flextime is so bad, why don't my colleagues introduce a resolution or amendment to stop flextime for Federal employees? They can offer that as an amendment on this bill. Let us find out. Federal employees happen to like flextime. It works. It has not been abused. It is not employer-only. If my colleagues on the other side read the bill, it says "mutually agreeable." It does not say the employer has the sole decision or the employee has the sole decision. It says "mutually agreeable." That is in the bill.

It works for Federal employees. Why don't we make it available for everybody else in America? Because my colleagues on the other side of the aisle do not trust Americans? They do not trust businesspeople? They do not trust employees to be able to make this decision?

The bill allows people, if they try comptime and they do not like it and they accumulate some hours and they did not use it, they can cash out. The employer has to pay. That is not optional. If the employee wants out and says, "Hey, I don't like it. I want to go back to the old time where I can be paid overtime, be paid instead of comptime," they can be paid.

Our colleagues do not trust employees to be able to make that decision. They do not want to give them the choice to be able to say, "Wait a minute. I have something coming up next week. I would like to work an extra hour, maybe every night for 5 days so I can have Friday afternoon off with my kids." They do not trust American women and American men to be able to make that kind of decision.

They are saying they are going to deny that kind of decision. That is what they are doing by filibustering this bill. They are saying to all Americans, we think you should not be able to make that decision. We are going to preempt you from making that decision.

I think that is a serious mistake. They do not trust American citizens, employers and employees, to be able to work out what is mutually agreeable. They are not going to allow employees, women or men, to be able to work, say, 9 hours a day for 8 or 9 days, and be able to take off every other Friday.

Why won't they let them do that? Why don't we give Americans that opportunity to have that choice, have that option? We are not mandating it. We are trying to give them that option.

So I want to compliment my colleague from Missouri. I ask unanimous consent for an additional minute, or ask my colleague for an additional minute.

Mr. ASHCROFT. I yield the Senator 1 minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. NICKLES. I want to compliment my colleague from the State of Missouri who has given great leadership on this issue to give all Americans the same choice and options that we give Federal employees. I cannot believe my colleagues on the other side will not allow us to go forward with this bill. They can filibuster it. They may kill it. They may kill the whole darn thing. But I think they ought to be ashamed. If they want to vote for the Baucus amendment, let us vote for cloture. The Baucus amendment would be in order. Let us vote on it.

Then for my colleague to say this is against working women, that is hogwash. Working Women magazine and Working Mother magazine both endorse this bill. This bill, particularly the flextime provision, is very positive for working women.

I compliment my colleague and urge all of my colleagues to vote for cloture so we can help the working men and women of this country.

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

The Senator from Missouri.

Mr. ASHCROFT. I yield 4 minutes to the Senator from New Mexico.

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

Mr. DOMENICI. Madam President, I am pleased to co-sponsor the Family Friendly Workforce Act. I have always had a long-standing interest in helping workers balance the competing interests of work and family.

Ten years ago, I introduced the Federal Employee Leave Act of 1987. This act established a type of leave sharing in which employees could donate some of their annual leave to a coworker who faced a personal emergency, but who lacked sufficient leave to attend to the problem. The Leave Act was good for workers because it provided an innovative way for employees to balance work and family when faced with a serious or unexpected illness.

I now stand before you co-sponsoring another bill which will provide relief to American workers when it comes to balancing work and family. The Family Friendly Workplace Act is not only good for American workers, but it is particularly good for women and children.

This bill recognizes that the American workforce is changing—especially for women. The number of women in the workplace has increased. According to the Bureau of Labor Statistics, women now account for 46 percent of the labor force. Over 67 percent of women with children under the age of 6 are working. That is compared with only 10 percent of working women 50 years ago. Moreover, 81 percent of American women will be in the work force, by the year 2000.

While the numbers of women in the workplace have changed, one thing that has remained constant is the difficulty in balancing family and career. Ask any working parent, particularly mothers, and they will tell you that there are never enough hours in the day when it comes to the children. We all know the countless women who spend hours chauffeuring their children from one event to another. There are always school plays, baseball games, dance recitals, PTA meetings, Boy Scout and Girl Scout meetings, doctors visits, school field trips, dental appointments—all in need of a parent's company. This list does not even cover household errands like: Going grocery shopping, picking up the dry-cleaning, running to the pharmacy to get medicine for a sick child, or picking up the children from daycare.

It is about time for the American workplace to recognize the need for working parents to have flexibility in their work schedules. I think the 58.2 million working women of America want this too. I also think the millions of children currently in daycare deserve to spend more quality time with their mothers.

According to the U.S. Department of Labor, the No. 1 issue women want to bring to the President's attention is the difficulty of balancing work and family obligations. This is not surprising considering that since 1965, time spent with children has dropped 40 percent.

The Family Friendly Workplace Act is good for working mothers because it provides choice and flexibility. For women who work overtime, this bill would allow them to choose time-off or comptime instead of receiving pay for their overtime work. For example, an employee could accrue up to 240 hours of comptime which could be used to attend a child's soccer game or school play.

For the majority of women who do not work overtime, this bill provides for flextime in the form of biweekly work schedules and flexible credit hours. With biweekly work schedules, a mother could schedule 80 hours over a 2-week period in a way that would let her have every other Friday off to spend time with her children.

With flexible credit hours, a working mom could accumulate up to 50 hours of paid time-off. If her child gets sick, she could then use some of her banked hours to stay home and care for the child. The idea of flexible work schedules is what women want—81 percent of women support more flexible work schedules like those this legislation would make possible.

I support this bill because it is voluntary. Nothing in the bill requires employees to adjust their work schedules. Nothing in the bill requires employers to implement comptime or flexible hour programs. Instead, this legislation encourages employees and employers to work together. There are tough penalties in the bill to prevent employers from coercing or intimidating employees. An employer cannot force a worker to take comptime instead of paid overtime.

In listening to the debate on the floor, I am appalled by the opposition to this bill by the Democrats and the labor unions.

Labor unions of the United States have a problem with flextime. Frankly, if we end this debate with American women asking: What are the labor unions doing in this mess? Why are they interfering?—I am afraid, in the final analysis, the labor unions will find out they were working for the wrong cause.

I do not understand what is wrong with giving parents flexibility in the workplace to spend more quality time with their children. I also fail to see why my Democratic colleagues are against giving working women in the private sector the same luxury of work flexibility that women in the public sector have. Isn't it about time that the flexibility afforded to Federal employees for almost 20 years now be extended to the 80 million private sector employees in this country with this bill?

This bill is long overdue. It clearly makes it easier for the working mother to juggle the ever-challenging responsibilities of motherhood and work. I think it is high time for flexibility and fairness in the workplace. What is good enough for Federal employees is also good enough for private sector employees.

Madam President, these remarks are addressed to the Democrats on the other side of the aisle. It was not long ago that they took a great deal of pride in saying they were for family and medical leave. Everybody knows what family leave is. It is an effort to get businesses to give people time off when there is a family illness or when they need time off because something very serious has happened.

Frankly, family leave versus flextime is like an ant versus an elephant. Now, I do not know why I chose elephant, but in this case it is good, because the Republicans are for the real—real—family time.

Plain and simple, this bill modernizes the labor laws of America to meet the challenges of our day. There are no recessions. There is no depression. What we have is five times as many women working and raising children, and they need flexible time.

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

The Senator from Missouri.

Mr. ASHCROFT. I yield 4 minutes to the Senator from Ohio.

Mr. DEWINE. Madam President, I thank my colleague from Missouri for the great job he has done.

In survey after survey, the American people endorse the ideas and the basic principles of this bill. More flexibility in the workplace, letting workers choose how they want to be compensated for overtime, letting workers decide what they need most—time with their family, time to study, time to relax; or time-and-a-half overtime pay to meet their financial obligations.

Madam President, an article in the Cincinnati Enquirer, I think, summarized it very well. "A little flexibility would be a godsend to good workers who also want to be good parents." The article went on to say, "It could benefit employers, too, who'd find it easier to recruit and retain productive workers."

President Clinton has stated, "We should pass a flextime law that allows employees to take overtime pay in money or in time off, depending on what is better for their family."

Clearly, what we have here are the makings of a national consensus. I believe it would be a terrible shame if we let this popular and this necessary legislation fall victim to partisan wrangling here on the Senate floor.

Madam President, this is a proworker bill. The bill requires that all participation be voluntary. Let me say it again—voluntary. All participation under this bill must be voluntary. If a worker does not want it, he or she can just say no. No punishment, no retribution, no consequence. Under no circumstances will participation be a condition of employment.

Further, Madam President, the bill has powerful anticoercion provisions in very strong penalty language for any employer who violates those provisions. I believe, Madam President, we have already established some level of cooperation in this bill. For example, during the markup, Senators KENNEDY and WELLSTONE were very concerned about the status of unused accrued comptime hours in the event of a bankruptcy—a legitimate concern. They wanted to create stronger protections for employees. In the spirit of compromise, I asked our distinguished colleague Senator GRASSLEY, whose Judiciary subcommittee has the proper jurisdiction and expertise on this issue, to draft legislation to deal with these concerns. Yesterday, Senator GRASSLEY came to the floor and offered his amendment to improve this bill. Unfortunately, regrettably, we have not yet been able to vote on Senator GRASSLEY's amendment.

Madam President, we should build on this bipartisan spirit of cooperation, the bipartisan spirit of that amendment, and work toward passage of this bill. I believe, Madam President, we need to put the focus on the needs of those workers. We should look at this issue from the perspective of the working people who are going to be directly affected. Let us pass a bipartisan response to their very legitimate concerns.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. I yield 3 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 minutes.

Mr. HAGEL. Madam President, I wish to add my thanks to my distinguished colleague from Missouri for his leadership on this bill.

I rise today in support of the Family Friendly Workplace Act. I will read a letter from a small businessperson, Gary Tharnish, in Lincoln, NE, dated April 30, 1997. I will read this because I think it does, in fact, cut directly to the essence of what this bill is about. As my distinguished colleague before me made very clear, this is a voluntary bill. This is not a mandate. This is about flexible work time for our men and women.

I will read this letter from Gary Tharnish, the owner of Burton's Flowers:

DEAR SENATOR HAGEL: It is my understanding that S-4, "Compensatory Time" will soon come to the floor for a vote. I would like to urge you to vote in favor of

this bill. As a small business person my employees are begging me to offer them compensatory time. I explain to them I can not offer this. They do not understand the governments intrusion into their personal affairs. I would like to explain the situation an employee is in.

Elaine is a mother of 3 children. This day and age it is so important for a mother to be home when her children get out of school. In order to make ends meet Elaine needs to work. Her options are a full time job and children home alone, or part time work. I offer her and 2 other women a part time job from 9:00 to 3:00 so they can be home when their kids get home. However in the summer they are not able to work. They would love to take their overtime pay and use it at that time. At Valentines Day and Mother's Day they receive a lot of overtime. They would love to use their "time and a half" hours to receive pay during the summer.

Please, I am asking that you vote in favor of S-4. All Small Businesses and the thousands of constituents working for them will benefit.

Sincerely,

GARY J. THARNISH.

Madam President, this really does say it very effectively, very succinctly, and I think it encompasses what we are trying to do with this bill.

I ask my colleagues to spend some time in the remaining minutes that we have, reviewing their own constituencies, reviewing their own situations for their own workers in their States. I strongly urge cloture be invoked this afternoon and my colleagues vote in favor of the Family Friendly Workplace Act.

I yield the floor.

Mr. KYL. Madam President, the Senate once again has the opportunity to move beyond rhetoric and pass a bill that will really help working parents and their families.

This afternoon's cloture motion represents the second time those of us who support the Family Friendly Workplace Act, S. 4, have worked to invoke cloture—to move this issue to a vote. And yet, the minority has blocked consideration of this measure despite S. 4's wide public support and bipartisan support here and in the House.

The Family Friendly Workplace Act will help working parents balance the demands of having a family and holding down a job. Working parents, particularly women, are looking for more flexibility in their schedules and more time with their children. In fact, according to a recent Labor Department report, "the number one issue women want to bring to the President's attention is the difficulty of balancing work and family obligations." And, according to Lynn Hayes, author of "The Best Jobs in America for Parents," when working parents are asked what they desire most in a job, a majority answer "flexibility in scheduling." Similarly, according to a study commissioned a few years ago by Arizona's Salt River project of the Southwest region, a majority of parents with children under 13 are willing to trade salary increases for flexible time, leave, and dependent-care benefits.

There are other studies showing that Americans want flexibility in the workplace. In a work/family study conducted by Johnson & Johnson, for example, the company expected a need for child care to surface. Instead, "the big issue that popped out was that of all the things that we would do as a corporation in support of parents, the biggest factor was that they wanted a flexible work schedule." And Federal employees, who already have this flexibility, support it in large numbers.

As the parent of two children and grandparent of four, I have seen first hand how difficult it can be to effectively balance work and family responsibilities today. Parents are working just as hard or harder than ever before just to make ends meet without gaining additional time or money for their families. That's because our tax laws take too much of working parents' hard-earned dollars. It is also because our outdated labor laws make it impossible for many employees to work together with their employers to develop schedules that better respond to the demands of work and family.

The problem was highlighted in a recent Newsweek cover story on the problem parents and their children encounter when parents do not have enough time to spend with their children. In the article, Kevin Dwyer, assistant director of the National Association of School Psychologists, cites research showing that, when parents do not have enough time to spend with their children, it leads to kids being "more aggressive, more deviant and more oppositional."

That brings us back to why passage of S. 4, the Family Friendly Workplace Act, is so important. S. 4 will give millions of working parents, and in particular an estimated 28.8 million women paid by the hour in the private sector, the flexibility to better juggle their responsibilities both as parents and employees.

By updating the Fair Labor Standards Act of 1938, the Family Friendly Workplace Act will allow hourly wage workers and their employees to develop flexible work schedules. Under the FLSA, hourly workers in the private sector are not allowed to develop flexible work arrangements with their employers, even though public sector employees and salaried private sector employees can.

In fact, as noted, Federal employees have been allowed to participate in flexible scheduling programs since 1978. It has worked well, and fully three-quarters of these employees report more time for their families and higher morale. Eight out of ten Federal workers surveyed by the General Accounting Office are pleased with the flexible scheduling option and want the program continued.

The Family Friendly Workplace Act will extend such opportunities to the private sector by guaranteeing, upon agreement between employer and employee, specific flexible work options.

First, it will allow hourly wage employees and their employers together to choose whether the employee will be compensated with time-and-a-half pay or, compensatory time-and-a-half time. Some families need additional income; some families need more time to juggle the demands of parenthood. Whereas current law provides many working parents with the opportunity only for extra pay, S. 4 provides a choice between increased pay or time.

The Family Friendly Workplace Act also provides, if agreed to by both employer and employee, a way for employees to bank overtime hours (up to six weeks of paid time) so that, when needed, employees will have a way to take extended leave and still receive a paycheck. Allowing employees to bank overtime hours, and be paid for those hours, is preferable for most workers, since many employees cannot afford to take extended unpaid time off to take care of a sick child or other dependent.

Moreover, under S. 4, at the end of the year, employers must cash out by paying the employee for the unused accumulated hours. The employee must also be able to cash out his or her accumulated leave within 30 days.

S. 4 also allows employees to develop biweekly, or flextime schedules. For example, under current law an employer cannot allow an hourly wage employee to work 45 hours one week in exchange for 35 hours the next week so that the worker can attend, for example, a child's baseball game, a parent-teacher conference, or doctor's appointment. S. 4 will change this rigid interpretation of the FLSA. It will allow workers the ability to arrange biweekly work schedules—the employee could work any combination of 80 hours over two weeks, if agreed to by the employer. Someone could work a long week and then a short week to best fit the needs of his or her family.

As a safeguard against abuse, S. 4 requires that any flexible work arrangement or banked overtime hours be agreed upon by both the employer and the employee, without coercion. Collective bargaining agreements would remain unaffected, and revised work schedules could be worked into a collective bargaining agreement.

Madam President, the Family Friendly Workplace Act will update labor law to allow for increased flexibility in the workplace and to better reflect the needs of today's families. As we all know, today's parents are under a great deal of pressure—to provide for their children financially and provide the time needed to raise a healthy child, capable of contributing positively to society. We in Congress should respond by correcting the law,

when possible and without mandate, to improve the ability of parents to provide for their children.

I urge my colleagues in the Senate to vote to invoke cloture, pass S. 4, and send it to the President for signature.

Mr. GORTON. Madam President, I would like to speak briefly about the amendment I have introduced to S. 4, the Family Friendly Workplace Act. This bill, in my estimation goes a long way toward giving Americans more flexibility in how they fulfill their responsibilities to work and their families. S. 4 provides working Americans an option which is already available to public sector employees, the ability to choose compensatory time off in lieu of cash overtime pay. Further, the bill assures private sector employees that their choice to take either compensatory time or overtime pay will be protected. The use of coercion, intimidation, or harassment to force a private sector employee to take either compensatory time or overtime pay as a condition of employment is expressly prohibited under this bill. My amendment simply extends those same assurances to public safety officers.

In my State of Washington, Jim Mattheis, president of the Washington State Council of Police and Sheriffs, reports that compensatory time is extremely popular with the families of working law enforcement. Access to compensatory time has increased the morale, efficiency, and safety of law enforcement officers. More importantly, compensatory time provides law enforcement families some much needed flexibility in work schedules which are exceptionally stressful.

Unfortunately, my law enforcement constituents in Washington State report that the experience in the public sector has demonstrated a need to ensure that employees are free to choose whether to work for overtime pay, to use their compensatory time within a reasonable amount of time once it is earned, or to preserve their comptime banks.

Police officers provide a tremendous service to our communities. They put their lives on the line each day to protect our families and our communities. Public safety officers deserve to have the simple assurance that their choice of compensatory time or cash overtime pay is preserved.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. May I inquire as to the time remaining?

The PRESIDING OFFICER. The Senator has 7 minutes and 15 seconds remaining.

Mr. ASHCROFT. I am grateful for this opportunity to speak in behalf of the Family Friendly Workplace Act. Unfortunately, so many statements about it this afternoon do not reflect the act. They may reflect some attacks on the act or what someone has said about the act, but the truth is this act is a totally voluntary way for employees to cooperate with their employers to provide more flextime, more time for people to spend with their families.

This is not some new potential that has never been tried anywhere. We began in 1978 in the Federal Government to offer these kinds of benefits to Government workers. They have been tried in the governmental setting during the 1970's, all through the 1980's, and now through most of the 1990's. I have been in the Senate for a couple years, almost 3 years now, and I have not had a single Federal worker come to me and say this is a terrible means for abusing workers. When you survey those workers, the General Accounting Office, which surveyed the workers, found out that at a 10–1 ratio those workers said this was a very important way to help them accommodate the needs of their families.

The Senator from Montana said if Federal Government workers get comptime, so should other workers. Well, Federal Government workers do get comptime and so should other workers. That is what this bill is about. But Federal Government workers get flextime and so should other workers. And that is what this bill is about.

Now, I appreciate the patience of Senators on this flextime cloture vote. This is not the way we intended for this to unfold. We have made an effort to reach out to those on the other side of the aisle. We have conferred with them about constructing some amendments because they have raised concerns. Now, when they raised concerns, we sort of thought it would be appropriate if they would bring amendments to the floor to address those concerns. As a matter of fact, no amendment from the Democratic side was offered for consideration—no amendment was offered for consideration.

So in an effort to address the concerns, we developed amendments that would meet those concerns that the Democrats had been raising. As soon as we developed those amendments—and there were a number of Senators, and Senator GRASSLEY has already been mentioned on a bankruptcy amendment, there were two amendments about worker choice between comptime and overtime pay, and also amendments about so-called discrimination so to make sure in spite of the fact that the language that is already in the bill that prohibits an employer from selecting a worker to do overtime work because he is one that would only take one kind of compensation or another, we wanted to prohibit that. We not only wanted to reflect their concerns, we were willing to bring our own amendments. There were probably seven or eight amendments yesterday ready to come to the floor to assuage the concerns raised on the Democratic side of the aisle. And what happened? Instead of addressing this bill, they chose to filibuster this bill and talk about other things.

I am at a loss, when they talk about the need for two-way cooperation. The Senator from Louisiana comes today. She says she comes to offer amendments and offer thoughts. Well, I got the thoughts part. But we have not had any amendments offered. There has been an opportunity to offer amendments. If you really want to offer amendments, we want them. I stood here on this floor Monday afternoon and pled for people to bring amendments, to come and let us consider them. I stood here yesterday afternoon and pled, "If you have amendments to this bill, please come and bring them. Let us correct any defects." And did they come? No.

Yet when we brought amendments to try and address the very problems that they mentioned, they filibustered. They talked about things much as they did today. With the 30 minutes allowed in the bill, the Democrats chose to spend most of the time talking about other things.

The truth of the matter is we have a tremendous opportunity to extend to the American workers some very important rights and benefits that are enjoyed by the boardroom folks, the salaried folks, the supervisors and managers of America, and all the Government workers of America have either comptime or comptime and flextime. In enactment after enactment on the floor of this Congress we have extended those rights both to local government workers, to State government workers, to Federal Government workers, and we have reinforced that, and the President has even extended those rights by Executive order. This morning, while I was at the White House for the signing of the IDEA law, the President pulled me aside and said, "JOHN, there is nothing more important we can do for American families—nothing more important than to provide flexible working arrangements for American families." We do want to cooperate. My intention to cooperate will not be extinguished no matter what happens today.

I think what we have here is a filibuster to kill flextime without real debate and without offering real changes. It is a search and destroy mission targeted at killing flextime, flextime that would help the men and women of America accommodate the competing needs of their families and their home place.

Madam President, 57 Senators who now sit in this body, and Vice President GORE, voted to extend flextime benefits to Federal employees in the last decade and they voted to extend them to State employees and they voted to do it without anywhere near the protections we have put in this bill. The protections simply were not there,

and they say that employees cannot make a decision about when they can use their comptime—that simply does not reflect this bill. The bill says that an employee cannot be forced to use his or her comptime at anytime, so the employee makes the decision, and if the employee makes the decision to cash it in, the employee can get the money back. Right now, there are 60 million hourly workers who are waiting for an opportunity to have comptime and flextime benefits.

I challenge Senators to match their words with deeds and to vote to give millions of Americans the benefits that Federal workers have enjoyed since the 1970's. Today's cloture vote is far more than it may seem. Every vote against cloture is a vote to kill flextime for millions of working American families.

No one defends current law as adequate to meet the needs of today's family, especially President Clinton. As I mentioned before, this morning President Clinton expressed to me his belief that flexible work arrangements are the most important thing we can do for families. The President wants a bill he can sign.

I, again, challenge Senators to be serious, start negotiating and stop stalling.

CLOTURE MOTION

The PRESIDING OFFICER. The hour of 4 p.m. having arrived, under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the modified committee amendment to Calendar No. 32, S. 4, the Family Friendly Workplace Act of 1997:

Trent Lott, James M. Jeffords, Sam Brownback, Susan M. Collins, Fred Thompson, Gordon Smith, Judd Gregg, Jesse Helms, John Ashcroft, Jon Kyl, Paul Coverdell, William V. Roth, Jr., Conrad R. Burns, Richard G. Lugar, Phil Gramm, Bob Smith.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the modified committee amendment to S. 4, the Family Friendly Workplace Act, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont [Mr. JEFFORDS] is necessarily absent.

I further announce that, if present and voting, the Senator from Vermont [Mr. JEFFORDS] would vote "yea."

Mr. FORD. I announce that the Senator from Rhode Island [Mr. REED] is necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. REED] would vote "no."

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—51

Abraham	Frist	McCain
Allard	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Roberts
Brownback	Gregg	Roth
Burns	Hagel	Santorum
Chafee	Hatch	Sessions
Coats	Helms	Shelby
Cochran	Hutchinson	Smith (NH)
Collins	Hutchison	Smith (OR)
Coverdell	Inhofe	Snowe
Craig	Kempthorne	Stevens
DeWine	Kyl	Thomas
Domenici	Lott	Thompson
Enzi	Lugar	Thurmond
Faircloth	Mack	Warner

NAYS—47

Akaka	Durbin	Leahy
Baucus	Feingold	Levin
Biden	Feinstein	Lieberman
Bingaman	Ford	Mikulski
Boxer	Glenn	Moseley-Braun
Breaux	Graham	Moynihan
Bryan	Harkin	Murray
Bumpers	Hollings	Reid
Byrd	Inouye	Robb
Campbell	Johnson	Rockefeller
Cleland	Kennedy	Sarbanes
Conrad	Kerrey	Specter
D'Amato	Kerry	Torricelli
Daschle	Kohl	Wellstone
Dodd	Landrieu	Wyden
Dorgan	Lautenberg	

NOT VOTING—2

Jeffords	Reed

The PRESIDING OFFICER (Mr. STEVENS). On this vote, the yeas are 51, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m. on Thursday, June 5, and that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted.

Mr. DASCHLE. Mr. President, I object.

Mr. LOTT. I move that the Senate stand in adjournment, and I ask for the yeas and nays.

Mr. DASCHLE. I note the absence of a quorum.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

QUORUM CALL

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 2]

Baucus	Feinstein	Mikulski
Biden	Ford	Moseley-Braun
Boxer	Frist	Murray
Breaux	Glenn	Reid
Campbell	Johnson	Rockefeller
Cleland	Kennedy	Sarbanes
Conrad	Kerry	Specter
Daschle	Landrieu	Stevens
Dorgan	Levin	Wellstone
Feingold	Lott	Wyden

The PRESIDING OFFICER. A quorum is not present.

The majority leader.

VOTE ON MOTION TO ADJOURN

Mr. LOTT. Mr. President, I move the Senate stand adjourned. 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.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont [Mr. JEFFORDS] and the Senator from New Mexico [Mr. DOMENICI] are necessarily absent.

Mr. FORD. I announce that the Senator from Rhode Island [Mr. REED] is necessarily absent.

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—53

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	Kempthorne	Stevens
Craig	Kyl	Thomas
D'Amato	Lott	Thompson
DeWine	Lugar	Thurmond
Enzi	Mack	Warner
Faircloth	McCain	

NAYS—44

Akaka	Feingold	Leahy
Baucus	Feinstein	Levin
Biden	Ford	Lieberman
Bingaman	Glenn	Mikulski
Boxer	Graham	Moseley-Braun
Breaux	Harkin	Moynihan
Bryan	Hollings	Murray
Bumpers	Inouye	Reid
Byrd	Johnson	Robb
Cleland	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Torricelli
Dodd	Kohl	Wellstone
Dorgan	Landrieu	Wyden
Durbin	Lautenberg	

NOT VOTING—3

Domenici	Jeffords	Reed

The motion was agreed to.

ADJOURNMENT

The PRESIDING OFFICER. This vote demonstrates a quorum is present and the Senate stands in adjournment until 12 noon, June 5, 1997.

Thereupon, the Senate, at 4:51 p.m, adjourned until Thursday, June 5, 1997, at 12 noon.

HOUSE OF REPRESENTATIVES—*Wednesday, June 4, 1997*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. HOBSON].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 4, 1997.

I hereby designate the Honorable DAVID L. HOBSON 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:

As we observe our communities and world, O God, we see all the contrasts that reflect the good and the profane, the generous and the outrageous, the acts of charity and the feelings of enmity. We pray, gracious God, that whatever our situation, whatever our responsibility, whatever our opportunity, we will rely on Your providence to show us the way of mercy and of justice. As we cannot control all the events that touch our lives, yet we can rely on those gifts of grace that You freely give to us, those blessings that sustain us and give us hope for each new day. This is our earnest prayer. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN] come forward and lead the House in the Pledge of Allegiance.

Ms. CHRISTIAN-GREEN 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.

A COMMONSENSE PROPOSAL

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

Mr. BALLENGER. Mr. Speaker, during the 104th Congress, after the conflict over the Balanced Budget Act of 1995, the President came down to this very Chamber to plead, to beg, that we never, never, ever shut down the Government again.

Well, apparently there has been another change of heart over at the White House. Apparently the White House actually sees value in shutting down the Government. They believe this so passionately that they are willing to block disaster relief for flood victims in the Dakotas and Minnesota.

The Gekas-Wynn provision would maintain 100 percent of 1997 funding levels for the Government programs in the event that the President and Congress could not agree on appropriations bills.

But somehow, incredibly, the President is rejecting this commonsense proposal. Why? Would the President really block disaster funding in order to shut down the Government? Apparently the answer to that question is yes.

PETITIONS AGAINST ANTI-IMMIGRANT WELFARE LAW

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

Mr. GUTIERREZ. Mr. Speaker, some distinguished visitors are seated in the House gallery today. More than 100 Jews from the former Soviet Union, many of whom helped fight with America against fascism in the 1940's and crushed communism in the 1990's.

It is an honor to welcome them here and to speak on their behalf.

In addition to those 100 people, I also speak on behalf of 100,000 other Americans who are not here with us today but whose names are here on these petitions.

Yes, 100,000 Americans have signed these petitions to protest the harsh punitive welfare law that will exact a terrible toll on legal immigrants, the elderly, the disabled, and vulnerable immigrants. There are 100,000 people calling on Congress and the White House to restore benefits to legal immigrants, to restore fairness to the welfare debate, to restore compassion to our Nation's policy, and to restore America's heritage as a nation that welcomes and protects legal immigrants who seek a better life and seek to make America a better place. These are 100,000 Americans who will continue to fight this Congress and the White House until justice is done.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds the gentleman not to refer to persons in the gallery.

NUCLEAR WASTE DISPOSAL

(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, think about what $2.3 billion would buy today. If the American people knew what Congress was planning to do with this large sum of money, they would be appalled. Does anyone here honestly think the American people would choose to spend this money to transport nuclear waste through their States, their communities, their towns and their backyards? I do not think so. Yet this is exactly what H.R. 1270, the Nuclear Waste Policy Act of 1997 will do.

Today, schools need more teachers, communities need more police, veterans need a cost-of-living adjustment, and the hard-working men and women of this country need a tax break. Why then, Mr. Speaker, do some in this body contend that the $2.3 billion should be used to subsidize nuclear powerplants? It is an unfair, unfunded mandate.

H.R. 1270 seeks to create an interim storage facility at Yucca Mountain, Nevada, to temporarily store nuclear waste. Why endanger Americans when it is infinitely safer and seven times cheaper to keep this waste on site?

THE 101st BIRTHDAY OF ELENA E.L. CHRISTIAN

(Ms. CHRISTIAN-GREEN asked and was given permission to address the House for 1 minute.)

Ms. CHRISTIAN-GREEN. Mr. Speaker, today I rise to say congratulations and happy birthday to Elena E.L. Christian, who is 101 years old today and who happens to be my grandmother.

This great lady is a native of the island of St. Kitts. At about 3 years old, she traveled with her mother and siblings to the island of St. Croix, then one of the islands of the Danish West Indies.

Fifteen years later, she witnessed the lowering of the Danish flag and the raising of the American Stars and Stripes as we became the United States Virgin Islands and she later, an American citizen.

She has given her long life in service to the education of our children and to the St. Johns Anglican Church. She continues to be a role model for all of us who, while we might not attain her age, we can still aspire to her level of commitment and achievement.

Happy birthday, Grandma.

A MESSAGE TO THE MIDDLE CLASS

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

Mr. TIAHRT. Mr. Speaker, I have a message for all of those in the middle class out there: Every time you hear the liberals attacking tax cuts as tax cuts for the wealthy, hold onto your wallets. Because when liberals talk about tax cuts for the wealthy, they are really talking about you, the middle class.

That is right, Mr. Speaker. Tax cuts for the wealthy are code words for tax cuts for the middle class, and the big-government crowd will have none of that.

Yes, Mr. Speaker, it is the same big-government crowd that acts as if they are doing you a favor by letting you keep what is already yours. Of course, they do not really think you are entitled to keep the fruits of your labor. The only thing the big-government crowd thinks that you are entitled to is the fruits of other people's labor.

Surprise, surprise, the politicians are the ones who get to decide what to take and what special interest groups to give it to.

Let us give the middle class a tax break and stop Washington from wasting so much of middle-class taxpayers money.

THE IRS

(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, the IRS, in denying the 1996 tax return and refund to Pamela Damon, said, Pamela Damon, you are dead. You have been dead for 26 years. Now, if that is not enough to bury your 1040, Pam went to the Social Security Administration. They called the IRS and they said, Pam is here in our office, she is alive. They said, Pam's presence is not enough. She is dead as far as the IRS is concerned.

Beam me up, Mr. Speaker.

I recommend that Congress do two things. No. 1, hire a proctologist to perform brain scans on all those morticians at the IRS. And No. 2, pass H.R. 367, that simply transfers the burden of proof to the IRS.

Unbelievable. Pam Damon is alive.

ON SCHOOL CHOICE

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

Mr. ARMEY. Mr. Speaker, I wonder if the gentlewoman from the Virgin Islands would be willing to let me also join her in wishing a happy birthday to her grandmother. And may she have 101 more happy birthdays.

Mr. Speaker, I believe that every single person alive in the world, but especially in this great country, should have as much personal freedom and liberty as their acceptance of personal responsibility will allow. And I have found that, for most persons, we will find them never so willing to accept personal responsibility and the expectations of the rewards of the accompanied freedom as they are when it comes to the education of their children.

That is why I am introducing today on behalf of all the parents of Washington, DC, who have so thoroughly expressed their desire for more freedom of choice in the selection of schools for their children, a bill that would enable even the most poor of those parents to select the school that they think is best for their children through the use of a system of opportunity scholarships for those children.

Yesterday I had the opportunity to visit Holy Redeemer School, a private school where children are educated because their parents have found the way to get them included in a better alternative. Mr. Speaker, I saw happy, healthy, young people who love their school and who love to learn.

Mr. Speaker, almost without exception, their favorite courses were math and science. We could not have academic curriculum too rigorous for these children to enjoy when they got to go to the school of their choice. We have 800 children in Washington, DC, today who sit idly in a waiting line, hoping for that opportunity, that hope encouraged by loving parents. We ought to help them. We have the bill to do so.

WORKFARE PROVISIONS OF WELFARE REFORM

(Mrs. MEEK of Florida asked and was given permission to address the House for 1 minute.)

Mrs. MEEK of Florida. Mr. Speaker, I rise to bring attention to the workfare provisions of the welfare reform. Welfare recipients who must work for their benefits under the new welfare reform law must be protected by existing Federal labor laws.

When the welfare reform bill was passed, Congress gave very little guidance to the States for determining how they would apply existing employment laws to welfare recipients. As a result of it, many States are going off the handle trying to determine how they are going to work with the labor laws. We never said that, the Congress never said that the Fair Labor Standards Act, including minimum wage provisions, applied to welfare recipients. Welfare recipients in work programs should indeed earn the minimum wage.

There are some people, Mr. Speaker, who want to overturn that decision. They think it is OK for people who are on welfare to make less than the minimum wage. I say to this Congress that people who are on welfare and going into work deserve the minimum wage. Welfare recipients deserve the dignity of equal treatment with their fellow workers. The minimum wage does that. They are entitled to the protections of the wage and hour laws. They are not second class citizens. Minimum wages are not inflated wages. They are decent wages, Mr. Speaker.

□ 1215

COMMEMORATING THE 100TH ANNIVERSARY OF THE FOREST SERVICE ORGANIC ACT OF 1897

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

Mrs. CHENOWETH. Mr. Speaker, today is the 100th anniversary of the national forests. Since the creation of the forest reserves in 1891 and the Organic Administration Act in June of 1897, we have put more than 190 million acres into the forest system. These lands hold a wealth of resources and are managed by the most sophisticated forest practices and the most strenuous environmental laws in the world. While there are many management successes, there are also urgent problems.

Last week I flew, with two of my colleagues, over 600,000 acres of the Boise National Forest destroyed by fires in the past 5 years. This scenario has been repeated in other forests, and scientists predict that it will occur again and again if we do not act now.

All past and present Forest Service chiefs have advocated active management of our national forests. We must now provide the professional scientists and foresters with the ability to properly manage these lands in order to have a forest legacy left to our granchildren.

SUPPORT THE COMMANDO FUNDING

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

Ms. SANCHEZ. Mr. Speaker, I rise today to illustrate the grave implications which resulted from the untimely failure of Congress to approve the supplemental appropriations bill.

Included in the supplemental is $20 million in payments to former South Vietnamese commandos who were trained by and worked for the U.S. Government during the Vietnam war. The Pentagon failed to carry out the will of the 104th Congress to compensate these brave men for their service to this Nation, especially for their time in captivity.

Tragically, the Pentagon delayed and four commandos perished in the last year. Now, while this body recessed and failed to pass the supplemental appropriations bill, a fifth commando has also perished.

Duong Lang Sang was captured in 1966 by the North Vietnamese Government while working for the United States. After 16 years in hard labor as a prisoner of war he was finally released in 1982. After his release he suffered many illnesses arising from his torture.

Two weeks ago, Mr. Sang passed away in Chicago as a result of those injuries. He has left behind a widow and two school-aged children. Please join me in asserting that we pass the supplemental appropriations bill so that these soldiers would not have died in vain.

PRESIDENT SHOULD SUPPORT GEKAS-WYNN GOVERNMENT SHUTDOWN PREVENTION PROVISION

(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, a couple of weeks ago, when Congress passed the historic balanced budget agreement by a vote of 333, it set forth a very good tone for Congress and the White House and the Senate to work together to move us toward a balanced budget by the year 2002. And although this resolution is very important, it is only the first step. There will be a lot of skirmishes down the road over taxes, education, Medicare, health care in general, and so forth like that.

One of the things that the Republicans have done, however, to make sure this does not lead us to a gridlock and a Government shutdown is that we have passed the Gekas-Wynn Government shutdown prevention provision. What that says is that if Congress and the President have not agreed on a balanced budget or the appropriations bills by September 30, then the Government would continue at 100 percent of the 1997 funding level and that would prevent a shutdown.

Now, for some reason the President is against this. I hope that he will change his mind and support this so that we will not have the Government shutdown as we did last year.

TRIBUTE TO LT. LEILANI SALAMASINA STROKIN

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

Mr. FALEOMAVAEGA. Mr. Speaker, it is not very often that I appear before my colleagues in the well, but today I want to offer a special tribute to a young lady, a great American, with a proud Samoan heritage who just graduated from West Point. While it may be a common occurrence among my colleagues to witness a countless source of our Nation's finest young men and women who are nominated and accepted every year to attend our military academies, it is a very rare occasion for me to celebrate such an event among Samoan Americans, especially when there are only about 150,000 of us throughout the United States.

First, my sincere thanks to the gentlewoman from Florida [Ms. ROS-LEHTINEN], who after evaluating Salamasina Strokin's application, nominated her 4 years ago to attend West Point. Salamasina's father is a retired military officer himself from Florida, but her mother, Sina, is Samoan, and this is what makes this story special, Mr. Speaker.

Salamasina's mother passed away last year and it was her dream to see that her daughter graduated from West Point. Nevertheless, Salamasina kept on going because she knew her mother would not want her to quit now regardless of what happened. To my knowledge, Mr. Speaker, I believe Salamasina Strokin is the only Samoan American who has graduated from West Point, and I pay this special tribute to her late mother, her father, her relatives, and her friends.

This is certainly a proud moment for our Samoan community, and I give all my best to 2d Lt. Leilani Salamasina Strokin.

GOOD NEWS: CONGRESS TAKES IN AN EXTRA $100 BILLION AND SPENDS LESS THAN PREDICTED

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

Mr. GUTKNECHT. Mr. Speaker, I think all of us in business know that good news does not necessarily make news and bad news is always on the front page. But I think there is some good news, especially with respect to the budget, and the interesting thing is not only do most Americans not know this, frankly, I do not think most Members of Congress know this.

Back in June 1995, when this House passed its budget resolution, we said that we would spend in fiscal year 1997 $1624 billion and that we would take in, in revenue, about $1,451 billion. Well, that is what we said in June 1995. Let us talk about what really has happened.

In fiscal year 1997 we are going to spend $1,622 billion. In other words, Mr. Speaker, this Congress is going to spend less money in fiscal year 1997 than we said we were going to spend just 2 years ago. And the even better news is, because the economy has been stronger and interest rates have been lower, we have taken in an additional $100 billion.

Now, when is the last time that Congress took in an extra $100 billion and actually spent less than they said they were going to spend? I think that is great news for the economy, I think it is great news for the American people but, most important, I think it is great news for our children.

CONGRESS FORMULATES THE UNEQUAL WORKERS POLICY

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I cannot believe that in America we would formulate the unequal workers policy. That is what this House, the Republicans, are beginning to do.

Just this week the Washington Post reports that Congress plans to revisit minimum wage requirements for recipients in public service jobs. Can my colleagues believe it? We argued vigorously on the floor that people should take responsibility for themselves, they should go to work, get off welfare. And yet we want to pay those individuals who get off welfare less than a minimum wage.

There is not an American in America who disagrees that for work, good work, equal work, equal pay, minimum wage. The Lutheran Services in America organization spends $2.8 billion serving 2 million needy people in over 3,000 locations. They know what poverty is all about. They know what serving the poor is all about. And they want them to be paid minimum wage.

They also know the dignity of being a human being, someone who has pulled themselves up by the boot straps, a welfare mother transitioning from welfare to work. And then we want to denigrate and deny her humanity and pay her below the minimum wage. What a disgrace.

Congress, get in the real world and pay the minimum wage for all working Americans.

CONGRESS SHOULD PASS MEANINGFUL COMPREHENSIVE CAMPAIGN FINANCE REFORM LEGISLATION

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

Ms. WOOLSEY. Mr. Speaker, in his State of the Union Address, President Clinton called on the Congress to pass campaign finance reform by July 4 this year. But today, exactly 1 month before the deadline, the majority leadership still has not acted.

Mr. Speaker, on July 4, 1776, the American colonists declared their independence from England's tyranny. It is time now for Congress to declare independence from the tyranny of big money and special interests.

Mr. Speaker, we have 30 days left to prepare for this day. Let us hold hearings, let us write meaningful legislation and pass comprehensive campaign finance reform. Let us truly light a firecracker for democracy on this July 4.

CONGRESS MUST CONSIDER HONG KONG AS IT DEBATES MFN FOR CHINA

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

Mr. DREIER. Mr. Speaker, the House has begun this very important debate on whether or not we are going to grant most-favored-nation trading status to the People's Republic of China. The question that we have to ask ourselves is where do the 5.5 million freedom loving people of Hong Kong stand on this. Because, frankly, if one is in Hong Kong, this is much more than simply a debating exercise.

Hong Kong is a beacon of hope and prosperity and freedom to Asia. As it is transferred to Chinese control in just a couple of weeks, the five and a half million residents face an uncertain future. We have a moral obligation to consider them as we debate MFN.

One unquestionable fact, Mr. Speaker, regarding this MFN debate is that Hong Kong adamantly opposes the United States' cutting off trade with China. Maintaining MFN bolsters Hong Kong's economic value to China, reinforcing their claim to separate treatment. Maintaining trade will also calm the economic concerns of the Hong Kong people at a time when they are worried about their political freedoms.

Chris Patton said it best, "For the people of Hong Kong there is no comfort to the proposition that if China reduces their freedoms, their jobs will go to the United States."

GOP LEADERSHIP MUST NOT DELAY ONE MINUTE LONGER IN PASSING SUPPLEMENTAL EMERGENCY APPROPRIATIONS BILL

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

Mr. STUPAK. Mr. Speaker, it was January when the Governors of three Midwestern States, North Dakota, South Dakota, and Minnesota, declared natural disasters in their States because of heavy snow. Residents of these States first faced the deadly dangers of terrible snowstorms and then tragically lost their homes and possessions to the ensuing floods.

It has been months of pain and suffering for these people in these States and their leadership, who have turned to the Federal Government for the assistance promised in our programs of emergency relief. There remain more than 5,000 citizens who are homeless, without relief, who need financial assistance now.

Why does the GOP leadership continue to play games with the supplemental emergency appropriations bill for even one minute? Apparently, the Republican leadership does not care about these folks. Democrats do care. We support a clean emergency appropriations bill.

To my Republican friends I say let us pass a supplemental emergency appropriations bill without the controversial nonemergency provisions. Let us pass a clean emergency appropriations bill today.

CONGRESS MUST PASS MEANINGFUL CAMPAIGN FINANCE REFORM OR BE EMBARRASSED TO FACE VOTERS IN 1998

(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, the 1996 elections involved more money, more TV ads, and more players than ever before. Not just candidates, but political parties and outside groups saturated the airwaves with political ads. What was the result? The lowest turnout in over 70 years.

□ 1230

We know that 90 percent of the public wants fundamental campaign finance reform. We need to get big money out of campaigns. We need more accurate reporting, more accountability and more restrictions on campaign expenditures.

Loopholes have become highways for moving campaign funds. Outside groups participate in elections without adequate disclosure of their identities or their interests. The gentleman from Arkansas [Mr. HUTCHINSON] and I cochair a bipartisan freshman task force trying to find common ground on this issue. I hope and believe we will come to a conclusion during this month. Then we must pass meaningful campaign finance reform or be embarrassed to face the voters in the 1998 elections.

THE MONEY LAUNDERING AND FINANCIAL CRIMES STRATEGY ACT OF 1997

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.

Ms. VELÁZQUEZ. Mr. Speaker, the explosion of finance crimes, money laundering, credit card fraud and counterfeiting is draining our communities of valuable resources.

For that reason, I introduced H.R. 1756, the Money Laundering and Financial Crimes Strategy Act. Under this bill Federal, State, and local law enforcement agencies will at last be able to coordinate their efforts to combat this rising criminal tide.

The effect of this criminal activity is chilling. In my district there is a section of Roosevelt Avenue in Jackson Heights, Queens, that prosecutors and investigators call Ground Zero. That neighborhood is home to many hard-working families. It is also an area where an exploited wire transfer industry sends up to $1.3 billion in illegal drug money abroad.

My colleagues, the effects of these crimes reach far beyond New York, Texas, California. Yet Congress has done little. As a partner in this war, it is time for Congress to send a clear message to these criminal organizations by cosponsoring H.R. 1756.

PASS A CLEAN DISASTER RELIEF BILL NOW

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

Mr. STRICKLAND. Mr. Speaker, Americans are generous, compassionate, giving people. When disaster strikes, they respond by pitching in to do whatever is necessary to save lives and to reduce suffering. I saw this in my southern Ohio district as recent flood waters created disasters in 12 of my 14 counties. I was inspired by their efforts, proud to be their representative.

Tragically, this Congress has not followed the model set forth by those who have actually suffered these natural disasters in Ohio, West Virginia, Kentucky, North Dakota and other States and communities throughout this great Nation. It is almost beyond belief that we were sent home for a week's recess rather than staying here to pass the disaster relief bill. It is past time we stop playing games.

I call upon the Republican leadership of this House to remove the superfluous provisions from the disaster relief bill so that the people can get the help they need. This House needs mature, responsible leadership. The American people and the disaster victims deserve nothing less.

COMMEMORATING EIGHTH ANNIVERSARY OF TIANANMEN SQUARE MASSACRE

(Ms. PELOSI asked and was given permission to address the House for 1 minute.

Ms. PELOSI. Mr. Speaker, today we remember the victims of the Tiananmen Square massacre and those brave souls who so valiantly fought for human rights in China.

Eight years ago today the world was shocked to witness the brutal suppression of individual freedom and liberty in Tiananmen Square. A massacre which is still not acknowledged by the authoritarian leaders of China seared their memory. The images of that massacre are imprinted on our consciousness. Who can forget the image of the lone man before the tank?

We must not forget those who lost their lives for the cause of freedom. We must not forget those still imprisoned who have lost their liberty in pursuit of this basic human right. It is said that the most excruciating form of punishment that captors can inflict on their political prisoners is to tell them that no one remembers or cares about them or their cause, that they are forgotten. Every time we raise our voices, we give strength to the brave men and women, we keep hope and freedom alive.

The spirit of Tiananmen Square lives on. We remember the martyrs of the spring of 1989. We remember the advocates of democracy who languish in China's prison and labor camps. We remember Wei Jingsheng. We remember the lone man before the tank.

We are here today to show the world that the seeds of democracy sown in 1989 are still alive and that they will inevitably burst forth in a full flowering. One day soon, the goddess of democracy will reign again in Tiananmen Square. But today we must all say to the rulers in Beijing, we shall never forget.

RELIEF FOR DISASTER VICTIMS

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

Mr. BALDACCI. Mr. Speaker, in Maine we have had floods and disasters, and this Government has responded very appropriately and very expeditiously. At a time now where the Dakotas and Minnesotas have been in disaster and declared disasters, Congress has been struggling in order to get adequate relief to the people left homeless and the thousands of people left without answers.

The very basic function of our Government is to be there for people in these very dark hours. I think it is totally irresponsible on the part of this Congress to have recessed while this job was not done. Paving roads on public lands, automatic continuing resolutions, and samplings of census and other extraneous material should not be added to this emergency appropriation.

There are thousands of people who are left homeless. There are many thousands of individuals and businesses that are looking for answers. Our Government should be there at this time, and we should not clutter it with unnecessary, unrelated extraneous materials. What we need is a clean supplemental appropriation measure and we need to pass it as soon as possible.

PROVIDING FOR CONSIDERATION OF H.R. 1757, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999, AND H.R. 1758, EUROPEAN SECURITY ACT OF 1997

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 159 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 159

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confirmed to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. After the general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered by title rather than by section. Each title of the bill shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered on the bill and amendments thereto of final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After disposition of H.R. 1757 it shall be in order to consider in the House the bill (H.R. 1758) to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with the United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes. The bill shall be debatable for one hour equally divided and controlled by the Chairman and ranking minority member of the Committee on International Relations. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

SEC. 3. (a) In the engrossment of H.R. 1757, the Clerk shall—

(1) await the disposition of H.R. 1758 pursuant to section 2 of this resolution;

(2) add the text of H.R. 1758, as passed by the House, as new matter at the end of H.R. 1757;

(3) conform the title of H.R. 1757 to reflect the addition of the text of H.R. 1758 to the engrossment;

(4) assign appropriate designations to titles within the engrossment; and

(5) conform provisions for short titles within the engrossment.

(b) Upon the addition of the text of H.R. 1758 to the engrossment of H.R. 1757, H.R. 1758 shall be laid on the table.

The SPEAKER pro tempore (Mr. HOBSON). The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H.R. 159 provides for the consideration of two bills dealing with foreign policy reform. The first bill, H.R. 1757, the Foreign Relations Authorization Act, fiscal years 1998 and 1999, is to be considered under an open rule providing for 1 hour of general debate, equally divided and controlled between the chairman and ranking member of the Committee on International Relations.

The rule further provides for consideration of the bill for amendment under the 5-minute rule, considering the bill by title rather than by section, and each title shall be considered as read. Also, under this open rule, in which any Member will be free to offer germane amendments, the chairman of the Committee of the Whole is allowed to postpone votes during consideration of the bill and to reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote.

In addition, this portion of the rule provides for one motion to recommit H.R. 1757, with or without instructions. The rule also provides, in section 2, Mr. Speaker, for consideration by the House of a second bill, H.R. 1758, the European Security Act of 1997, under a closed rule providing for 1 hour of debate, equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. Further, the rule provides for one motion to recommit H.R. 1758.

Finally, section 3 of the rule provides that in the engrossment of H.R. 1757, the Clerk shall await the disposition of

H.R. 1758, pursuant to section 2 of the rule; the Clerk shall add the text of H.R. 1758, as passed by the House, as a new matter at the end of H.R. 1757; and make conforming and designation changes to the titles within engrossment.

Lastly, the rule provides that upon the addition of the text of H.R. 1758 to the engrossment of H.R. 1757, H.R. 1758 shall be laid on the table.

I would like to note that this rule is the best compromise available for dealing with the myriad of issues that are before us in foreign policy reform legislation in an orderly fashion. Our committee heard testimony from over two dozen Members on a variety of subjects, with a wide range of views, and their testimony was not in vain.

The State Department portion of H.R. 1486 is essentially H.R. 1757, the first bill provided for in this rule. The rule will enable any Member wishing to amend the reauthorization of the State Department the ability to do so under an open rule amending process. H.R. 1758 is essentially the amendment filed with the Committee on Rules back on May 13, when the committee announced that Members should submit amendments for a possible structured rule. Chairman GILMAN filed this language, which was amendment No. 85, which concerns NATO expansion, a critically important piece of legislation. Just as in the amendment filed by Chairman GILMAN, the bill is entitled the "European Security Act of 1997."

As for the portions of H.R. 1486 dealing with the remaining foreign policy issues, for which we also heard testimony on Tuesday, the Committee on Rules will meet in the near future to mark up and grant a rule to consider those important matters.

This rule, Mr. Speaker, is not without precedent. In the 103d Congress, the Committee on Rules split the issue and considered a State Department bill and a foreign aid bill, given the complex nature of the issues and the difficulty in passing these proposals. This was done under Chairman HAMILTON, and both bills were considered under a structured rule.

I look forward to a vigorous debate on these bills and fully support the rule that makes them both possible. The State Department authorization bill, Mr. Speaker, contains very important reforms. It includes reporting requirements for title 4 under the Cuban Liberty and Democratic Solidarity Act. It makes sure that enforcement is actually carried out on that very important piece of legislation. It also has provisions to make extraordinarily difficult assistance for completion by the Cuban dictator of the nuclear powerplants that he is trying to complete in obvious contravention in the national security interests of the United States.

Obviously, the European Security Act of 1997 is also extraordinarily important, and I think that it is very, very appropriate that Congress is moving forward at this point on that very, very important and delicate piece of legislation. I would urge adoption of H.R. 159.

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

□ 1245

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Florida [Mr. DIAZ-BALART] for yielding me this time.

Mr. Speaker, a funny thing happened in the Committee on Rules last night. For 3½ hours we took testimony on H.R. 1486, the Foreign Policy Reform Act. This reauthorized the State Department and related agencies. It also reauthorized foreign aid programs.

We heard from 29 witnesses which sparked serious discussion among the committee members. After all, the committee had announced that only a limited number of amendments would be made in order, and Members came ready to argue and debate their case.

But at 8:30 last night, at the conclusion of the hearing, H.R. 1486, the Foreign Policy Reform Act, disappeared. Instead, plopped on our desk was H.R. 1757, which is the Foreign Relations Authorization Act, which is a 185-page bill fresh from the printer, never before seen by anyone in the room. This, we were told, reauthorized the State Department and related agencies and might have included language similar to the original bill.

We also received fresh copies of H.R. 1758, which is the European Security Act of 1997, which contained the text of one of the previously submitted amendments to the Foreign Policy Reform Act, and the Committee on Rules had heard perhaps several seconds, maybe a minute or two of testimony on that amendment earlier in the day. But this also was a 16-page bill.

The Committee on Rules proceeded to vote on a rule making the two new bills in order.

I offered an amendment so that the House could bring up H.R. 1486, the Foreign Policy Reform Act, under an open rule. This is the bill we heard for 3½ hours. This is the bill that 29 witnesses testified on. This was the bill that we all expected to come to the floor today.

But on a straight party line record vote, the Republican majority defeated this amendment. Instead, they rammed through this bizarre process allowing a mystery bill and one amendment to move forward as two separate bills, one of them under a closed rule.

The vote on the rule was also approved on a party line record vote with the Democrats opposed. The foreign aid section of the original bill was gone, vanished. Maybe it was put on a shelf someplace or left in a desk. Most of the witnesses during the hearing had testified on the foreign aid section of the bill, and most of the 120 amendments submitted to the Committee on Rules amended that section.

I am not saying that the members of the Committee on Rules wasted our time taking testimony yesterday on a bill that had already been thrown out, nor am I saying that the 29 Members who testified wasted their time at a sham hearing. It is possible that a foreign aid authorization bill will at some point in this session come forward out of limbo and appear before the House. Then we will have not wasted our time. But I would not say that we should hold our breath.

Is it not ironic that this bill in which we authorize agencies that promote democracy is handled in such an undemocratic manner? This kind of procedure is unfair to the members of the Committee on Rules, it is unfair to the Members who testified, it is unfair to all House Members who are confronted with a new bill and have only hours to read it and prepare new amendments. Furthermore, it undermines the credibility of the Committee on Rules and the committee system.

If the Committee on Rules is going to report out bills that we have never seen, we do not need a Committee on Rules. Perhaps instead we should appoint a search committee to find what happened to the Foreign Policy Reform Act, and maybe some of the House Members who testified yesterday would like to serve on such a committee.

Mr. Speaker, I do not know whether H.R. 1757 is a good bill or not. It is pretty hard to absorb a 185-page bill overnight. But I do know that the process is not good. I urge my colleagues to vote "no" on the previous question.

Mr. Speaker, this vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote.

A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan.

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

I include the following material in the RECORD at this point:

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on

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

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual:

Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues:

Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

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

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

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I appreciate the gentleman yielding me this time.

Mr. Speaker, I am surprised to hear and I am sorry to hear my good friend, the gentleman from Ohio [Mr. HALL], a member of the Committee on Rules, characterize this procedure as undemocratic. I want to just remind the gentleman of a pledge that I made on this floor on opening day 3 years ago, and that was that this Committee on Rules would be at least as fair and try to be more fair to the Democrats than we Republicans were treated when they were in the majority. We have tried to live up to that.

This procedure here today is almost an identical procedure that was used during the last years of the Democratic majority on this floor. Let me explain what has happened here. We had before us a combination bill, the State Department Authorization and Reorganization Act coupled with the foreign aid bill. That is the bill that came before the Committee on Rules.

It was obvious from the fact that 120 amendments were filed with the committee, 105 of them in opposition to the position taken on the foreign aid bill, and only 15 to the other section, the State Department bill, that this measure would never pass the House and would go down to defeat, and we would never have an opportunity to even discuss the State Department authorization portion of the bill or the European Security Act, which is a terribly, terribly important piece of legislation that we must give to the President of the United States in order to give him the strength to deal with our other NATO allies in opening the door to NATO expansion.

Therefore, it was the wisdom of the Committee on Rules that we would strip out the foreign aid bill, leaving it there for a future action by the Committee on Rules. In the meantime, all of the witnesses have appeared, they have testified on behalf of their amendments. They do not have to do this over again. When we are ready to put the foreign aid bill on the floor, all of those amendments will be considered in consultation with the Democrats and will appear on the floor of this House.

In the meantime, we now have an open rule on this floor right now so that any Member offering amendments and testifying yesterday will be able to offer those amendments today, including other amendments that they did not even file with the Committee on Rules. That is much more fair than what happened in 1993.

There is another portion to the rule which brings a bill to the floor that was an amendment to the measure pending before the Committee on Rules, and that was an amendment by the gentleman from New York [Mr. GILMAN], which was the European Security Act.

In order to make sure that this is going to be a part of the bill that is sent to the Senate where we have opposition by, and I am not supposed to mention Members of the other body, but Senator KENNEDY, who absolutely opposes any kind of NATO expansion, the only way we can guarantee that we will give the President the opportunity to receive this European Security Act is to attach it to this bill. That is what we are going to do. We are going to have an up-or-down vote on the European Security Act.

Let me just briefly tell my colleagues what that is. Two years ago, this body by an overwhelming vote passed the NATO Participation Act which named four countries, they were Slovenia, Hungary, Poland, and the Czech Republic, to be able to receive some help in order for them to upgrade their military from out of the Russian influence and into the NATO influence, to communicate and interoperate, and this bill was passed overwhelmingly by this body.

This year, after consultation with President Clinton, I spoke to him for almost an hour on this before he went to Helsinki and before we went into the former Soviet republics, we agreed that the door would remain open to all of these former Soviet bloc countries who had made irreversible progress toward democracy, who had moved toward a free market economy with the privatization and capitalization of their industries, who supported human rights and the rule of law, and then were able to militarily participate. In order to keep that door open, that is why we have this bill on the floor today.

It expands those four countries to four more countries. They are Latvia, Lithuania, Estonia, and Romania, all of which have made great progress and deserve to have the opportunity to join NATO. This bill will give them some additional funds in order to help them, again, communicate and interoperate with the NATO forces, and that is why we are here today.

It is totally fair. It is an open rule on every single amendment that wants to be offered germane to the State Department authorization bill, and an up-or-down vote on this important issue.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume, just in reaction to the chairman. We had 29 witnesses. We stayed here until, I do not know how late last night, maybe 8:30, a quarter to 9. There were 120 amendments offered. It was almost like pretty much a waste of time, because that bill for the most part, as the gentleman knows, is pretty much dead. That bill has about as much chance of passing, that foreign aid section of the bill, than a man in the Moon. I think everybody knows that. I think if I were the chairman of the Committee on International Relations and to have a bill that I had worked so long on, so hard on, to have it be tangled up and confused and messed up and separated like this, I would be amazed. I would be jumping up and down.

The other section of the bill that the gentleman just talked about was 17

pages long. That was an amendment that was one amendment of the gentleman from New York [Mr. GILMAN]. He had 20 amendments that he offered to his own bill yesterday in the Committee on Rules and he probably spoke less than a minute on that particular amendment. That amendment came back in the form of a bill, of which the gentleman now closes down, of which we are seeing for the first time. We have never seen it before. As a matter of fact, I do not even know that this whole bill put together is available. I have a copy, but I am on the Committee on Rules. I do not think it is available for Members to be able to actually logically amend it in a way in which we understand because this bill was put together last night. It is very difficult to be in the amending process on this particular bill now. If the gentleman talks to the parliamentarian, he will find that out.

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

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, very briefly, that amendment, the European Security Act, has been pending before the Committee on Rules and before every Member of this Congress since May 13, that is almost 20 days, for any Member to have read that amendment and to know exactly what it is. If the amendment were coming on the floor as a part of this bill, it would be limited as an amendment unamendable, and that is exactly what we are doing now.

I just think the gentleman protests too much. I believe he is going to vote for the European Security Act. It is a good bill, and this body will pass it overwhelmingly.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

This bill has never had a hearing. It never had a hearing in the Committee on International Relations. It never had a hearing in the Committee on Rules.

Mr. SOLOMON. Neither have any of the other amendments that will be offered here today.

Mr. HALL of Ohio. But it is a closed bill, the gentleman closed it, and all the other kinds of amendments and everything that was done yesterday was completely wiped out. We will probably never see that bill again.

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

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. GILMAN], the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. I thank the gentleman for yielding me this time.

Mr. Speaker, I am pleased to rise in strong support of the rule on H.R. 1757, the Foreign Relations Authorization Act. This bill is in essence Division B of H.R. 1486, the Foreign Policy Reform Act, that was before all of us as part of the overall Foreign Policy Reform Act. It is nothing new in this measure. It has just been divided now. It has been reported out of our Committee on International Relations on May 6, 1997, after a wide-open consideration process that extended over 3 days in which all of our members, both the majority and minority, took a very active part in debate. Division B of the bill was the subject of open consideration in the Subcommittee on International Operations and Human Rights, chaired by the gentleman from New Jersey [Mr. SMITH].

□ 1300

We have added a provision dealing with the State Department reorganization. Regrettably it has become necessary to divide the consideration of our reported bill into two bills. We had merely divided the original bill into two measures in order to expedite passage of this, and we are committed to bringing the foreign aid provision before this body within the next week or two.

The rule also makes in order consideration of the European Security Act, H.R. 1758.

My colleagues should be reminded that this is the 50th anniversary of the Marshall plan in which, under the leadership of Senator Arthur Vandenberg, the U.S. Congress made certain that we would not lose our focus on the outside world after the end of World War II. At the end of the cold war, we should follow the example of Senator Vandenberg and not take the isolationist impulse that seemed to take hold of our body politic after the end of World War I.

Our Speaker has noted that we are the only nation that can lead the world. Our President calls us the indispensable Nation. These are two ways of saying the same thing. We must take our place in the world in a constitutional democracy that requires law and resources. The House of Representatives must make the tough decisions required to provide both in the interests of our Nation.

Let me note that this bill, including the reorganization provisions that we plan to add, has been endorsed by former Secretaries of State Eagleburger, Secretary Baker, Secretary Shultz, Secretary Haig, and Secretary Kissinger, as well as former National Security Adviser General Scowcroft and Gen. Colin Powell.

This bill was developed in close consultation with the administration and with the minority. It makes, or by the time the amending process concludes, will make several important reforms in our Nation's foreign policy. One of those key reforms includes carrying into effect the administration's announcement that it wants to merge two foreign affairs agencies into the State Department, which we are proposing by an amendment.

We have several items in the bill designed to pressure the Castro regime by helping to enforce the Libertad or Helms-Burton Act.

We also have a provision to begin the process of tightening up on abuses of diplomatic immunity, offered by our colleague, the gentleman from California [Mr. DREIER]. Because of this provision, H.R. 1486 has even been endorsed by Mothers Against Drunk Driving.

We agreed to accommodate the administration's total funding request, although we added funds in some areas and did not provide full funding in others.

Mr. Speaker, I am requesting our colleagues to help us manage this open rule process by conferring with our staff about any amendments that anyone may wish to offer.

I will be offering an amendment to the bill to accommodate certain concerns of the Committee on Ways and Means. We did not make this change in the introduced bill because we wanted the introduced bill to mirror as fully as possible the bill that has been reported out by the committee.

Mr. Speaker, I appreciate the efforts of the gentleman from Florida [Mr. DIAZ-BALART] who is managing this rule and the efforts of the gentleman from New York [Mr. SOLOMON], our distinguished chairman of the Committee on Rules. Accordingly, I urge my colleagues to support the rule and these bills, H.R. 1757 and H.R. 1758, so that we may make a major impact in reforming our State Department.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, it is hard for me to tell today whether I am participating in a session of the House of Representatives or a national seance. I mean this bill is going absolutely nowhere. It reminds me of the fellow who was so unlucky that he ran into accidents that started out to happen to somebody else. We do not even have a bill here.

The committee produced a bill; the Committee on Rules then ripped out the guts of it, which is the foreign aid authorization. It contains the unilateral partisan description of the administration's agreement on State Department reorganization, and then it also contains what I regard as an historically arrogant action on the part of the Congress and the West in expanding NATO the way it is expanding.

This bill is going absolutely nowhere, and so I am going to ask Members to vote against the previous question on the rule in hopes that if that previous

question goes down, we will be able to add a third bill for consideration by the House. That bill would be simply to see to it that we can take up the contents of the conference report which has been agreed to so far relating to the emergency supplemental items now before the Congress, stripping that conference product of the three extraneous partisan riders which are going to assure that that conference report will go to the same place that this bill is going to go: nowhere.

It just seems to me that since that conference report with those riders is going nowhere and the bill that this rule seeks to bring to the House is going to go nowhere, we ought to at least try to bring some degree of reality to the House floor. And I would seek to do that by simply bringing to the floor the contents of H.R. 1755 which would take all of the items that have been agreed to in conference on the emergency supplemental, minus those controversial partisan riders, and give the House an opportunity to pass that. At least then we would be doing something real for the sections of the country who need immediate relief because of the flooding which they have experienced.

Mr. Speaker, I would point out that that is truly an emergency. Bringing this bill before us today represents absolutely no response whatsoever, no meaningful response to any serious problem. If we bring this rule down or bring the previous question down so that we can amend the rule, then at least we would be bringing something to the floor which would have some meaning for somebody. That might be a very rare occurrence, given what the legislative schedule is this week, but at least we could produce one piece of legislation which did something real for somebody somewhere, rather than this proposal which does nothing real for anyone anywhere.

I would urge that when the previous question vote comes that my colleagues vote against the previous question so that we can take into account the fact that we do have emergencies that need responding to, we do have emergency needs for accelerated crop planting, we do have emergency needs for livestock rehabilitation, we do have emergency needs for people to be able to plan with respect to housing funds to fix some of the damage done by these floods. It seems to me if the House is intending to bring two relatively unrelated bills to the floor, as they are planning today under this rule, we might as well add a third, because at least that third will do something for somebody.

Mr. DIAZ-BALART. Mr. Speaker, I would inquire as to the balance of time remaining.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from Florida [Mr. DIAZ-BALART] has 15 minutes remaining, and the gentleman from Ohio [Mr. HALL] has 18½ minutes remaining.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is this slight imbalance in time, but I just point out the curiosity that our friends on the other side of the aisle now want to bring up, talking about something unrelated, the supplemental bill, but under a closed rule, at the same time that they are criticizing the fact that one of the measures we bring up under this rule is not open while the other one is.

Mr. Speaker, I reserve the balance of my time because of the imbalance at this time.

Mr. HALL of Ohio. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Speaker, I am very proud to be a member of the Committee on Rules. The Committee on Rules really is one of the few committees where we disagree without really being disagreeable. My good friend, the gentleman from New York [Mr. SOLOMON] and I have worked together. We are personally friendly. We can disagree very much on the issues, and this is one of those times.

But, Mr. Speaker, what happened in the Committee on Rules last night makes me wonder if our Republican colleagues are really interested in bipartisanship, because last night, Mr. Speaker, the Committee on Rules took a perfectly good bipartisan foreign authorization bill and threw it in the trash can, and in its place they gave us a closed rule for NATO expansion and an open rule for State Department authorization. So what once was a bill that had both Republican and Democratic support, not to mention the support of our President, has been chopped up and changed so that it no longer resembles the bill which we began last night.

Mr. Speaker, foreign aid is out, NATO expansion is closed, and hardly anything will be germane to the State Department authorization.

But the gentleman from New York [Mr. SOLOMON], the chairman, says nothing is really changed.

Now that reminds me of the story of the tourist who went up to Mount Vernon and was looking around when a tour guide came up to him and showed him an ax and said, "This is the ax that George Washington used to chop down the cherry tree."

The tourist very excitedly, so close to history said, "Really, is this the real ax that chopped down the cherry tree?"

Tour guide said, "Absolutely." He said, "Well, we replaced the handle three, and the head two times, but this is the original ax."

Mr. Speaker, that was not the same ax, and this is not the same bill. It is not even close.

So if my colleagues think the process on this bill is bad, what is happening on the supplemental budget is worse.

Seventy-four days ago President Clinton sent disaster relief legislation to this Congress. But despite the passage of over 2 months' time and despite the vote 2 weeks ago not to adjourn until the flood victims got their relief, despite the Red River's rising 25 feet above flood stage, despite the fires, despite the devastation, despite the loss of homes, the loss of businesses and irreplaceable personal property, my Republican colleagues refuse to do anything about it.

My Republican colleagues sent the House of Representatives on Memorial Day vacation while the people in North Dakota are still ringing out their clothes, struggling with these incredible losses. And it is not just North Dakota that will suffer. Mr. Speaker, the supplemental contains disaster relief for people in 33 other States.

So what are my Republican colleagues giving us today? Today, we are looking at a rewritten State Department bill. It is one week after the recess. Mr. Speaker, where is the supplemental? The flood victims are not the only people affected by the failure to pass the supplemental. Mr. Speaker, 360,000 small children and pregnant women will be cut from the WIC Program unless we pass emergency funds to keep that program going. And as we speak, our troops in Bosnia are running out of training money. In fact, they may have to cancel training altogether.

Now I know my colleague from New York, Mr. SOLOMON, agrees with me very strongly that our troops need to be ready, especially in the field, so I invite him to get some of his colleagues and vote with us to oppose the previous question, and, Mr. Speaker, any Member who believes that the North Dakotans have suffered enough, any Member who believes the American troops in the field should be as ready as they possibly can, any Member who believes that politics is a lot less important than food for pregnant women, small children, should join me in opposing the previous question. If the previous question is defeated, my Republican colleagues will have to stop playing games with peoples' lives and livelihood and the welfare of the American troops.

Mr. Speaker, early on the gentleman from New York [Mr. SOLOMON] said the Democrats did the exact same thing back in 1993. Not so. And I am reading from the statements of the House of Representatives, June 15, 1993. The gentleman from California [Mr. DREIER] who handled the bill is speaking.

Mr. Speaker, I want to commend Chairman Moakley of the Rules Committee as well as Foreign Affairs Committee Chairman Charles Lee Hamilton and the ranking minority, Mr. Gilman, for agreeing to this unusual procedure. I want to especially commend the gentlewoman from Maine, Mrs.

Snowe, the ranking minority member on the Subcommittee on International Operations for insisting on the separate consideration for these two measures.

□ 1315

So Senator SNOWE is the one that insisted on this. This was not from the Democrats. We were conceding. We were accommodating the Republican Members on this thing.

Also, following the statements of the gentleman from California [Mr. DREIER], he is saying that he wants to "especially commend the chairman of the Committee on Foreign Affairs, the gentleman from Indiana [Mr. HAMILTON], for taking the lead and insisting that we forge a fair and bipartisan structured rule. This is the second time this year this has been done by Chairman HAMILTON, and it speaks volumes about the character of the man."

"This rule was negotiated on a good-faith," still quoting the gentleman from California [Mr. DREIER], "basis between the majority and the minority in the Foreign Affairs Committee."

"Mr. Speaker, I am especially pleased that the rule adopted yesterday, as well as this rule, makes it possible to consider the State Department and the foreign aid issues as two separate bills, even though they were originally reported from the Committee on Foreign Affairs as one bill. This is something our Republican leader felt very strongly about, as did I, and so did the gentlewoman from Maine [Ms. SNOWE]."

"So again, I want to thank Chairman HAMILTON and I want to thank Chairman MOAKLEY and the other Members on the Committee on Rules for agreeing to this request."

Now, a statement of Mr. SOLOMON. I now am quoting the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules, my dear friend:

"I think it is evident from the provisions of this rule and the process that produced it, that this is a very fair and bipartisan rule, something that is a rarity when it comes to most restrictive rules in the House. I hope that other committees would follow this rule."

So, Mr. Speaker, I just wanted to show that it is not the same bill as in 1993. In 1993 we acquiesced. We did what they wanted us to do. This was done because Bob Michel wanted it, because OLYMPIA SNOWE wanted it.

Today, we do not want this thing. This should never have happened. This is not democratic. I hope that my colleagues vote to defeat the previous question.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume to say that it is truly disappointing that our friends on the other side of the aisle would put into question our commitment to the supplemental appropriations bill and the needs of the victims, when we are working as intensely as possible and will produce legislation as soon as possible.

Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. DREIER], my distinguished colleague on the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend from California for his leadership and being so generous since I regularly say nice things about both Republicans and Democrats, and obviously I was very kind when I had the thrill to manage that rule, as the gentleman from Massachusetts [Mr. MOAKLEY] has pointed out.

Unfortunately, my dear friend from South Boston did not read further to find that there was in fact a second rule which in fact was very structured, limited the opportunity to provide amendments, and virtually everyone on this side of the aisle opposed that amendment. So I am very generous when they are open rules and when we have a very agreeable procedure, but when we were not treated fairly, obviously, it was not the same situation as we have today.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. BONIOR], the minority whip.

Mr. BONIOR. Mr. Speaker, when the worst floods in 500 years swept through the Northern Plains 2 months ago, thousands of families stood their ground. They filled their sandbags around the clock, they did it in a brave, furious and ultimately a futile attempt to save their homes and their schools and their farms and their businesses.

This was a natural disaster of historic proportions. Neighborhoods were evacuated, city blocks went up in flames, entire towns were under water, people were forced to flee to higher ground, and they called out for help, to their neighbors, to their friends, to their Government.

And how has Congress answered them? It has done nothing. That was nearly 2 weeks ago, and they still are playing games. Why? Because the Republican leadership wants to saddle any disaster relief legislation with provisions completely unrelated to helping the victims of disaster, provisions that further their own political agenda, provisions, by the way, which would slash student aid, would deny veterans medical care, would devastate our national parks.

Now, the President has said he will veto any disaster relief bill that includes these extraneous killer provisions, and he is right. Congress should send him a clean bill that deals with disaster relief for the families in the 33 States that are running out of time and running out of patience and running out of hope.

What kind of leadership is it when politicians put their own personal agendas before the needs of flood victims? Have they forgotten that emergencies demand a rapid response, that emergencies require us to set aside our partisan differences? Now what if the Founding Fathers had sent Paul Revere on his midnight run but asked him to drag along an iron bathtub, pick up a kitchen sink on his way to Lexington?

Saddling this disaster relief bill with major extraneous bells and whistles turns it into a legislative pack horse that will not make it out of the starting gate.

Why cannot the Republican leadership send the President a clean disaster relief bill that deals with that, disaster relief? It is time for the Republicans to quit holding flood victims hostage.

I urge my colleagues to defeat the previous question. This vote will be on whether or not we want to help those people who are suffering. Make no mistake about it, the previous question vote is the important vote on this provision. I urge my colleagues to defeat the previous question and send a clean disaster relief bill to the President today.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to my distinguished colleague and friend from Florida [Ms. ROS-LEHTINEN] to continue the debate on the Foreign Relations Authorization Act and the European Security Act rule.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my colleague from Florida, [Mr. DIAZ-BALART], for yielding, and I thank the chairman of the Committee on Rules, the gentleman from New York, [Mr. SOLOMON], for giving me the time as well.

I rise to render my strong support for the rule of the bill before us, and I thank my colleague from Florida for once again making sure that everyone understands what it is that it is in front of us. The bill that is in front of us is related to the foreign relations authorization bill, State Department, as well as the NATO expansion bill. We are fully committed to making sure that we pass the supplemental, the disaster relief funds, and that will come very soon, as soon as that legislation is ready.

I thank my colleague for yielding me this time, because these bills before us today are certainly very important. They encompass a wide variety of legislative initiatives to increase the effectiveness of U.S. foreign policy. Under the leadership of our chairman, the gentleman from New York [Mr. GILMAN], we made sure that we safeguarded U.S. national security priorities, that we cracked down on the Castro dictatorship, and that we protected the interests of American citizens.

One provision of this bill which accomplishes all of these objectives is a measure I introduced which sets reporting requirements on the implementation of title IV of the Helms-Burton

law, the Libertad Act. This provision helps ensure that Helms-Burton will be actively enforced as Congress always intended by requiring regular official notification on the denial of visas to persons doing business with Castro, using property illegally stolen from U.S. American citizens. It ensures that those who act in total disregard for the security and foreign policy concerns of our country by engaging with a terrorist regime near our borders are held accountable for their actions, and it reaffirms the spirit and the rule of law of the Libertad Act.

It sends a clear message to those countries which place a greater value on profits from business with the Castro regime than on helping to free the Cuban people from their oppression and subjugation. The message is clear: It says foreign companies can continue to exploit U.S. property in Cuba, that is certainly their right. However, in doing so, they must pay a price, and that price is that they can risk their access to our U.S. markets. We cannot sit back and allow for the continued violation of U.S. property rights of U.S. citizens without taking action.

We must obey the law and Helms-Burton is the law. The administration must understand that Congress means business, that when we pass laws and when the President signs them, that we expect those laws to be implemented, fully implemented to their full extent. We must not jeopardize concrete tools for vague assurances from our trading partners. We must stand firm. No compromises should be allowed when American interests are at stake.

I urge all of my colleagues to support this bill and the rule related to it.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. HAMILTON], the ranking minority member on the Committee on International Relations.

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

Mr. Speaker, I strongly oppose this rule for one very simple reason: This is not the bill that was reported by the Committee on International Relations on May 9. We are considering today a bill not drafted by our committee, but it was a bill put together by the Committee on Rules.

In my view, this rule is offensive to the Committee on International Relations. It disregards totally the committee's work product. It is an extraordinary exercise of power, if not an usurpation of power by the Committee on Rules. It offends the orderly process of the House. It makes the authorization committee in this instance virtually irrelevant to the legislative process.

We all know that the Committee on Rules has a tough job, and if it does its job well, and it often does, the House works its will in a fair and democratic manner. What the Committee on Rules ought not to do is rewrite the bill. It ought not to ignore the committee product. It ought not to put on the floor of this House a bill never considered by the committee, yet that is exactly what has happened in this instance.

It has taken a bill reported out by the committee, stripped out the most important division authorizing foreign assistance. It has taken an 80-page reorganization amendment, which was filed before the Committee on Rules but never considered by the Committee on International Relations, and made it a part of the text of this bill.

As part of the rule, it has made in order the European Security Act, a bill that was never considered by the Committee on International Relations, upon which we have had no hearings in this Congress, which addresses the most important foreign policy issue of the next 12 months, the enlargement of NATO.

This process is an insult to the House Committee on International Relations. It is deeply offensive to anyone who cares about the orderly process of this institution. It torpedoes the committee, it sets aside the committee's expertise, and I object to it.

We had coming out of the committee a bipartisan product. I commended the chairman of the committee for the manner in which he handled that bill and for producing a bipartisan bill. It was a fair process that went forward. It produced a bill that had a very good chance of being signed into law, and I think it is correct to say that it is virtually nil, the possibility that this bill, newly drafted by the Committee on Rules, will become law. We are simply marking time.

If we adopt this rule, we will have taken a fair and an open process and replaced it with a process that is deeply flawed. I urge a "no" vote on the previous question and a "no" vote on the rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. GOSS], my distinguished colleague on the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank my colleague from Florida [Mr. DIAZ-BALART] for the time.

I rise in support of this open rule providing for consideration of the Foreign Relations Authorization Act. I also strongly support the second bill brought up by the rule, the European Security Act, which will be combined with the State Department bill at the conclusion of the consideration of the two measures. These are not new items, these are things that have been much discussed in these Halls.

□ 1330

It has been 12 long years since the last international relations authorization legislation was signed into law. Think about that. What this means is that review and reform of the mechanisms used when the Government conducts its foreign policy and spends American taxpayers' dollars overseas are long, long overdue.

As many of my colleagues know from their own mail, this is something of a sore spot for many Americans who question the effectiveness of our foreign efforts and our foreign policy.

This is especially apparent when they look at the general lack of progress the White House has been making even in nearby countries like Haiti—where $3 billion and 20,000 troops have made little tangible difference to most Haitians—and have perhaps moved that country backwards by increasing dependency on American handouts. Or countries like Bosnia, where the administration has apparently made a commitment it cannot seem to extract itself—or our troops—from.

I understand the benefits of reasonable levels of well-managed and monitored foreign aid. These are benefits that are not measured by volumes of carefully staged photo ops. We need to streamline our foreign policy assets to reflect current priorities and the reality of our limited resources, to get more bang for the relatively few dollars we spend to protect and promote our interests abroad. doing away with three agencies, folding their nonduplicative functions into State, along with some functions of a fourth agency—USAID. It also addresses shifting American priorities. I am especially pleased that it places a priority on cracking down on Fidel Castro's regime and chokes off international assistance that could be used by Castro to complete the nuclear reactors at Juragua—an issue of grave concern to my southwest Florida district. Ultimately, H.R. 1757 should go a long way toward creating a leaner, more effective foreign policy apparatus—and one that reflects our changing priorities as we move ahead into the new millennium. H.R. 1757 should also give us concrete progress toward achieving the goal of eliminating fraud, waste, and abuse.

The second related bill this rule brings before us is H.R. 1758, the European Security Act, in conjunction with H.R. 1757. This legislation was introduced by the gentleman from New York [Mr. GILMAN] and several of my colleagues to consolidate the gains made by the United States and our European allies in freeing Europe from the grip of the cold war.

As an original cosponsor of this legislation, I am pleased to be able to say this act will take us beyond the first tranche of NATO expansion, bringing the security umbrella to those emerging democracies of Central and Eastern Europe that are striving to meet the requirements for membership.

I think anyone who is watching this issue closely knows that the White House's most recent foray in this policy area makes it more important than ever that the Congress weighs

in—this legislation is the right message and it is being sent at the right time.

This is essentially an open rule. It does deserve support. H.R. 1757 should improve the way we do business overseas, and H.R. 1758 is eagerly anticipated and anxiously awaited by our friends, old and new, throughout Europe. A vote "yes" for this bill makes sense. A vote "yes" for this rule gets us to that point.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, the majority is perpetuating as egregious a violation of the rules that ought to govern a democracy as I have ever seen. This outrage of telling us that we will have 1 hour with no amendments to debate the fundamental question of NATO policy is a disrespect for the rules that ought to govern beyond what I have ever seen.

I hope the gentleman from New York will be prepared to amend his earlier statement when he said, well, if it had come up as an amendment it would also not have been amendable. That is, of course, not remotely true. If the European Security Act had been offered as an amendment to the bill, a 17-page amendment, it would have been amendable. It would have been debatable without limit. It would have been subject to a motion for substitution.

The question of policy regarding NATO is of extraordinary importance. The gentleman from New York said, well, we have to provide some money for these Eastern European countries. Vote for this bill and we are committing billions of dollars from the American taxpayer to our European new allies. The whole question of burdensharing, the question of whether or not Americans ought to continue to subsidize Europe militarily in the absence of a military threat, we are being asked to vote on this with no amendments and only a half hour on either side.

It is absolutely unprecedented in my experience for a matter as central as the NATO policy, what kind of policy, nuclear policy, conventional arms policy, which countries join, that that is to be a closed rule, 1 hour, one bill, on this NATO question.

I understand the majority is somewhat at odds right now. There is an incoherence in their strategy. They are trying to fill time. But to take one of the central questions facing the world today, whether and on what terms we should expand NATO, how much the American taxpayer should contribute, what should be the rules and which nations should come in, and to do it unamendably, to bring that forward without an amendment, is, as I say, as great a disrespect for democratic process as I have ever seen. The majority ought to be ashamed of itself.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I am again just surprised. When the NATO Participation Act passed this floor, as I recall, there were only 7 votes against it. I would predict that is what happens here again today, because this Congress, both Republican and Democrats alike, believe that we should be giving the people that were oppressed by this international, deadly, atheistic, communism for 50 years, they ought to have the opportunity of freedom, the same as we Americans desire. That is why we fought a World War, and a Second World War. That is why the American taxpayer footed the bill for a cold war that was extremely expensive. It is why Ronald Reagan called the Soviet empire the evil empire.

The truth of the matter is that we are going to give those people that right. We are going to enter into a treaty alliance that will say to them, if your sovereign boundaries are threatened then we, the United States of America, will help you defend those sovereign boundaries. That is what this debate is all about.

I think the gentleman may be sticking up for Senator KENNEDY, who opposes the expansion of NATO, and we are not going to give him the chance to block this legislation. We are going to include it in this legislation, and force a vote on it over in the other body.

Mr. HALL of Ohio. Mr. Speaker, I yield 10 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, the gentleman tried to evade the point. The question is not whether we should debate it, but whether we should debate it in a closed rule with no amendments.

I am all for democracy in Eastern Europe. I am sorry the gentleman is not in favor of democracy here in the House of Representatives.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute and 10 seconds to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, without any public discussion, a provision was inserted in this brew last night that would fundamentally alter American policy by repealing the Lautenberg amendment that has made it practical for Jews and Evangelical Christians emigrating from the former Soviet Union to receive refugee status in the United States.

The Lautenberg amendment recognizes a simple and straightforward fact: that there is still a great deal of religious persecution in the former Soviet Union; that anti-Semitism and religious persecution did not die with the Communist government; and that, if anything, with virulent nationalists and anti-Semites like Vladimir Zhirinovsky active and increasingly popular, the need to provide a safe haven is as great as ever.

Finally, even if some in this House are prepared to believe that the Lautenberg amendment is no longer needed, the Jews of the former Soviet Union are not. They are still trying to get out. There are about 40,000 applications on file and the Department of State estimates that two-thirds of them qualify; 2,000 new applications are received every month.

The Congressional Budget Office, after five contrary determinations, now says there is a cost to continuing the Lautenberg amendment. This is nonsense. We set a cap on refugee admissions every year. The Lautenberg amendment does not add a single number to that cap. It simply determines refugee admissions within the cap. So it is absurd to suggest there is any cost involved in this amendment.

Mr. Speaker, the rule also drops the entire foreign aid budget from the International Relation Committee's bill. This includes aid to Israel. How can we vote to cut aid to Israel from this bill? The Israeli people are living under the gun. They have to face terrorism on their busses, on their streets, and in their schools. Israel is our only democratic ally in the region.

What sort of message does this send to Israel's many enemies? That the United States lacks the resolve to stand with our friends? That terrorism wins?

Mr. Speaker, this rule is a disgrace. It undercuts our basic values and our policies that have worked for our friends, our country, and our values.

Mr. Speaker, I also object to the inability to stage a real debate on NATO expansion, on where we should extend our guarantees and where not. If Hungary, why not Russia? Why not Ukraine? This House ought to debate that, and this rule ought to be defeated.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DREIER], a distinguished member of the Committee on Rules.

Mr. DREIER. Mr. Speaker, obviously this debate has touched many different issues, because this is far-reaching legislation.

I would like to talk about an issue that was raised by the gentleman from New York [Mr. GILMAN] which has played a role in leading me to strongly support both this rule and the legislation.

Earlier this year the American people were outraged when we saw a 16-year-old girl run over on the streets right here in Washington, D.C., up at Dupont Circle. The real tragedy came when we found that the driver turned out to be a drunken diplomat from the Republic of Georgia. Then we, of course, looked at what conceivably could have happened. Of course, what could have happened is diplomatic immunity could have been used, and the

driver would have no responsibility whatsoever for killing this young 16-year-old-girl.

The immediate gut reaction from me and most people looking at this is why do we have diplomatic immunity? Obviously, diplomatic immunity is very important because it is conceivable that in another country we could see a U.S. officer in fact framed and charged with some crime that they are not responsible for at all, so diplomatic immunity is very important. But modifying the diplomatic immunity laws as they exist is very important.

This provision includes some very important items which we brought about in a consensus which includes, as Chairman GILMAN pointed out, now the support of Mothers Against Drunk Driving and several other organizations that heretofore have not gotten involved in legislation like this.

What we call for is, first, a full accounting of the use of diplomatic immunity in the United States and in other countries, and, second and very important, we call on the administration to proceed with negotiations to deal with a procedure that would allow the countries of origin to in fact have jurisdiction over the actions of one of their foreign service officers in another country.

It is a very important step in dealing with a critically important problem, and that is why I think it is important for us to move ahead with this rule, get this legislation forward. So many people have said the legislation is going nowhere, but I think that dealing with this problem of diplomatic immunity and the potential loss of life and looking at the other victims means that we should in fact move ahead with it.

I support this rule, Mr. Speaker, and support the underlying legislation, and hope that we will be able to proceed as expeditiously as possible in approving the previous question as well as the rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Speaker, I represent an area of Minnesota that was affected by the flooding this spring. I know that the Republicans and the Democrats alike have recognized the importance of having an effective disaster assistance package for those parts of this Nation, not just the Midwest but the entire Nation, that have suffered from disasters. This is not a partisan issue.

But what I find terribly ironic is that instead of completing the disaster assistance package for those fellow Americans who have suffered, we are turning to a foreign aid package, essentially, for folks in other countries.

This is not to say that we should not fulfill our responsibilities globally. But the problem is, when are we going to take up and address the needs of Americans? Will we do it without placing on that legislation enormously controversial matters, hijacking our domestic disaster assistance bill for yet other political agendas?

I would implore the leadership in this institution to immediately bring the disaster bill to this floor for a vote.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

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

Mr. Speaker, let us all be clear. There is nothing, nothing save the reorganization provision that has been added to this bill. This bill has been before all of us for several weeks. The only change that has been made is we divided it into two parts. We do fund the State Department and related organizations, and we did add the European Security Act. There have been no changes in the underlying bill.

To get involved now in a debate on disaster, the Disaster Act; while that is an important measure, it is certainly not germane to the measure that we have before us. I am urging my colleagues, vote for the previous question and vote for the rule. It is an important rule. It is an important bill with relation to our foreign policy.

Mr. HALL of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, it has been 13 days since Congress recessed without taking action on the urgently needed disaster bill. Now, in its first action since coming back into session, it takes up the foreign aid bill. It was wrong of Congress to recess without taking action on the disaster bill, and it is wrong for us to commit taxpayer resources to help the others before we have committed those resources to helping our own.

□ 1345

To the flood victims I represent, this feels like Congress is trying to literally shove our nose in the muck and the filth left by the rampaging Red River. This is what the scene is like in Grand Forks, ND, today. Lives left on the lawn. Everything that river touched that river wrecked. We have hundreds of homes destroyed, hundreds more severely damaged and thousands of people not knowing where they are going to live, families separated now for 6 weeks, not knowing when they can get back together.

We have to take action on the disaster bill. It is not acceptable in any way, shape, or form to pass foreign aid before we take action on this bill.

Let us today vote down the rule, vote down the previous question motion that will be before us, and attach to this rule in consideration of this legislation the disaster bill so that none of us have to go home and face constituents like I will have to or my colleagues might have to someday that ask, why can we help everyone else and not help our own?

Mr. Speaker, it is time to help our own. They desperately need it. Defeat this rule and help our own.

Mr. DIAZ-BALART. Mr. Speaker, I yield 30 seconds to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, while the gentleman makes a very eloquent appeal with regard to disaster relief, we certainly want to support that relief. Let us get that conference committee moving.

But this is not foreign aid. This measure before us is the State Department authorization measure and not foreign aid. I just wanted to clarify the Record for the gentleman.

Mr. POMEROY. Mr. Speaker, to the families that have been apart for 6 weeks and have no place to live, it looks like foreign aid to us.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

I think it is a very important point of clarification, the one that the chairman of the Committee on International Relations has just made. This is not a foreign aid bill. Yet the two measures before us are very important, not only the Foreign Policy Authorization Act but the bill wanted by the President of the United States, by the way, Mr. Speaker, to authorize the expansion of NATO.

It is a very serious matter before the Nation, one that relates directly to our foreign policy and to our national security.

Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. SOLOMON], distinguished chairman of the Committee on Rules.

The SPEAKER pro tempore (Mr. GOODLATTE]. The gentleman from New York [Mr. SOLOMON] is recognized for 2¼ minutes.

Mr. SOLOMON. Mr. Speaker, let me say to the gentleman from North Dakota [Mr. POMEROY], I represented an area in New York State, the Adirondack Mountains, the Catskill Mountains, and the Hudson Valley.

So many times during the winter and spring we are faced with disaster. We have ice jams that cause irreparable damage. We rarely get any aid from the Federal Government. We generally try to take care of ourselves up there. But I sympathize with the gentleman. I want to do everything I can to expedite this supplemental bill. That is not the issue before us, but I will say to the gentleman that it is possible for the Committee on Rules today to go upstairs and waive the two-thirds rule so that should the conference continue into this evening and should they be able to file before midnight, we then would be able to hold a rules meeting

tomorrow and bring that supplemental to the floor on the same day. We cannot do that under normal rules of the House.

I would just say to my good friend, the gentleman from Massachusetts [Mr. MOAKLEY], that he and I might get together a little bit later. We might consider that in trying to help those people in North Dakota and other areas.

In the meantime, Mr. Speaker, let me tell my colleagues that this is a good bill. The fact is, if we pass this rule, we are going to go to an open debate process, any Member who filed amendments on the State Department authorization portion of the bill will have the opportunity, including those that did not take the time to file those amendments.

So let us get on with it. Let us pass the previous question. Let us pass the rule and then let us get onto this bill.

Ms. CHRISTIAN-GREEN. Mr. Speaker, the heart of all of the people of the U.S. Virgin Islands go out to our fellow Americans in the Midwest.

We, who have experienced some of the worse hurricane related disasters in recent years, know your pain.

That is why I rise today, to plead with my Republican colleagues, not to use your distress as a political football, not to make you pawns in the budget and census debate.

It is callous to say that there is no emergency. We have only been able to address the immediate emergency response. Now we must provide the funding needed to help the people of North Dakota and South Dakota and other States to begin to recover—to rebuild their homes, to restart their businesses, to restore their farms, to begin to rebuild their lives.

This Congress cannot abandon our people in their time of great and dire need. We need a clean bill, and we need to vote to cast this lifeline to the flood victims now.

Ms. DELAURO. Mr. Speaker, I urge my colleagues to defeat the previous questions so that Congress can provide the help so needed by Americans plagued by flooding and other disasters.

Congress should have approved the disaster assistance before leaving for a Memorial Day break. The bill would have provided approximately $5.6 billion in disaster assistance for victims in 33 States. It also would have provided funds to support our troops in Bosnia and those enforcing the no-fly zone in Iraq. Instead, the Republican leadership loaded down the disaster bill with controversial provisions and then went home without doing their job to help Americans in need.

We had the chance before Memorial Day to pass a simple, clean bill, but the Republican leadership chose to make political points rather than help those in need. Now we are back, but instead of passing a clean disaster assistance bill, we are taking up the State Department authorization bill.

I certainly support our Nation's foreign policy efforts, but I believe we ought to take care of our own people first. Let's defeat the previous question so that we can quickly pass a noncontroversial disaster assistance bill.

Mr. DIAZ-BALART. Mr. Speaker, I move the previous question on the resolution.

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

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

Mr. HALL of Ohio. 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 219, nays 204, not voting 11, as follows:

[Roll No. 157]

YEAS—219

Aderholt
Archer
Armey
Bachus
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
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
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
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
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
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Redmond
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 (NC)
Thomas
Thornberry
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—204

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Leach
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Ramstad
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
Taylor (MS)
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—11

Andrews
Clayton
Farr
Hefner
Hilliard
Jefferson
Lantos
Lewis (CA)
McDade
Pickering
Schiff

□ 1416

Mr. KILDEE and Mr. GONZALEZ changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

Mr. HALL of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 200, not voting 13, as follows:

[Roll No. 158]

YEAS—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
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
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
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 (NC)
Thomas
Thornberry
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
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
Taylor (MS)
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—13

Andrews
Clayton
Dunn
Farr
Hefner
Hilliard
Jefferson
Lantos
Lewis (CA)
McDade
Pickering
Schiff
Yates

□ 1437

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 1469, 1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS, INCLUDING THOSE IN BOSNIA

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight, June 4, 1997, to file a conference report on the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

Mr. Speaker, I would say that this has been cleared by the minority.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, I would simply say that the gentleman is correct. This motion is supported on this side of the aisle as well.

I would simply ask the gentleman if he could tell us when it is the intention of the majority side of the aisle to take this bill up on the floor?

Mr. LIVINGSTON. If the gentleman will yield, I appreciate the gentleman giving me the opportunity to point out that within the next few minutes, we hope to wrap up the conference report and have it available for presentation to the Committee on Rules and to the House tomorrow afternoon. It would be my intention to bring it up so the House could pass it, and hopefully the Senate will do likewise tomorrow so that we could send it to the President tomorrow evening.

Mr. OBEY. Mr. Speaker, further reserving the right to object, let me simply say that I would have no objection to this procedure on this side of the aisle, although what I would greatly prefer is for us to strip out the irrelevant riders which are going to cause the President to veto this bill. I think it would be a much faster approach and the relief would be gotten to the portions of the country who need it if we were immediately to strip those riders out that we know the President will veto the bill over. This way we are simply going to be back next week doing what we should have done straight and clean this week. But if that is the best we can do, it is the best that can be done.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

The SPEAKER pro tempore. Pursuant to House Resolution 159 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1757.

□ 1440

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 consideration of the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes, with Mr. HANSEN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] each will control 30 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1757, the Foreign Relations Authorization Act for fiscal years 1998 and 1999. The bill before the House today includes a basic reauthorization of the operations of the Department of State and related agencies and the consolidation of some of those foreign affairs agencies.

This bill is the product of significant oversight and a bipartisan effort. By way of this bill, support is provided for our Government's activities abroad, to include U.S. embassies, American citizen services, passport and visa issuance, and international broadcasting programs such as Radio Free Asia and broadcasting to Cuba. In addition, it funds United States-Mexico and United States-Canada commissions that are tasked with matters dealing with fisheries, with sewage disposal, and other border issues.

We included most of the administration's legislative requests. However, in adherence to concerns of the Committee on Ways and Means and the Committee on the Budget, a few of those provisions have been deleted from this bill.

The bill authorizes $6.1 billion for fiscal year 1998 and fiscal year 1999, and is $200 million below the President's request. Funding for a strong U.S. presence abroad is in our vital national interest and provides the platform for a myriad of U.S. overseas interests. Specifically, we need to have a robust diplomatic presence abroad to help us develop markets, to help us maintain stability, to protect our friends in the still dangerous world, and to put into effect the humanitarian instincts of our American people.

Mr. Chairman, this bill incorporates the President's decision to consolidate the U.S. Information Agency and the Arms Control and Disarmament Agency into the State Department. In the 104th Congress our Overseas Interests Act included such a consolidation plan, but it was vetoed by the President. Now the President is supporting consolidation. This bill locks in that agreement. This consolidation is the first step to reforming the international affairs apparatus to meet the changed post-cold-war world.

Accordingly, Mr. Chairman, I urge my colleagues to support this measure to ensure efficiencies and more effectiveness of our foreign affairs agencies.

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

Mr. HAMILTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the State Department authorization bill before us is generally satisfactory on overall funding levels. It authorizes $6.115 billion for fiscal year 1998, and that is very close to the administration's request.

□ 1445

That is the most positive statement I can make about this bill. From my standpoint, and more importantly, of course, from the standpoint of the administration, there are very serious problems with the bill. These problems are at least three. One is micromanagement, two is some bad policy provisions, and three are some earmarks. But above all it seems to me the chief problem with the bill is its language on reorganization.

Mr. Chairman, the Committee on Rules decided to make in order as part of the text of the bill the reorganization amendment of the gentleman from New York [Mr. GILMAN]. In terms of substance, I have already been critical of that in terms of process in the rules debate, but in terms of substance the Gilman provision on reorganization I think is exactly the wrong approach. What the Gilman provision does is to mandate that the administration must submit a reorganization plan by mid-August and then in large measure dictates what must be in that plan. That provision micromanages how reorganization must occur, mandating the job requirements, for example, of an Under Secretary and 6 of the 20 Assistant Secretaries. That provision spells out a specific list of personnel who will be transferred or separated.

Mr. Chairman, I think the administration has made clear that it opposes the Gilman provision of reorganization because it intrudes on the ability of the Executive to organize itself and to carry out the President's responsibility to conduct American foreign policy.

I quote from the administration's view: "The administration strongly opposes a Gilman-sponsored amendment that would mandate many of the details on how to implement such a complex reorganization, thereby prejudging how the foreign affairs agencies are to be restructured."

That Gilman amendment, of course, is now part of the bill text, and the administration has also made clear that this amendment alone, if included in the bill, would lead the President's senior advisers to recommend a veto of the bill.

Thus, I intend to offer an amendment to correct the problems that I see in the provision that the gentleman from New York [Mr. GILMAN] has on reorganization. My amendment takes a different approach. It respects, I believe, and preserves the prerogatives of both the President and the Congress. It mandates that the President submit a reorganization plan to Congress within 120 days, gives the Congress 120 days to evaluate that plan, to suggest changes, and then vote against it under expedited procedures, if in fact the Congress opposes the plan. The approach of the amendment I intend to offer is to let the Executive take the lead in organizing its own affairs.

Mr. Chairman, in my view Congress should be reluctant to tell the Executive how to arrange the furniture and the flow charts. We should let the Executive organize itself. We are an equal partner in Government, but our responsibility is to hold the President to standards and evaluate results, not dictate organization, at least in most instances.

The administration supports my amendment; I think it opposes the underlying text of the Gilman provisions. And I want to emphasize that if the Gilman provisions on reorganization remain in the bill, I will oppose the bill, and I think the President's advisers will recommend a veto.

One of the second concerns relates to a similar problem, and that is the example of micromanagement in the bill quite apart from the reorganization amendment. It mandates a new Ambassador for counter terrorism, calls for the appointment of a special envoy to Tibet, a step that could significantly complicate management of the vitally important United States-China relationship. It creates a new Assistant Secretary for Human Resources. I think that will complicate personnel management. It mandates a specific set of qualifications for Assistant Secretary for diplomatic security. It restructures the Population, Refugees and Migration Bureau and sets a ceiling on the number of foreign service officers at the State Department, USIA and AID. The administration opposes all of these provisions because they seriously intrude on the executive branch's ability to administer its programs.

I am also concerned about several of the policies mandated in the bill. I do believe that these can probably be worked out in conference, but I want to identify them at least. One relates to Jerusalem, and I know it is a very popular provision. The bill authorizes $100 million from the State's building account to move the United States Embassy to Jerusalem and requires that all United States publications identify Jerusalem as Israel's capital.

Contrary to the position taken by American Presidents for several decades, this provision prejudices the United States position on the final status of Jerusalem, a status that can be resolved, of course, only through very difficult negotiations by the parties.

This provision is unacceptable to the administration, as it is to me. It has the potential to do very serious damage to the Middle East process, which I am sure none of us want to do.

The provision also takes money away from other building projects to fund a project that the administration does not request.

A second policy provision relates to Cuba. The bill calls for 3 new reports on Cuba, including one on title IV of the Helms-Burton Act. The purpose of these provisions overall I think is to tighten the noose on Cuba. The administration is now trying to resolve very tough problems with our allies that have resulted because of the package of Helms-Burton. The Cuba provisions in this bill I think move us in the wrong direction. They will only further irritate relations with our closest friends and trading partners at a very delicate time.

Finally, let me indicate that though the funding levels are generally satisfactory, there are still problems in earmarks. The migration and refugee assistance account was funded at $53 million above the administration's request. That comes at the expense of foreign assistance funding. We may overfund one category today, but important foreign assistance programs will pay the price in another bill later. The money all comes out of the same pot eventually, the international affairs or 150 account.

I also am uneasy with a number of earmarks in the voluntary international organizations account. Of $200 million requested, $18 million is earmarked, $14 million of it for programs the administration did not request.

The micromanagement, the policy provisions and the earmarks of the bill I think are problems, major problems, but I think they can probably be worked out in conference committee. I do want to emphasize, however, that the reorganization provisions in this bill are a poison pill. They are certainly veto bait for the President, and on the basis of that provision alone, if it is included in the bill, I will vote against the bill.

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

Mr. GILMAN. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. SMITH], the chairman of the Subcommittee on International Operations and Human Rights who has done a remarkable job and a great deal of work in bringing this measure to the floor at this time.

Mr. SMITH of New Jersey. Mr. Chairman, I thank my good friend, the gentleman from New York [Mr. GILMAN], for yielding this time to me.

Mr. Chairman, I am pleased to recommend passage of H.R. 1757, and I hope that the House will adopt an important amendment that I will offer later on during consideration of this bill dealing with the pro life issue. I am also pleased to note that Division B of the bill was H.R. 1253, the Foreign Relations Authorization Act for fiscal years 1998 and 1999, which I introduced earlier this year and which was marked up by our Subcommittee on International Operations and Human Rights. The plan to couple this bill with the foreign aid bill was aimed at expediting consideration of both bills over on the Senate side. Now that they are decoupled again, the Foreign Relations Authorization Act is proceeding separately, with another bill being attached to it which we will consider very shortly.

Although I know many of my Democratic colleagues are unhappy with the procedural steps that have led to the consideration of this bill, and I share some of their frustration, believe me, I do believe that the substance of Division B is a solid, thoughtful product, and the result of bipartisan cooperation.

In it, we fund most of our programs at or near the administration's request, but in some cases we shift some priorities in an effort to ensure that American foreign policy reflects American values. On a few items of compelling importance, such as refugee protection, the World Food Program, assistance to torture victims, and combating international child labor, the bill provides modest increases over and above the administration request.

I fully support the language encouraging the United States Government to press the Turkish Government to permit true freedom of religion. Of premier concern is the continued closure of the Halki Theological School, which is a clear violation of international treaties to which Turkey has been a signatory, including but not limited to the Helsinki Final Act, the Treaty of Lausanne, the 1968 Protocol, and the Charter of Paris. The Turkish Government should allow the Theological School, which was closed by that government more than 25 years ago, to reopen and have unhindered training for the Orthodox Christian leadership. Full religious liberty does not exist when a religious group is not allowed to develop or openly train its leadership. We cannot stand by and simply observe this policy of gradual strangulation by the Turkish Government, but must make every effort to encourage Ankara to recognize the right of the Ecumenical Patriarchate to train its own leaders, consistent with Turkey's international commitments. In addition, the Turkish Government should work to ensure the security of the Ecumenical Patriarchate and the property belonging to the Patriarchate.

PROPERTY RESTITUTION (SEC. 1716)

Mr. Chairman, the committee adopted the language pertaining to the issue of wrongly confiscated foreign properties, which I had offered as an amendment. This language stemmed from a hearing the Commission on Security and Cooperation in Europe—which I chaired in the 104th Congress—convened last July. At that hearing, Under Secretary of Commerce Stuart Eizenstat and Chairwoman of the Foreign Claims Settlement Commission Delissa Ridgway outlined the maze of programs and procedures which govern property claims in Central and Eastern Europe today. Section 1716 acknowledges the especially compelling plight of Holocaust survivors in Central and Eastern Europe, who were often denied compensation for their suffering at the end of the war. We call on governments in this region to stop discriminating in their restitution or compensation laws on the basis of citizenship or residency—provisions that, in one particularly egregious case—the Czech Republic—appear designed to exclude Americans from this process.

DEPLOYMENT OF DEMOCRACY IN THE REPUBLIC OF SERBIA (SEC. 1714)

Section 1714 makes two critical points regarding democratization in Serbia. First, the language notes that even ethnic Serbs are denied basic human rights by the Milosevic regime, even though he claims to speak in their name. This fact was emphasized at a Helsinki Commission hearing last December, where representatives of opposition political parties, the alternative workers movement and the independent media in Serbia presented testimony regarding the regime's attempt to deny the will of the people as expressed at the ballot box. A meeting the Helsinki Commission had with Serbian student protesters in January confirmed that the people in the streets at that time did not just want election results recognized; they wanted the promise of a democratic future. Mr. Chairman, they deserve our support for that. The second point made in this section is that, while the United States decided—rightly or wrongly—to end Milosevic's isolation and deal with him directly in Dayton to end the Bosnian conflict, we recognize that genuine peace and true regional stability rests not in making a deal with a dictator, but in the establishment of a democratic society. The Helsinki Commission first raised this point at the conclusion of a fact-finding mission to Serbia and Montenegro organized 1 year ago.

Section 1714 supports the development of democratic institutions and civil society in Serbia, especially in regard to free media and the rule of law. We would also link normalization of United States relations with Belgrade to free and fair elections, the recognition of those results, and the toleration of democratic development. There are other critical issues linked to normalization, like cooperation with the International Tribunal for war crimes in the

Hague and progress in Kosovo, and the language appropriately alludes to this fact.

I know my good friend from Indiana noted that these additions were not asked for, but I remind Members that it was a bipartisan bill that asked for more money to combat the scourge of child labor. This bill gives $10 million each year to the International Program on the Elimination of Child Labor of the International Labor Organization to try to combat this terrible exploitation of children for their labor.

Like the subcommittee that produced it, the Foreign Relations Authorization Act is not only about international operations, but also about human rights. Every structural and fiscal decision has been taken with an eye toward preserving core humanitarian programs, saving lives and promoting the just interests of the American people.

While providing adequate funding for foreign relations programs, the bill also attempts to improve efficiency, transparency, and accountability in these programs. It reforms the State Department retirement and personnel programs to prevent double dipping and restores the power of the Secretary of State to terminate the employment of convicted felons, a power that had been inexplicably curtailed by an administrative grievance board.

H.R. 1757 also requires the State Department to report to the Congress on its efforts to get the government of Vietnam to cooperate on unresolved POW–MIA issues and on the deplorable human rights situation in that country, which includes the imprisonment not only of political dissidents but also of Buddhists, Catholic priests, and Protestant ministers. The Department would also be required to report on the progress of efforts to resolve claims by United States firms against the government of Saudi Arabia, claims that should have been resolved a long, long time ago, and it would put an end to the outrageous practice of requiring United States citizens to pay for a 900 number when they want to know why the Department is late in processing their passports.

I want to say a word or two about the provisions to streamline and reform our foreign policy agencies. Mr. Chairman, this bill reduces the number of agencies by two. Just as important, it does so in a way that would not only increase efficiency and reduce costs but, importantly, will preserve the vital functions of these agencies.

In particular, the provisions of the bill were designed to preserve the independence of our international freedom broadcasting services and other functions of public diplomacy that are performed by the U.S. Information Agency. We do not simply turn Radio Free Asia and Radio Marti over to the State Department so the country desks can do whatever they want on a short-term basis to promote what they think is important. By preserving the independence of these institutions within a new and distinct division of the State Department, we ensure that they will continue to reflect long-term American interests and values by supporting freedom and democracy around the world.

Finally, Mr. Chairman, let me say a word or two about the pro life amendment that I will offer at the appropriate time during consideration of this bill. This amendment will clarify and will clearly define U.S. policy with respect to abortion around the world, particularly with respect to forced abortion.

First, it will enact a positive law—the Mexico City policy—which prohibits United States population assistance funds from going to foreign organizations that perform or actively promote abortion as a method of family planning overseas.

Second, it will prohibit contributions to UNFPA, UN Population Fund, unless it ceases its support for the coercive population control program in the People's Republic of China. Again, Mr. Chairman, this is an amendment that will ensure that the U.S. foreign policy really does reflect American values.

Mr. Chairman, we need to support human rights across the board, including the rights of unborn children and of women who are brutalized by forced abortion. We can make a strong statement here that American foreign policy must reflect those values.

Mr. HAMILTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, I would like to take one moment to simply object to the process, and I know that it is hard for people to think the process is important. We have a legislative process here that has been completely abdicated and given to the Committee on Rules in a process that the Politburo would have envied.

There was an effort to put together a piece of legislation that in a bipartisan manner would reflect the sentiments often spoken of in this Chamber that foreign policy debate is something we try to do in a bipartisan manner, that politics stops at our borders, but apparently that is not the case under this Committee on Rules and under this majority Republican Congress.

□ 1500

What we have is a complete rupture of the legislative process without hearings, without debate. All the many days of work of the committee was abdicated when word came down from the Committee on Rules that they were going to decide how this is made up.

The next step, which is probably even worse, is what they try to do. What they try to do in this process is change the way the President of the United States and the State Department and USAID and other organizations work out their responsibilities. They try to do it in a manner that dictates the terms in which AID and others will relate to one another. Now I think if there has been a program that has been helpful to our foreign policy interests and to our economic interests, it is USAID.

The countries that were previously our largest recipients of grain and other assistance are today the largest purchasers of American agricultural products, helping our balance of trade.

I think that what we ought to do is what the Hamilton proposal does, and that is to give the President the ability to make efficiencies occur that he, the Executive, sees are necessary, but not simply to try to constrain him into a process that may have nothing to do with the reality of how this White House, State Department, AID work together.

What we have here is an opportunity for people on both sides of the aisle to join together to reject the process that we have been forced into here today, and to reject the substance as well. There will be other amendments that are even more damaging that we will debate later, but even without those it is clear that the best course of action for this House, from a substantive point of view and from a procedural point of view, is to reject this legislation and force the Committee on Rules to bring to the floor the assistance legislation and State Department legislation that the committee passed.

Mr. GILMAN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida [Ms. ROS-LEHTINEN], a member of the Subcommittee on International Economic Policy and Trade.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in strong support of the bill introduced by the gentleman from New York [Mr. GILMAN], our distinguished colleague and the chairman of the Committee on International Relations, and everyone's friend.

The impact and ramifications of this bill, Mr. Chairman, are wide-ranging. However, I would like to focus on a particular provision which would guarantee that the integrity and purpose of U.S. foreign policy and related laws passed by our legislative body are not being compromised.

The measure I am referring to is one which establishes reporting requirements on the implementation of title IV of the Helms-Burton law.

As the evidence clearly demonstrates, the Castro dictatorship in Cuba is, without a doubt, an enemy of the United States and presents a threat to the security of the American people. It is a terrorist regime that has repeatedly exported violence to other countries in our hemisphere. It attempts to undermine our stability by its involvement and support for the illicit narcotics trade. It serves to ridicule the

U.S. Government by being the last bastion of communism in the U.S.'s own backyard, and it is rated by our own State Department as well as the Inter-American Commission on Human Rights as the worst human rights violator in our hemisphere.

It is thus imperative for us in the United States Congress to stand firm by our policy of isolating this pariah state and not allow feel-good promises from our allies to diminish our resolve, and we must lead our allies in making sure that we are no longer in violation of U.S. laws by passing weak and inconsistent implementation of Helms-Burton.

The provision in this bill does what we set out to do when we passed the law. The fact is supported by the attacks that it has attracted from senior officials from the Castro regime who, over sheer desperation over the ramifications of the passage of this bill, felt compelled to hold an internationally broadcast press conference this past Friday to use their propaganda machine to attack this and other measures. They are certainly doubtful about the commitment of this administration to implement Helms-Burton to its full extent.

The periodic written reports required by our provision provide a more thorough documentation and will allow us to track the progress of the implementation of our laws over time. It ensures transparency in the process, it ensures the full force of the Libertad Act.

Until we see concrete actions from our European allies and others who choose to negotiate with Castro and thereby extend the suffering and the oppression of the Cuban people at the hands of this brutal dictator, this Congress must stand firm and refuse to allow our laws to be weakened for the purpose of appeasing our allies.

As we have stated on numerous occasions, diplomacy does not mean surrender. For this and many other reasons, Mr. Chairman, it is imperative for the passage of this bill that we include this provision.

Furthermore, as we have emphasized during committee consideration, we have seen how Helms-Burton has yet to be implemented. I urge my colleagues to support passage of this bill.

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding me the time.

If the situation were not so tragic, it would be humorous. We are watching the Republican majority with the presentation of this bill snatch defeat out of the jaws of victory on two of the issues they have fought the most for over the past 2½ years. First is the foreign aid authorization bill. After 3½ or 4 days of relatively amiable discourse, reasonably intelligent debate, a bipartisan consensus was formed that passed out an authorization bill that supported much of the administration's key priorities and at the same time dealt with many of the strong concerns of the Republican majority on the committee, a vote that included every single Democratic member of that committee and the vast majority of the Republican members of that committee, in marked contrast to the way the process had transpired 2 years before, a process which produced veto and veto and veto and no law.

From that bill, which by the way, lest my colleagues think this was tilted too much to the minority or too much to the administration, that bill, which came out of committee, was referenced in the letter signed by Henry Kissinger, James Baker, General Colin L. Powell, George Shultz, Lawrence Eagleburger, Brent Scowcroft, and Alexander Haig, key national security advisors and Secretaries of State for the last three Republican administrations.

What they said to the chairman of that committee who worked hard to produce this bipartisan majority was: "We commend you," and I am talking here about seven key Republican Secretaries of States and national security advisors.

"We commend you and your committee colleagues for having the courage to authorize adequate funding for the international affairs programs of the U.S. Government. We realize that funding these programs is rarely popular, but there are times when our political leaders, whether in the Congress or the Executive, must do what is best for the country, no matter what the popular view. This is one of those times. This post-Cold War era is a time of great opportunity. It is also a time, if we act irresponsibly, that can lay the groundwork for instability and conflict for generations to come. Without American leadership in the years ahead, instability and conflict are certain. A creative U.S. foreign policy demands an efficient and effective foreign affairs establishment. H.R. 1486," the bill that we passed out of committee, not the bill we are considering now, "will give us that instrument." Henry Kissinger, James Baker, Colin Powell, George Shultz, Lawrence Eagleburger, Brent Scowcroft, Alexander Haig.

Instead, we have a truncated bill that removes all of the authorizations in the foreign assistance program, much of the language dealing with critical issues like how we should be dealing with the former republics of the Soviet Union, what we should be doing in terms of development assistance in Africa that authorized the funding for our key priorities in the Middle East, including support for Israel and support for Egypt and the other countries in that region. And we are left with a bare-bones State Department authorization bill, a bill that unilaterally was changed by the Republican leadership that I can only believe did not want to see a bill that had too much Democratic support for fear that somewhere, someone would come and attack it just for that reason.

This is not the way to move ahead on a bipartisan foreign policy. But this is not the only area where they snatched defeat from the jaws of victory. For 2 years the Republican priority has been to reorganize our foreign relations agencies. Many of us opposed them on that over the past 2 years. The administration opposed them.

Finally, and I think my colleagues can perhaps fairly say kicking and screaming, the administration turns around, agrees to merge two of its international relations agencies, the USIA and the arms control and disarmament agency into the State Department to require the Agency for International Development to report to the Secretary of State, not to the President, to cover all of the major priorities that the Republicans in both the House and the Senate had been screaming about.

So what did the Republican majority try to do? Instead of letting that process, which has been announced and developed, take fold, work with the administration to do the necessarily implementing legislation, unilaterally the Republicans are proposing a substitute in this bare-bones bill that no longer has any of the bipartisan elements that caused us to all support the bill in the beginning, to ram through a unilateral partisan, never-before-seen in a committee anywhere proposal to reorganize on their terms. That will defeat the reorganization effort, that will cause the administration to back off, that will cause this bill to become veto bait once again.

So both in terms of the bipartisanship on the aid and the achievements in the reorganization, everything is at risk. I think it is a terrible mistake and I urge that the bill be defeated.

Mr. Chairman, I include for the RECORD the letter referenced earlier in my remarks.

MAY 20, 1997.

Hon. BENJAMIN A. GILMAN,
Chairman, Committee on International Relations, U.S. House of Representatives.

DEAR BEN: We are writing to express our support for the bill your Committee has reported, H.R. 1486, the "Foreign Policy Reform Act".

We commend you and your Committee colleagues for having the courage to authorize adequate funding for the international affairs programs of the U.S. Government. We realize that funding these programs is rarely popular. But there are times when our political leaders, whether in the Congress or the Executive, must do what is best for the country no matter what the popular view. This is one of those times. This post Cold-War era is a time of great opportunity; it is also a time—if we act irresponsibly—that can lay the ground work for instability and conflict

for generations to come. Without American leadership in the years ahead instability and conflict are certain. A creative U.S. foreign policy demands an efficient and effective foreign affairs establishment. HR 1486 will give us that instrument.

We also support your intention to amend your bill on the House floor to abolish two agencies, the Arms Control and Disarmament Agency and the U.S. Information Agency, and to consolidate the functions of the these agencies, as well as some functions of the Agency for International Development, into the Department of State. Reorganization and streamlining of our foreign affairs agencies is long overdue.

With your continued leadership, we can build on America's victory in the Cold War and make sure that in the next century our nation does not repeat past mistakes. We must learn from history.

Sincerely,

HENRY KISSINGER.
GEORGE P. SHULTZ.
ALEXANDER M. HAIG, JR.
JAMES A. BAKER, III.
LAWRENCE EAGLEBURGER.
GENERAL COLIN POWELL.
BRENT SCOWCROFT.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. DIAZ-BALART], a distinguished member of the House Committee on Rules.

Mr. DIAZ-BALART. Mr. Chairman, I thank the chairman for yielding me this time, and I commend the gentleman for all the hard work on this legislation. I think it is unfortunate that our friends on the other side of the aisle are not looking very much at bipartisan measures that are included in the legislation before us.

For example, my distinguished colleague, the gentlewoman from Florida [Ms. ROS-LEHTINEN], inserted a very important provision in this legislation, especially at this time of negotiations between the United States and the European Union with regard to our sanctions policy against the Cuban dictatorship, a dictatorship that is in its last stages. There is no doubt that sovereignty will soon be returned to the people of Cuba. The dictatorship will not last long, and the day where the Cuban people will finally have self-determination and freedom will soon arrive, and especially at this moment when the United States and the European Union are negotiating because of a very unwise challenge by the European Union with regard to our policy at the World Trade Organization.

It is very important that the measure that the gentlewoman from Florida [Ms. ROS-LEHTINEN] included in this legislation that she referred to previously to insist upon full compliance with title IV of the Helms-Burton law be passed, and it is in here, Mr. Chairman. The gentleman from New Jersey [Mr. MENENDEZ], a very distinguished friend from the other side of the aisle, has included a very important provision as well.

We need to stop the nuclear power plants that Castro is trying to complete from being completed. It was outrageous when we found out that the International Atomic Energy Commission was actually using U.S. taxpayer funds to assist Castro in the completion of those plants. That is prohibited in this legislation, Mr. Chairman. It is an important piece of legislation. It has bipartisan aspects to it. These measures have been supported on a bipartisan basis, and it is unfortunate that our colleagues have reacted in this way.

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CAPPS], a distinguished member of the committee.

Mr. CAPPS. Mr. Chairman, when I came to Congress not very many weeks ago, I promised the people I represent that I would do what I could to work in a bipartisan fashion to help restore the bond of trust between the people and those of us who represent them here in Washington.

Mr. Chairman, I have now changed my resolve. The example that I have cited over and over again is the fine way that the Committee on International Relations has worked under the able direction of the gentleman from New York [Mr. GILMAN], the way we have worked together to produce bills on which there was a bipartisan agreement.

For me, watching this for the first time at this close range, participating in it for the first time, it was democracy in action. The debate was spirited, opposing points of view were vigorously expressed, and we came to agreements that could stand because we trusted the process and the process itself was trustworthy.

□ 1515

I would come home week after week to California and tell the people that I represent that I was participating in a Jeffersonian exercise of which I was very proud. We were creating foreign policy in a bipartisan manner, very effective foreign policy.

Because of the way we did it, the bill that came from the committee was a bill that both the President and the Congress, Democrats and Republicans, could agree on. In my judgment, the original bill contained sufficient funding. It included sound policy on family planning. It avoided highly contentious action on U.N. funding and agency reorganization. It even included a compromise that I was pleased to work out with the gentleman from New Jersey [Mr. SMITH]. Now we have something very different that makes something of a mockery of the legislative process and, in my judgment, violates democratic principles.

I was asked to restore the bond of trust. I must say, Mr. Chairman, that in this instance I do not trust the process. I am going to vote against the bill, and wish so much that we could vote on the bill on which the committee had come to agreement.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I rise in support of this legislation and the improvements it makes in the operation of our State Department. I especially appreciate the chairman of the Committee on International Relations for yielding me this time, and for including a provision regarding diplomatic immunity in this bill.

This provision is taken almost word for word from H.R. 1622, a bill introduced by the gentleman from California [Mr. DREIER] and myself in the House and Senator COVERDELL in the other body.

This bill grew in part out of the tragic death of a 16-year-old girl in the Washington, DC area who was killed by a drunken driver who happened to be a diplomat from the Republic of Georgia. This diplomat could have escaped prosecution, as many others have, even when people have been killed, had diplomatic immunity not been waived.

Foreign diplomats who commit felony offenses on U.S. soil should be prosecuted for those crimes. If U.S. diplomats commit felony offenses overseas, they should be prosecuted. Specifically, this bill urges the State Department to pursue waivers of diplomatic immunity when foreign diplomats commit serious crimes in the United States.

In addition, if a foreign government of a diplomat who commits a crime will not agree to waive immunity, then that government will be encouraged to prosecute the criminal for the same offense in its own courts. This language will encourage the State Department to hold diplomats accountable for crimes committed in the United States.

I welcome all people of all nationalities into this country, but at the same time, I do not think that diplomats should have the right to come here and kill or commit other serious crimes against U.S. citizens without expecting punishment.

Again, Mr. Chairman, I would like to thank the chairman and the other members of the Committee on International Relations for recognizing this problem and acting to correct it, and including this provision in the legislation. I urge passage of this bill, and I once again commend the chairman for the diligent way in which he has worked to try to accommodate all interests in this legislation.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Pennsylvania [Mr. FOX], a member of the committee.

Mr. FOX of Pennsylvania. Mr. Chairman, I rise to support the bill. Chairman GILMAN has done an outstanding job in bringing both sides of the aisle

together in a bill that is going to achieve, I believe, the kinds of reforms that Congress has set out to do, to make sure that we streamline Government and making sure that in this budget we get our money's worth.

I might say as one of the highlights: the Embassy move of the United States to Jerusalem, the capital of Israel, which is included within this legislation. I remember from the 104th Congress this was an initiative that was begun then to do what was right to make sure the United States has our Embassy in the capital of Israel, just like we have our Embassy in the capital of every other country.

I think it is also important to point out that this legislation makes some very important points with regard to Cuba. It puts more controls on the Castro dictatorship. Just like the fact that a representative and spokesperson for Fidel Castro spoke out against this legislation, which should give us reason, as well, to vote for the bill.

I think it is also important to have my colleagues on both sides of the aisle realize that this legislation sensibly funds refugee programs around the world. So here we have a bill that deserves the support, I believe, of Members, Republican, Democrat, Independent, regardless of your States.

We here in the United States are doing what is right across the world. This legislation is the right bill at home, which I think has taken into account the hearings we have had before the Committee on International Relations and also respects the wishes of most of all our Members, if not all the Members, who had input on the bill.

I would urge all our colleagues to support it, and again thank the chairman, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON], the ranking member, for their leadership and what they have done to bring this bill to this point.

Mr. HAMILTON. Mr. Chairman, I yield back the balance of my time.

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to urge our colleagues to consider fully supporting this measure, even though they may have some reservations for one portion of the bill or another. I think overall, this State Department reauthorization is so essential to our foreign policy. There are a number of important measures which will enhance our State Department's ability to conduct foreign policy. While we would have liked to have seen an undivided bill, I want to assure my colleagues that we will be going to bat with our leadership to try to have the foreign aid measure follow the adoption of this bill.

Mr. LANTOS. Mr. Chairman, I rise today to express my strong opposition to House Resolution 159, the rule for the consideration of H.R. 1757, the Foreign Relations Authorization Act, and H.R. 1758, European Security Act. I want to associate myself in particular with the outstanding remarks that were made earlier in this debate by our distinguished colleague from Indiana, Mr. HAMILTON, the ranking Democratic member of the International Relations Committee.

First, Mr. Chairman, the rule being proposed by the Rules Committee today is a mindboggling travesty of the procedures of this House. Almost since the very beginning of this Congress, as the ranking Democratic member of the Subcommittee on International Operations and Human Rights, I have worked and my staff have worked with the chairman of the subcommittee, our distinguished colleague Mr. SMITH of New Jersey and his staff. We resolved a number of difficult issues in a spirit of bipartisanship and cooperation that I have welcomed. We worked out a good Foreign Relations authorization bill—it included provisions that involved compromise and accommodation that were carefully and thoroughly worked through with the administration and with other members of the subcommittee and the committee. The bill was considered by the full International Relations Committee where it was seriously and thoughtfully considered over a number of days. The final bill—H.R. 1486, the Foreign Policy Reform Act—was the bipartisan product of that effort.

When H.R. 1486 was considered by the Committee on Rules, the committee essentially rewrote the bill. All of this was done without hearings, without the involvement of the members of the International Relations Committee, against the previously expressed views of the chairman of the International Relations Committee, and in the back room, out of the view of the Members of this House.

Mr. Chairman, if the standing committees of this House are so irrelevant, so unimportant, that their efforts are totally ignored, perhaps we should save money by simply abolishing all of the standing committees of the House. Then all of our decisions can be made for us by the Committee on Rules. My first concern then, Mr. Speaker, is that the rule for the consideration of these bills today is a total travesty of fairness and the normal procedures of this House.

The second reason for my opposition to this rule, Mr. Chairman, is that the rule also provides for a closed rule for the consideration of H.R. 1758, the so-called "European Security Act." This is likewise an astounding provision. During the present Congress, the Committee on International Relations has not even so much as held a hearing on the principal issues with which this legislation deals: NATO enlargement, the Treaty on Conventional Forces in Europe, and the Anti-Ballistic Missile Treaty. It is an egregious violation of House procedures to prohibit amendments to this amendment which has never been considered by the International Relations Committee and Members have never had the opportunity to consider this important legislation.

I have strongly advocated that Romania should be one of the countries invited to join NATO in the first round of expansion later this year. H.R. 1758, the European Security Act, as it is now written, does not call for the immediate admission of Romania. I would like to offer a sense-of-the-Congress provision that urges the inclusion of Romania in NATO when invitations are extended to other countries later this year. Unfortunately, I will not even have the opportunity to raise this important issue upon the floor when we consider this bill.

Mr. Chairman, I have been delighted and impressed with the progress that the Government has made in moving Romania toward a Democratic political system which recognizes and copes with ethnic diversity and in moving Romania toward a market-oriented economic system. The Romanians have worked to resolve differences with their neighbors, most particularly with Hungary, with whom there have been longstanding historical differences. The Romanian people clearly desire to be admitted to membership in NATO, and I strongly believe that Romania should be considered and accepted for NATO membership in the first round of expansion.

The third reason for my opposition to this legislation, Mr. Speaker, is that we are being asked today to begin immediate consideration of these new bills: H.R. 1757 and H.R. 1758. Both of these bills were introduced in the House only very late yesterday, after H.R. 1486 was, in effect, rejected by the Rules Committee. We are told that the rule for the consideration of H.R. 1757 is an "open" rule. Mr. Speaker, the "open" portion of the rule applies to a bill that has been available to Members only since late last night. None of us were aware that a new bill was being offered in place of the bipartisan legislation approved earlier by the International Relations Committee until today, just a few hours before it is being brought up for consideration. We have had so little time to review and examine this bill, and to draft amendments to fit with the text of the new bill, that the "open rule" is virtually meaningless. Two weeks ago, the Rules Committee issued a call for amendments to the Foreign Relations authorization legislation, which we were told would have to be printed in the RECORD before they could be considered. Now we have a totally new bill that is being considered under a supposedly "open" rule, but, in fact, the limited time to review it provides no opportunity for serious, thoughtful consideration of these important issues.

Mr. Chairman, the fourth reason I will oppose this legislation is the highhanded way in which the Committee on Rules has altered, changed, and inserted Chairman GILMAN's language on the reorganization of foreign affairs agencies. This is reform language that was not considered by the International Relations Committee. It is language that is inappropriate and premature, because the Department of State and other foreign affairs agencies are now in the process of working out the realignment of the structure of the agencies responsible for the conduct of our Nation's foreign policy. The Gilman language is opposed by the administration, and if it remains in the bill, this legislation will be vetoed by the President.

The new bill also drops four budget-related provisions which were included in the bipartisan legislation reported out by the International Relations Committee. Another provision dropped from this new bill was the so-called "Lautenberg" language regarding the definition of refugee status. Again, this provision was included in the bipartisan original

legislation that was reported out of the International Relations Committee.

In summary, Mr. Chairman, the rule we are considering today replaces a bill that had been developed over a long period of time with a great deal of consultation and compromise. It had bipartisan support in the International Relations Committee and among the Members of this House which had the support of the administration. Now, in place of this bipartisan bill, we will now consider a partisan bill that has not had any opportunity for thoughtful input or hearings and which has virtually no chance of being signed by the President in anything like the form in which it is now being considered by the House today.

Mr. Chairman, I originally intended to offer an amendment to H.R. 1486. In good faith, I submitted that amendment for publication in the RECORD. I will not offer that amendment, Mr. Speaker, and I oppose adoption of the rule, and I will oppose the adoption of the bill that is being considered by the House today if, after the amendment process, the bill is anywhere close to its present form.

Mr. Chairman, I strongly urge my colleagues to vote against this unfortunate and unfair rule. I also urge my colleagues to vote against H.R. 1757 and H.R. 1758 unless they are substantially amended. This is not the way that the House of Representatives should exercise its important role and responsibilities in the organization, structure and conduct of U.S. foreign policy.

Mr. BILIRAKIS. Mr. Chairman, I rise today to express my support for a provision in H.R. 1757, the Foreign Relations Authorization Act for Fiscal Year 1997, which addresses my concerns about the Ecumenical Patriarchate in Instanbul—Constantinople, Turkey. I want to thank Chairman BEN GILMAN for his assistance on this important matter.

The Ecumenical Patriarchate, founded in 38 AD, is the locale where the New Testament was codified and where the Nicene Creed was first written. Today, the Ecumenical Patriarchate is the spiritual center for more than 300 million orthodox Christians worldwide but it is not given the right to function properly as the headquarters of the Orthodox Church.

In recent years, there have been successive terrorist attempts to desecrate and destroy the premises of the Patriarchate. On September 30, 1996, a hand grenade was thrown into the headquarters of the Patriarchate. The explosion damaged the Patriarchal Cathedral and blew out the windows of the sleeping quarters. On May 28, 1994, three powerful bombs were found and diffused by Turkish security forces, only minutes before they were set to detonate. On March 30, 1994, two firebombs were hurled into the Patriarchate. This is an issue of religious freedom which is taken very seriously by all orthodox Christians, including more than 5 million living in the United States.

Specifically, H.R. 1757 encourages the United States to use its influence as a permanent member of the U.N. Security Council to suggest that the Turkish Government should: One, recognize the Ecumenical Patriarchate and its nonpolitical, religious mission; two, encourage the continued maintenance of the institution's physical security needs, as provided for under Turkish law and international law, including but not limited to, the Treaty of Lausanne, the 1968 Protocol, the Helsinki Final Act of 1975, and the Charter of Paris; three, encourage the proper protection and safety of the Ecumenical Patriarchate personnel; and four, reopen the Ecumenical Patriarchate's Halki Patriarchal School of Theology.

The language in H.R. 1757 closely parallels House Concurrent Resolution 6, legislation that I have introduced in the House. My bill directs the United States to use its influence with the Turkish Government to provide for the proper protection and continued livelihood of the Patriarchate and all othodox faithful residing in Turkey.

My legislation also requires the administration to report annually to Congress on the progress of these efforts. In addition, it calls upon the Turkish Government to do everything possible to find and punish the perpetrators of any provocative and terrorist acts against the Patriarchate. I am pleased that language regarding the protection and continued livelihood of the Ecumenical Patriarchate, as well as language calling for the reopening of the Halki Patriarchal School of Theology, has been included in the bill.

It is imperative that people everywhere have the ability to freely and without fear of threat or intimidation practice and express their religious convictions. As a free and compassionate people, we cannot allow acts of violence against the Orthodox Church. The provisions in H.R. 1757 are an important first step in achieving the proper protection of the Patriarchate. Again, I want to commend Chairman GILMAN for his efforts to protect the Patriarchate. I will continue to work with him on this important issue as this legislation is considered by the Congress.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the bill shall be considered under the 5-minute rule by title, and each title shall be considered as read.

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.

The Clerk will designate section 1.

The text of section 1 is as follows:

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 "Foreign Relations Authorization Act, Fiscal Years 1998 and 1999".

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into 2 divisions as follows:

(1) Division A—Consolidation of foreign affairs agencies.

(2) Division B—State Department and Related Agencies Authorization Act.

(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—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

TITLE I—GENERAL PROVISIONS

Sec. 101. Short title.
Sec. 102. Congressional findings.
Sec. 103. Purposes.
Sec. 104. Definitions.

TITLE II—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 201. Effective date.

CHAPTER 2—ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY AND TRANSFER OF FUNCTIONS

Sec. 211. Abolition of United States Arms Control and Disarmament Agency.
Sec. 212. Transfer of functions to Secretary of State.
Sec. 213. Under Secretary for Arms Control and International Security.
Sec. 214. Assistant Secretary for Arms Transfer and Export Control Policy; Assistant Secretary for Arms Control and Nonproliferation.
Sec. 215. Repeal relating to Inspector General for United States Arms Control and Disarmament Agency.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 221. References.
Sec. 222. Repeal of establishment of ACDA.
Sec. 223. Repeal of positions and offices.
Sec. 224. Authorities of Secretary of State.
Sec. 225. Conforming amendments.

TITLE III—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 301. Effective date.

CHAPTER 2—ABOLITION OF UNITED STATES INFORMATION AGENCY AND TRANSFER OF FUNCTIONS

Sec. 311. Abolition of United States Information Agency.
Sec. 312. Transfer of functions.
Sec. 313. Under Secretary of State for Public Diplomacy.
Sec. 314. Assistant Secretary for International Exchanges; Assistant Secretary for International Information Programs.
Sec. 315. Abolition of office of Inspector General of United States Information Agency and transfer of functions.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 321. References in law.
Sec. 322. Amendments to title 5, United States Code.
Sec. 323. Amendments to United States Information and Educational Exchange Act of 1948.
Sec. 324. Amendments to Mutual Educational and Cultural Exchange Act of 1961 (Fulbright-Hays Act).
Sec. 325. International broadcasting activities.
Sec. 326. Television broadcasting to Cuba.
Sec. 327. Radio broadcasting to Cuba.

Sec. 328. National Endowment for Democracy.
Sec. 329. United States Scholarship Program for Developing Countries.
Sec. 330. Fascell Fellowship Board.
Sec. 331. National Security Education Board.
Sec. 332. Center for Cultural and Technical Interchange Between North and South.
Sec. 333. Center for Cultural and Technical Interchange Between East and West.
Sec. 334. Mission of Department of State.
Sec. 335. Consolidation of administrative services.
Sec. 336. Grants.
Sec. 337. Ban on domestic activities.
Sec. 338. Conforming repeal to Arms Control and Disarmament Act.
Sec. 339. Repeal relating to procurement of legal services.
Sec. 340. Repeal relating to payment of subsistence expenses.
Sec. 341. Conforming amendment to SEED Act.
Sec. 342. International Cultural and Trade Center Commission.
Sec. 343. Other laws referenced in reorganization plan no. 2 of 1977.
Sec. 344. Exchange program with countries in transition from totalitarianism to democracy.
Sec. 345. Edmund S. Muskie Fellowship Program.
Sec. 346. Implementation of Convention on Cultural Property.
Sec. 347. Mike Mansfield fellowships.
Sec. 348. United States Advisory Committee for Public Diplomacy.

TITLE IV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY.

CHAPTER 1—GENERAL PROVISIONS

Sec. 401. Effective date.

CHAPTER 2—ABOLITION OF INTERNATIONAL DEVELOPMENT COOPERATION AGENCY AND TRANSFER OF FUNCTIONS

Sec. 411. Abolition of United States International Development Cooperation Agency.
Sec. 412. Transfer of functions.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 421. References.

TITLE V—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

Sec. 501. Effective date.

CHAPTER 2—REORGANIZATION OF AGENCY FOR INTERNATIONAL DEVELOPMENT AND TRANSFER OF FUNCTIONS

Sec. 511. Reorganization of Agency for International Development.

TITLE VI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN

Sec. 601. Reorganization plan.

CHAPTER 2—REORGANIZATION AUTHORITY

Sec. 611. Reorganization authority.
Sec. 612. Transfer and allocation of appropriations and personnel.
Sec. 613. Incidental transfers.
Sec. 614. Effect on personnel.
Sec. 615. Transition fund.
Sec. 616. Savings provisions.
Sec. 617. Property and facilities.
Sec. 618. Authority of Secretary of State to facilitate transition.
Sec. 619. Recommendations for additional conforming amendments.
Sec. 620. Final report.
Sec. 621. Transfer of function.
Sec. 622. Severability.

DIVISION B—STATE DEPARTMENT AND RELATED AGENCIES AUTHORIZATION ACT

TITLE X—GENERAL PROVISIONS

Sec. 1001. Short title.
Sec. 1002. 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. Capital investment fund.
Sec. 1203. Reduction of reporting.
Sec. 1204. Contracting for local guards services overseas.
Sec. 1205. Preadjudication of claims.
Sec. 1206. Expenses relating to certain international claims and proceedings.
Sec. 1207. Establishment of fee account and providing for passport information services.
Sec. 1208. Establishment of machine readable fee account.
Sec. 1209. Retention of additional defense trade controls registration fees.
Sec. 1210. Training.
Sec. 1211. Fee for use of diplomatic reception rooms.
Sec. 1212. Fees for commercial services.
Sec. 1213. Budget presentation documents.
Sec. 1214. Grants to overseas educational facilities.
Sec. 1215. 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.

The CHAIRMAN. Are there any amendments to section 2?

The Clerk will designate title I.

The text of title I is as follows:

DIVISION A—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This division may be cited as the "Foreign Affairs Agencies Consolidation Act of 1997".

SEC. 102. CONGRESSIONAL FINDINGS.

Congress makes the following findings:

(1) With the end of the Cold War, the international challenges facing the United States have changed, but the fundamental national interests of the United States have not. The security, economic, and humanitarian interests of the United States require continued United States engagement in international affairs. The leading role of the United States in world affairs will be as important in the twenty-first century as it has been in the twentieth.

(2) The United States budget deficit requires that the foreign as well as the domestic programs and activities of the United States be carefully reviewed for potential savings. Wherever possible, foreign programs and activities must be streamlined, managed more efficiently, and adapted to the requirements of the post-Cold War era.

(3) In order to downsize the foreign programs and activities of the United States without jeopardizing United States interests, strong and effective leadership will be required. As the official principally responsible for the conduct of foreign policy, the Secretary of State must have the authority to allocate efficiently the resources within the international affairs budget. As a first step in the downsizing process, the proliferation of foreign affairs agencies that occurred during the Cold War must be reversed, and functions of these agencies must be restored to the Secretary of State.

(4) A streamlined and reorganized foreign affairs structure under the strengthened leadership of the Secretary of State can more effectively promote the international interests of the United States in the next century than the existing structure.

(5) The new foreign affairs structure should be one that will maintain the quality and integrity of the public diplomacy and arms control functions now performed by the United States Information Agency and the Arms Control and Disarmament Agency.

SEC. 103. PURPOSES.

The purposes of this division are—

(1) to consolidate and reinvent the foreign affairs agencies of the United States within the Department of State;

(2) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;

(3) to provide for the reorganization of the Department of State to maximize the efficient use of resources, eliminate redundancy in functions, effect budget savings, and improve the management of the Department of State;

(4) to ensure that the United States maintains adequate representation abroad within budgetary restraints;

(5) to ensure that programs critical to the promotion of United States national interests be maintained;

(6) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government while downsizing significantly the total number of people employed by such agencies;

(7) to strengthen—

(A) the coordination of United States foreign policy; and

(B) the leading role of the Secretary of State in the formulation and articulation of United States foreign policy;

(8) to abolish the United States Arms Control and Disarmament Agency, the United States Information Agency, the United States International Development Cooperation Agency, and consolidate the functions of these agencies into the Department of State while preserving the quality and integrity of these functions; and

(9) to consolidate some functions of the Agency for International Development into the Department of State.

SEC. 104. DEFINITIONS.

The following terms have the following meanings for the purposes of this division:

(1) The term "ACDA" means the United States Arms Control and Disarmament Agency.

(2) The term "AID" means the Agency for International Development.

(3) 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.

(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 "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(7) The term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(8) The term "Secretary" means the Secretary of State.

(9) The term "USIA" means the United States Information Agency.

The CHAIRMAN. Are there any amendments to title I?

AMENDMENT OFFERED BY MR. HAMILTON

Mr. HAMILTON. Mr. Chairman, I offer an amendment, and I ask unanimous consent that I be permitted to offer the amendment at this point in the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HAMILTON:

Strike Title I through Title VI of Division A and sections 1301 through 1306, 1321, and 1707 of Division B and insert the following new title (and conform the table of contents accordingly, and make other appropriate conforming amendments).

TITLE I—REINVENTION OF THE FOREIGN AFFAIRS AGENCIES

SEC. 101. SHORT TITLE.

This Title may be cited as the "Foreign Affairs Agencies Reinvention Act of 1997".

SEC. 102. REINVENTION OF THE FOREIGN AFFAIRS AGENCIES.

The Congress of the United States makes the following findings:

(1) With the end of the Cold War, the international challenges facing the United States have changed, but the fundamental national interests of the United States have not. The security, economic and humanitarian interests of the United States require continued American engagement in international affairs. The leading role of the United States in world affairs will be as important in the twenty-first century as it has been in the twentieth.

(2) In this context, the United States has an historic opportunity to continue the reinvention of the agencies primarily responsible for implementing the Nation's foreign policies.

(3) The continuing reinvention of the foreign affairs agencies, the Department of State, the Arms Control and Disarmament Agency, the United States Information Agency, the International Development and Cooperation Agency and the United States Agency for International Development, must ensure that these agencies can effectively confront the new and pressing challenges of the post Cold War world.

(4) The reinvention of the foreign affairs agencies recognizes the fact that arms control and nonproliferation, sustainable development, and public diplomacy are now more central than ever to the success of United States foreign policy. Any integration of these agencies should preserve the unique skills and capabilities of each of the agencies in a reinvented Department of State.

(5) A streamlined, reorganized and more flexible foreign affairs structure under the strengthened leadership of the Secretary of State can more effectively promote the international interests of the United States and enhance the United States' ability to meet the growing foreign policy challenges during the next century.

SEC. 103. PURPOSES.

The purposes of this title are—

(1) to provide for the reinvention of the Department of State to enable it better to incorporate additional functions and agencies, manage new responsibilities, and make the Department more effective and efficient and

better able to defend American interests and promote American values abroad;

(2) to integrate certain agencies and certain functions of other agencies of the Untied States into the reinvented Department of State; and

(3) to strengthen—

(A) the coordination of United States foreign policy; and

(B) the leading role of the Secretary of State in the formulation and articulation of United States foreign policy.

SEC. 104. DEFINITIONS.

For the purpose of this title—

(1) "agency" means the Department of State, the Arms Control and Disarmament Agency, the United States Information Agency, the International Development Cooperation Agency, and the Agency for International Development;

(2) "reorganization" means integration, transfer, consolidation, coordination, authorization, or abolition, referred to in section 1805 of this title; and

(3) "officer" is not limited by section 2104 of Title 5 of the United States Code.

SEC. 105. REORGANIZATION PLAN FOR REINVENTING THE FOREIGN AFFAIRS AGENCIES

(a) No later than 120 days after the enactment of this Act, the President shall submit to the Congress a reorganization plan for the foreign affairs agencies specifying the reorganization of the Department of State, the Arms Control and Disarmament Agency, the United States Information Agency, the International Development and Cooperation Agency, and the Agency for International Development. Such plan may provide for—

(1) the transfer of the whole or a part of an agency, or of the whole or a part of the functions thereof, to the jurisdiction and control of the Department of State;

(2) the abolition of all or a part of the functions of an agency, except that no enforcement function or statutory program shall be abolished by the plan;

(3) the consolidation or coordination of the whole or a part of an agency, or the whole or a part of the functions thereof, with the whole or a part of another agency or the functions thereof;

(4) the consolidation or coordination of a part of an agency or the functions thereof with another part of the same agency or the functions thereof;

(5) the authorization of an officer to delegate any of the officer's functions; or

(6) the abolition of the whole or a part of an agency which agency or part does not have or on the taking effect of the plan will not have, any functions.

(b) Such plan shall provide that—

(1) with respect to the Department of State, the Department shall undertake a new round of internal reinvention to incorporate new organizations and to manage new responsibilities;

(2) with respect to the Arms Control and Disarmament Agency—

(A) within one year of the effective date of the reorganization plan for the foreign affairs agencies, the Arms Control and Disarmament Agency shall be fully integrated with the Department of State by merging both agencies' related arms control and nonproliferation functions;

(B) the positions of the Director of the Arms Control and Disarmament Agency and the Under Secretary of State for Arms Control and International Security Affairs shall be merged as the Under Secretary/Senior Advisor to the President and the Secretary of State, which will be able to communicate with the President through the Secretary of State;

(C) the Arms Control and Disarmament Agency's unique advocacy role shall be preserved and the policy process supporting those efforts will be strengthened through additional interagency responsibilities; and

(D) along with the Arms Control and Disarmament Agency's technical and policy expertise, its verification, compliance, and legal functions shall be preserved;

(3) with respect to the Untied States Information Agency—

(A) within two years from the effective date of the reorganization plan for the foreign affairs agencies, the United States Information Agency and the Department of State shall be integrated;

(B) a new Under Secretary for Public Diplomacy shall be established; and

(C) the distinctiveness and editorial integrity of the broadcast entities shall be respected; and

(4) with respect to the United States Agency for International Development—

(A) the Agency shall remain a distinct agency, but shall share certain administrative functions with the Department of State and report to and be under the direct authority and foreign policy guidance of the Secretary of State;

(B) within two years from the effective date of the reorganization plan for the foreign affairs agencies, its press office and certain administrative functions shall be integrated with the Department of State; and

(C) the International Development Cooperation Agency shall be abolished.

(c) SUBMISSION OF REORGANIZATION PLAN.—The President shall have the reorganization plan for the foreign affairs agencies delivered to both Houses on the same day and to each House while it is in session. If either House is out of session at the end of the 120 days after the enactment of this Act, the plan shall be submitted to the first day thereafter when both Houses are in session. The President's message shall include an implementation section which shall (1) describe in detail (A) the actions necessary or planned to complete the reorganization, (B) the anticipated nature and substance of any orders, directives, and other administrative and operational actions which are expected to be required for completing or implementing the reorganization, and (C) any preliminary actions which have been taken in the implementation process, and (2) contain a projected timetable for completion of the implementation process. The President shall also submit such further background or other information as the Congress may require for its consideration of the plan.

(d) Any time during the period of 60 calendar days after the date on which the plan is transmitted to it, but before any joint resolution described in section 1809 has been ordered reported in either House, the President may make amendments or modifications to the plan, consistent with sections 1805–1807 of this title, which modifications or revisions shall thereafter be treated as a part of the reorganization plan originally transmitted and shall not affect in any way the time limits otherwise provided for in this title.

SEC. 106. ADDITIONAL CONTENTS OF REORGANIZATION PLAN.

A reorganization plan for the foreign affairs agencies transmitted by the President under section 1805 of this title—

(1) may provide for the appointment and pay of one or more officers of any agency, including the appointment of additional Under Secretaries and Assistant Secretaries (not to exceed the number, respectively of officers authorized at Executive Levels III and IV of the transferring agencies), if the President finds, and in his message transmitting the plan declares, that by reason of a reorganization made by the plan the provisions are necessary;

(2) shall provide for the transfer or other disposition of the records, property and personnel affected by a reorganization;

(3) shall provide for the transfer of such unexpended balances of appropriations, and of other funds, available for use in connection with a function or agency affected by reorganization, as the President considers necessary by reason of the reorganization for use in connection with the functions affected by the reorganization, or for the use of the agency which shall have the functions after the reorganization plan is effective;

(4) shall provide for terminating the affairs of an agency abolished;

(5) may provide that the provisions of law applicable to a transferring agency remain applicable only to transferred functions of that agency; and

(6) shall designate which provisions of law requiring the establishment of specified positions are no longer effective.

If the reorganization plan for the foreign affairs agencies transmitted by the President contains provisions required by paragraph (3) of this section, such plan shall provide for the transfer of unexpended balances only if such balances are used for the purposes for which the appropriation was originally made or for the purpose of reorganization.

SEC. 107. LIMITATION ON POWERS.

The reorganization plan for the foreign affairs agencies submitted under this title may not provide for, and a reorganization under this title may not have the effect of—

(1) creating a new executive department or renaming an existing executive department, or abolishing or transferring an executive department or all the functions thereof;

(2) authorizing an agency to exercise a function which is not expressly authorized by law at the time the plan is transmitted to Congress; or

(3) creating a new agency which is not a component or part of an existing agency.

SEC. 108. REFERRAL OF PLAN AND JURISDICTION OVER RESOLUTIONS.

The reorganization plan for the foreign affairs agencies submitted pursuant to this title and any resolution with respect to such plan shall be referred to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House (and all joint resolutions with respect to such plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

SEC. 109. EFFECTIVE DATE, DISAPPROVAL AND PUBLICATION OF REORGANIZATION PLAN FOR THE FOREIGN AFFAIRS AGENCIES.

(a) Except as provided under subsection (b) of this section, a reorganization plan shall be effective upon such date as the President shall determine to be appropriate and announce by notice published in the Federal Register, which date may be not earlier than 120 calendar days after the President has submitted the reorganization plan for the foreign affairs agencies, and such plan shall become effective then only if the Congress does not enact prior to that date a joint resolution disapproving of the plan.

(b) INTRODUCTION AND REFERRAL.—

(1) IN GENERAL.—Any legislative recommendation referred to in subsection (a)

shall be considered in the House of Representatives and Senate under this subsection. Any such recommendation submitted to Congress shall be introduced by the majority leader (or the leader's designee) in each House (by request and not later than 3 days after the date of receipt by Congress of the recommendation) as a bill.

(2) REFERRAL.—That bill shall be referred on the date of introduction to the appropriate committee (or committees) in accordance with rules of the respective House.

(3) DISCHARGE DEADLINE.—If any committee to which the bill is referred does not report the bill by the end of the 10-day period beginning on the date the bill was referred to the committee, the committee shall be automatically discharged from further consideration of the bill as of the end of such period.

(4) FLOOR CONSIDERATION.—

(A) HOUSE OF REPRESENTATIVES.—For the purpose of expediting consideration and passage of a measure reported or discharged under this subsection, it shall be in order for the Committee on Rules of the House of Representatives to report a privileged resolution providing for the consideration of the bill. Any such resolution, if it makes in order any amendments to the bill, shall make in order an amendment consisting of the legislative recommendation.

(B) SENATE.—Any joint resolution disapproving the reorganization plan for the foreign affairs agencies shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(5) NO RECOMMITTAL.—It shall not be in order to move to recommit the bill.

(6) FINAL PASSAGE.—A vote on final passage of the bill shall be taken in a House not later than the end of the 10-day period beginning on the date on which the motion to proceed to its consideration in that House has been approved.

(7) SPECIAL RULES.—If the House of Representatives approves a bill and the Senate approves a bill the text of which is identical to the text of the bill approved by the House of Representatives, the Senate is deemed to have approved the bill approved by the House of Representatives, effective on the later of—

(A) the date of approval of a bill in the Senate, or

(B) the date the Senate receives a message from the House of Representatives announcing that the House has passed the bill.

(8) NOT INCLUDING CERTAIN DAYS.—Days on which a House of Congress is not in session because of an adjournment of more than 3 days shall be excluded in the computation of any number of days in a period under this subsection with respect to that House.

(c) Under provisions contained in a reorganization plan for the foreign affairs agencies, any provision thereof may be effective at a time later than the date on which the plan otherwise is effective.

(d) A reorganization plan for the foreign affairs agencies which is effective shall be printed (1) in the Statutes at Large in the same volume as the public laws and (2) in the Federal Register.

SEC. 110. EFFECT ON OTHER LAWS AND PENDING LEGAL PROCEEDINGS.

(a) A statute enacted, and a regulation or other action made, prescribed, issued, granted, or performed in respect of or by an agency or function affected by a reorganization under this chapter, before the effective date of the reorganization, has, except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law or by the abolition of a function, or otherwise by operation of the reorganization plan for the foreign affairs agencies under this title, the same effect as if the reorganization had not been made. However, if the statute, regulation, or other action has vested the functions in the agency from which it is removed under the reorganization plan, the function to the extent to which it is to be exercised after the plan becomes effective, shall be deemed as vested in the agency under which the function is placed by the plan.

(b) For the purpose of subsection (a) of this section, "regulation or other action" means a regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation, or other action.

(c) A suit, action, or other proceeding lawfully commenced by or against the head of an agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, does not abate by reason of the taking effect or a reorganization plan under this title. On motion or supplemental petition filed at any time within twelve months after the reorganization plan takes effect, showing a necessity for a survival of the suit, action or other proceeding to obtain a settlement of the questions involved, the court may allow the suit, action, or other proceeding to be maintained by or against the successor of the head or officer under the reorganization effected by the plan, or if there is no successor, against such agency or officer as the President designates.

Mr. HAMILTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HAMILTON. Mr. Chairman, the President announced in April that he intended to consolidate several foreign affairs agencies, and his statement on the topic anticipated that the administration would take 120 days to develop and introduce a reorganization and consolidation plan, and the legislative authorities to carry out that plan.

I understand the administration has a variety of task forces now in operation. I believe the President is entitled to and is in the best position to organize the executive branch as he sees fit. He has already indicated that he is going to put USIA and ACTA into the State Department, and have AID report to the Secretary of State, so that is really not at issue here at any point.

I think our job in the Congress is to give the President some flexibility as to how he organizes his own executive branch, and not to micromanage the process, and then our job is to focus on results rather than on structure. Let us give the President the opportunity to present his reorganization plan, and if we are not satisfied with it in some respect, then I think it is appropriate for the Congress to act. In that way I think we retain and respect the powers of both the executive branch and the Congress.

The problem with the underlying bill is the reorganization proposal is never considered by the committee. I am very much aware that Chairman GILMAN views his reorganization proposals as reflecting the President's announcement. I also believe, however, that that is not how the President's advisers view the language.

I believe the underlying language in this bill takes a very extreme micromanagement approach, and allows the Congress to dictate to the President how he should organize the agencies that implement U.S. foreign policy. I believe it is the President's prerogative to decide how to arrange his agencies to implement that policy.

My amendment takes a very different approach. It mandates that the President provide and implement a reorganization plan within a specific time frame. It gives him the authority he needs to accomplish that task. My amendment will require the President to submit his plan within 120 days after the bill becomes law. He must submit a reorganization plan that would provide an outline of how and which agencies, offices, and functions will be reorganized; that ACTA and USIA and parts of AID would be integrated into the State Department, pursuant to the President's announcement, and that the merged agency's unique role in foreign policy would be preserved.

My amendment then provides that the Congress would have at least 120 days to consider the plan, suggest changes, and finally vote against it under expedited procedures if it does not fit the bill. What my amendment does not do is it does not mandate particular positions. It does not play favorites among agencies and offices. It does not tie the President's hands in finding the most effective way to protect the United States' national interest and to protect costs. It does not try to guess, without adequate information, how to change current law and micromanage what are essentially administrative solutions.

I think the underlying bill really does hinder the reorganization process. I know that is not the intent of the chairman, the gentleman from New York [Mr. GILMAN], but I do believe that is the effect of his language. So Mr. Chairman, I urge support for my amendment as a preferable option to the reorganization promoted in the underlying bill.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is surprising that we are once again debating the question of reorganizing the foreign affairs structure of our Government and abolishing agencies that have outlived their usefulness.

□ 1530

Permit me to review the history of this reorganization issue. Two years

ago we brought before this Chamber a bill entitled H.R. 1561, to abolish the Arms Control and Disarmament Agency, the U.S. Information Agency, and the Agency for International Development. Not a single amendment was offered to the reorganization provisions of that bill. That bill passed this House. It was modified in the conference committee to mandate abolition of only one of those agencies, and subsequently the House passed the conference report.

However, Mr. Chairman, the President vetoed H.R. 1561, objecting to the abolition of any of these agencies. It was not just that he objected to the way we abolished these agencies; he stated in his veto message that he did not want to abolish them at all. The President stated, and I quote from his veto message of April 16, 1996, "the bill proceeds in an improvident fashion, mandating the abolition of at least one of three important foreign affairs agencies, even though each agency has a distinct and important mission that warrants a separate existence."

Now, Mr. Chairman, 1 year later the President has appeared to have changed his mind. On April 18 of this year, he seemed to embrace the very idea he vetoed 1 year before. According to the administration's press releases, under the President's proposal, two of the agencies that we had sought to abolish previously in H.R. 1561 were now to be abolished. Under that proposal there was to be a 120-day planning period. No later than 1 year after the conclusion of that planning period, the Arms Control and Disarmament Agency was to be abolished and merged into the State Department. And no later than 2 years after the conclusion of that planning board, the U.S. Information Agency was to be abolished and merged into the State Department.

Also, part of the Agency for International Development was to be merged into the State Department after 2 years.

Mr. Chairman, I will include the White House and State Department press releases on the President's proposals in the RECORD at the appropriate point.

Mr. Chairman, I thought this was a pretty good proposal. It closely tracked what we had tried to do in H.R. 1561. So I reduce the President's proposal to legislative language, and it is before us today. It is division A of this bill. And my language has been endorsed by the experts. I have a letter signed by Colin Powell, Henry Kissinger, James Baker, Lawrence Eagleburger, George Shultz, Alexander Haig, and Brent Scowcroft endorsing our approach to reorganization.

The administration says they do not like my language. They say they need more flexibility to reorganize than my language allows. They would prefer a different approach, the approach that our distinguished colleague, the gentleman from Indiana [Mr. HAMILTON], has offered as a substitute for my language.

So, what is this flexibility that the administration says it needs, and what does the Hamilton amendment actually say? One thing the Hamilton amendment does not say is that any agencies are to be abolished. The word abolished does not appear anywhere in his amendment. All that the Hamilton amendment states is that the President is to submit a plan providing for the integration of the Arms Control Agency and USIA into the State Department.

So the Hamilton amendment does make it possible to move the agencies wholesale under the State Department umbrella without abolishing anything at all.

The second thing that the Hamilton amendment does not do is to set a final date by which reorganization must occur. The Hamilton amendment says that the first agency is to be abolished 1 year after the plan's effective date. But his amendment does not specify that date. The President sets the date and he can set it whenever he wants. He can set it next year or 10 years from now. In fact, according to what I read, he does not have to set it at all. He can do nothing and the reorganization plan would never take effect.

The CHAIRMAN. The time of the gentleman from New York [Mr. GILMAN] has expired.

(By unanimous consent, Mr. GILMAN was allowed to proceed for 1 additional minute.)

Mr. GILMAN. Mr. Chairman, the third problem with the Hamilton amendment is that it provides no protection at all for vital functions of the agencies that are to be abolished. For example, international public diplomacy which is carried out by USIA is extremely important. We spend a lot of money to support it. We do not want it to be abused. We do not want all the resources of the USIA to be redirected to bombard the American people with propaganda in support of the administration or any administration's foreign policy, and we do not want to spend U.S. taxpayer's money churning out propaganda to influence U.S. public opinion.

My reorganization language contains protection for the integrity of public diplomacy. We preserve the broadcasting board of governors to make certain that the Voice of America and Radio Free Europe and Radio Marti are not turned into mouthpieces for whoever happens to be running U.S. foreign policy. The Hamilton amendment, I submit, contains no such protections.

In closing, the bottom line on the Hamilton amendment is this: Do we want real reorganization of the foreign agencies or do we want reorganization? Let us hold the President to his word and insist on real reorganization and vote down the Hamilton amendment.

Mr. HAMILTON. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HAMILTON. Mr. Chairman, let me say in response to the comments of the gentleman from New York [Mr. GILMAN] that I do not think really here at issue is whether or not certain agencies are going to be abolished. The President has already said that he is going to incorporate two of these agencies into the State Department. We really are arguing about words here. The President uses the word incorporate. The chairman wants to use the word abolish. We can use either word, it seems to me; the result is the same. We are not going to have a USIA. We are not going to have an ACDA. They are going to be subsumed in the Department of State, and AID, too, is going to go through radical change.

Second, I think there is a very tight time frame in the Hamilton amendment. We require the President to submit to Congress in 120 days his bill for reorganization, and then the Congress has 120 days after that to act. So I think we are on a very tight time frame, and we are on a time frame which is consistent with what the President has indicated that he is going to do.

At the end of the day here, the important point is this. My proposal will mean that, if it is adopted, we have an opportunity for this bill to become law. If the Gilman language stays in the bill because the President objects to it, we are spinning our wheels. It is not going to become law.

So if Members want a law with respect to reorganization that protects the President's prerogatives, protects the prerogatives of the U.S. Congress, then the Hamilton language is preferable. If Members want to make rhetorical remarks about abolishing these agencies and get that language in here, then we are going to make a political point but we are not going to have a law because the administration is not going to accept it.

If we are really serious about reorganization, we are going to have to cooperate with the President of the United States. The President of the United States says through his top advisors that the Gilman language is unacceptable. Do we want reorganization or do we not? The Republicans, the majority cannot dictate reorganization, and they will defeat reorganization if they insist upon the language of the Gilman amendment. That is what this comes down to in the end. If Members want reorganization, they have to deal with the President. He is the President

and he has said that the Gilman language, or his advisors have said the Gilman language is unacceptable.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Chairman, I would like to submit to the distinguished minority member of our committee that our staff has been trying to work with the administration to try to work out the kind of flexibility that the President has been requesting, but we have found it very difficult because we have been essentially stonewalled on what we have been trying to do. That is, to come to terms on a proposition that would be workable. We want to do essentially both what the administration and our committee wants to do, what the President is suggesting, but when we try to get to terms on how we are going to do it, we have found it has been extremely difficult. We intend to continue to try to work with the administration right through to conference on this measure, providing it gets through the House and through the Senate. I want to assure my colleagues that we will try our best to try to find an agreeable method of meeting the administration's objections.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, I just want to echo my statement earlier during general debate that I do think that Division A is a very responsible attempt to try to reform our State Department. As a matter of fact, I chair the subcommittee that oversees this. We have held hearings. We have looked at it very closely. My concern is that, if we wait for the President to come up with something and we basically surrender all of our prerogatives to the executive branch, then they come back and then—like the base closings legislation, the BRACC—we have an ability to overturn it; but the chances are slim to none that that will happen, for a variety of reasons.

Here we have a responsible piece of legislation that tries. Glitches, if there are any, can be worked out in conference. It is a work in progress. But, for example, it protects the freedom broadcasting capabilities of USIA at the same time that it introduces economies of scale which will eliminate some duplication.

I come to this somewhat reluctantly. Last Congress I felt that—especially concerning USIA, but with ACDA as well—perhaps consolidation was not the right course to take. But now, upon reflection and looking at an ever-shrinking pie in terms of the amount of money that is available, this seems to be a very responsible move. I hope, with all due respect to my good friend from Indiana, that Members will vote down his amendment and go with the underlying bill.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from New Jersey [Mr. SMITH] for his supportive arguments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. HAMILTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HAMILTON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 159, further proceedings on the amendment offered by the gentleman from Indiana [Mr. HAMILTON] will be postponed.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 201. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) August 17, 1998; or

(2) the date of abolition of the United States Arms Control and Disarmament Agency pursuant to the reorganization plan described in section 601.

CHAPTER 2—ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY AND TRANSFER OF FUNCTIONS

SEC. 211. ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

The United States Arms Control and Disarmament Agency is abolished.

SEC. 212. TRANSFER OF FUNCTIONS TO SECRETARY OF STATE.

There are transferred to the Secretary of State all functions of the Director of the United States Arms Control and Disarmament Agency and all functions of the United States Arms Control and Disarmament Agency and any office or component of such agency under any statute, reorganization plan, Executive order, or other provision of law as of the day before the effective date of this title, except as otherwise provided in this division.

SEC. 213. UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.

(a) ESTABLISHMENT OF UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended in subsection (b)—

(1) by striking "There" and inserting the following:

"(1) IN GENERAL.—There"; and

(2) by adding at the end the following:

"(2) UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Arms Control and International Security who shall assist the Secretary and the Deputy Secretary in matters related to arms control and international security policy.".

(b) PARTICIPATION IN MEETINGS OF NATIONAL SECURITY COUNCIL.—Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by adding at the end the following new subsection:

"(i) The Under Secretary for Arms Control and International Security may, in the role of advisor to the National Security Council on arms control and disarmament matters, and subject to the direction of the President, attend and participate in meetings of the National Security Council.".

SEC. 214. ASSISTANT SECRETARY FOR ARMS TRANSFER AND EXPORT CONTROL POLICY; ASSISTANT SECRETARY FOR ARMS CONTROL AND NONPROLIFERATION.

Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)) is amended by adding at the end the following new paragraphs:

"(3) ASSISTANT SECRETARY OF STATE FOR ARMS TRANSFER AND EXPORT CONTROL POLICY.—There shall be in the Department of State an Assistant Secretary for Arms Transfer and Export Control Policy who shall report to the Under Secretary for Arms Control and International Security.

"(4) ASSISTANT SECRETARY OF STATE FOR ARMS CONTROL AND NONPROLIFERATION.—There shall be in the Department of State an Assistant Secretary for Arms Control and Nonproliferation who shall report to the Under Secretary for Arms Control and International Security.".

SEC. 215. REPEAL RELATING TO INSPECTOR GENERAL FOR UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

Section 50 of the Arms Control and Disarmament Act (22 U.S.C. 2593a), relating to the ACDA Inspector General, is repealed.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 221. 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 Arms Control and Disarmament Agency, or any other officer or employee of the United States Arms Control and Disarmament Agency, shall be deemed to refer to the Secretary of State; and

(2) the United States Arms Control and Disarmament Agency shall be deemed to refer to the Department of State.

SEC. 222. REPEAL OF ESTABLISHMENT OF ACDA.

Section 21 of the Arms Control and Disarmament Act (22 U.S.C. 2561; relating to the establishment of ACDA) is repealed.

SEC. 223. REPEAL OF POSITIONS AND OFFICES.

The following sections of the Arms Control and Disarmament Act are repealed:

(1) Section 22 (22 U.S.C. 2562; relating to the Director).

(2) Section 23 (22 U.S.C. 2563; relating to the Deputy Director).

(3) Section 24 (22 U.S.C. 2564; relating to Assistant Directors).

(4) Section 25 (22 U.S.C. 2565; relating to bureaus, offices, and divisions).

SEC. 224. AUTHORITIES OF SECRETARY OF STATE.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), the Arms Control and Disarmament Act (22 U.S.C. 2551 et seq.) is amended by striking "Agency" and "Director" each place it appears and inserting "Department" and "Secretary", respectively.

(2) No amendment shall be made under paragraph (1) to references to the On-Site Inspection Agency or to the Director of Central Intelligence.

(b) PURPOSE.—Section 2 of such Act (22 U.S.C. 2551) is amended—

(1) by striking the second, fourth, fifth, and sixth sentences; and

(2) in the seventh sentence—

(A) by striking "It" and all that follows through "State," and inserting "The Department of State shall have the authority"; and

(B) by striking "primary".

(c) DEFINITIONS.—Section 3 of such Act (22 U.S.C. 2552) is amended by striking paragraph (c) and inserting the following:

"(c) The term 'Department' means the Department of State.

"(d) The term 'Secretary' means the Secretary of State.".

(d) SCIENTIFIC AND POLICY ADVISORY COMMITTEE.—Section 26(b) of such Act (22 U.S.C. 2566(b)) is amended by striking ", the Secretary of State, and the Director" and inserting "and the Secretary of State".

(e) PRESIDENTIAL SPECIAL REPRESENTATIVES.—Section 27 of such Act (22 U.S.C. 2567) is amended by striking ", acting through the Director".

(f) PROGRAM FOR VISITING SCHOLARS.—Section 28 of such Act (22 U.S.C. 2568) is amended—

(1) in the second sentence, by striking "Agency's activities" and inserting "Department's arms control, nonproliferation, and disarmament activities"; and

(2) in the fourth sentence, by striking ", and all former Directors of the Agency".

(g) POLICY FORMULATION.—Section 33(a) of such Act (22 U.S.C. 2573(a)) is amended by striking "shall prepare for the President, the Secretary of State," and inserting "shall prepare for the President".

(h) NEGOTIATION MANAGEMENT.—Section 34 of such Act (22 U.S.C. 2574) is amended—

(1) in subsection (a), by striking "the President and the Secretary of State" and inserting "the President"; and

(2) by striking subsection (b).

(i) VERIFICATION OF COMPLIANCE.—Section 37(d) of such Act (22 U.S.C. 2577(d)) is amended by striking "Director's designee" and inserting "Secretary's designee".

(j) GENERAL AUTHORITY.—Section 41 of such Act (22 U.S.C. 2581) is repealed.

(k) SECURITY REQUIREMENTS.—Section 45 of such Act (22 U.S.C. 2585) is amended—

(1) by striking subsections (a), (b), and (d); and

(2) by striking "(c)" before "The Atomic Energy Commission".

(l) USE OF FUNDS.—Section 48 of such Act (22 U.S.C. 2588) is repealed.

(m) ANNUAL REPORT.—Section 51(a) of such Act (22 U.S.C. 2593a(a)) is amended by striking "the Secretary of State,".

(n) REQUIREMENT FOR AUTHORIZATION OF APPROPRIATIONS.—Section 53 of such Act (22 U.S.C. 2593c) is repealed.

(o) ON-SITE INSPECTION AGENCY.—Section 61 of such Act (22 U.S.C. 2595) is amended—

(1) in paragraph (1), by striking "United States Arms Control and Disarmament Agency is" and inserting "Department of State and the Department of Defense are respectively"; and

(2) in paragraph (7), by striking "the United States Arms Control and Disarmament Agency and".

SEC. 225. CONFORMING AMENDMENTS.

(a) ARMS EXPORT CONTROL ACT.—The Arms Export Control Act is amended—

(1) in section 36(b)(1)(D) (22 U.S.C. 2776(b)(1)(D)), by striking "Director of the Arms Control and Disarmament Agency in consultation with the Secretary of State and" and inserting "Secretary of State in consultation with";

(2) in section 38(a)(2) (22 U.S.C. 2778(a)(2))—

(A) in the first sentence, by striking "Director of the United States Arms Control and Disarmament Agency, taking into account the Director's" and inserting "Secretary of State, taking into account the Secretary's"; and

(B) in the second sentence, by striking "The Director of the Arms Control and Disarmament Agency is authorized, whenever the Director" and inserting "The Secretary of State is authorized, whenever the Secretary";

(3) in section 42(a) (22 U.S.C. 2791(a))—

(A) in paragraph (1)(C), by striking "Director of the United States Arms Control and Disarmament Agency" and inserting "Secretary of State"; and

(B) in paragraph (2)—

(i) in the first sentence, by striking "Director of the United States Arms Control and Disarmament Agency" and inserting "Secretary of State"; and

(ii) in the second sentence, by striking "Director of the Arms Control and Disarmament Agency is authorized, whenever the Director" and inserting "Secretary of State is authorized, whenever the Secretary";

(4) in section 71(a) (22 U.S.C. 2797(a)), by striking ", the Director of the Arms Control and Disarmament Agency," and inserting "Secretary of State";

(5) in section 71(b)(1) (22 U.S.C. 2797(b)(1)), by striking "Director of the United States Arms Control and Disarmament Agency" and inserting "Secretary of State";

(6) in section 71(b)(2) (22 U.S.C. 2797(b)(2))—

(A) by striking "Director of the United States Arms Control and Disarmament Agency" and inserting "Secretary of State"; and

(B) by striking "or the Director";

(7) in section 71(c) (22 U.S.C. 2797(c)), by striking "Director of the United States Arms Control and Disarmament Agency," and inserting "Secretary of State"; and

(8) in section 73(d) (22 U.S.C. 2797b(d)), by striking ", the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency" and inserting "and the Secretary of Commerce".

(b) UNITED STATES INSTITUTE OF PEACE ACT.—Section 1706(b) of the United States Institute of Peace Act (22 U.S.C. 4605(b)) is amended—

(1) by striking out paragraph (3);

(2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(3) in paragraph (4) (as redesignated by paragraph (2)), by striking "Eleven" and inserting "Twelve".

(c) ATOMIC ENERGY ACT OF 1954.—The Atomic Energy Act of 1954 is amended—

(1) in section 57 b. (42 U.S.C. 2077(b))—

(A) in the first sentence, by striking "the Arms Control and Disarmament Agency,"; and

(B) in the second sentence, by striking "the Director of the Arms Control and Disarmament Agency,"; and

(2) in section 123 (42 U.S.C. 2153)—

(A) in subsection a. (in the text below paragraph (9))—

(i) by striking "and in consultation with the Director of the Arms Control and Disarmament Agency ('the Director')"; and

(ii) by striking "and the Director" and inserting "and the Secretary of Defense";

(B) in subsection d., in the first proviso, by striking "Director of the Arms Control and Disarmament Agency" and inserting "Secretary of Defense"; and

(C) in the first undesignated paragraph following subsection d., by striking "the Arms Control and Disarmament Agency,".

(d) NUCLEAR NON-PROLIFERATION ACT OF 1978.—The Nuclear Non-Proliferation Act of 1978 is amended—

(1) in section 4, by striking paragraph (2);

(2) in section 102, by striking "the Secretary of State, and the Director of the Arms Control and Disarmament Agency" and inserting "and the Secretary of State"; and

(3) in section 602(c), by striking "the Arms Control and Disarmament Agency,".

(e) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended—

(1) in section 5313, by striking "Director of the United States Arms Control and Disarmament Agency.";

(2) in section 5314, by striking "Deputy Director of the United States Arms Control and Disarmament Agency.";

(3) in section 5315—

(A) by striking "Assistant Directors, United States Arms Control and Disarmament Agency (4)."; and

(B) by striking "Special Representatives of the President for arms control, nonproliferation, and disarmament matters, United States Arms Control and Disarmament Agency", and inserting "Special Representatives of the President for arms control, nonproliferation, and disarmament matters, Department of State"; and

(4) in section 5316, by striking "General Counsel of the United States Arms Control and Disarmament Agency.".

The CHAIRMAN. Are there amendments to title II?

The Clerk will designate title III.

The text of title III is as follows:

TITLE III—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 301. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) August 17, 1999; or

(2) the date of abolition of the United States Information Agency pursuant to the reorganization plan described in section 601.

CHAPTER 2—ABOLITION OF UNITED STATES INFORMATION AGENCY AND TRANSFER OF FUNCTIONS

SEC. 311. ABOLITION OF UNITED STATES INFORMATION AGENCY.

The United States Information Agency is abolished.

SEC. 312. TRANSFER OF FUNCTIONS.

(a) TRANSFER TO SECRETARY OF STATE.—There are transferred to the Secretary of State all functions of the Director of the United States Information Agency and all functions of the United States Information Agency and any office or component of such agency under any statute, reorganization plan, Executive order, or other provision of law as of the day before the effective date of this title, except as otherwise provided in this division.

(b) PRESERVING THE INDEPENDENCE OF INTERNATIONAL BROADCASTING.—The Broadcasting Board of Governors and the Director of the International Broadcasting Bureau shall continue to have the responsibilities set forth in title III of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6201 et seq.), except that, as further set forth in chapter 3 of this title, references in that Act to the United States Information Agency shall be deemed to refer to the Department of State, and references to the Director of the United States Information Agency shall be deemed to refer to the Under Secretary of the State for Public Diplomacy.

SEC. 313. UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)) is amended—

(1) by inserting "(1)" before "There"; and

(2) by adding at the end the following new paragraph:

"(2) UNDER SECRETARY FOR PUBLIC DIPLOMACY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Public Diplomacy who shall have responsibility to assist the Secretary and the Deputy Secretary in the supervision and implementation of United States public diplomacy policies, personnel, and activities, including international educational and cultural exchange programs, information, and international broadcasting. The Under Secretary for Public Diplomacy shall be responsible for ensuring as provided in 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461) and section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a), and except as expressly exempted in those Acts, that no program material produced under authority of the United States Information and Exchange Act of 1948 shall be disseminated within the United States and that no funds authorized to be appropriated for public diplomacy activities shall be used to influence public opinion in the United States.".

SEC. 314. ASSISTANT SECRETARY FOR INTERNATIONAL EXCHANGES; ASSISTANT SECRETARY FOR INTERNATIONAL INFORMATION PROGRAMS.

Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)), as amended by this Act, is further amended by adding at the end the following new paragraphs:

"(5) ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL EXCHANGES.—There shall be in the Department of State an Assistant Secretary for International Exchanges who shall report to the Under Secretary for Public Diplomacy.

"(6) ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL INFORMATION PROGRAMS.—There shall be in the Department of State an Assistant Secretary for International Information Programs who shall report to the Under Secretary for Public Diplomacy."

SEC. 315. ABOLITION OF OFFICE OF INSPECTOR GENERAL OF UNITED STATES INFORMATION AGENCY AND TRANSFER OF FUNCTIONS.

(a) ABOLITION OF OFFICE.—The Office of Inspector General of the United States Information Agency is abolished.

(b) AMENDMENTS TO INSPECTOR GENERAL ACT OF 1978.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking ", the Office of Personnel Management or the United States Information Agency" and inserting "or the Office of Personnel Management"; and

(2) in paragraph (2), by striking "the United States Information Agency,".

(c) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by striking the following:

"Inspector General, United States Information Agency.".

(d) AMENDMENTS TO PUBLIC LAW 103–236.—Subsections (i) and (j) of section 308 of Public Law 103–236 are amended by striking "Inspector General of the United States Information Agency" each place it appears and inserting "Inspector General for the Department of State".

(e) TRANSFER OF FUNCTIONS.—There are transferred to the Office of the Inspector General of the Department of State the functions that the Office of Inspector General of the United States Information Agency exercised before the effective date of this title (including all related functions of the Inspector General of the United States Information Agency).

(f) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—The Director of the Office of Management and Budget, in consultation with the Secretary of State, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this section.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 321. REFERENCES IN LAW.

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 Information Agency or the Director of the International Communication Agency shall be deemed to refer to the Secretary of State; and

(2) the United States Information Agency, USIA, or the International Communication Agency shall be deemed to refer to the Department of State.

SEC. 322. AMENDMENTS TO TITLE 5, UNITED STATES CODE.

Title 5, United States Code, is amended—

(1) in section 5313, by striking "Director of the United States Information Agency.";

(2) in section 5315, by striking "Deputy Director of the United States Information Agency."; and

(3) in section 5316, by striking "Deputy Director, Policy and Plans, United States Information Agency." and striking "Associate Director (Policy and Plans), United States Information Agency.".

SEC. 323. AMENDMENTS TO UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948.

(a) REFERENCES IN SECTION.—Except as specifically provided in this section, whenever in this section an amendment or repeal is expressed as an amendment or repeal of a provision, the reference shall be deemed to be made to the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.).

(b) IN GENERAL.—Except as otherwise provided in this section, the Act (other than section 604 and subsections (a) and (c) of section 701) is amended—

(1) by striking "United States Information Agency" each place it appears and inserting "Department of State";

(2) by striking "Director of the United States Information Agency" each place it appears and inserting "Secretary of State";

(3) by striking "Director" each place it appears and inserting "Secretary of State";

(4) by striking "USIA" each place it appears and inserting "Department of State"; and

(5) by striking "Agency" each place it appears and inserting "Department of State".

(c) SATELLITE AND TELEVISION BROADCASTS.—Section 505 (22 U.S.C. 1464a) is amended—

(1) by striking "Director of the United States Information Agency" each of the three places it appears and inserting "Secretary of State";

(2) in subsection (b), by striking "To be effective, the United States Information Agency" and inserting "To be effective in carrying out this subsection, the Department of State";

(3) by striking "USIA–TV" each place it appears and inserting "DEPARTMENT OF STATE–TV"; and

(4) by striking subsection (e).

(d) NONDISCRETIONARY PERSONNEL COSTS AND CURRENCY FLUCTUATIONS.—Section 704 (22 U.S.C. 1477b) is amended—

(1) in subsection (b), by inserting after "authorized by law" the following: "in connection with carrying out the informational and educational exchange functions of the Department"; and

(2) in subsection (c), by striking "United States Information Agency" each place it appears and inserting "Department of State in carrying out the informational and educational exchange functions of the Department".

(e) REPROGRAMMING NOTIFICATIONS.—Section 705 (22 U.S.C. 1477c) is amended by striking "United States Information Agency" each place it appears and inserting "Department of State in carrying out its informational and educational exchange functions".

(f) AUTHORITIES OF THE SECRETARY.—Section 801(3) (22 U.S.C. 1471(3)) is amended by striking all "if the sufficiency" and all that follows and inserting "if the Secretary determines that title to such real property or interests is sufficient;".

(g) REPEAL OF THE USIA SEAL.—Section 807 (22 U.S.C. 1475b) is repealed.

(h) ACTING ASSOCIATE DIRECTORS.—Section 808 (22 U.S.C. 1475c) is repealed.

(i) DEBT COLLECTION.—Section 811 (22 U.S.C. 1475f) is amended by inserting "informational and educational exchange" before "activities" each place it appears.

(j) OVERSEAS POSTS.—Section 812 (22 U.S.C. 1475g) is amended by striking "United States Information Agency post" each place it appears and inserting "informational and educational exchange post of the Department of State".

(k) DEFINITION.—Section 4 (22 U.S.C. 1433) is amended by adding at the end the following:

"(4) 'informational and educational exchange functions', with respect to the Department of State, refers to functions exercised by the United States Information Agency before the effective date of title III of the Foreign Affairs Agencies Consolidation Act of 1997.".

SEC. 324. AMENDMENTS TO MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961 (FULBRIGHT-HAYS ACT).

(a) REFERENCES IN SECTION.—Except as specifically provided in this section, whenever in this section an amendment or repeal is expressed as an amendment or repeal of a provision, the reference shall be deemed to be made to the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.).

(b) IN GENERAL.—The Act (22 U.S.C. 2451 et seq.) is amended by striking "Director of the International Communication Agency" each place it appears and inserting "Secretary of State".

(c) PROGRAM AUTHORITIES.—(1) Section 102(a) (22 U.S.C. 2452(a)) is amended by striking "President" each place it appears and inserting "Secretary of State".

(2) Section 102(b) (22 U.S.C. 2452(b)) is amended by striking "President" and inserting "Secretary of State (except, in the case of paragraphs (6) and (10), the President)".

(d) INTERNATIONAL AGREEMENTS.—Section 103 (22 U.S.C. 2453) is amended by striking

"President" each place it appears and inserting "Secretary of State".

(e) PERSONNEL BENEFITS.—Section 104(d) (22 U.S.C. 2454(d)) is amended by striking "President" each place it appears and inserting "Secretary of State".

(f) FOREIGN STUDENT COUNSELING.—Section 104(e)(3) (22 U.S.C. 2454(e)(3)) is amended by striking "President" and inserting "Secretary of State".

(g) PUBLICITY AND PROMOTION OVERSEAS.—Section 104(e)(4) (22 U.S.C. 2454(e)(4)) is amended by striking "President" and inserting "Secretary of State".

(h) USE OF FUNDS.—Section 105(e) (22 U.S.C. 2455(e)) is amended by striking "President" each place it appears and inserting "Secretary of State".

(i) REPEAL OF AUTHORITY FOR ABOLISHED ADVISORY COMMITTEE.—Section 106(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2456(c)) is repealed.

(j) BUREAU OF EDUCATIONAL AND CULTURAL AFFAIRS.—

(1) IN GENERAL.—Section 112 (22 U.S.C. 2460) is amended—

(A) in subsection (a) by striking the first sentence; and

(B) by striking "Bureau" each place it appears and inserting "Department of State".

(2) IMPLEMENTATION OF PROGRAMS.—Section 112(c) (22 U.S.C. 2460(c)) is amended by striking "President" each place it appears and inserting "Secretary of State".

SEC. 325. INTERNATIONAL BROADCASTING ACTIVITIES.

(a) IN GENERAL.—(1) Except as otherwise provided in paragraph (2), title III of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended—

(A) by striking "Director of the United States Information Agency" or "Director" each place it appears and inserting "Under Secretary of State for Public Diplomacy";

(B) by striking all references to "United States Information Agency" that were not stricken in subparagraph (A) and inserting "Department of State";

(C) in section 305(a)(1), by inserting "(including activities of the Voice of America previously carried out by the United States Information Agency)" after "this title";

(D) in section 305(b), by striking "Agency's" each place it appears and inserting "Department's"; and

(E) by striking "Bureau" each place it appears and inserting "Office".

(2) Title III of such Act is amended—

(A) in section 304(c)—

(i) by striking "Director's" and inserting "Under Secretary's"; and

(ii) in the fifth sentence, by striking "Director of the United States Information Agency, the acting Director of the agency" and inserting "Under Secretary of State for Public Diplomacy, the acting Under Secretary";

(B) in sections 305(b) and 307(b)(1), by striking "Director of the Bureau" each place it appears and inserting "Director of the Office"; and

(C) in section 310(d), by striking "Director on the date of enactment of this Act, to the extent that the Director" and inserting "Under Secretary on the effective date of title III of the Foreign Affairs Agencies Consolidation Act of 1996, to the extent that the Under Secretary".

(b) CONFORMING AMENDMENT TO TITLE 5.—Section 5315 of title 5, United States Code, is amended by striking "Director of the International Broadcasting Bureau, the United States Information Agency" and inserting "Director of the International Broadcasting Office, the Department of State".

SEC. 326. TELEVISION BROADCASTING TO CUBA.

(a) AUTHORITY.—Section 243(a) of the Television Broadcasting to Cuba Act (as contained in part D of title II of Public Law 101-246) (22 U.S.C. 1465bb(a)) is amended by striking "United States Information Agency (hereafter in this part referred to as the 'Agency')" and inserting "Department of State (hereafter in this title referred to as the 'Department')".

(b) TELEVISION MARTI SERVICE.—Section 244 of such Act (22 U.S.C. 1465cc) is amended—

(1) in subsection (a)—

(A) by amending the first sentence to read as follows: "The Secretary of State shall administer within the Voice of America the Television Marti Service."; and

(B) in the third sentence, by striking "Director of the United States Information Agency" and inserting "Secretary of State";

(2) in subsection (b)—

(A) in the subsection heading, by striking "USIA" and inserting "Department of State";

(B) by striking "Agency facilities" and inserting "Department facilities"; and

(C) by striking "United States Information Agency Television Service" and inserting "Department of State Television Service"; and

(3) in subsection (c)—

(A) by striking "USIA AUTHORITY.—The Agency" and inserting "SECRETARY OF STATE AUTHORITY.—The Secretary of State"; and

(B) by striking "Agency" the second place it appears and inserting "Secretary of State".

(c) ASSISTANCE FROM OTHER GOVERNMENT AGENCIES.—Section 246 of such Act (22 U.S.C. 1465dd) is amended—

(1) by striking "United States Information Agency" and inserting "Department of State"; and

(2) by striking "the Agency" and inserting "the Department".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 247(a) of such Act (22 U.S.C. 1465ee(a)) is repealed.

SEC. 327. RADIO BROADCASTING TO CUBA.

(a) FUNCTIONS OF THE DEPARTMENT OF STATE.—Section 3 of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465a) is amended—

(1) in the section heading, by striking "UNITED STATES INFORMATION AGENCY" and inserting "DEPARTMENT OF STATE";

(2) in subsection (a), by striking "United States Information Agency (hereafter in this Act referred to as the 'Agency')" and inserting "Department of State (hereafter in this Act referred to as the 'Department')";

(3) by striking subsection (d); and

(4) in subsection (f), by striking "Director of the United States Information Agency" and inserting "Secretary of State".

(b) CUBA SERVICE.—Section 4 of such Act (22 U.S.C. 1465b) is amended—

(1) by amending the first sentence to read as follows: "The Secretary of State shall administer within the Voice of America the Cuba Service (hereafter in this section referred to as the 'Service')."; and

(2) in the third sentence, by striking "Director of the United States Information Agency" and inserting "Secretary of State".

(c) ASSISTANCE FROM OTHER GOVERNMENT AGENCIES.—Section 6 of such Act (22 U.S.C. 1465d) is amended—

(1) in subsection (a)—

(A) by striking "United States Information Agency" and inserting "Department of State"; and

(B) by striking "the Agency" and inserting "the Department"; and

(2) in subsection (b)—

(A) by striking "The Agency" and inserting "The Department"; and

(B) by striking "the Agency" and inserting "the Secretary of State".

(d) FACILITY COMPENSATION.—Section 7 of such Act (22 U.S.C. 1465e) is amended—

(1) in subsection (b), by striking "the Agency" and inserting "the Department"; and

(2) in subsection (d), by striking "Agency" and inserting "Department".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 8 of such Act (22 U.S.C. 1465f) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) The amount obligated by the Department of State each fiscal year to carry out this Act shall be sufficient to maintain broadcasts to Cuba under this Act at rates no less than the fiscal year 1985 level of obligations by the former United States Information Agency for such broadcasts."; and

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

SEC. 328. NATIONAL ENDOWMENT FOR DEMOCRACY.

(a) GRANTS.—Section 503 of Public Law 98-164, as amended (22 U.S.C. 4412) is amended—

(1) in subsection (a)—

(A) by striking "Director of the United States Information Agency" and inserting "Secretary of State";

(B) by striking "the Agency" and inserting "the Department of State"; and

(C) by striking "the Director" and inserting "the Secretary of State"; and

(2) in subsection (b), by striking "United States Information Agency" and inserting "Department of State".

(b) AUDITS.—Section 504(g) of such Act (22 U.S.C. 4413(g)) is amended by striking "United States Information Agency" and inserting "Department of State".

(c) FREEDOM OF INFORMATION.—Section 506 of such Act (22 U.S.C. 4415) is amended—

(1) in subsection (b)—

(A) by striking "Director" each of the three places it appears and inserting "Secretary"; and

(B) by striking "of the United States Information Agency" and inserting "of State"; and

(2) in subsection (c)—

(A) in the subsection heading by striking "USIA" and inserting "DEPARTMENT OF STATE";

(B) by striking "Director" each of the three places it appears and inserting "Secretary";

(C) by striking "of the United States Information Agency" and inserting "of State"; and

(D) by striking "United States Information Agency" and inserting "Department of State".

SEC. 329. UNITED STATES SCHOLARSHIP PROGRAM FOR DEVELOPING COUNTRIES.

(a) PROGRAM AUTHORITY.—Section 603 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 4703) is amended by striking "United States Information Agency" and inserting "Department of State".

(b) GUIDELINES.—Section 604(11) of such Act (22 U.S.C. 4704(11)) is amended by striking "United States Information Agency" and inserting "Department of State".

(c) POLICY REGARDING OTHER INTERNATIONAL EDUCATIONAL PROGRAMS.—Section

606(b) of such Act (22 U.S.C. 4706(b)) is amended—

(1) in the subsection heading, by striking "USIA" and inserting "STATE DEPARTMENT"; and

(2) by striking "Director of the United States Information Agency" and inserting "Secretary of State".

(d) GENERAL AUTHORITIES.—Section 609(e) of such Act (22 U.S.C. 4709(e)) is amended by striking "United States Information Agency" and inserting "Department of State".

SEC. 330. FASCELL FELLOWSHIP BOARD.

Section 1003(b) of the Fascell Fellowship Act (22 U.S.C. 4902(b)) is amended—

(1) in the text above paragraph (1), by striking "9 members" and inserting "8 members";

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

SEC. 331. NATIONAL SECURITY EDUCATION BOARD.

Section 803 of the Intelligence Authorization Act, Fiscal Year 1992 (50 U.S.C. 1903(b)) is amended—

(1) in subsection (b)—

(A) by striking paragraph (6); and

(B) by redesignating paragraph (7) as paragraph (6); and

(2) in subsection (c), by striking "subsection (b)(7)" and inserting "subsection (b)(6)".

SEC. 332. CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.

Section 208 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2075) is amended by striking "Director of the United States Information Agency" each place it appears and inserting "Secretary of State".

SEC. 333. CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.

(a) DUTIES.—Section 703 of the Mutual Security Act of 1960 (22 U.S.C. 2055) is amended—

(1) in the text above paragraph (1), by striking "Director of the United States Information Agency" (hereinafter referred to as the 'Director')" and inserting "Secretary of State (hereinafter referred to as the 'Secretary')"; and

(2) in paragraph (1), by striking "establishment and".

(b) ADMINISTRATION.—Section 704 of such Act (22 U.S.C. 2056) is amended—

(1) by striking "Director of the United States Information Agency" and inserting "Secretary of State"; and

(2) by striking "Director" each place it appears and inserting "Secretary".

SEC. 334. MISSION OF DEPARTMENT OF STATE.

Section 202 of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 1461–1) is amended—

(1) in the first sentence, by striking "mission of the United States Information Agency" and inserting "mission of the Department of State in carrying out its information, educational, and cultural functions";

(2) in the second sentence, in the text above paragraph (1), by striking "United States Information Agency" and inserting "Department of State";

(3) in paragraph (1)(B), by striking "Agency" and inserting "Department"; and

(4) in paragraph (5), by striking "mission of the Agency" and inserting "mission described in this section".

SEC. 335. CONSOLIDATION OF ADMINISTRATIVE SERVICES.

Section 23(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2695(a)) is amended—

(1) by striking "(including" and all that follows through "Agency)"; and

(2) by striking "other such agencies" and inserting "other Federal agencies".

SEC. 336. GRANTS.

Section 212 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 1475h) is amended—

(1) in subsection (a), by striking "United States Information Agency" and inserting "Department of State, in carrying out its international information, educational, and cultural functions,";

(2) in subsection (b), by striking "United States Information Agency" and inserting "Department of State";

(3) in subsection (c)—

(A) in paragraph (1), by striking "United States Information Agency shall substantially comply with United States Information Agency" and inserting "Department of State, in carrying out its international information, educational, and cultural functions, shall substantially comply with Department of State"; and

(B) in paragraph (2), by striking "United States Information Agency" and inserting "Department of State"; and

(C) in paragraphs (2) and (3), by striking "Agency" each of the two places it appears and inserting "Department"; and

(4) by striking subsection (d).

SEC. 337. BAN ON DOMESTIC ACTIVITIES.

Section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a) is amended—

(1) by striking out "United States Information Agency" each of the two places it appears and inserting "Department of State"; and

(2) by inserting "in carrying out international information, educational, and cultural activities comparable to those previously administered by the United States Information Agency" before "shall be distributed".

SEC. 338. CONFORMING REPEAL TO ARMS CONTROL AND DISARMAMENT ACT.

Section 34(b) of the Arms Control and Disarmament Act (22 U.S.C. 2574(b)) is repealed.

SEC. 339. REPEAL RELATING TO PROCUREMENT OF LEGAL SERVICES.

Section 26(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2698(b)) is repealed.

SEC. 340. REPEAL RELATING TO PAYMENT OF SUBSISTENCE EXPENSES.

Section 32 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2704) is amended by striking the second sentence.

SEC. 341. CONFORMING AMENDMENT TO SEED ACT.

Section 2(c) of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401(c)) is amended in paragraph (17) by striking "United States Information Agency" and inserting "Department of State".

SEC. 342. INTERNATIONAL CULTURAL AND TRADE CENTER COMMISSION.

Section 7(c)(1) of the Federal Triangle Development Act (40 U.S.C. 1106(c)(1)) is amended—

(1) in the text above subparagraph (A), by striking "15 members" and inserting "14 members";

(2) by striking subparagraph (F); and

(3) by redesignating subparagraphs (G) through (J) as subparagraphs (F) through (I), respectively.

SEC. 343. OTHER LAWS REFERENCED IN REORGANIZATION PLAN NO. 2 OF 1977.

(a) IMMIGRATION AND NATIONALITY ACT.—(1) Section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)) is amended by striking "Director of the United States Information Agency" and inserting "Secretary of State".

(2) Section 212(e) of such Act (8 U.S.C. 1182(e)) is amended—

(A) by striking "Director of the United States Information Agency" and inserting "Secretary of State"; and

(B) by striking "Director" each place it appears and inserting "Secretary".

(b) ARTS AND ARTIFACTS INDEMNITY ACT.—Section 3(a) of the Arts and Artifacts Indemnity Act (20 U.S.C. 972(a)) is amended by striking out "Director of the United States Information Agency" and inserting in lieu thereof "Secretary of State".

(c) NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965.—Section 9(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958(b)) is amended by striking out "a member designated by the Director of the United States Information Agency," and inserting in lieu thereof "a member designated by the Secretary of State,".

(d) WOODROW WILSON MEMORIAL ACT OF 1968.—Section 3(b) of the Woodrow Wilson Memorial Act of 1968 (20 U.S.C. 80f(b)) is amended—

(1) in the matter preceding paragraph (1), by striking out "19 members" and inserting in lieu thereof "18 members";

(2) by striking out paragraph (7); and

(3) by redesignating paragraphs (8), (9), and (10) as paragraphs (7), (8), and (9), respectively.

(e) PUBLIC LAW 95–86.—Title V of the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriations Act, 1978 (Public Law 95–86) is amended in the third proviso of the paragraph "SALARIES AND EXPENSES" under the heading "UNITED STATES INFORMATION AGENCY" (22 U.S.C. 1461b) by striking out "the United States Information Agency is authorized," and inserting in lieu thereof "the Secretary of State may,".

(f) ACT OF JULY 9, 1949.—The Act of July 9, 1949 (63 Stat. 408; chapter 301; 22 U.S.C. 2681 et seq.) is repealed.

SEC. 344. EXCHANGE PROGRAM WITH COUNTRIES IN TRANSITION FROM TOTALITARIANISM TO DEMOCRACY.

Section 602 of the National and Community Service Act of 1990 (22 U.S.C. 2452a) is amended—

(1) in the second sentence of subsection (a), by striking "United States Information Agency" and inserting "Department of State"; and

(2) in subsection (b)—

(A) by striking "appropriations account of the United States Information Agency" and inserting "appropriate appropriations account of the Department of State"; and

(B) by striking "and the United States Information Agency".

SEC. 345. EDMUND S. MUSKIE FELLOWSHIP PROGRAM.

Section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) in subsection (b), by striking "United States Information Agency" and inserting "Department of State"; and

(2) by striking subsection (d).

SEC. 346. IMPLEMENTATION OF CONVENTION ON CULTURAL PROPERTY.

Title III of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601

et seq.) is amended by striking "Director of the United States Information Agency" each place it appears and inserting "Secretary of State".

SEC. 347. MIKE MANSFIELD FELLOWSHIPS.

Part C of title II of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6101 et seq.) is amended—

(1) by striking "Director of the United States Information Agency" each place it appears and inserting "Secretary of State"; and

(2) by striking "United States Information Agency" each place it appears and inserting "Department of State".

SEC. 348. UNITED STATES ADVISORY COMMITTEE FOR PUBLIC DIPLOMACY.

Section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469) is amended—

(1) in subsection (c)(1)—

(A) by striking "the Director of the United States Information Agency,"; and

(B) by striking "Director or the Agency, and shall appraise the effectiveness of policies and programs of the Agency" and inserting "Secretary of State or the Department of State, and shall appraise the effectiveness of the information, educational, and cultural policies and programs of the Department";

(2) in subsection (c)(2), in the first sentence—

(A) by striking "the Secretary of State, and the Director of the United States Information Agency" and inserting ", and the Secretary of State";

(B) by striking "Agency" the first place it appears and inserting "Department of State"; and

(C) by striking "Director for effectuating the purposes of the Agency" and inserting "Secretary for effectuating the information, educational, and cultural functions of the Department";

(3) in subsection (c)(3), by striking "programs conducted by the Agency" and inserting "information, educational, and cultural programs conducted by the Department of State"; and

(4) in subsection (c)(4), by striking "Director of the United States Information Agency" and inserting "Secretary of State".

The CHAIRMAN. Are there amendments to title III?

The Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 401. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) August 17, 1998; or

(2) the date of abolition of the United States International Development Cooperation Agency pursuant to the reorganization plan described in section 601.

CHAPTER 2—ABOLITION OF INTERNATIONAL DEVELOPMENT COOPERATION AGENCY AND TRANSFER OF FUNCTIONS

SEC. 411. ABOLITION OF UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY.

(a) IN GENERAL.—The United States International Development Cooperation Agency is abolished.

(b) OPIC.—Subsection (a) shall not be interpreted to apply to the Overseas Private Investment Corporation.

SEC. 412. TRANSFER OF FUNCTIONS.

There are transferred to the Secretary of State all functions of the Director of the United States International Development Cooperation Agency and all functions of the United States International Development Cooperation Agency (other than the functions with respect to the Overseas Private Investment Corporation) and any office or component of such agencies under any statute, reorganization plan, Executive order, or other provision of law before the effective date of this title, except as otherwise provided in this division.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 421. REFERENCES.

Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director or any other officer or employee of the United States International Development Cooperation Agency (IDCA) shall be deemed to refer to the Secretary of State; or

(2) the United States International Development Cooperation Agency (IDCA) shall be deemed to refer to the Department of State.

The CHAIRMAN. Are there amendments to title IV?

The Clerk will designate title V.

The text of title V is as follows:

TITLE V—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

SEC. 501. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) August 17, 1999; or

(2) the date of reorganization of the Agency for International Development pursuant to the reorganization plan described in section 601.

CHAPTER 2—REORGANIZATION OF AGENCY FOR INTERNATIONAL DEVELOPMENT AND TRANSFER OF FUNCTIONS

SEC. 511. REORGANIZATION OF AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) IN GENERAL.—The Agency for International Development shall be reorganized in accordance with this division and the reorganization plan transmitted pursuant to section 601.

(b) FUNCTIONS TO BE TRANSFERRED.—The reorganization of the Agency for International Development shall provide, at a minimum, for the transfer to and consolidation with the Department of State of the following functions of the agency:

(1) Non-specialized procurement.

(2) Travel and transportation.

(3) Facilities management.

(4) Security operations.

(5) Press affairs.

The CHAIRMAN. Are there amendments to title V?

The Clerk will designate title VI.

The text of title VI is as follows:

TITLE VI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN

SEC. 601. REORGANIZATION PLAN.

(a) SUBMISSION OF PLAN.—Not later than August 17, 1997, or the date of the enactment of this Act, whichever occurs later, the President shall, in consultation with the Secretary and the heads of the agencies under subsection (b), transmit to the appropriate congressional committees a reorganization plan providing for—

(1) with respect to the United States Arms Control and Disarmament Agency, the United States Information Agency, and the United States International Development Cooperation Agency, the abolition of each agency in accordance with this division;

(2) with respect to the Agency for International Development, the consolidation and streamlining of the agency and the transfer of certain functions of the agency to the Department in accordance with this division;

(3) the termination of functions of each agency that would be redundant if transferred to the Department, and the separation from service of employees of each such agency or of the Department not otherwise provided for in the plan;

(4) the transfer to the Department of the functions and personnel of each agency consistent with the provisions of this division; and

(5) the consolidation, reorganization, and streamlining of the Department upon the transfer of such functions and personnel in order to carry out such functions.

(b) COVERED AGENCIES.—The agencies under this subsection are the following:

(A) The United States Arms Control and Disarmament Agency.

(B) The United States Information Agency.

(C) The United States International Development Cooperation Agency.

(D) The Agency for International Development.

(c) PLAN ELEMENTS.—The plan transmitted under subsection (a) shall—

(1) identify the functions of each agency that will be transferred to the Department under the plan;

(2) identify the personnel and positions of each agency (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred to the Department, separated from service with such agency, or eliminated under the plan, and set forth a schedule for such transfers, separations, and terminations;

(3) identify the personnel and positions of the Department (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred within the Department, separated from service with the Department, or eliminated under the plan, and set forth a schedule for such transfers, separations, and terminations;

(4) specify the consolidations and reorganization of functions of the Department that will be required under the plan in order to permit the Department to carry out the functions transferred to the Department under the plan;

(5) specify the funds available to each agency that will be transferred to the Department as a result of the transfer of functions of such agency to the Department;

(6) specify the proposed allocations within the Department of unexpended funds transferred in connection with the transfer of functions under the plan; and

(7) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of each such agency in connection with the transfer of the functions of the agency to the Department.

(d) REORGANIZATION PLAN OF AGENCY FOR INTERNATIONAL DEVELOPMENT.—In addition to applicable provisions of subsection (c), the reorganization plan transmitted under this section for the Agency for International Development —

(1) shall provide for the transfer to and consolidation within the Department of the functions of the agency set forth in section 511; and

(2) may provide for additional consolidation, reorganization, and streamlining of the agency, including—

(A) the termination of functions and reductions in personnel of the agency;

(B) the transfer of functions of the agency (including personnel operations other than personnel management, financial operations, and legal affairs), and the personnel associated with such functions, to the Department; and

(C) the consolidation, reorganization, and streamlining of the Department upon the transfer of such functions and personnel in order to carry out the functions transferred.

(e) MODIFICATION OF PLAN.—The President may, on the basis of consultations with the appropriate congressional committees, modify or revise the plan transmitted under subsection (a).

(f) EFFECTIVE DATE.—(1) The reorganization plan described in this section, including any modifications or revisions of the plan under subsection (e), shall become effective on the earlier of—

(A)(i) August 17, 1998 with respect to the Arms Control and Disarmament Agency and the United States International Development Cooperation Agency; and

(ii) August 17, 1999, with respect to the United States Information Agency and the Agency for International Development, or

(B) such date as the President shall determine to be appropriate and announce by notice published in the Federal Register, which date may be not earlier than 60 calendar days (excluding any day on which either House of Congress is not in session because of an adjournment sine die or because of an adjournment of more than 3 days to a day certain) after the President has transmitted the reorganization plan to the appropriate congressional committees pursuant to subsection (a).

(2) Paragraph (1) shall apply notwithstanding section 905(b) of title 5, United States Code.

CHAPTER 2—REORGANIZATION AUTHORITY

SEC. 611. REORGANIZATION AUTHORITY.

(a) IN GENERAL.—The Secretary is authorized, subject to the requirements of this division, to allocate or reallocate any function transferred to the Department under any title of this division among the officers of the Department, and to establish, consolidate, alter, or discontinue such organizational entities within the Department as may be necessary or appropriate to carry out any reorganization under this division, but the authority of the Secretary under this section does not extend to—

(1) the abolition of organizational entities or officers established by this Act or any other Act; or

(2) the alteration of the delegation of functions to any specific organizational entity or officer required by this Act or any other Act.

(b) REQUIREMENTS AND LIMITATIONS ON REORGANIZATION PLAN.—The reorganization plan under section 601 may not have the effect of—

(1) creating a new executive department;

(2) continuing a function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made;

(3) authorizing an agency to exercise a function which is not authorized by law at the time the plan is transmitted to Congress;

(4) creating a new agency which is not a component or part of an existing executive department or independent agency; or

(5) increasing the term of an office beyond that provided by law for the office.

SEC. 612. TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided in this Act, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices, or portions thereof transferred by any title of this division, subject to section 1531 of title 31, United States Code, shall be transferred to the Secretary for appropriate allocation.

(b) LIMITATION ON USE OF TRANSFERRED FUNDS.—Unexpended and unobligated funds transferred pursuant to any title of this division shall be used only for the purposes for which the funds were originally authorized and appropriated.

(c) AUTHORIZED STRENGTH OF THE FOREIGN SERVICE.—When an agency is abolished under this division, the limitations for fiscal years 1998 and 1999 under section 1321 of this Act on the members of the Foreign Service authorized to be employed by such agency shall be added to the limitations under such section which apply to the Department.

SEC. 613. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget, in consultation with the Secretary, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of any title of this division. The Director of the Office of Management and Budget, in consultation with the Secretary, shall provide for the termination of the affairs of all entities terminated by this division and for such further measures and dispositions as may be necessary to effectuate the purposes of any title of this division.

SEC. 614. EFFECT ON PERSONNEL.

(a) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this division, any person who, on the day preceding the date of the abolition of an agency the functions of which are transferred under any title of this division, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(b) TREATMENT OF APPOINTED POSITIONS.—(1) Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by any title of this division, shall terminate on the effective date of that title.

(2) An individual holding an office immediately prior to the abolition or transfer of the office by a title of this division—

(A) who was appointed to the office by the President, by and with the advice and consent of the Senate; and

(B) who performs duties substantially similar to the duties of an office proposed to be created under the reorganization plan submitted under section 601,

may, in the discretion of the Secretary, assume the duties of such new office, and shall not be required to be reappointed by reason of the abolition or transfer of the individual's previous office.

(c) EXCEPTED SERVICE.—(1) Subject to paragraph (2), in the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred.

(2) The Department may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) EMPLOYEE BENEFIT PROGRAMS.—(1) Any employee accepting employment with the Department as a result of a transfer pursuant to any title of this division may retain for 1 year after the date such transfer occurs membership in any employee benefit program of the former agency, including insurance, to which such employee belongs on the date of the enactment of this Act if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Secretary.

(2) The difference in the costs between the benefits which would have been provided by such agency or entity and those provided by this section shall be paid by the Secretary. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Secretary, the employee shall be permitted to select an alternate Federal health insurance program within 30 days of such election or notice, without regard to any other regularly scheduled open season.

(e) SENIOR EXECUTIVE SERVICE.—Any employee in the career Senior Executive Service who is transferred pursuant to any title of this division shall be placed in a position at the Department which is comparable to the position the employee held in the agency.

(f) ASSIGNMENTS.—(1) Transferring employees shall be provided reasonable notice of new positions and assignments prior to their transfer pursuant to any title of this division.

(2) Foreign Service personnel transferred to the Department pursuant to any title of this division shall be eligible for any assignment open to Foreign Service personnel within the Department for which such transferred personnel are qualified.

(g) TREATMENT OF PERSONNEL EMPLOYED IN TERMINATED FUNCTIONS.—The provisions of this subsection shall apply with respect to officers and employees in the competitive service, or employed under an established merit system in the excepted service, whose employment is terminated as a result of the abolition of the agency or the reorganization and consolidation of functions of the Department under any title of this division:

(1) Under such regulations as the Office of Personnel Management may prescribe, the head of any agency in the executive branch may appoint in the competitive service any person who is certified by the head of the former agency as having served satisfactorily in the competitive service in the former agency and who passes such examination as the Office of Personnel Management may prescribe. Any person so appointed shall, upon completion of the prescribed probationary period, acquire a competitive status.

(2) The head of any agency in the executive branch having an established merit system in the excepted service may appoint in such service any person who is certified by the head of the former agency as having served satisfactorily in the former agency and who passes such examination as the head of such agency in the executive branch may prescribe.

(3) Any appointment under this subsection shall be made within a period of one year after completion of the appointee's service.

(4) Any law, Executive order, or regulation which would disqualify an applicant for appointment in the competitive service or in the excepted service concerned shall also disqualify an applicant for appointment under this subsection.

(5) Any rights or benefits created by this subsection are in addition to rights and benefits otherwise provided by law.

SEC. 615. TRANSITION FUND.

(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the "Foreign Affairs Reorganization Transition Fund".

(b) PURPOSE.—The purpose of the account is to provide funds for the orderly transfer of functions and personnel to the Department as a result of the implementation of this division and for payment of other costs associated with the consolidation of foreign affairs agencies under this division.

(c) DEPOSITS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), there shall be deposited into the account the following:

(A) Funds appropriated to the account.

(B) Funds transferred to the account by the Secretary from funds that are transferred to the Secretary by the head of an agency under subsection (d).

(C) Funds transferred to the account by the Secretary from funds that are transferred to the Department together with the transfer of functions to the Department under this division and that are not required by the Secretary in order to carry out the functions.

(D) Funds transferred to the account by the Secretary from any unobligated funds that are appropriated or otherwise made available to the Department.

(2) LIMITATION ON TRANSFER OF CERTAIN DEPARTMENT FUNDS.—The Secretary may transfer funds to the account under subparagraph (C) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A) and (B) of that paragraph is inadequate to pay the costs of carrying out this division.

(3) LIMITATION ON TRANSFER OF UNOBLIGATED FUNDS OF DEPARTMENT.—The Secretary may transfer funds to the account under subparagraph (D) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A), (B), and (C) of that paragraph is inadequate to pay the costs of carrying out this division.

(d) TRANSFER OF FUNDS TO SECRETARY.—The head of an agency abolished under this division shall transfer to the Secretary the amount, if any, of the unobligated funds appropriated or otherwise made available to the agency for functions of the agency that are abolished under this division which funds are not required to carry out the functions of the agency as a result of the abolishment of the functions under this division.

(e) USE OF FUNDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to paragraph (2), the Secretary shall use sums in the account for payment of the costs of carrying out this division, including costs relating to the consolidation of functions of the Department and the termination of employees of the Department.

(2) LIMITATION ON USE OF FUNDS.—

(A) Except as provided in subparagraph (B), the Secretary may not use sums in the account for payment of the costs described in paragraph (1) unless the appropriate congressional committees are notified 15 days in advance of such use in accordance with procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706).

(B) EXCEPTION.—Subparagraph (A) does not apply to the following uses of sums in the account:

(i) For payment of the cost of any severance payments required to be paid by the Secretary to employees of the Department, but only if the cost of such payments is less than $10,000,000.

(ii) For transfer to the head of an agency to be abolished under this division for payment of the cost of any severance payments required to be paid to employees of the agency, but only if the total amount transferred with respect to the agency is less than $40,000,000.

(iii) For payment of the cost of any improvements of the information management systems of the Department that are carried out as a result of the abolishment of agencies under this division, but only if the cost of such improvements is less than $15,000,000.

(iv) For payment of the cost of the physical relocation of fixtures, materials, and other resources from an agency to be abolished under this division to the Department or of such relocation within the Department, but only if the cost of such relocation is less than $10,000,000.

(3) AVAILABILITY WITHOUT FISCAL YEAR LIMITATION.—Funds in the account shall be available for the payment of costs under paragraph (1) without fiscal year limitation.

(f) TREATMENT OF UNOBLIGATED BALANCES.—

(1) IN GENERAL.—Subject to paragraph (2), unobligated funds, if any, which remain in the account after the payment of the costs described in subsection (e)(1) shall be transferred to the Department and shall be available to the Secretary for purposes of carrying out the functions of the Department.

(2) NOTIFICATION.—The Secretary may not transfer funds in the account to the Department under paragraph (1) unless the appropriate congressional committees are notified in advance of such transfer in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956.

(g) REPORT ON ACCOUNT.—Not later than October 1, 1998, the Secretary shall transmit to the appropriate congressional committees a report containing an accounting of—

(1) the expenditures from the account established under this section; and

(2) in the event of any transfer of funds to the Department under subsection (f), the functions for which the funds so transferred were expended.

(h) TERMINATION OF AUTHORITY TO USE ACCOUNT.—The Secretary may not obligate funds in the account after September 30, 1999.

SEC. 616. SAVINGS PROVISIONS.

(a) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under any title of this division; and

(2) that are in effect at the time such title takes effect, or were final before the effective date of such title and are to become effective on or after the effective date of such title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PENDING PROCEEDINGS.—(1) The provisions of any title of this division shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of any title of this division before any department, agency, commission, or component thereof, functions of which are transferred by any title of this division. Such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued.

(2) Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this division had not been enacted. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Secretary, by a court of competent jurisdiction, or by operation of law.

(3) Nothing in this division shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this division had not been enacted.

(4) The Secretary is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under this subsection to the Department.

(c) NO EFFECT ON JUDICIAL PROCEEDINGS.—Except as provided in subsection (e)—

(1) the provisions of this division shall not affect suits commenced prior to the effective date of this Act, and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this division had not been enacted.

(d) NON-ABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of any department or agency, functions of which are transferred by any title of this division, shall abate by reason of the enactment of this division. No cause of action by or against any department or agency, functions of which are transferred by any title of this division, or by or against any officer thereof in the official capacity of such officer shall abate by reason of the enactment of this division.

(e) CONTINUATION OF PROCEEDING WITH SUBSTITUTION OF PARTIES.—If, before the date on which any title of this division takes effect, any department or agency, or officer thereof in the official capacity of such officer, is a party to a suit, and under this division any function of such department, agency, or officer is transferred to the Secretary or any

other official of the Department, then such suit shall be continued with the Secretary or other appropriate official of the Department substituted or added as a party.

(f) REVIEWABILITY OF ORDERS AND ACTIONS UNDER TRANSFERRED FUNCTIONS.—Orders and actions of the Secretary in the exercise of functions transferred under any title of this division shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the agency or office, or part thereof, exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by any title of this division shall apply to the exercise of such function by the Secretary.

SEC. 617. PROPERTY AND FACILITIES.

The Secretary shall review the property and facilities transferred to the Department under this division to determine whether such property and facilities are required by the Department.

SEC. 618. AUTHORITY OF SECRETARY OF STATE TO FACILITATE TRANSITION.

Prior to, or after, any transfer of a function under any title of this division, the Secretary is authorized to utilize—

(1) the services of such officers, employees, and other personnel of an agency with respect to functions that will be or have been transferred to the Department by any title of this division; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of any title of this division.

SEC. 619. RECOMMENDATIONS FOR ADDITIONAL CONFORMING AMENDMENTS.

Congress urges the President, in consultation with the Secretary and the heads of other appropriate agencies, to develop and submit to Congress recommendations for such additional technical and conforming amendments to the laws of the United States as may be appropriate to reflect the changes made by this division.

SEC. 620. FINAL REPORT.

Not later than October 1, 1998, the President, in consultation with the Secretary of the Treasury and the Director of the Office of Management and Budget shall submit to the appropriate congressional committees a report which provides a final accounting of the finances and operations of the agencies abolished under this division.

SEC. 621. TRANSFER OF FUNCTION.

Any determination as to whether a transfer of function, carried out under this Act, constitutes a transfer of function for purposes of subchapter I of chapter 35 of title 5, United States Code, shall be made without regard to whether or not the function involved is identical to functions already being performed by the receiving agency.

SEC. 622. SEVERABILITY.

If a provision of this division or its application to any person or circumstance is held invalid, neither the remainder of this division nor the application of the provision to other persons or circumstances shall be affected.

The CHAIRMAN. Are there amendments to title VI?

The Clerk will designate title X.

The text of title X is as follows:

DIVISION B—STATE DEPARTMENT AND RELATED AGENCIES AUTHORIZATION ACT

TITLE X—GENERAL PROVISIONS

SEC. 1001. SHORT TITLE.

This division may be cited as the "State Department and Related Agencies 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 on 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.

The CHAIRMAN. Are there any amendments to title X?

The Clerk will designate title XI.

The text of title XI is as follows:

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 $64,600,000 for the fiscal year 1998 and $64,600,000 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.

AMENDMENTS OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer amendments and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. HAMILTON. Mr. Chairman, reserving the right to object, I do not know that I will object, but I want to find out what is happening here. The chairman is offering an en bloc amendment. Could he specify for us what is included in that, please?

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I think we have given copies of that to the ranking member a few moments ago. It has to do with the fee provisions in the bill.

□ 1545

Mr. HAMILTON. Mr. Chairman, I wonder if the gentleman would explain the en bloc amendment.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, this en bloc amendment fixes a provision of the bill that is essentially technical in nature. It is required by an understanding that we reached with the chairman of the Committee on Ways and Means.

There are two provisions in the original bill, H.R. 1486, that were inserted at the request of the administration to put into effect its fee reform provision. We lowered certain authorizations which were to be offset by these fees. Both of these provisions, however, were within the jurisdiction of the Committee on Ways and Means and that committee has objected to their presence in our bill. Accordingly, this amendment takes care of their concerns by raising the authorization levels back to their original levels and by restoring the status quo in other respects.

This amendment also strikes an earmark of $5 million for passport information services but inserts a requirement that such information be provided for fee. This change, which was inserted in the amendment at the request of the gentleman from New Jersey [Mr. SMITH], avoids an earmarking problem with the Committee on Appropriations but addresses a concern he has been most forthright in addressing, the issue of charging Americans fees to find out the status of their passport applications.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. HAMILTON. Mr. Chairman, further reserving the right to object, do I understand this amendment removes the authority for the State Department to retain about $455 million in passport fees and adds that to the State's operating account?

Mr. GILMAN. Mr. Chairman, if the gentleman will continue to yield, that is correct and it increases the authorization.

Mr. HAMILTON. And it prohibits the State Department from collecting an estimated $75 to $100 million in visa fees; is that correct?

Mr. GILMAN. That is correct, and also increases the fees.

Mr. HAMILTON. Yes, I understand.

Mr. Chairman, I do not want to oppose the amendment because I understand some change is needed. I would ask the chairman, however, if he would be willing to work further with us and with the Department of State as the bill moves along and to consider it in conference and other fora?

Mr. GILMAN. I would be pleased to do that.

Mr. HAMILTON. Mr. Chairman, with that assurance, I do not oppose the amendment, and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. GILMAN:

Page 84, line 5, strike "$1,291,977,000" and insert "$1,746,977,000".

Page 84, line 6, strike "$1,291,977,000" and insert "$1,746,977,000".

Strike line 7 on page 110 and all that follows through line 17 on page 112.

Page 84, line 4, insert "(A) AUTHORIZATION OF APPROPRIATIONS.—" before "For".

Page 84, after line 7 insert the following:

(B) PASSPORT INFORMATION SERVICES.—The Secretary of State shall provide passport information without charge to citizens of the United States, including—

(i) information about who is eligible to receive a United States passport and how and where to apply;

(ii) information about the status of pending applications; and

(iii) names, addresses, and telephone numbers of State and Federal officials who are authorized to provide passport information in cooperation with the Department of State.

Page 112, strike line 18 and all that follows through line 7 on page 114 and insert the following:

SEC. 1208. SURCHARGE FOR PROCESSING CERTAIN MACHINE READABLE VISAS.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended—

(1) in paragraph (2) by striking "providing consular services." and inserting "the Department of State's border security program, including the costs of installation and operation of the machine readable visa and automated name-check process, improving the quality and security of the United States passport, passport and visa fraud investigations, and the technological infrastructure to support the programs referred to in this sentence.";

(2) by striking the first sentence of paragraph (3) and inserting "For fiscal years 1998 and 1999, fees deposited under the authority of paragraph (2) may not exceed $140,000,000 in each fiscal year and, notwithstanding paragraph (2), such fees shall be available only to the extent provided in advance in appropriations Acts."; and

(3) by striking paragraph (5).

Mr. GILMAN. Mr. Chairman, I yield back the balance of my time.

Mr. HAMILTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York [Mr. GILMAN].

The amendments were agreed to.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to speak against this bill and against the underlying policies and assumptions that are included in it and, by implication, in favor of the Hamilton amendment that has been offered but not voted on as yet.

Mr. Chairman, there are good reasons why the President will veto this bill if the language of the gentleman from New York is included in it, and they are substantive reasons.

Mr. Chairman, this is an attempt to get some notches in the belt of the Republican Party, which apparently is still intent on showing that they can beat up on the Federal Government, that they can eliminate agencies, that they can eliminate functions and that, by implication, what the Government is doing is wrong and ought to be in the word of the chairman "abolished." The fact is that in this case what the Government is doing is terribly important and should be supported.

The language of the gentleman from New York is an attempt to micromanage our foreign policy and would specify that several agencies be abolished. Their functions would be transferred over to the State Department, but in many ways the esprit de corps, the achievements, the mission, the effectiveness of these agencies would be badly damaged at best and at worst, last forever.

One of the agencies that I am talking about is the agency that provides aid to underdeveloped and developing countries.

The Agency for International Development has shown tremendous progress in expanding the global economy and

in creating customers for our American companies and products by enabling people to come up with the means to purchase our products and to enhance their quality of life. Most of their aid is returned to our country many times over, not to mention the basic humanitarian functions that they perform for people suffering in the threes of hunger, poverty, and desperation.

Another agency that this bill would attempt to abolish is the Arms Control and Disarmament Agency. Of all functions within the Government to want to abolish, an agency that is addressing terrorism, that is addressing the proliferation of nuclear weapons, chemical and biological warfare, the most immediate, real threats to our well-being should be the last one we would want to disband. This agency has been extremely effective in addressing those threats, and yet, for some reason, the Republican Party wants to make another notch on its belt by abolishing this essential agency.

Likewise, the U.S. Information Agency, which is the antidote we have for the kind of propaganda that has led to the worst violence that has occurred in modern times. It was in large part the State-controlled media in Yugoslavia that spurred people into unbridled aggression: that motivated the Serbs to attack the Bosnian people with fierce brutality. This aggression was spurred on by the kind of propaganda that can occur when we do not have a professional, unbiased source of news that the U.S. Information Agency provides.

Likewise with the slaughtering that occurred in Rwanda. Again, these kinds of things happen because we do not have adequate resources to put into the U.S. Information Agency and the Voice of America. I cannot imagine that the American people would want us to be abolishing these agencies with such an effective track record and such a needed role to perform around the world.

This bill is more of this gun-slinging mentality where we are willing to shoot innocent victims purely to get another notch in our belt. Targeting and scoring hits on innocent, effective Government agencies purely for political purposes is wrong. It is irresponsible, and it is dangerous.

But even going beyond this irresponsible motivation, this bill attempts to micromanage. It specifies what a very complex, indispensable Government function, particular undersecretaries, and assistant secretaries, stay and which go, and where they go.

Mr. Chairman, this bill should not be supported. The Hamilton amendment is a better approach, and I urge Members to support the Hamilton amendment and oppose this bill.

AMENDMENT OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SKAGGS:

Page 97, line 1, insert "(A) AUTHORIZATION OF APPROPRIATIONS" before "For".

Page 97, after line 3, insert the following:

(B) LIMITATION.—Of the amounts authorized to be appropriated under subparagraph (A), no funds shall be used for television broadcasting to Cuba after October 1, 1997.

Mr. SKAGGS. Mr. Chairman, my amendment would bar continued TV Marti broadcasts to Cuba after the end of this fiscal year, when moneys appropriated for that purpose would end.

This amendment is not about Cuba, not about Castro; it is an amendment that would cut waste, eliminate an absolutely failed program, and save the American taxpayers millions of dollars every year.

TV Marti, part of the USIA, is a Federal program begun in 1989 that attempts to broadcast television programs to Cuba in the early morning hours. I support the USIA's efforts to get unbiased news coverage to Cuba. I support Radio Marti's attempts to do that. TV Marti is simply another story. It is not accomplishing that purpose. Virtually no one in Cuba has seen, is seeing, or will see TV Marti broadcasts.

The Government has already wasted over $100 million on this failed experiment. Let us not put good money after bad. Let us end this experiment at the end of this fiscal year. We will save over $9 million next year and countless millions in the outyears after that by passing this amendment.

Last year the House appropriations bill ended appropriations for TV Marti and this House went along with the appropriations recommendation. It was only because the other body restored funding that we still have to deal with this.

I have a stack of reports here, Mr. Chairman, every one of which shows that TV Marti has no significant audience in Cuba. This spring, when the USIA Director Joseph Duffy testified before the Appropriations Subcommittee, I asked him if TV Marti signals were being received in Cuba. His answer was simply no.

In 1995, the Committee on Appropriations investigations staff said that four different surveys "all produced discouraging results with respect to TV Marti viewership." In 1994, the advisory panel said that jamming prevents TV Marti signals from being received by any substantial number of Cubans. In 1993, the Advisory Commission on Public Diplomacy said that TV Marti is not cost effective and should be closed down.

Now, we will hear that we were in the midst of switching from a VHF signal, which is effectively jammed, to UHF, and that broadcasts will be started soon there. But, Mr. Chairman, that will not make any difference, I am sad to say, because it is even easier to jam the UHF signal than it is to jam this VHF signal. The National Association of Broadcasters says, "A UHF signal can be jammed using little more than a 100-watt transmitter and an off-the-shelf Radio Shack type antenna."

Again, according to the appropriations investigative staff, "The U.S. Government officials confirm that Cuba already has jamming capability and private sector representatives state that Cuba can easily jam any UHF station."

This program simply does not meet the standards under the International Broadcasting Act, which says that broadcasting shall be designed to effectively reach a significant audience.

Mr. HAMILTON. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Indiana.

Mr. HAMILTON. Mr. Chairman, I want to congratulate the distinguished gentleman from Colorado for offering this amendment and I just pose this question.

I have been informed that we have spent as a government over $100 million on these broadcasts that the Cuban people do not see. Is that the gentleman's understanding?

Mr. SKAGGS. I believe it now totals $106 million through last fiscal year.

Mr. HAMILTON. If the gentleman will continue to yield, that is $106 million now being spent for no purpose whatsoever. The Cuban people do not see it, and that seems to me quite a waste of the taxpayers' money, and I certainly commend the gentleman for seeking to strike it.

Mr. SKAGGS. Mr. Chairman, reclaiming my time, I thank the gentleman for his support on my amendment.

We will hear, I am sure, that somehow doing the right thing by the U.S. taxpayer is going to be a propaganda victory for Fidel Castro. I have to tell my colleagues that I think he gets a propaganda victory every day we waste our money on this. And in fact the Cuban Government exploits this idiocy on the part of the United States by pointing out to its own people that we are being so foolish as to continue to pour money down this television rathole.

□ 1600

It is a classic example, Mr. Chairman, of a wasteful program that ought to be put out of its misery. Again, my amendment would save over $9 million in fiscal 1998. It would give this House a chance to stop the waste of money that has already totaled over $100 million.

We all know the kind of budget stress that we are under in trying to get the deficit to zero. We simply do not have this kind of money to pour into a completely pointless program. It could put 22,000 additional kids in Head Start, pay for Medicare, for several thousand beneficiaries—any number of useful purposes.

AMENDMENT OFFERED BY MR. DIAZ-BALART TO THE AMENDMENT OFFERED BY MR. SKAGGS

Mr. DIAZ-BALART. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. DIAZ-BALART to the amendment offered by Mr. SKAGGS:

Strike "1997." and insert "1997, if the President certifies that continued funding is not in the national interest of the United States.".

Mr. DIAZ-BALART. Mr. Chairman, I think it is quite curious that the distinguished gentleman from Colorado [Mr. SKAGGS] began his remarks by saying this is not about Cuba and this is not about Castro. It is very much about Cuba, about Castro, and about the oppression that the Cuban people have to live day in and day out at the hands of the dictatorship and that denial, the attempt to deny information to the Cuban people that is so primary in the agenda of the Cuban dictatorship.

The gentleman from Colorado must have forgotten that, in 1994, in this Congress, we paid for this report, Mr. Chairman, this report, two volumes, and we had an agreement that we would support the creation of this panel and that the panel would be asked, after its creation, some very clear questions and would have to report not only to the administration but then that the director of the USIA would have to report to Congress based on this report.

Mr. Chairman, I will at this time refer precisely to the recommendations and the findings of the panel, and specifically of Joseph Duffey, the director of the U.S. Information Agency, with regard to the very systematic and deep study that was engaged in; and here it is, two volumes by the panel, that we in this Congress created in 1994 to look at this issue.

Mr. Duffey, the Director of the USIA, states in his letter to Congress:

I hereby submit my findings and recommendations regarding the report of the advisory panel on Radio Marti and Television Marti,

specifically with regard to Television Marti, which is what today the gentleman from Colorado [Mr. SKAGGS] seeks to kill. Other times, very often, he has sought to kill Radio Marti as well.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield? The gentleman has misrepresented my position.

Mr. DIAZ-BALART. Mr. Chairman, that is not correct, I have not misrepresented his position. At other times, the gentleman from Colorado has sought to kill both Radio and Television Marti. Today he is targeting Television Marti.

Let us see what the report, after we spent the money to create this panel, let us see what the findings and recommendations were of Mr. Duffey of USIA with regard to the panel that we set up in this Congress and that we agreed to set up objectively and of distinguished membership.

One, the best interests of the United States are being served by maintaining television broadcasting to Cuba.

Two, maintaining television broadcasting to Cuba is technically sound and effective.

Three, Television Marti broadcasting is consistently being received by a sufficient Cuban audience to warrant its continuation.

This is the report of Mr. Duffey, findings and recommendations based on the panel created by Congress; and here are the two volumes. But, no, it is not enough for the gentleman from Colorado. Year after year after year my colleague rushes to this floor with his mission not to increase the receptivity, the reception, of Television Marti or Radio Marti for the Cuban people, not to ask Castro for elections, not to ask Castro to permit the Cuban people to get news, but to kill this program, which is meant to get objective news to the Cuban people. That is the reality of the effort year after year after year by the gentleman from Colorado (Mr. SKAGGS].

During the height of the cold war, Mr. Chairman, during the height of the cold war, at times the Soviets were able to achieve 97, 98, 99 percent effectiveness in their blocking of Radio Liberty and Radio Free Europe. What would have been the position, what would have happened if the attitude maintained by our distinguished colleague from Colorado would have prevailed at that time in Congress? Oh, the Soviet Union is jamming Radio Free Europe. The Soviet Union is achieving 99 percent jamming of Radio Liberty. So we will throw in the towel, we will give up.

As my colleague even mentioned, we are in the midst, Mr. Chairman, of going to UHF, which will increase receptivity. But my point is this, we will go to UHF and we will increase receptivity despite the fact that Mr. Duffey, his recommendations, and pursuant to this two-volume report, I have mentioned they are clear enough with regard to the viability of the existing program of Television Marti.

But I maintain the following: The American thing to do is, if we do not increase receptivity sufficiently by the steps that we are taking now, then we will take further steps. Just like Mr. Aristide's voice was able to get to the Haitian people because they flew a C-130, we will do that with Cuba. We will not throw in the towel. We will not surrender. That is not the American way.

Approve my amendment and defeat the amendment of the gentleman from Colorado [Mr. SKAGGS].

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the amendment offered by the gentleman from Colorado [Mr. SKAGGS) I think is a step backward in a struggle for democracy in Cuba, and I urge my colleagues to oppose the amendment.

Mr. Chairman, I support this second-degree amendment offered by the gentleman from Florida [Mr. DIAZ-BALART), which will give the President the flexibility that he must have to decide if and when to adjust the strategy of our Cuba broadcasting. Our pro-democracy efforts in Cuba are at a critical point. Accordingly, I agree that it is vital that we let the President assess the importance of TV Marti to our overall strategy in communicating with the Cuban people.

Mr. SKAGGS. Mr. Chairman, I oppose the amendment offered by the gentleman from Florida. Mr. Chairman, let me first correct the RECORD. It is very important I think to be precise in the way we characterize each other's positions on these very volatile issues.

I have opposed TV Marti consistently over the years, as the gentleman suggested, because it is simply a waste of money. I would very much like it if Castro would stop the jamming so that we could get good information into Cuba. Unfortunately, that is not going to happen. We do not have to respond to that by continuing to waste over $100 million of American taxpayers' funds.

I also want to make it clear that I have supported Radio Marti consistently, just wanting to make sure that it lives up to Voice of America standards. And the characterization of the gentleman from Florida to the contrary is simply not accurate.

But let us go to the principal point here. The 1994 appropriations bill report set up the advisory panel and directed that that panel report back to Congress as to whether TV Marti was being received by any substantial audience in Cuba. That was its mission.

The report advised Congress "Cuban Government jamming prevents those broadcasts from being received by any substantial number of Cubans." In other words, the answer was no.

And based upon the understanding that was incorporated in that fiscal 1993 appropriations bill, that should have been the end of the discussion. But, no, because of the extraordinary and I think inappropriate influence on U.S. Government policy that has been brought to bear on this issue, the administration sought to end-run the clear direction of Congress and came back with this fig leaf idea of going to UHF and see if that works.

That was used, in fact, to undermine, end-run, and basically avoid the very purposes for which the advisory panel was created. So we are now stuck with spending millions and millions more on the UHF experiment, which is as doomed to failure as was the VHF program that has been broadcasting.

There is simply no need for any exercise of discretion by the President or anyone else. The facts are clear. That is why the Committee on Appropriations by an overwhelming vote last year recommended to the House that there be no funding this year for TV Marti. Let us stop kidding ourselves.

I wish the position of the gentleman from Florida [Mr. DIAZ-BALART] about this particular program were correct, that we had some prayer of getting a signal into Cuba. We do not. Let us admit it. Let us stop wasting this money.

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the gentleman from Colorado [Mr. SKAGGS] just a few questions on this issue. I think universally we would like to see a democratic government in Cuba, we would like to see free elections, and I think the real debate here is how to get there.

We have had one policy for over 30 years now, but particularly to this point I guess my question is, is there an estimate of how many people in Cuba watch any of these productions?

Mr. SKAGGS. Well, if the gentleman would yield, the United States interest section in Cuba and our own Committee on Appropriation's investigative staff have all tried to find someone who has seen more than a split second of a TV Marti broadcast before the jamming kicks in. Sadly, I do not know of anyone who has seen anything like a full TV Marti broadcast for other than a nanosecond.

Mr. GEJDENSON. If the gentleman would, how much money have we spent on this program?

Mr. SKAGGS. If the gentleman would yield, so far we have spent a total of $106 million broadcasting this TV signal essentially in a black hole.

Mr. GEJDENSON. How much money was that again?

Mr. SKAGGS. $106 million since 1989.

Mr. GEJDENSON. As a result of that, we cannot come up with anybody who has ever watched an entire program?

Mr. SKAGGS. If the gentleman would yield, that is my understanding, based upon various investigations that have been conducted by agencies of the executive and legislative branches of this Government.

Mr. GEJDENSON. Mr. Chairman, reclaiming my time, I think the problem we have here is there has become a process where we come committed to continuing policies that theoretically put pressure on Fidel Castro to bring about a democratic government.

I understand the pressure of communities who want to see their loved ones living within a country that has democratic institutions. My parents fled the Soviet Union, survived Nazi Germany. We all have a strong feeling about that.

In the case of Cuba, what seems to happen, however, is rather than finding programs that are effective in achieving democratic goals and democratic progress, we find ourselves with a policy that seems to somehow protect Castro from change. If anything helped bring down the Berlin wall, it was contact with Westerners, it was that confrontation with the success of our democratic institutions and contrasted to the failure of the old Soviet system.

I would think that Fidel Castro gets up and thanks God, if he believes in God, every day that we have this embargo on him and that we continue these programs. It gives him the excuse why his revolution is not producing benefits for its citizens any longer.

I understand the heart-felt desire of Members in this Congress and in our communities who are of Cuban-American heritage who want to see democracy there. I would ask them to join us for policies that would have a real impact on dislodging the non-democratic government in Cuba. That is the policy I think we ought to undertake, not just squandering dollars that, even worse than the squandering of dollars, give us the illusion that we are taking some action here.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong opposition to the Skaggs amendment and in support of the Diaz-Balart substitute amendment. The Skaggs amendment is aimed at the heart of what is sometimes called surrogate broadcasting. An even better term for it is "freedom broadcasting." We are sending the message of freedom to people who live in countries where this message is not permitted to be carried by domestic radio or television stations.

□ 1615

The Skaggs amendment would eliminate TV Marti. It would deprive Cubans of not only vital information about the free world but also of the hope that comes with knowing that a free world does care. The Diaz-Balart substitute guarantees fiscal responsibility without compromising our commitment to freedom.

If the President wants to certify, as his substitute would so state, let the President certify that and live with the consequences of denying this very important surrogate broadcasting to the people of Cuba. Eliminating or crippling freedom broadcasting to Cuba, as the Skaggs amendment would do, would send exactly the wrong message at exactly the wrong time.

The Castro dictatorship is at an all-time low, both in domestic support and international prestige. Like the two recent Clinton-Castro immigration agreements, the silencing of TV Marti would provide new hope for the Castro dictatorship and a fresh dose of despair to those who struggle for human rights in Cuba. The argument that TV Marti is technologically inadequate and that we should therefore not fund it is destined to be a self-fulfilling prophecy.

The Subcommittee on International Operations and Human Rights which I chair has examined this question in public hearings over the last 3 years. We have discovered, in effect, that it is too soon to evaluate the success of TV Marti because the Clinton administration has not yet tried to make TV Marti work. The reason TV Marti does not reach more Cubans has less to do with technology and more to do with administrative timidity or perhaps a willful resistance to congressional mandate.

Right now, because of jamming by the Castro regime, TV Marti is received primarily by those who live outside of Havana. It can also be received by government officials and by the Communist party elite who have access to satellite TV. It is important to let them know that the world is watching them and hopefully holding them to some account. But there is no question that we can do better. The technology is there for UHF broadcasting which would be far more difficult for the censors to jam, and would enable TV Marti to reach millions of more people.

I think the gentleman from Florida [Mr. DIAZ-BALART] made a very good point a moment ago. Had we during the 1970's and 1980's because of Russian jamming stood up and said, "Let's just eliminate the program," we would have given Brezhnev and all his predecessors a real shot in the arm as they clamped down on human rights and freedom in the Soviet Union.

Let me just say that the Diaz-Balart substitute would discontinue TV Marti if and only if the President certifies that its continuation is not in the national interest. Again, the ball would be in the President's court. I support that, and I would ask Members to go against the underlying amendment offered by the gentleman from Colorado [Mr. SKAGGS].

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. I would just ask my friend, and I know he is earnest in this without any question, but does he have any evidence that the general population of Cuba to any significant degree or to what degree it might be able to view these? I think we have been broadcasting now for 7 years about.

Mr. SMITH of New Jersey. Joe Duffy back in 1994 in a letter to the gentleman from Florida [Mr. DIAZ-BALART] stated, and I quote, "TV Marti broadcasting is consistently being received by a sufficient Cuban audience to warrant its continuation."

Havana, without question, is being heavily jammed. But outside of that area more people are able to pick it up. Plus areas near to Cuba—other islands and other countries—can also pick it up.

Mr. GEJDENSON. I think Mr. Duffy has changed his position on that, and in more recent testimony before the

Committee on Appropriations felt that nobody was hearing it. I think whatever happens here today, I would hope we could join together. If we look at the kind of policies we had to deal with the Soviet Union and the East Bloc, it was a much more dynamic policy than the one we have executed here, and I think, for whatever reasons, was much more successful. I think we have to engage in a much more dynamic policy with Cuba to have an opportunity to have a united impact.

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

Mr. SMITH of New Jersey. I yield to the gentleman from California.

Mr. DREIER. I thank the gentleman for yielding. My dear friend the gentleman from Connecticut is right on target. That is exactly what the Diaz-Balart amendment does here. We should be able to come together. The goal of the amendment is to come together with both the legislative branch and the executive branch in fact recognizing the importance of this issue. The President has to certify that it is in the national security interest to keep or to not keep Television Marti. That is why I think that this is the very responsible, evenhanded way to get the two branches of government involved.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. SMITH] has expired.

(On request of Mr. DREIER, and by unanimous consent, Mr. SMITH of New Jersey was allowed to proceed for 2 additional minutes.)

Mr. SMITH of New Jersey. Mr. Chairman, I yield to my friend the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I guess I would say one thing having been through both Democratic and Republican Presidents, of both parties, I have seen them able to certify almost anything or not certify almost anything they chose to certify or not certify. The other thing is what we are dealing with here, and not questioning anybody, is a political hot potato. If the White House shuts it down, then that becomes obviously significant political fodder. I think in a bipartisan way, and again my hopes for this amendment are not great, but we ought to move past this and engage a much more dynamic policy. Nothing will hurt Castro more than having Cuban-Americans who are successful going back to Cuba and giving a contrast to the life there.

Mr. SMITH of New Jersey. Reclaiming my time, Mr. Chairman, just let me remind Members that we still have not had a full test, or any test really, of the UHF situation. We have asked Dr. Duffy and many people within the administration: "Why the delay? They have been talking about it for years. Now we are told that, sometime in October, the UHF program should be up and running. Hopefully we will then have a better gauge as to whether or not we are reaching a significant number of people.

Mr. DREIER. If the gentleman will yield further, I would like to say to my friend the gentleman from Colorado that I am very sympathetic, in fact the gentleman from Connecticut and I, a few weeks ago we were in Santa Fe, NM, and talked about the issue of Cuba. We were meeting with Mexican government officials. My friend the gentleman from Florida with whom I sit on the Committee on Rules knows that I also am sympathetic with this. But it seems to me that without undermining the goal that is set forth by the Skaggs amendment, the gentleman from Florida [Mr. DIAZ-BALART] is simply trying to in fact bring both sides into the question. The gentleman from Connecticut [Mr. GEJDENSON] says this is a political hot potato. It may be. Why should the hot potato simply be here in the Congress without letting the President, who obviously has gotten very involved, having signed the Helms-Burton legislation, he should be part of this process.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. SMITH] has again expired.

(On request of Mr. DREIER, and by unanimous consent, Mr. SMITH of New Jersey was allowed to proceed for 2 additional minutes.)

Mr. SMITH of New Jersey. Mr. Chairman, I continue to yield to my friend the gentleman from California.

Mr. DREIER. I thank the gentleman for continuing to yield.

Mr. Chairman, the fact of the matter is the cost imposed on Fidel Castro of trying to block this program is the equivalent of 400,000 barrels just for Havana alone. If we go back and look at the height of the cold war, the Soviet Union was able to block 99 percent of the programming that went from Radio Free Europe into the Soviet Union. I think that we ought to think long and hard before we take this kind of action from the Congress, and I say that as one who believes that getting our western values into countries throughout the world is clearly the best way possible for us to undermine political repression, but I think that this two-tiered approach with both the legislative and executive branch's involvement is the most responsible approach for us to take.

Mr. MENENDEZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not think there is any Member of this House, including my dear colleagues from Florida, that still have family in Cuba, but I do. So when people talk about some of these issues, they talk in the abstract. I deal with the reality.

Every time I get up in this well and speak about issues that affect the people of Cuba, my family gets visited by Castro's rapid response brigade. My communications with them, which I always asked them never to let anyone know that they were my family, so in fact they would not be confronted with the realities they are confronted with today, being harassed, being denied employment opportunities, but they told me, "We're not going to deny you, and we don't intend for you to stop speaking out."

The fact of the matter is my distinguished colleague from Connecticut raises a point of view which I disagree with but respect. However, the facts are quite different. The reality is that the regime in Cuba has only changed out of necessity, necessity created by the loss of the Soviet Union's aid, $6 billion a year, at which time the Cuban people did not receive more food on the plates of Cuban families but developed the third largest military in the entire Western Hemisphere after the United States and Brazil per capita.

Now that that money is gone, and with the legislation that we have passed, 3 dramatic things have happened. That third largest army has been reduced, important to the people in Cuba, important to the people in the hemisphere. More money should be going to Cuban families to put food on their table, but is not because the regime continues to use whatever resources they have to oppress people.

Second, the American dollar, the most hated symbol of the revolution, is now freely traded in Cuba and accepted, again out of necessity, not desire.

And, third, the fact of the matter is that the international investment that some herald which has made no real change in democracy in Cuba, from Canada, from Mexico, from Spain and every place else, the fact of the matter is that is now accepted for the last several years again out of necessity. Necessity, not desire. So in fact the changes that we have seen, limited as they are, are changes that come from necessity, the necessity that we have created in our legislation.

Now I want to speak to the Skaggs amendment, which I oppose, and the Diaz-Balart amendment, which I support. I cannot understand Democrats who would not give the President the flexibility in foreign policy that they decry does not exist in the underlying bill. That is the reality. They do not want to give the President flexibility in foreign policy that they decry in the underlying bill. That in essence is what the Diaz-Balart amendment would do.

The President has spoken clearly about the need to support the vital broadcasting services to Cuba of both Radio and Television Marti. In a letter to me the President stated, and I quote, "By strongly supporting Radio and TV Marti, I want to send a clear signal to those everywhere who struggle against tyranny. Radio and TV Marti make genuine contributions to

the cause of human rights and democracy in the hemisphere. Both help promote short and long-term U.S. foreign policy goals." That is the President of the United States.

Those of us with a strong interest in this issue agreed to a compromise which established having an advisory panel on Radio and TV Marti in the last Congress. The panel members were agreeable to all the parties involved, I believe, including the gentleman from Colorado [Mr. SKAGGS].

The panel was charged with assessing and reporting on the purposes, policies and practices of radio and TV broadcasting to Cuba. In fact, it was done so we could avoid the political hot potato that some have alleged exists, so we could take it out of the realm of politics, so we gave it to an independent panel.

What did that panel come and say? Their verdict was very clear. They said now more than ever we must retain intact the services of both Radio and Television Marti. I encourage the Members to seek out the executive summary of the advisory panel's report.

Let me underscore some of the more salient conclusions of the report. It said, "Cuban Government officials and elites regularly listen to Radio Marti and tune into TV Marti. When we want to speak to that elite, when we want them to make a change in their government, this is a direct way of communicating with them, a way to create peaceful change in Cuba."

Our United States interest section in Cuba, which thousands of average Cubans go into every day, they have the opportunity to see all of the programming of Television Marti that is done in the lobby as people try to get visas.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. MENENDEZ] has expired.

(By unanimous consent, Mr. MENENDEZ was allowed to proceed for 2 additional minutes.)

Mr. MENENDEZ. Mr. Chairman, it is not lack of interest of the Cuban people but the jamming which has prevented it, and we have means to circumvent that. The fact of the matter is that if in fact we move to the UHF opportunity, broadcasting to Cuba would neither interfere with Cuban broadcasting nor United States stations. The Cuban Government would have no present jamming capacity on a UHF process. These broadcasts could occur at any time. And it is both technically feasible and cost effective to switch TV Marti to UHF.

The fact of the matter is we have an opportunity for peaceful diplomacy to the people of Cuba. The same messages that we used to use in Radio Free Europe, Radio Liberty, those are the types of messages we want to send to TV Marti. We have never accepted another country's jamming of our surrogate broadcasting to be a reason to stop that broadcasting. We should not do it in the case of Television Marti.

Mr. Chairman, I urge my colleagues to give the President of the United States the opportunity to truly pursue his foreign policy goals. If he believes, as he said to me in that letter and has said time and time again, that it is in the national interests of the United States to do so, he should be given that opportunity.

It is a fair compromise on this issue. We have had an independent panel. They said we need the surrogate broadcasting. We should not let this regime undermine our efforts. I urge my colleagues to support the Diaz-Balart amendment.

□ 1615

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, the gentleman again invokes the panel's report. The panel was commissioned to find out whether anybody saw the signal. They then went beyond that commission to come up with this completely uncharged idea of going to UHF. I am sure the gentleman is aware that the technical experts with our own broadcasters say UHF is going to be easier to join than VHF.

Mr. MENENDEZ. Reclaiming my time, Mr. Chairman, that is not the understanding I have.

Ms. ROS-LEHTINEN. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong support of the Diaz-Balart amendment that requires the President to keep TV Marti operating if the President finds that it is in the national interest of the United States to do so. Radio and TV Marti have been invaluable tools to break through the information monopoly that the Castro dictatorship uses as a weapon of repression against the people of Cuba. Without the Marti's broadcast the Cuban people would not have a source of independent objective news that they would turn to in order to learn more about world events and about the sad reality inside Cuba. The Cuban people need TV Marti.

The Castro regime was once again condemned just a few weeks ago by the international journalist groups for its repression of independent journalists who seek to report only the truth about the regime's repression. Over and over we hear from these journalists and other dissidents inside Cuba about the invaluable service that Radio and TV Marti provide to the Cuban population for being a prime source of objective news coverage. These are the same independent journalists who are being brutally harassed daily by the Castro regime. Many are subjected to the so-called repudiation acts, which are nothing more than State-sponsored mobs who attack their homes. Others end up in prison merely for reporting the truth about the dictatorship in Cuba.

TV Marti is supported by the U.S. Information Agency, including its director, Joseph Duffey, who has been a strong proponent of its pro-freedom, pro-democracy broadcast. USIA is working on changing the TV Marti signal from VHF to UHF so that its power is increased into the island and Castro's attempts at jamming its signal be further prohibited.

For the Cuban people the TV broadcasts are a window to the outside world denied to it by the Castro regime. Without Radio and TV Marti, the Cuban people would never have known about the brutal attack by Castro's thugs to the 13th of March tugboat where over 40 Cuban refugees, mostly women and children, were indiscriminately murdered at sea in Cuban territory. Without the TV and Radio Marti broadcast, the Cuban people would be ignorant of the repression of the regime against the church through the expulsion of priests and the harassment of those who merely seek to worship in their religion. Without radio and TV broadcasts, Mr. Chairman, Cubans would have no clue about the disaster of the Cuban economy and about the exploitation by foreign companies of the Cuban workers and the subjugation of independent trade unions under Castro's slave economy. Without Radio and TV Marti's message of hope, the suffering people of the island would be ignorant of the efforts in this Congress to help them in their struggle to break the shackles of tyranny that has enslaved Cuba sadly for over 38 years.

I do not believe this Congress is prepared to strip away that small window of reality and that small ray of hope for the Cuban people, nor are we willing to grant a propaganda victory to Fidel Castro by eliminating this valuable service. The Radio and TV Marti broadcasts have made a real difference in Cuba, just like other worldwide services have done, like Radio Free Europe and Radio Liberty in the former iron curtain of Eastern Europe. Let us not let the suffering people of Cuba down, Mr. Chairman. Let us support this message of freedom broadcast daily by TV Marti. I strongly support the Diaz-Balart TV Marti amendment, and I hope that my colleagues will as well.

Mr. DEUTSCH. Mr. Chairman, I move to strike the last word.

The Skaggs amendment is clearly the wrong message at the wrong time. We are seeing specific things almost on a weekly basis occurring in Cuba which show the problems that the Castro regime is having. Internal leadership in terms of fighting the regime, demonstrations where people are literally putting their lives at risk on a weekly basis at the present time. To stop what we are doing now, to make a U-turn, to

make a 90-degree turn in terms of the policies at the present time just does not make any sense at all.

Let me focus in also on several specifics. One is the issue of the UHF ability which has not yet been tested. It is an ability in terms of having more people access to the station than exist today, but the message regardless is, I am sure that any of my colleagues who are supporting this amendment as they have spoken so eloquently already are not supportive of the Castro regime, are not supportive of his goals, are not supportive of his actions, but at the same time there is no question that changing the existence of both Radio and TV Marti would, in fact, support him in those goals. And I think the lesson of American foreign policy over this century has been not that we have looked at policies because they are easy, but because they are hard.

It will not be easy, it has not been easy to change the Castro dictatorship, but I think that the specific things that we can see on the ground are proving that the dictatorship's days are numbered, and I think this Congress in its greatest hours will be able to say that we were part of that in terms of the pressure that we have done through a variety of actions, including existence of Television Marti.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as my colleagues know, a lot of very honorable people have gotten up to speak today, and I mean that sincerely. My only problem with some of their comments is I really cannot believe they believe what they are saying. This is at the minimum a major waste of money. Last time I checked, nothing had really changed. TV Marti was seen a couple of times in Cuba over the last many years, and one night all we broadcasted was Popeye cartoons.

Mr. Chairman, Popeye cartoons in English may not be the message that we are paying for to get across. I could question the choice of cartoons; Tom and Jerry, the Cartoon Channel, might have been a better choice. But here is the problem:

We were told some time ago that the reason we had to keep TV Marti was because it was going to change the attitude of the Cuban people that informed them of what goes on in this country and our desire to inform them of what goes on in their country. Now, of course, they have their own television, and now we have CNN there so I do not understand why we need TV Marti.

And then last year or the year before, if my colleagues will recall, at a major cost, which we still do not really know how much it costs, but it was a lot of money, we were told that if we move Radio and TV Marti's offices to Miami, somehow it would be closer and the signal would be better or the quality of the work would be better or the employee pool would be better. I do not know what would be better, but we did it, and here we are again with the same situation: Nothing is working.

Now we are told it is UHF. Now that is interesting. UHF versus VHF versus cable channels; come on, this is a waste of time. What are we going to do? Now next year, when we fail again at it, we are going to say we now broadcast in 3-dimensional color and stereophonic sound, the message will get across. The fact of life is that this is another example of a miserable, misguided, and totally improper policy on the part of this country.

Mr. Chairman, if we really want to get closer to the Cuban people, why do we not do what we did with the Soviet Union and other people? We never stopped listening to their classical music. We never stopped sending them our jazz and our rock and roll. We never stopped watching their artists perform here. But with Cuba our desire is to totally isolate them, isolate them until they come here begging for mercy and screaming Uncle Sam.

Mr. Chairman, it is not working, and now we heard the gentleman from Florida, a dear friend of ours, say that the regime, as he calls it, moments are dwindling down to a few. I have been hearing this for 38 years, so I do not know what the few is that we are talking about.

My colleagues, the Skaggs amendment, which I speak on behalf of and in favor of, is a good amendment. It is a fiscally sound amendment. The gentleman from Colorado has to be commended for the fact that year after year he is courageous enough to stand on this floor, suspecting what the outcome of the vote may be, as others do, but knowing that this is the right thing to do, to say that TV Marti is a waste of time, a waste of dollars, and a bad policy.

Now anyone who is in the TV business or who understands electronics will tell us that this approach serves no purpose because if indeed the Government in Cuba wants to jam the signal, some people have told me that we could jam the UHF signal much easier than we can any other signal. So we are just buying into it.

Now, like I said before, we moved the offices to Miami, and that did not work. I do not think we will be able to move them next year to Havana so that we can get a closer signal into the island.

Please, if we sound somewhat sarcastic, it is because this is ridiculous. But I would urge very much for my colleagues to defeat this amendment and to bring back some sanity to this policy.

Mr. MENENDEZ. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from New Jersey.

Mr. MENENDEZ. Just a point about CNN.

Of course the gentleman understands that for CNN one needs a satellite, and satellite dishes are illegal in Cuba, and therefore the average Cuban cannot see a satellite transmission of CNN because they do not have satellite dishes.

Mr. SERRANO. That is not true, and I am sorry to say that. CNN happens to have been seen in Cuba year after year after year. It is that way that the Cuban people get information about us.

No. 2, as the gentleman knows, before CNN could go to Cuba, it had to get an OK from certain segments of the Cuban/American community that they are doing——

Mr. MENENDEZ. If the gentleman would yield so I can deal with his comment, the fact of the matter is in the fine hotels of Cuba, in which people who are Cubans cannot go to, yes, a satellite opportunity is there, and those who may work there receive it, but the average Cuban cannot.

The CHAIRMAN. The time of the gentleman from New York [Mr. SERRANO] has expired.

(On request of Mr. SKAGGS, and by unanimous consent, Mr. SERRANO was allowed to proceed for an additional minute.)

Mr. SERRANO. Mr. Chairman, my comment to the gentleman from New Jersey is that no matter how we strike it, the fact of life is that CNN is seen, has been seen and will be seen much more than TV Marti, and it is wasted money, American dollars, is seen at this moment. And second, since we are talking about fiscal austerity in this House, CNN is probably financed. TV Marti comes out of my tax dollars and my constituents' tax dollars, and I know the gentleman can make a better argument for some expenditures rather than TV Marti.

Ms. ROS-LEHTINEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from New York [Mr. SERRANO] has expired.

(On request of Ms. ROS-LEHTINEN, and by unanimous consent, Mr. SERRANO was allowed to proceed for 2 additional minutes.)

Ms. ROS-LEHTINEN. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Chairman, my colleague brings up CNN, which is totally ludicrous because the Cuban people are denied the basic food by the Castro regime, he saves that for the tourists. CNN is broadcast in the tourist hotels which by law the Cuban people cannot use. They cannot use those pools, they cannot use the beaches by law. My colleague is speaking about a broadcast that does not reach the Cuban people, but I think the gentleman would be interested in knowing how the journalists, including CNN, are

treated in Cuba and this just came through the wire today, and I will read it, the Reuter story.

Communist-ruled Cuba, whose own media is state-controlled, has introduced new regulations for foreign media, including a stipulation that accredited foreign journalists must be objective in their reporting. And this is by Foreign Minister Roberto Robaina, one of Castro's thugs. So he has now a form for these foreign journalists to fill out, and I say to the gentleman who supports freedom for journalist to please speak about this.

I would love to yield to my distinguished colleague to have him react to how the Cuban regime treats journalists in Cuba.

Mr. SERRANO. It is my time, and first of all it is nice to hear the gentlewoman quote statements that she has no facts to back up. The last one, well I am sure CNN will deal with that issue and I am very confident that CNN will get their way in doing what they have to do. That is why they are there, that is why the community in Miami accepted CNN and the Government accepted CNN, the fact that CNN will be unbiased and will report properly, and I have no problems with CNN telling me what is going on in Cuba because it will tell me what is bad about Cuba, but I suspect for the first time CNN may tell me there are some good things in Cuba which we have never been told by any of the Miami journalists.

Ms. ROS-LEHTINEN. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Would the gentleman please react to this new directive by Castro's thug, Mr. Robaina, who wants new regulations for foreign media?

□ 1645

Mr. SERRANO. Well, we have regulations about how the media behaves in this country.

Ms. ROS-LEHTINEN. Oh, so we are similar to Castro's Cuba, I see.

Mr. SERRANO. Mr. Chairman, we are not. The Foreign Minister has made a statement, I am sure CNN will deal with it. I will be the first one to say that CNN has all the rights available to them.

Mr. TAYLOR of Mississippi. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in about 45 minutes I will be going back to the Committee on National Security, where we will be putting together the personnel portion of the national defense bill for next year. I will hear the gentleman from Indiana [Mr. BUYER], the chairman of the committee, say that we cannot fulfill the pledge to our military retirees that they will be given health care for life, a pledge that was made to them on the day they enlisted and a pledge that was actually in Army recruiting brochures all the way into 1993, because we do not have enough money.

My colleague from Indiana will say that we cannot fund the youth challenge program run by the National Guard that takes high school dropouts, who in all probability would have ended up in the prison system, runs them through a 20-week boot camp-like environment in a number of States across the Nation, and has a 99-percent success ratio of taking these kids who would have gone to prison and getting them in school, getting them a GED, getting them a job, and in many instances they join the Armed Forces. Some of them do all three: Become a reservist, go to school, and get a job upon graduation. A 99-percent success ratio. That will be cut by $30 million because my Republican colleague will say we do not have enough money.

There will be 13,000 U.S. marines, airmen, soldiers, and sailors who this year will be able to apply for and receive food stamps because they do not make enough money from the pay that we give them, and yet they will only get a 2.8-percent increase. Now, if one is a Congressman or a President, 2.8 percent of one's salary is a lot of money. But if you are an E–1 or an E–2 or an E–3 or an E–4, and over half of all of the United States marines are E–4 or below, 2.8-percent of the very small salary you have is a minuscule pay raise. It is about $20 or $30 a month. This is an additional box of Pampers for one of your children.

Mr. Chairman, we are going to be told we cannot help our own, but we can spend $10 million to broadcast a signal that is jammed, going into a country that has daily trade relations with Mexico, the same folks who a couple of years ago my colleagues on the other side said we should open our borders to through NAFTA, the same folks my colleagues on the other side said we ought to send our factories to through NAFTA.

If I recall, just about 2 years ago right now on this same House floor we heard people denounce great programs like "Sesame Street," great programs like "Mr. Rogers," about the only thing on television that is worthwhile for a child to watch, saying that the Government should not be in the business of educating children through television. Well, heck, if we are not about educating American kids through television, what on Earth are we doing trying to broadcast a signal to another country that has free relations with Mexico to the south of us, with Canada to the north of us, that is jammed, at the expense of $10 million a year.

If my colleagues do not know what to do with that $10 million, I have a bunch of high school dropouts that I can keep out of prison and make good soldiers out of. I have a bunch of military retirees that we can fulfill the promise of lifelong health care with that money. And I have about 13,000 U.S. marines, U.S. airmen, U.S. Navy personnel, U.S. Army personnel, that we could pay them a slightly better wage with that money, rather than the pittance and the food stamp-eligible wages they are getting now.

The gentleman from Colorado [Mr. SKAGGS] is merely saying that in a time when we are trying to reduce Federal spending, should we not prioritize what we have left on Americans? When my Republican colleagues say that there are some things that Government should not do because the private sector could do it better, well, maybe this is one of them, because obviously what we are doing as a nation is not working. And $10 million is a heck of a lot of money, could help a heck of a lot of young people stay out of prison, help a heck of a lot of military retirees get the health care that they deserve, or pay those fine young sailors who are at sea 180 days a year, fine young airmen who are away from their families a minimum of 120 days a year, or fine young soldiers who are away from their families a minimum of 160 days a year. Support the Skaggs amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. DIAZ-BALART] to the amendment offered by the gentleman from Colorado [Mr. SKAGGS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SKAGGS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

ANNOUNCEMENT BY THE CHAIRMAN

Pursuant to House Resolution 159 and clause 2 of rule XXIII, the Chair announces that he may reduce to not less than 5 minutes the time for any electronic vote, if ordered, on the amendment offered by the gentleman from Colorado [Mr. SKAGGS], and on the amendment offered by the gentleman from Indiana [Mr. HAMILTON] on which further proceedings were postponed.

The vote was taken by electronic device, and there were—ayes 271, noes 155, not voting 8, as follows:

[Roll No. 159]

YEAS—271

Ackerman	Bishop	Calvert
Aderholt	Blagojevich	Camp
Archer	Bliley	Campbell
Armey	Blunt	Canady
Bachus	Boehner	Cannon
Baker	Bonilla	Castle
Ballenger	Bono	Chabot
Barr	Boswell	Chambliss
Barrett (NE)	Boyd	Chenoweth
Barton	Brady	Clement
Bass	Brown (FL)	Coburn
Bateman	Bryant	Collins
Bentsen	Bunning	Combest
Bereuter	Burr	Condit
Berry	Burton	Cook
Bilbray	Buyer	Cooksey
Bilirakis	Callahan	Cox

Coyne
Crane
Crapo
Cubin
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (RI)
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Maloney (NY)
Manton
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meek
Menendez
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Pease
Peterson (MN)
Peterson (PA)
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Reyes
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shays
Sherman
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Strickland
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—155

Abercrombie
Allen
Baesler
Baldacci
Barcia
Barrett (WI)
Bartlett
Becerra
Berman
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (OH)
Capps
Cardin
Carson
Christensen
Clay
Clayton
Clyburn
Coble
Conyers
Costello
Cramer
Cummings
Danner
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Eshoo
Etheridge
Evans
Fattah
Filner
Flake
Foglietta
Frank (MA)
Furse
Ganske
Gejdenson
Gonzalez
Goode
Hall (TX)
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hoekstra
Hooley
Jackson (IL)
Johnson (WI)
Kanjorski
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
LaFalce
Lampson
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McIntyre
McKinney
Meehan
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Owens
Parker
Paul
Payne
Pelosi
Petri
Pickett
Poshard
Price (NC)
Rahall
Rangel
Regula
Rivers
Rodriguez
Roemer
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Sensenbrenner
Serrano
Shimkus
Shuster
Skaggs
Slaughter
Smith, Adam
Stark
Stenholm
Stokes
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weygand
Whitfield
Woolsey
Yates

NOT VOTING—8

Andrews
Farr
Fazio
Jefferson
Lantos
Pickering
Pomeroy
Schiff

□ 1713

Messrs. CHRISTENSEN, HALL of Texas, STENHOLM, BARTLETT of Maryland, HOEKSTRA, NADLER, and TIERNEY changed their vote from "aye" to "no."

Mr. WYNN, Mr. PALLONE, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. HOLDEN changed their vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. SKAGGS], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. HAMILTON

The CHAIRMAN. The pending business is the request for a recorded vote on the amendment offered by the gentleman from Indiana [Mr. HAMILTON] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 202, noes 224, not voting 8, as follows:

[Roll No. 160]

AYES—202

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barcia
Barrett (WI)
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Leach
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
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)
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
Taylor (MS)
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
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
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
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
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
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
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
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
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 (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—8

Andrews
Becerra
Farr
Jefferson
Lantos
Martinez
Pickering
Schiff

□ 1723

Mrs. KELLY and Mr. CALLAHAN changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title XI?

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey:

Page 96, lines 8 and 9, strike $334,655,000" both places it appears and insert "$344,655,000" and "$341,655,000" respectively.

Page 96, lines 21 and 22, strike "30,000,000" both places it appears and insert "40,000,000" and "33,000,000" respectively.

Page 96, lines 24 and 25, strike "10,000,000" both places it appears and insert "$30,000,000".

Add at the end of Title XI:

SEC. .

(a) It is the sense of Congress that the United States broadcasting through Radio Free Asia and Voice of America increase to continuous, 24-hour broadcasting in Mandarin, Cantonese, Tibetan, and that broadcasting in additional Chinese dialects be increased.

(b) Within 90 days of enactment of this Act, the President shall report to the Congress on a plan to achieve continuous broadcasting in Asia.

Mr. SMITH of New Jersey (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Chairman, this amendment—which I believe should have and will get the support of a very large, bipartisan number of Members of this House—would boost the amount of money for Radio Free Asia by $40 million to provide for 24-hour broadcasting. That is the hope here.

We will soon be voting on the very contentious issue of most-favored-nation status for China. There are many, many good Members who care deeply about human rights in China who will take a different position than I take, and others like me who believe that we ought to link MFN to human rights. This amendment is something on which we can come together and have a consensus. This is an area, with regard to human rights and freedom broadcasting, where I believe we can all come together and say: Let us be absolutely serious about getting the message of freedom into China and into some of the other countries where freedom does not flourish.

As I think Members know, Radio Free Asia was authorized in 1994. It was finally up and running as of last year. We have provided $10 million per year in the bill for new broadcasting to China, Vietnam, Korea, Tibet, and Burma. And soon, I am happy to say, we will be in Laos and Cambodia as well. These efforts are very, very popular among those who care about democracy.

This new money would allow, as I indicated earlier, 24-hour-a-day broadcasting. Currently we are only broadcasting 8 hours a day. And again this is surrogate broadcasting. This is giving people information about what is going on in their own country. We all know that under the Communist dictatorship in China, and in some of these other countries, the flow of information is largely circumscribed by the government. This amendment gives us an opportunity to get the information into the country. Surrogate broadcasting has been very successful where it has been used.

□ 1730

Now, let us be deadly serious about Radio Free Asia. This amendment has the strong support of many, including the Speaker. After his recent trip to China, he came back very much energized about this Congress doing more. We ought to do more. This amendment will do that.

In terms of where the money comes from, our bill is about $200 million below the administration request. That is where the money comes from. So we are meeting our targets there. Matter of fact, I, along with some of the Members on the other side of the aisle, would like to see some of the other accounts beefed up—and I am looking at the gentleman from California, [Mr. BERMAN] because we have worked together on some of these issues in the past, and we will do so again as we move to conference. So this amendment would be fully funded.

Having said that, I do hope we will have broad bipartisan support for this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title XI?

If not, the Clerk will designate title XII.

The text of title XII is as follows:

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. 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. 1203. 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. 1204. 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. 1205. 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. 1206. 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. 1207. 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. 1208. 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. 1209. 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. 1210. 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. 1211. 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 1210(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. 1212. 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. 1213. 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. 1214. 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 to 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. 1215. 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 1689 of the Revised Statutes of the United States (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.".

The CHAIRMAN. Are there any amendments to title XII?

AMENDMENT OFFERED BY MR. BACHUS

Mr. BACHUS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BACHUS:

At the end of chapter 1 of title XII (relating to Department of State authorities and activities) insert the following new section:

SEC. 1221. REPORT ON OVERSEAS SURPLUS PROPERTIES.

(A) REPORT TO CONGRESS.—Not later than March 1 of each year, the Secretary of State shall submit to the Congress a report listing overseas United States surplus properties for sale.

(b) USE OF FUNDS RECEIVED FROM SALE OF OVERSEAS SURPLUS PROPERTIES.—Notwithstanding any other provision of law, amounts received by the United States from the sale of any overseas United States surplus property shall be deposited in the Treasury of the United States to be used to reduce the deficit.

Mr. BACHUS. Mr. Chairman, I have heard my colleagues here today talk about saving $10 million and saving $30 million and making priorities, and I commend them for that. This amendment will save the taxpayers of the United States, the American people, as much as a half a billion dollars. We are not talking about $10 million, we are not talking about $20 million.

Mr. Chairman, today our Government, the State Department, owns over 1 billion, well, actually, over $10 billion, and I keep missing that, it is more than that, it is $100 billion in property overseas. Of that, as much as $1 billion is considered to be excess surplus property. This includes an orange grove in Morocco that is being used by the King of Morocco; it includes a $12 million mansion in Bermuda that our State Department says is ostentatious, to use their own inspector general's words; in Tanzania they have closed our post there but we still own the property. A billion dollars' worth of surplus property out there.

Now, this Congress has sort of dabbled in this. They have tried to address this and they have asked the State Department to form a panel to make some recommendations, but I would say to this body that we do not need a recommendation on this $467 million that the State Department 2 years ago already told this Congress was unneeded, unnecessary surplus land.

What my amendment does, it says that by March 1 they will list all of this land and that they will start selling this surplus property and that those savings will go into the deficit.

Now, there may be some Member here that says, well, if they sell this surplus, unnecessary, unused property, why do we not let them keep the money. I would say that that would be giving them money that they do not need. They come before this Congress, and if they need $4 million to build a building in Germany, then they ask for an appropriation. Last year we gave the State Department over $400 million to build new buildings and to buy property in foreign countries and we are appropriating a like amount this year.

This is surplus property. This is property that should go back to the deficit. It ought to be used by Americans. It ought to be used here at home. We do not need an orange grove used by the King of Morocco, we do not need a $12 million mansion that the State Department says is unneeded and is a luxury we cannot afford in these days of a budget crisis. We need to really set our priorities. We need to get serious about this.

When we talk about our soldiers, our enlisted men that may not get a 2.8-percent raise, we are talking about millions of dollars, but here we are talking about saving $1 billion. I would much rather sell some land that this Government owns in Bangkok, which is not being used, that they have had for 8 or 9 years, and give that money for something worthy; either return it to the taxpayers, pay it on the deficit or apply it to things that the American people really need.

I can continue to go down this list. I can continue to cite examples, but I would say this to the Members. We asked the GAO to review this thing 2 years ago and to report back to us, and they have come back and in this report they have said that the State Department, by their own admission, has 460 million dollars' worth of surplus land and property.

Mr. SMITH of New Jersey. Mr. Chairman, I reluctantly rise in opposition to the amendment, and let me say that I have a deep respect for the gentleman from Alabama [Mr. BACHUS] and I think he does a service in bringing this issue to the floor.

I chair the subcommittee that oversees the State Department and we have held a hearing in which I have asked a number of questions that go right to the heart of this issue of these excess properties. I do believe that the Department of State should be more aggressive in the disposition of those properties that are either excessive or no longer needed.

This provision is not necessary, however, because of the actions taken in the conference report for Commerce, Justice, and State Department appropriations for fiscal year 1997, in which the Department was directed to professionalize their asset management. The Department has set up a real estate advisory committee, bringing additional expertise on asset management, and the Department is committed to funding capital projects with assets from those sales.

I would also point out, and I believe this very strongly, that changing the current law to have proceeds revert to the Treasury might act, however unwittingly, as a disincentive to the Department to dispose of those assets. So we would have an unintentional consequence as a result.

Furthermore, the proceeds are used for facility maintenance, improvement, buildings and purchasing. This reduces the need for additional appropriations for this purpose.

I appreciate again what the gentleman is attempting to do, and I would like to assure them that our subcommittee will be vigorous in its oversight. And just raising this issue again on this floor, and his amendment may indeed win, but even if he does not, he has done a service in bringing this issue and bringing some scrutiny and light to the issue.

Mr. BACHUS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, let me point out to this body that the State Department has been urged by this Congress to sell this property for 10 years, and from 1990 to 1995 they only sold about $150 million worth of property. The biggest piece of property that they sold, which was a $49 million piece of property in Singapore, they only sold because the Singapore government needed it for a road and actually condemned that land and compelled that sale. A $49 million piece of property in Singapore that our embassy did not need.

A residence costing $92 million in Japan, which we are using as a residence for one of our mission members over there. Ninety-two million. How do we say to the American people that we are housing some of our foreign operations people, that we are using a $92 million piece of property to house someone in the foreign ministry, yet we turn down requests for $10 million and $20 million here?

The GAO said in that case that for $4 million, well, they actually said that they could convert property they already had for a residence for this gentleman, and yet he is still there.

I would just simply say to the gentleman from New Jersey, and I identify with what he is saying, but I think what I am saying, and in Jerry McGuire's words, to the American people, either show me the money, show me the savings, or start another panel or start another committee or study this thing a little more. This is obviously a luxury the American people do not want, they cannot afford, they have never requested, and it is time for action.

It is time for a yes vote on my amendment, and it will save, I would say, a billion dollars that will go to deficit reduction, money that the taxpayers will not have to use to pay their hard-earned taxes in to go to pay interest on the deficit.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. BACHUS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SMITH of New Jersey. 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 159, further proceedings on the amendment offered by the gentleman from Alabama [Mr. BACHUS] will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. Are there further amendments to title XII?

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFLEY:

At the end of chapter 1 of title XII (relating to Department of State authorities and activities) insert the following new section and amend the table of contents accordingly):

SEC. 1221. NOTIFICATION OF CRIMES COMMITTED BY DIPLOMATS.

Title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4301 et seq.; commonly referred to as the "Foreign Missions Act") is amended by inserting after section 204A the following:

"SEC. 204B. CRIMES COMMITTED BY DIPLOMATS.

"(a) RECORDS.—(1) The Secretary of State shall develop and maintain records on each incident in which an individual with immunity from the criminal jurisdiction of the United States under the Vienna Convention who the Secretary reasonably believes has committed a serious criminal offense within the United States which was not subject to the criminal jurisdiction of the United States. Each such record shall include—

"(A) the identity of such individual;

"(B) the nature of the offense committed by such individual, including whether against property or persons;

"(C) whether such offense involved reckless driving or driving while intoxicated; and

"(D) the number and nature of all other criminal offenses committed in the United States by such individual.

"(2) The Secretary shall submit an annual report to the Congress on the incidents occurring during the preceding year. The report shall include the information maintained under paragraph (1) together with information under section 1706(a).

"(b) EDUCATION AND ENCOURAGEMENT OF LOCAL LAW ENFORCEMENT INDIVIDUALS.—The Secretary shall take such steps as may be necessary—

"(1) to educate local law enforcement officials on the extent of the immunity from criminal jurisdiction provided to members of a foreign mission, and family members of such members, under the Vienna Convention; and

"(2) to encourage local law enforcement officials to fully investigate, charge, and prosecute, to the extent consistent with immunity from criminal jurisdiction under the Vienna Convention, any member of a foreign mission, and any family member of such a member, who commits a serious criminal offense within the United States.

"(c) INTERFERENCE WITH LOCAL PROSECUTIONS.—No officer or employee of the Department of State may interfere with any investigation, charge, or prosecution by a State or local government of—

"(1) an alien who is a member of a foreign mission,

"(2) a family member of an alien described in subparagraph (A), or

"(3) any other alien, not covered by immunity from the criminal jurisdiction of the United States under the Vienna Convention.

"(d) NOTIFICATION OF DIPLOMATIC CORPS.—The Secretary shall notify the members of each foreign mission of United States policies relating to criminal offenses (particularly crimes of violence) committed by such members, and the family members of such members, including the policy of obtaining criminal indictments, requiring such members to leave the country, and declaring such members persona non grata.

"(e) VIENNA CONVENTION.—For the purposes of this section, the term 'Vienna Convention means the Vienna Convention on Diplomatic Relations of April 18, 1961 (TIAS numbered 7502; 23 UST 3227), entered into force with respect to the United States on December 13, 1972.".

Mr. HEFLEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. HEFLEY. Mr. Chairman, today, I rise to offer an amendment to H.R. 1757, the Foreign Relations Authorization Act, that would help stop what happened on January 3, 1997, when a Georgian diplomat caused a horrible five-car crash at DuPont Circle that killed Miss Joviane Waltrick.

As I am sure all of us remember, late in the evening of January 3, a Ford Taurus, which police say was traveling up to 80 miles an hour, plowed into an intersection in DuPont Circle here in this town and caused a fatal car accident. A 16-year-old, Joviane Waltrick, died when a car hit by the Taurus catapulted into her Volkswagen. The accident was caused by this Georgian diplomat who could have escaped prosecution because he enjoyed diplomatic immunity. But Georgia's President took the unusual step and courageous step of waiving the diplomatic immunity.

When this happened, my immediate reaction was that, by golly, when we have capital crimes, serious crimes in this country, committed by diplomats, we ought to be able to prosecute those serious crimes. They should not be able to get off. But I found out it was much more complicated than that when we got into it to try to decide how to handle it.

□ 1745

And besides, there is a Vienna Convention which deals with this with other nations, and so we could not handle it quite that way. So we did not want to violate that Vienna Convention.

Currently, there is an informal agreement between the State Department and local community police forces, and under this agreement, the local law enforcement agencies are to inform the State Department of every incident involving a diplomat. Often local police do inform the State Department and action is taken.

Last year, 10 diplomats had their driver's licenses suspended. During the past 4 years, eight diplomats have been expelled for repeated drunk driving. But often, as was in the case of this Georgian diplomat who caused the death of Ms. Waltrick, the State Department is not informed.

According to the State Department, the Georgian diplomat had prior instances with local police forces, which included running red lights and driving in excess of 80 miles per hour. I think there was some drunken driving. But through this whole informal agreement that broke down was that the State Department never knew of this diplomat's infractions until after the accident when the State Department started asking local law enforcement officials about him after the crash. Had they known, this might never have happened.

In brief, my amendment would formalize the relationship between the State Department and the local police forces by having the local police forces report instances involving diplomats to the State Department; and, in turn, it would have the State Department notifying the offending embassy or mission of the offending diplomat's behavior.

Probably the most important aspect of my amendment is that it would have the State Deparment take the necessary steps to educate local law enforcement officials as to the extent of immunity diplomats have, and would have the State Department encourage local law enforcement officials to fully investigate, charge, and prosecute, where they are able to under the Vienna Convention, any diplomat who commits a serious criminal offense within the United States.

Mr. Chairman, this simply formalizes what we are doing already, and there is a breakdown in what we are doing already. We can save some lives, I think, and we can keep more people from getting off when they commit serious crimes in our country.

Mr. GILMAN. Mr. Chairman, will the gentleman from Colorado yield?

Mr. HEFLEY. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I think my colleague has proposed a worthy amendment. The committee accepts the amendment.

Mr. HEFLEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments to title XII?

AMENDMENTS OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer several amendments and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. GILMAN:

Page 120, strike line 11 and all that follows through line 18, and insert the following:

(a) PERSONS AUTHORIZED TO ISSUE REPORTS OF BIRTHS ABROAD.—Section 33 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2705) is amended in paragraph (2) by adding at the end the following: "For purposes of this paragraph, a consular officer shall include 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 he may prescribe.".

Page 121, after line 17, insert the following:

(e) DEFINITION OF CONSULAR OFFICER.—Section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)) is amended by—

(1) inserting "or employee" after "officer"; and

(2) inserting before the period at the end of the sentence "or, when used in title III, for the purpose of adjudicating nationality".

(f) TRAINING FOR EMPLOYEES PERFORMING CONSULAR FUNCTIONS.—Section 704 of the Foreign Service Act of 1980 (22 U.S.C. 4024) is amended by adding at the end the following new subsection:

"(d) Prior to designation by the Secretary of State pursuant to regulation to perform a consular function abroad, a United States citizen employee (other than a diplomatic or consular officer of the United States) shall be required to complete successfully a program of training essentially equivalent to the training that a consular officer who is a member of the Foreign Service would receive for purposes of performing such function and shall be certified by an appropriate official of the Department of State to be qualified by knowledge and experience to perform such function. As used in this subsection, the term 'consular function' includes the issuance of visas, the performance of notarial and other legalization functions, the adjudication of passport applications, the adjudication of nationality, and the issuance of citizenship documentation.".

SECTION 1304—ESTABLISHMENT OF ASSISTANT SECRETARY OF STATE FOR DIPLOMATIC SECURITY

On page 127 line 20 insert after security "and management".

SECTION 1321—AUTHORIZED STRENGTH OF THE FOREIGN SERVICE

On page 130 line 5 delete 1070 and insert in its place 1,210.

On page 130 line 6 delete 140 and insert in its place 150.

On page 130 line 17 delete 1065 and insert in its place 1,182.

On page 130 line 18 delete 135 and insert in its place 147.

Strike section 1702 of division B, page 163, line 3 to page 164, line 3, and insert the following new section (and renumber the subsequent sections accordingly and conform the table of contents accordingly).

SEC. 1702. UNITED STATES POLICY WITH RESPECT TO THE INVOLUNTARY RETURN OF PERSONS IN DANGER OF SUBJECTION TO TORTURE.

(a) POLICY.—It shall be the policy of the United States that the United States shall not expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing that the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States.

(b) DEFINITIONS.—Except as otherwise provided, terms used in this section have the meanings assigned 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 of such Convention.

(c) PROCEDURES.—Procedures shall be established to ensure compliance with subsection (a) in the cases of aliens who are arriving in the United States or who are physically present in the United States and who are subject to removal.

(d) REVIEW AND CONSTRUCTION.—Notwithstanding any other provision of law, no court shall have jurisdiction to review the procedures adopted to implement this section, and nothing in this section shall be construed as providing any court jurisdiction to review claims raised under the Convention or this section, or any other determination made with respect to the application of the policy set forth in subsection (a), except as part of the review of a final order of removal pursuant to section 242 of the Immigration and Nationality Act, as amended.

Strike section 1712 and insert the following:

SEC. 1712. SENSE OF CONGRESS RELATING TO RECOGNITION OF THE ECUMENICAL PATRIARCHATE BY THE GOVERNMENT OF TURKEY.

It is the sense of Congress that the United States should use its influence with the Turkish Government and as a permanent member of the United Nations Security Council to suggest that the Turkish Government—

(1) recognize the Ecumenical Patriarchate and its nonpolitical, religious mission;

(2) ensure the continued maintenance of the institution's physical security needs, as provided for under Turkish and international law, including but not limited to, the Treaty of Lausanne, the 1968 Protocol, the Helsinki Final Act (1975), and the Charter of Paris;

(3) provide for the proper protection and safety of the Ecumenical Patriarch and Patriarchate personnel; and

(4) reopen the Ecumenical Patriarchate's Halki Patriarchal School of Theology.

Page 183, line 1, strike "cases and the" and insert "cases through the provision of records and the unilateral and joint".

Mr. GILMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Chairman, the amendments that I have proposed have been cleared on both sides. There is an amendment by the gentleman from California [Mr. BERMAN] to allow non-Foreign Service Government employees who are U.S. citizens to perform consular functions.

There is a technical amendment to the provisions setting out qualifications for the position of Assistant Secretary for Diplomatic Security. There is an amendment to change the authorized strength of the Foreign Service. There is an amendment by the gentleman from California [Mr. LANTOS] to change the provision concerning return of persons to places they may be subject to torture. There is a technical amendment to language in the bill relative to the ecumenical patriarchate in Istanbul, Turkey. There is a technical amendment by the gentleman from New Jersey [Mr. SMITH].

Mr. Chairman, that is the extent of the en bloc amendments, and I ask that they be adopted.

Mr. HAMILTON. Mr. Chairman, we accept the en bloc amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York [Mr. GILMAN].

The amendments were agreed to.

The CHAIRMAN. Are there any other amendments to title XII?

The Clerk will designate title XIII.

The text of title XIII is as follows:

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".

(4) in subsection (b) in the matter following paragraph (2) 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.

AMENDMENT OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOSS:

Page 139, strike line 19 and all that follows through line 10 on page 141 (and conform the table of contents accordingly).

Mr. GOSS. Mr. Chairman, during the considering by the Committee on House International Relations of this bill, language was adopted which would have significant and unfortunate consequences for the future of the Office of Inspector General at the State Department, and potentially for all other inspectors general in the Federal Government. This proposal could greatly limit the IG's ability to conduct effective oversight and departmental investigations, and it is a serious matter.

While this proposal was slightly modified and approved, I understand, before it was adopted by HIRC, this proposed legislation will undermine important oversight law that IG's across the Government have performed since the enactment of the Inspector General Act of 1978, almost 20 years ago.

My amendment is quite simple. It strikes the provision, section 1329, in its entirety. I understand and I can sympathize with the interest of some Members in sending a warning shot across the bow of the Inspector General so as to ensure the treatment of all government employees must be fair and evenhanded. That is certainly a proposition I stand for. I would suggest that the debate so far on this has been a message sent and a message already received down at the Department of State. So I think that the genesis of this and the author's intent has in large part been taken care of.

But I have got real trouble with the attempted fix that is actually in the bill now, and I believe it must be stricken. For the benefit of Members who may not have had a chance focus on this provision, I would like to briefly outline several problems with the inspector general proposal in this bill.

The language in the bill that the Goss amendment strikes is language that imposes significant and unprecedented limitations on the role and investigation prerogatives of the State Department's Inspector General. It places State Department's Inspector General outside of standard Federal law enforcement policies and procedures and severely undermines the State IG's ability to carry out investigative functions.

Why in the world would we want to do that in this day and age?

Letters that I received from the Inspectors General, Department of Defense, Justice, Commerce and Energy, and the CIA express the gravest possible concern about this proposal. I am also informed that the Director of OMB is opposed to the proposal.

If implemented, this legislation would, in my view, create a dangerous precedent which could undermine the investigative and oversight capabilities of IG's throughout the Government, not just in State. It is my understanding that no other IG office in the Government is currently subject to the restrictions that are envisioned by this bill.

Understandably, the various IG's fear that this proposal is the proverbial foot in the door toward undermining their investigative and oversight role. Again, why we would want to do that?

The bill language would significantly diminish the State Inspector General's ability to hold the departmental employees accountable for criminal wrongdoing. I do not think that is a good proposition. This provision would appear to require the State Inspector General to provide special privileges to employees during the course of a criminal investigation that are inconsistent with the rest of the Federal law enforcement community. They are privileges enjoyed by no one else as in the bill now.

This could result in anomalous situations, such as potentially requiring the State IG to provide advice on rights to counsel to individuals in undercover investigations and otherwise disclose the existence of and possibly interfere

with sensitive ongoing investigations. Not a good idea.

Is there already a remedy for overaggressive IG procedures in place? The answer is yes; there is. Under current authority, any individual being interviewed by State's IG can already assert his or her right to counsel. Moreover, all State Department employees are routinely provided a written summary of their rights in an OIG investigative process.

But, in fact, State employees involved in interviews with the IG already have a right to know who is in the room. What is going on here? And if they do not like what is happening, they can vote with their feet, they can simply leave.

In my view, this language imposes a further reporting requirement on State's Inspector General that is unwarranted and unnecessary. This proposal would require State's IG to prepare and submit a report to the relevant committees providing detailed descriptions of any instances in which any disclosure of information to the public by an employee of the Office of Inspector General about an ongoing investigation occurred.

My understanding is the State IG makes no such disclosure of information to the public about any ongoing investigations. And it is thoroughly appropriate given an individual's privacy concern that would be at stake. So they are doing the right thing already.

I am informed that the only disclosures that the State IG actually makes concerning ongoing investigations are to the Secretary of State, which is understandable, the Deputy Secretary of State, as is appropriate, the Department of Justice and other cooperating law enforcement officials if, in fact, there is an investigation going on.

I would, therefore, ask Members to support my amendment to strike this language and ensure that we do not inadvertently defang the inspectors general, the people's watchdogs within the executive branch, especially when there is a good remedy already in place for State employees who find themselves in noncustodial formal interviews by the IG.

In other words, this is not necessary and it is debilitating for the investigative process. It is well-intentioned. I understand that. I have the greatest respect for the author. I have offered to work with the author. I think we can find a much better solution. But I think it is very important that we take this damaging language out of this bill as it now stands. Therefore, I urge strong support for my amendment.

Mr. Chairman, I include for the RECORD the letters I referred to previously.

INSPECTOR GENERAL,
CENTRAL INTELLIGENCE AGENCY,
Washington, DC, June 3, 1997.

Hon. PORTER GOSS,
Chairman, House Permanent Select Committee on Intelligence, the Capitol, Washington, DC.

DEAR CHAIRMAN GOSS: I am writing to express my concern about an amendment to Section 209(c) of the Foreign Service Act of 1980 (22 U.S.C. Section 3929) that has been included in the Foreign Policy Reform Act of 1997. Section 1329 of the Foreign Policy Reform Act would require the State Department Inspector General (IG) to provide special, vaguely-worded rights to employees during the course of a criminal investigation that are inconsistent with the practices of the rest of the federal law enforcement community. This amendment would have the effect of placing the State IG outside of standard federal law enforcement policies and procedures and, as such, could undermine the authority of the IG to carry out her statutory investigative functions.

I am very concerned that such an amendment would be a dangerous precedent that subsequently could be made applicable to other IG offices, including the IG at the Central Intelligence Agency. In effect, it grants to employees of the State Department rights that no other citizen of the United States in similar circumstances has during the conduct of a criminal investigation. I know of no justification for treating State Department employees differently.

This amendment is at odds with existing case law and policies and procedures set forth by the Department of Justice (DOJ). My office generally follows DOJ policy and procedures during the course of criminal investigations and it has been our experience during the course of joint investigations with the State IG that the State IG has also followed such policy and procedures. Because the proposed amendment would establish different standards for the State IG than for all other IGs, it could impede the ability of my office to conduct effective joint investigations with State IG.

I respectfully request your attention to my concerns as the Foreign Policy Reform Act moves forward for consideration on the House floor.

Sincerely,

(For Frederick P. Hitz,
Inspector General).

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE INSPECTOR GENERAL,
June 3, 1997.

Hon. PORTER GOSS,
Chairman, House Permanent Select Committee on Intelligence, Capitol Building, Washington, DC.

DEAR CHAIRMAN GOSS: the purpose of this letter is to express the grave concerns of the Inspector General community about an amendment that has been included in the State Department authorization bill concerning the investigative functions of the Inspector General for the State Department, Arms Control and Disarmament Agency and the United States Information Agency. Congressman Hamilton's proposal would amend Section 209(c) of the Foreign Service Act of 1980 (22 U.S.C. Section 3929) to provide special rights to employees during the course of a criminal investigation that are inconsistent with the practices of the rest of the federal law enforcement community. Even as revised during the House International Relations Committee mark-up, this provision would have the effect of placing the State IG outside of standard federal law enforcement policies and procedures and, as such, would severely undermine the authority of the State Department/ACDA/USIA's Inspector General to carry out her statutory investigative functions. As a result, the ability of this Inspector General's office to hold individuals accountable for criminal wrongdoing would be significantly diminished.

In effect, this provision, by mandating advice of certain rights in situations not recognized by case law or Justice Department policy, is granting to employees of the State Department, the Arms Control and Disarmament Agency and the United States Information Agency, rights that no other citizen of the United States has during the conduct of a criminal investigation. This is especially troublesome given the large number of Presidential appointees and other senior-level officials in the Department of State and the perception of special treatment which could arise as a result of such legislation.

Our concern about this legislation is that it not only impedes the ability of one Office of Inspector General to conduct criminal investigations in accordance with community-wide law enforcement standards in the agencies that fall within her jurisdiction, but also is at odds with existing case law. As such, this proposal sets a dangerous precedent that could have an adverse impact on other Inspectors General throughout the government. The OIG community conducts investigations pursuant to standards established as a result of judicial decisions handed down by the Supreme Court and the Federal appeals courts, as well as policies and procedures adopted by the U.S. Department of Justice. The proposed legislation would require different standards for the State/ACDA/USIA OIG than those applicable to other law enforcement entities including other OIGs. Consistency of investigative standards is imperative to a well-functioning federal investigative effort. Passage of this amendment would seriously impede effectively and timely criminal investigations.

We respectfully request your attention to our concerns as the State Department authorization bill moves forward for consideration on the House floor.

Sincerely,

MICHAEL R. BROMWICH,
Inspector General, U.S. Department of Justice.

FRANK DEGEORGE,
Inspector General, U.S. Department of Commerce.

ELEANOR HILL,
Inspector General, U.S. Department of Defense.

DEPARTMENT OF ENERGY,
Washington, DC, June 3, 1997.

Hon. PORTER J. GOSS,
Chairman, Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to express concerns about an amendment that has been included in the State Department authorization bill concerning the investigative functions of the Inspector General for the State Department, Arms Control and Disarmament Agency and the Untied States Information Agency. Congressman Hamilton's proposal would amend Section 209(c) of the Foreign Service Act of 1980 (22 U.S.C. Section 3929). Even as revised during

the House International Relations Committee mark-up, this provision appears to place the State Department's Office of Inspector General (OIG) outside of standard Federal law enforcement policies and procedures.

The standards followed on advice of rights by the OIG's are governed by Department of Justice policy applicable to all Federal law enforcement officers. OIG's also routinely obtain guidance from the Department of Justice concerning investigative strategies. The proposed legislation would require different standards for the State OIG than those applicable to all other law enforcement entities. We are concerned about the potential impact of this amendment on effective and timely criminal investigations.

Sincerely,

JOHN C. LAYTON,
Inspector General.

Mr. HAMILTON. Mr. Chairman, I rise in opposition to the amendment. First of all, let me state my appreciation to the gentleman from Florida [Mr. GOSS] for his general approach to this. I do want to work with him to try to resolve what I think is a fairly difficult issue here, and I am open to working with him for language that will be appropriate in the conference.

I do feel I have to oppose the amendment, and I would like simply to explain why we put this language in the underlying bill. The provision at issue here does several things. It requires the IG of the State Department to make all best efforts to provide adequate notice to individuals under investigation about the full range of their rights as well as the identification of those persons attending the interview.

It requires the inspector general to provide information to individuals under investigation on their rights to counsel and to provide guidelines to those individuals on the IG policies and procedures with respect to such investigations. Finally, it requires the IG to submit to Congress a one-time report on its internal press guidance and how that guidelines has been followed in specific individual cases in the previous year.

This amendment was put forward in the committee and adopted because of the concerns that several of us have about what we think is the lack of attention by the Office of the Inspector General in the State Department, not other inspector generals, just the State Department, what we think has been a lack of attention by that office to the due process rights of individuals under investigation.

We have had several complaints about the investigative conduct of the office, complaints made by, I might say, both Democratic and Republican political appointees as well as complaints by career officers. I do not want to limit the IG's authority.

What this amendment seeks to do is to provide individuals with some information and some degree of protection where such authority is used with a heavy hand. Let me try to be specific here. I do not want to mention names. But a Republican appointee was caught up in an IG investigation involving a search of the President's passport records. The individual appeared voluntarily for the interview with the IG staff, only to find a criminal prosecutor from the Justice Department in the room and conducting the interview. The individual did not have an attorney with him or with her.

□ 1800

The individual was given an opportunity to review the findings of the IG, but only for 30 minutes, before the IG office released the findings to the press.

On another occasion, this one involving a Democratic appointee, the IG's office again gave no notice of the type of interview to which the individual would be subjected. The IG's office confirmed to the press that an investigation was ongoing and that the matter had been referred to the Department of Justice for criminal prosecution.

From the standpoint of an individual, this is a pretty scary setting. They are under investigation by the IG. They walk into the room, and they find a criminal prosecutor there. They do not have the advantage of right to counsel. That is a very intimidating circumstance.

We are not asking here for any restrictions on the powers of the inspector general to investigate. I do not want to restrict them. I am just trying to ensure that individuals gain due process and have protection from heavy-handed use of the inspector general's powers.

I think the issue is clear here, and I know the gentleman from Florida will work in good faith to try to come up with language, as will I. But I do think it is important to keep this language in the bill so that we can send a very strong message that we do not approve or like the manner in which the State Department Inspector General has been exercising his powers, and that some restraint thereon is necessary.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do sympathize with the point raised by my good friend, the gentleman from Florida [Mr. GOSS]. But we looked very carefully at those points, the points that he has raised in debate today, in the committee; and the gentleman from Indiana compromised, I think rather extensively, to meet many of the objections that were being raised.

I would submit, and I think we all will agree with this, that nobody wants to hobble law enforcement. But all the bill does, and I hope Members will take the time to read the section, all the bill does is to ensure basic due process in IG investigations.

Specifically, this provision as it now reads in the current bill erects a firewall between routine IG administrative investigations and criminal investigations. I really do believe, and I believe it very strongly, that a person is entitled to know whether or not he or she is the target of a criminal investigation. This provision does not guarantee that they will know, but as the language in the bill says it, to make all best efforts to provide employees with notice of the full range of his or her rights and then it goes on from there.

I reluctantly rise in opposition to the amendment, and I do ask that Members vote to retain this language that was a carefully crafted compromise during markup in the committee.

Mr. COX of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I too have great sympathy for the amendment being offered on the floor and great respect for its author, but I must oppose the amendment, and I must do so because it is unprecedented and in its effect very damaging.

We have received letters from the inspector general of other departments, the Departments of Defense, Energy, Justice, Commerce, and the Central Intelligence Agency, expressing the strongest possible concern that this proposal creates a dangerous precedent which could undermine the investigative and oversight capabilities of IG's throughout the Government. It is important for us to recognize that no other IG office in the entire Federal Government is subject to the restrictions that this language would impose.

Other departments of the Clinton administration fear that this amendment is a proverbial foot in the door that will undermine their authorities. The bill language would place the State Department's inspector general outside of standard Federal law enforcement policies and procedures and severely undermine the State Department IG's abilities to carry out its investigative function. It would significantly diminish the State Department inspector general's ability to hold departmental employees accountable for criminal wrongdoing.

The bill language imposes a reporting requirement on the State Department's inspector general that is itself unwarranted and unnecessary. It would require the State Department's IG to prepare and submit a report to the relevant committees providing detailed descriptions of any instances in which any disclosure of information to the public by an employee of the office of inspector general about an ongoing investigation occurred.

I mentioned at the outset that I have great respect for the author of this language. I also have great respect for the author of this amendment, and I think they both intend to achieve the same result, which is that our agencies, and in this case the State Department, will

operate free of internal corruption. But it would be unwise, it seems to me, in the extreme to impose requirements on the inspector general's office that frustrate the IG's ability to get to the bottom of corruption within the Federal Government.

The bill language, I want to emphasize once again, imposes requirements on the State Department's IG that are not applicable to any other agency's IG. Why we are on a rifle shot basis, on an ad hoc basis trying to change the rule just for the State Department, rather than making sure that we are consistently affording people due process, escapes me.

It is possible, by the way, to afford people something that we call due process, that is itself a procedural frustration of all of our rights. All of us here have rights. Taxpayers, for example, have a right to be protected from fraud and corruption within the State Department.

Let us assume for the sake of argument that the constable blundered in this case, and I want to point out that the IG is not the constable, the IG is not a prosecutor, the IG is not criminal law enforcement. But let us assume that the IG made a mistake and that the IG behaved improperly in this instance. Is that of itself a reason to make sure that we frustrate every future IG investigation, or is it instead a reason to take this matter up in the context of the events that occurred with that particular department and find out why, if someone's rights were abused, that took place?

I want to commend the author of this amendment, because he has done a good job in focusing on what I think is the language surely to give rise to the law of unintended consequences. I think he has quite properly gone after the reporting requirements, the diminution in the IG's authority, the frustration of legitimate investigations of wrongdoing by Federal employees. For that reason, I strongly support the Goss amendment to the Foreign Relations Authorization Act.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. I thank the distinguished gentleman for yielding.

Mr. Chairman, I wanted to point out a couple of things have been said that I think Members need to understand. We are not talking about due process. We are talking about way beyond due process here. Due process is guaranteed. This is not an issue of due process. This is a provision of special privilege for a narrow group of government employees that is entirely unwarranted and will in fact hamper investigation by those who are charged with the heavy responsibility of investigating wrongdoing in the Department of State. Who would want to stand behind the proposition that we want to slacken our efforts, defang our watchdogs and just basically cast a blind eye to the fact that there might be some wrongdoing in this day and age? That is not what the constituency of America is asking us to do.

I am not an investigator, and my distinguished colleague from New Jersey, whose opinion I have great respect for and I have every reason to believe, has come to a conclusion that he firmly believes but based on the wrong information. Let me tell my colleagues what the people who are charged with this responsibility are saying. They are saying that passage of this amendment would seriously impede effectively and timely criminal investigations. I am not making that up. I am quoting from a letter signed by Michael Bromwich, inspector general of the Department of Justice; Frank DeGeorge, inspector general of the Department of Commerce; and Eleanor Hill, inspector general of the Department of Defense. These are people charged with the heavy responsibility who have said for the record publicly that if we do not remove the language that is in the bill and we do not pass the Goss amendment, that we are seriously impeding effectively and timely criminal investigations.

I do not want my name associated with anything that is going to impede effective and timely investigations. Again, I am not an investigator, but I will take the say-so from the people who are in charge of the job. The people who are in charge of doing that job feel that this is going to hurt their ability. I would suggest to my colleague and close friend, for whom I have huge respect as he well knows, the gentleman from Indiana [Mr. HAMILTON], that if there is a problem with the inspector general's power, that we look at all of them and we do it appropriately and in a deliberate way. I certainly do not think it is a perfect system but I certainly feel that going piecemeal after one on what seems to be sort of a payback motive, these guys were overeager, so let's show them that we've got the muscle, I do not think that is the right way to make good legislation.

Mr. HAMILTON. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from Indiana.

Mr. HAMILTON. I thank the gentleman for yielding. I really think the language that the gentleman has quoted from our respected inspector general in other departments is quite exaggerated. What we are doing here is asking the IG to make the best efforts to provide adequate notice to individuals about their rights, including their right to counsel. That is the core of my amendment. That is all we are doing. We are just saying, please give these individuals information about the circumstances they are going to be in. We are not restricting in any way the inspector general's right to look into these matters and to investigate. The gentleman is quite right that an inspector general needs broad powers, but it is also true that individuals have rights, too, and they surely must be entitled to the right to know what is going on and who is going to be present in that room and why they are there.

Mr. GOSS. In fact, all the individual has to do is ask. They have the right to ask and they have the right to get the right answer, but remember that we are talking about investigations here. We are not talking about people who are arrested. There is not a question of rights. This is a question of special privilege and this is an investigation.

Mr. COX of California. Mr. Chairman, will the gentleman yield?

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

Mr. COX of California. In this matter, I think we need to pay especial attention to what the Clinton administration Justice Department inspector general is telling us and the U.S. Department of Justice, office of the inspector general has provided us with very explicit advice on this language in the bill.

The CHAIRMAN. The time of the gentleman from Texas [Mr. PAUL] has expired.

(On request of Mr. GOSS, and by unanimous consent, Mr. PAUL was allowed to proceed for 1 additional minute.)

Mr. PAUL. Mr. Chairman, I continue to yield to the gentleman from California.

Mr. COX of California. The U.S. Department of Justice Office of inspector general has told us that the language in the bill would grant special rights to employees of the Department of State that are inconsistent with the practices of the rest of the Federal law enforcement community. It would place the State Department inspector general outside of standard Federal law enforcement policies and procedures. It would make it very, very difficult, and to quote the letter from the Department of Justice, it would significantly diminish the inspector general's office ability to hold individuals accountable for criminal wrongdoing.

To put it quite simply, we are making it easier for the criminals if we pass this in a way that is inconsistent not only with what inspectors general do but what Federal law enforcement does, what criminal law enforcement does.

□ 1815

These are rights that do not exist for anyone else but for us taxpaying citizens.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment offered by the able gentleman from Florida [Mr. GOSS] would strike the amendment that I agreed to in committee offered by the gentleman from Indiana [Mr. HAMILTON]. That amendment was a compromise between the original amendment provided to our staff by the staff of the gentleman from Indiana that was the subject of discussions that included the State Department Office of Inspector General.

Because of that compromise I would ordinarily be reluctant to agree to strike the language, but I will do so in this case because of the new and impassioned request that we have now received from representatives of the inspector general's community who are concerned that this represents a foot in the door for wholesale changes in their actions. The gentleman from Florida [Mr. GOSS] has discussed that correspondence in full.

I would like to say to the gentleman from Indiana that I was concerned by some of his assertions relative to the actions of the State Department Office of Inspector General. I think his assertions and their implications should be the subject of oversight, and that appropriate action, and I do not rule out legislation, should be pursued at that point.

But given the fact that the assertions have been marshaled by the gentleman from Indiana only relatively recently, and the nature of the protest from the inspector general community, I am persuaded that the legislation at this point is unwarranted. Accordingly, I urge support for the Goss amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. GOSS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GOSS. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 159, further proceedings on the amendment offered by the gentleman from Florida [Mr. Goss] will be postponed.

The point of no quorum is considered withdrawn.

Are there further amendments to title XIII?

The Clerk will designate title XIV.

The text of title XIV is as follows:

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".

The CHAIRMAN. Are there amendments to title XIV?

The Clerk will designate title XV.

The text of title XV is as follows:

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".

The CHAIRMAN. Are there amendments to title XV?

AMENDMENT OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PAUL:

After chapter 2 of title XV (relating to international organizations; United Nations and related agencies) insert the following new chapter:

CHAPTER 3—AMERICAN SOVEREIGNTY RESTORATION ACT

SEC. 1531. SHORT TITLE.

This chapter may be cited as the "American Sovereignty Restoration Act of 1997".

SEC. 1532. REPEAL OF UNITED NATIONS PARTICIPATION ACT.

(a) REPEAL.—The United Nations Participation Act of 1945 (Public Law 79-264) is repealed.

(b) CLOSURE OF UNITED STATES MISSION TO UNITED NATIONS.—Effective within 120 days after the date of the enactment of this Act, the United States Mission to the United Nations shall be closed. Any remaining functions of such office shall not be carried out.

(c) NOTICE.—The Secretary of State shall notify the United Nations of the withdrawal of the United States from the United Nations as of the date of the enactment of this Act.

SEC. 1533. REPEAL OF UNITED NATIONS HEADQUARTERS AGREEMENT ACT.

(a) REPEAL.—The United Nations Headquarters Agreement Act (Public Law 80-357) is repealed.

(b) WITHDRAWAL.—Effective on the date of the enactment of this Act, the United States withdraws from the agreement between the United States and the United Nations regarding the headquarters of the United Nations (signed at Lake Success, New York, on June 26, 1947, which was brought into effect by the United Nations Headquarters Agreement Act).

(c) NOTICE.—The Secretary of State shall notify the United Nations that the United States has unilaterally withdrawn from the agreement between the United States of America and the United Nations regarding the headquarters of the United Nations as of the date of the enactment of this Act.

SEC. 1534. UNITED STATES ASSESSED AND VOLUNTARY CONTRIBUTIONS TO THE UNITED NATIONS.

(a) TERMINATION.—No funds are authorized to be appropriated or otherwise made available for assessed or voluntary contributions of the United States to the United Nations.

(b) APPLICATION.—The provisions of this section shall apply to all agencies of the United Nations, including independent or voluntary agencies.

SEC. 1535. UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) TERMINATION.—No funds are authorized to be appropriated or otherwise made available for any United States contribution to any United Nations military operation.

(b) TERMINATIONS OF UNITED STATES PARTICIPATION IN UNITED NATIONS PEACEKEEPING OPERATIONS.—No funds may be obligated or expended to support the participation of any member of the Armed Forces of the United States as part of any United Nations military or peacekeeping operation or force. No member of the Armed Forces of the United States may serve under the command of the United Nations.

SEC. 1536. WITHDRAWAL OF UNITED NATIONS PRESENCE IN FACILITIES OF THE GOVERNMENT OF THE UNITED STATES AND REPEAL OF DIPLOMATIC IMMUNITY.

(a) WITHDRAWAL FROM UNITED STATES GOVERNMENT PROPERTY.—The United Nations (including any affiliated agency of the United Nations) shall not occupy or use any property or facility of the United States Government.

(b) DIPLOMATIC IMMUNITY.—No officer or employee of the United Nations or any representative, officer, or employee of any mission to the United Nations of any foreign government shall be entitled to enjoy the

privileges and immunities of the Vienna Convention on Diplomatic Relations of April 18, 1961, nor may any such privileges and immunities be extended to any such individual.

SEC. 1537. REPEAL OF UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION ACT.

(a) REPEAL.—The Act entitled "An Act providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor" approved July 30, 1946 (Public Law 79–565) is repealed.

(b) NOTICE.—The Secretary of State shall notify the United Nations that the United States has withdrawn from membership in the United Nations Educational, Scientific, and Cultural Organization as of the date of the enactment of this Act.

SEC. 1538. REPEAL OF UNITED NATIONS ENVIRONMENT PROGRAM PARTICIPATION ACT OF 1973.

(a) REPEAL.—The United Nations Environment Program Participation Act of 1973 is repealed.

(b) NOTICE.—The Secretary of State shall notify the United Nations that the United States has withdrawn from membership in the United Nations Environment Program Participation as of the date of the enactment of this Act.

Mr. PAUL (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PAUL. Mr. Chairman, this amendment is not complex; it is very simple. If it is passed, we would get out of the United Nations, and there is a lot of people in this country who do not believe the United Nations has served us well and believe we should not be in the United Nations, and I think that we should consider this very seriously today.

The American people, many now are concerned that our sovereignty is being attacked in many ways; one by the United Nations membership in the United Nations. Today we have, of course, the IMF and the World Bank that we have been involved in a long time, and just recently we had joined the World Trade Organization, which is another international government agency and government body that usurps our rights and our privileges and interferes with our legislative process, especially in the area of environmentalism and labor law.

Our Constitution does not give us the authority to sell our sovereignty to an international government body, and even under the treaty provisions of the Constitution it is not permissible. The treaty provision does not allow us, for instance, to undermine the Bill of Rights. Therefore, giving up our national sovereignty through a treaty, an agreement to serve or participate in the United Nations, is not legitimate.

The movement we have seen here in the last several years has been toward managed trade. It has been managed trade in the name of free trade. But instead of free trade we get more government organizations and more international controls over our lives.

We have seen in the last several decades loss of American lives serving under the UN banner. The American people are now sick and tired of seeing U.S. troops serving under foreign commanders under the UN banner. We were humiliated in Somalia as dead American troops were dragged through the street, and it is time we question this, whether this is to our benefit. Our national sovereignty is not served.

Just recently the President gave a speech at the graduation ceremony at West Point. He says in the years ahead it means that one could be asked to put their life on the line for a new NATO member just as today one can be called upon to defend the freedom of our allies in Western Europe. That is not part of the American system.

Yes, we are obligated to provide a strong national defense, but there is no way that the American taxpayer is obligated to make an attempt to provide freedom throughout the world and defend everybody that has a problem. The whole notion that we can be the peacemaker where there have been wars going on for thousands of years is preposterous. This is one way for us to get very much involved in battles that we do not need to be involved.

I see our involvement in the United Nations and placing of troops around the world as a threat to our national security. We are low on funds, and we are spending way too much money. Since 1945, we have spent over a hundred or nearly $100 billion in UN efforts.

Some would say is that not wonderful? Look at what we have done. We have the Soviet Union has disintegrated over this type of policy and working through the UN, but that is not the reason the UN disintegrated, or the Soviet Union disintegrated. It is because they had bad economic policy and it was destined that they would disintegrate. We cannot be the peacemaker.

And there is another reason why we get so much involved with these UN organizations and UN functions, and that has to do with the many corporations that have influence with policy here. So when we go into Bosnia and we send troops there or send troops into Haiti, sure enough there are some very wealthy American corporations who are bound to get their contracts to go in, and they can very frequently be the strongest lobbyists for our intervention in these countries around the world.

Some argue that we are the only superpower left and therefore we must fill the gap. I think that is a very good argument for starting to bring our legions home. How long do we have to police the world? Will we ever come to our senses? Are we going to drive ourselves into a bankruptcy before we come to our senses and decide that maybe we have extended ourselves too far?

We have recently seen that under treaties by international treaties and UN treaties that even our parks are marked by UN functionaries; that is, there is an influence in the management and supervision coming from the United Nations. This is not permissible under our Constitution.

Mr. HASTINGS of Florida. Mr. Chairman, most respectfully I rise to oppose the gentleman's amendment, and I share with him a recent travel with reference to the actions of the United Nations.

The chairman of the Subcommittee on Africa [Mr. ROYCE], along with the ranking member of that committee, the gentleman from New Jersey [Mr. MENENDEZ], myself and three other Members of the House of Representatives were just in South Africa and in Angola and in Zaire and in Zimbabwe. We needed to get to Zaire, and we were ferried there on a United Nations airplane. While there we saw United Nations efforts ongoing, and I remind the gentleman from Texas to not give the impression that only United States troops are involved in our methods of the United Nations, but the largest United Nations contingent in the world today is in Angola, and they have saved millions of lives and have kept the peace, at least momentarily, in that country.

I need not carry my colleague around the world, but this amendment in the final analysis would require, as the gentleman says, the United States to withdraw from the UN how much does he feel that we should contribute to peacekeeping efforts? How much should we be involved in ensuring that the vital interests of the United States around the world are protected?

I am glad the gentleman from Texas [Mr. PAUL] offered the amendment because it offers us the opportunity for a real debate on the United Nations. This amendment clarifies that debate. Simply put, do we stay in the UN and work to reform it, or do we just get out? And that is sort of really in the final analysis an isolationist view, getting out of this world as this economy globalizes. I would hope that some Members of this body remember and recognize that for all of its warts the United Nations does also serve important United States interests around the world.

Many of us often express doubts about the United Nations, but at the end of the day every United States President has decided that United States participation in the United Nations is in the interests of the United States, and I might add every means every since its inception. I believe that the United Nations is indispensable as

one of many tools of United States foreign policy. As the only superpower, and my colleague so rightly points that out, the United States will be called upon more and more often to intervene in conflicts around the world to protect our vital interests. Unless we want to carry this burden alone, my distinguished colleague, and I do not think we can or should, we must be prepared to shift some of the responsibilities, as well as the costs, to other nations.

Do I favor a reformed United Nations? You bet. And have I told all persons with whom I have come in contact, including the Secretary of State of this great country, that? Yes, I have. I believe this means we must help to strengthen institutions such as the United Nations so that it can take the lead in peacekeeping operations and the United States can benefit from burden sharing. I hear that term used often.

Mr. Chairman, I would like to note that other United Nations programs also serve the United States interests. The World Health Organization, for example, led in the successful fight to eradicate smallpox from the face of the Earth and are busying themselves now working throughout the world in a variety of disease containment circumstances.

The International Atomic Energy Agency helps enforce crucial safeguards on nuclear materials. The International Civil Action Organization helps maintain safe air travel. Our payments to these agencies help to build a better and safer world.

Should we, as I say, work for major reforms in the United Nations? Yes. This amendment prejudges that question by saying we should just get out, wash our hands and turn our backs on the world.

I urge all Members to vote against the amendment offered by the gentleman from Texas [Mr. PAUL].

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Chairman, the gentleman points out that every President since the inception of the UN has supported the UN, but I might suggest that every President prior to that supported a foreign policy which was considered non-interventionist, pro-American, and that should be taken into consideration as well.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment, and again with all deference and respect for my good friend, the gentleman from Texas [Mr. PAUL] I do rise against his amendment. I think it would deny us an opportunity to promote world peace and do some of the things that we have been doing so well and not so well at times through the United Nations.

Let me just say that if his amendment were passed, we would no longer be participating in the UN Children's Fund, and there is $100 million in this bill targeted to UNICEF. UNICEF has been part of the global effort to eradicate preventable diseases that affect children, like pertussis, polio, tetanus, diptheria and other menacing diseases, measles, and it seems to me that if we were to take that money away, we would see more children die from these preventable diseases. The UN is not perfect, the UN Children's Fund is not perfect, but at least it gives us an opportunity to protect children and to tangibly stop mortality and morbidity among these victims of these diseases.

Refugees. The UN High Commission of Refugees tells us that they have some 26 million people of interest to the UNHCR. We would no longer and much of our money again that is in this bill, we have $704 million for refugee assistance goes to the UNHCR that provides the camps and the safe havens, if my colleagues will, for those who are escaping tyranny or other devastating situations in their countries.

The UNHCR again is not perfect, it has many flaws. I am one of its chief critics. But it does provide a very valuable humanitarian assistance that will be lost.

The ILO is another UN sponsored agency, the International Labor Organization. We have $20 million that is earmarked or put a designation for that money. When we marked up, it was part of my original draft bill to eradicate the exploitation of children around the world. We had 2 hearings in the subcommittee last year on this issue of the exploitation of kids, child labor.

We even heard from some of those who were in the news regarding it. We heard from a girl from Honduras who had been through the mill and exploited by her employer. The ILO has action plans in countries that work, that help to eradicate and sensitize government officials. To get us out of the ILO, I think, would be a mistake.

□ 1830

Peacekeeping; again, if we look at UNPROFOR, if we look at some of the peacekeeping missions that have gone awry, including Somalia, it gives a black mark to what the Blue Helmets do, but they have had many successful interventions. Had it not been for the U.N. peacekeepers, many, many people, civilians, would have been dead, and those long-term missions continue. We have combatants and people who would be at each other had it not been for the fact that these people interposed themselves to separate these warring factions.

The U.N. Security Council continues to provide us a way of mobilizing world support as we did in operation Desert Shield and Desert Storm to mobilize the world against the tyranny of Saddam Hussein. That became an international action because we had the capability to use the U.N. to make it a unified effort.

There are consensus-breakers. And my subcommittee oversees, I say to my friend, the U.N., and nobody criticizes them more than I do. They have had recent conferences like the recent conference in Cairo and Beijing where some very egregious policies were being promoted and foisted on the developing world. These are consensus-breakers. The gay agenda, the abortion rights agenda, the developing world does not want it. And there will be amendments later on today that I will offer that will say specific agencies, like U.N. Population Fund, get out of China where we have co-managed and been part of the coercion of women to have forced abortions and forced sterilizations, that is where the U.N. goes awry. We ought to target our opposition to those that commit these very serious crimes.

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Chairman, the gentleman mentioned the UNICEF program, $100 million. It is well motivated and I think the intentions are very good, and my colleague does admit that sometimes the consequences are not exactly what we want. But the question is, do we have this authority to take money from poor people in this country and make these attempts to do these social programs overseas. I do not see the authority, and I do not think the programs work that well.

The gentleman mentioned fighting the Persian Gulf war. We were serving oil interests there. I mean we went in there for that, oil interests. They said it was our oil, it was not our oil. But now, who is paying the cost? Thousands, 34,000, 40,000, 50,000 Americans now suffer from gulf war syndrome. So I would say there is a much higher cost than anybody realizes and we cannot ignore that.

Mr. SMITH of New Jersey. Mr. Chairman, I appreciate the gentleman making those points.

On UNICEF, I myself on a number of occasions have talked to leadership people, including Carol Bellamy, who is director of UNICEF.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. SMITH] has expired.

(By unanimous consent, Mr. SMITH of New Jersey was allowed to proceed for 3 additional minutes.)

Mr. SMITH of New Jersey. Mr. Chairman, I have asked her and relayed a message that there is a growing concern in Congress, among the American people that, if they move in or evolve into some kind of abortion promotion, which some of their people would like

to see, it is over. We will find other ways of using our money to advance the child survival revolution. We need to continue, I think, to give those messages in a very real way, and I will offer the amendment on the floor, if anything, to curtail that funding and make sure that it is given to other child survival programs throughout the world.

Mr. HASTINGS of Florida. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I offer a segue off of what the gentleman from New Jersey [Mr. SMITH] said, and refer to the assertions of the gentleman from Texas [Mr. PAUL] with reference to oil and Desert Storm and carry him back to my remarks regarding Angola, which we just visited under the aegis of the gentleman from California [Mr. ROYCE], chairman of the Subcommittee on Africa.

I would say to my colleague from Texas [Mr. PAUL] that we get 7 percent of our oil in the United States from Angola. The U.N. peacekeeping mission there does not have one American soldier involved at all, and that helps us to maintain that level of civility.

I thank the gentleman for yielding.

Mr. SMITH of New Jersey. Let me conclude, and again, there are consensus-breakers, and I think the diplomats and the leaders of the U.N. need to be on notice that, if they continue the social engineering, one, they will not get their arrearages; and, secondly, the efforts that the gentleman from Texas is undertaking will gain support among the American people, and I think at some point there will be an effort to take us out of it and to severely restrict our funding to it. But right now I think we ought to try to reform it.

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Chairman, I certainly will support some of these reforms, especially in curtailing some of these funds going to abortion. Certainly that would be repugnant to me. But still, I go back to the issue of the cost. Yes, we want to do good, but can we do this by harming poor people in this country, because when we tax and take money from this country, we really do contribute to problems in this country, unemployment, inflation, deficits; and this is all part of the picture.

So can we morally justify injuring our people here at home with the pretense that we are doing good overseas?

Mr. SMITH of New Jersey. Mr. Chairman, if I could reclaim my time, the bottom line is, it is a very modest commitment. When we juxtapose foreign aid to the rest of the budget, it is about 1 percent, it is not very much. We are talking about, and I believe we ought to be our brother's and sister's keeper. There are times when we need to become involved. And when there is a humanitarian crisis, it behooves us to be out there first and foremost with all of the possible medicines, foods and the like.

Mr. PAUL. Mr. Chairman, if the gentleman would continue to yield, I certainly agree that we should have concern. If we left more money in the hands and pockets of the American people, they would be charitable, and I do believe we would help them. I believe when we take money from poor people, put it in the hands of government and give it to another government, that is when we get into trouble. If we left more money in the hands of the American people and allowed them to be charitable, I believe the outcome would be much better.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the gentleman's proposal. He certainly has made a lot of strong arguments that we recognize. However, I just want to remind the gentleman from Texas [Mr. PAUL] that there is a test force at work to try to put severe conditions into reforming the United Nations, to make it more effective, to make it more cost-effective as well.

We will have a separate bill on the U.N. arrearages coming up very shortly, and we will have an opportunity to debate that at that time. But in that bill I hope the gentleman will watch closely for the conditions that we are trying to impose on the United Nations to do some of the things the gentleman is concerned about, to make certain there is not going to be waste and that there is going to be a more effective administration.

I think this amendment could harm our vital interests. If we can keep people talking to each other and keep them apprised of some of the problems around the world, we are going to save them from going into hostile action, that would cost us even more than the U.N. problems are costing us today. I hope that the distinguished gentleman will bear that in mind as he looks forward to what we can do about reforming the United Nations.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I appreciate the gentleman yielding to me. I rise in strong opposition to this amendment. I do not serve on the Committee on International Relations, and I have deferred in the past to debates on these issues. However, sincere as I believe my colleague from Texas is, I think he is absolutely dead wrong. I would just say that I believe in the sincerity of the amendment; I just think it is dead wrong.

As a former Peace Corps volunteer, I do not want to live in these United States the way I lived and saw the absolute abject poverty that exists around the world. There is no poverty close to the kind of poverty we see in Africa and other areas of the world. We need the United Nations. We need not be the world's policeman, we need not be the world's peacemaker; we need to join with others in sharing that responsibility.

I was here during the awful tragedy in Somalia, and that was not the fault of the United Nations; that was the fault of our own policy and how we carried it out. I agree with those who say the United Nations needs to be more efficient, the United Nations needs to be more effective. We need to be active partners in the United Nations. Frankly, we need to pay our debts to the United Nations and be the world leaders that we should be and set the example we should. I thank the gentleman for yielding.

The CHAIRMAN. The gentleman from New York controls the time.

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Chairman, I have no false illusions about the amendment, but I think it is very important to talk about these issues, because I do believe that I am on the right track when it comes to what is authorized in the Constitution and, also, what is very popular with a lot of Americans. I think that is important. People have a hard time when they see money going to programs like this, they have a great deal of trouble accepting it.

The end of this will come, not because I say so or not because my amendment will pass, but all great nations finally fall when they get too stretched out financially and in their foreign policy and in their military, and we are vulnerable to that. We have great deficits, bigger than are admitted, and we are on a course. We have not really attacked the budget, we are not cutting back.

It was suggested earlier that this was just a small amount. Well, every bill is just a small amount when we look at a $1.7 trillion budget; so it is a small amount, but it continues to add up. Eventually great nations fall when they overextend. I fear for that, I fear for America, because I believe we are on the wrong track.

I do not believe we should be the policeman of the world. I do not believe the programs have been all that successful, and we should do our very best to debate this. If nothing else, maybe some of the reforms will do some good if we do not have my way now. But someday we will, because we are going to run out of money.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for his remarks.

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are in a situation where with the dissolution of the Soviet Union, some people in this country, some Members of Congress, feel as if we can crawl back into a continental shell and ignore the rest of the globe. The reality is, unlike at any time in history before today, this economy and the survival of America as a leader of the world is dependent on our international involvement. When we look at the jobs that are produced as a result of trade globally, it is because of America's foreign policy leadership that we have markets in the world unmatched by any other country.

The U.N. is an instrument of America's interest. We have a control in that body unlike most international organizations that give us veto power. The question is whether or not this country is better off dealing with the crises and problems that challenge the world community through an organization that debates the issues, or should we leave all of our debates to the battlefield? The U.N. is an institution important to America's national interests. People who care about our future economy and our security and the values that we believe in ought to support the U.N. We ought to try to make it as efficient as possible, but there is no question that America's interests lie in a United Nations that is efficient, that is strong, and that deals with the challenges we face in a multilateral manner.

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Texas.

Mr. PAUL. Yes, I am concerned about the same things. I want peace and security for our country. That is our number one responsibility here, not to socialize the world and run a welfare state. But a policy of neutrality has been more consistent with that of peace throughout our history and throughout the history of the world. It is when we are interventionists, when we impose our will on other people; that is how America gets a black eye.

Mr. GEJDENSON. Mr. Chairman, reclaiming my time, there was a time we were neutral through World War II until Pearl Harbor brought us into that war. I cannot tell my colleague what would have happened if the League of Nations had survived and this country had stayed active politically in the world, whether we could have avoided the horrors of World War II. But there is no question in my mind that, if we withdraw from the United Nations, it will increase the likelihood that America's men and women will fall on battlefields and face challenges economic and military that we can avoid when we have a place to have a dialogue.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in listening to the debate, I think that there is something that the Paul amendment clearly misses. It misses the very pivotal roll that the United Nations plays in the concept of peace.

In listening to the distinguished gentleman from Florida [Mr. HASTINGS], a member of the Committee on International Relations, let me join him in acknowledging on a recent visit to southern Africa how vital the United Nations was in bringing about democracy to southern Africa, how vital the United Nations was in protecting life and limb and human rights, and how vital the United Nations was in bringing parties together that could not speak.

Therefore, I would simply say that, albeit well-intended, the United Nations is a body where disparate voices can be heard. It is a body where rising and growing and important African nations have a stake, along with other members of this world family.

□ 1845

The United Nations is a place where China meets India, where South America meets African nations, where the United States and Canada draw together, where the European nations come together. There is not one other body that brings all of the world's countries together. It is unlike the European Union, it is unlike the OAU. It is certainly unlike the organization that deals with South America and Latin America. It is unlike any other organization. So it would be unlike us to thwart the actions of the United Nations in bringing peace now and tomorrow.

I would ask that this amendment be defeated because I think it is important to recognize what the United Nations stands for. It stands for drawing individuals together, and it stands for an opportunity for dialogue for those who could not dialogue otherwise.

Mr. ENGEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I must rise to oppose the amendment. In fact, I think it is preposterous to even think at this stage of the game, in 1997, that we would even consider such an amendment to pull the U.S. out of the U.N. We ought to take the U.N., after the struggle to defeat the Soviet Union and to defeat communism, and we were successful, we ought to take the United Nations and utilize the United Nations to help further United States' interests, to help further United States' foreign policy.

When I was a member of the Committee on International Relations and Madeleine Albright was the U.N. rep, she came and said that. I agreed with her 100 percent. Now, now that the fight against the Soviet Union has been won, the Cold War has been won, the U.S. has emerged as the world's last remaining superpower, are we going to just take that and throw it all away?

We claim in this body that we want the world to emulate the United States. We want other nations to have free market economies. We want other nations to practice democracy. We say we want to promote democracy all over the world. What better ways to do it than through an international body like the United Nations?

As my friend and colleague from Florida said, yes, the U.N. needs to be reformed, the U.N. needs to be changed, the U.N. needs to tighten its belt. There are lots of things the U.N. needs to do. But will the U.N. do it if the United States, the leader of the world, is not part and parcel of that driving force? I would say no.

I would say, furthermore, that it is an embarrassment that the United States owes more than $1 billion in dues, in arrearages, to the U.N. That is an embarrassment. That undermines the United States' effectiveness and leadership in the United Nations, because it is very difficult for us to say to nations of the world what we think they ought to do when we are the biggest deadbeats, unfortunately, in the United Nations.

So rather than pull out of the United Nations, I think what we should do is pay our U.N. dues, pay the money we owe, and make sure that the U.N. reforms itself. Mr. Chairman, I think that the United States, as the last remaining superpower on this Earth, has an obligation not to the world but to ourselves.

Is the world not safer if democracy prevails with the United States there as a strong force in the U.N.? Is the world not safer if free market economies begin to flourish across the globe with the United States as part of the U.N., being the most influential member in the U.N.?

I can tell the Members, in countries that I have visited, they are literally begging us for a little bit of assistance. A little bit of aid would go a long, long way. I think the direction that this Congress has been taking is a wrong direction. We ought to be expanding foreign aid. It helps the United States. Three quarters of the aid that we send or give to other countries is put back into the United States in the purchase of goods and services, American goods and services. So we help ourselves and we help the world, and we make sure that democracy flourishes and free market economies flourish.

Pulling us out would be just absolutely preposterous, and would be terrible not only for the world but for the United States. We need to lead. We do not need to recoil. We do not need to be isolationists. The world is shrinking, and I believe that the United States

continues and should continue to play a vital role in ensuring that democracy and free market economy is spread.

Again, it is in furtherance of our own self-interest. Now that the Soviet Union is no longer around, we can grab the bull by the horns. We can shape the United Nations. We can shape the world in terms of what we would like to see. That is done with a strong U.S. presence, not with U.S. removal from the United Nations. So I believe this is just the absolute wrong direction in which we ought to move. I really think that this is, frankly, one of the silliest things I have seen since I have been in Congress.

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Chairman, the gentleman mentioned that the Soviet Union disintegration might be attributed to the United Nations, but quite frankly, it was because the U.N. did not deal with them as much as others. Think about the first episode of the U.N. troops going into Korea. We still have a dictator in North Korea, we have a government in South Korea that we protect that is not necessarily civil libertarian. Yet that is as a result of U.N. action. The Soviet system collapsed because they had a failed economic system.

I would like to just mention, and I feel very lonely here in the Congress, but take a look at this. This is a stack of petitions, thousands of petitions by the American people who disagree with our policy and would like us to at least address it, and not call it silly.

Mr. ENGLE. Mr. Chairman, reclaiming my time, I was one of the Democrats that broke with my party and supported President Bush in the Persian Gulf war. And because we had the United Nations and other people, we were very, very effective.

The CHAIRMAN. The time of the gentleman from New York [Mr. ENGEL] has expired.

(By unanimous consent, Mr. ENGEL was allowed to proceed for 30 additional seconds.)

Mr. ENGEL. Mr. Chairman, I supported President Bush in Operation Desert Storm. I think that was one of the times we utilized the United Nations, and we utilized the international community to further U.S. foreign policy interests. It was good for this country and it was good for the world. I want to say that we can do that again, and we can do that again if the United States is a vital force in the United Nations, not pulling out of the United Nations. That would be the opposite thing we ought to do.

Mr. PAUL. If the gentleman will continue to yield, let me point out that authority came from the United Nations.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I rise in strong opposition to this amendment. With all respect for my colleague, I think we have an obligation as Members of Congress to lead. I understand that there are constituents of the gentleman's and perhaps constituents of mine who are concerned with daily life. They are worried about how they are going to pay the bills, they are worried about how they are going to send their youngsters to college, they are worried about how they are going to pay the mortgage. These occupations consume them.

But as Members of Congress, I think we have a responsibility to explain to those constituents that the United States plays a key role in this world, and we are the leaders of the free world. For those of us who have an opportunity to see the important works of the United Nations, we have to speak out loudly and clearly that by raising the economic standard, by raising the standard of living of people in countries that many of our constituents have never visited, we are helping ourselves here in the United States.

Mr. Chairman, I feel very strongly that we have to pay our U.N. dues. We have to pay our arrearages. We have been a leader in the United Nations, and the fact that we have not paid our dues and have not met our responsibility does harm to our position in the United Nations.

When we look at the programs of, for example, the United Nations development program, and we see that this program has a real impact in many of the areas of the world in health care, in education, in giving people the opportunity to work and get a job and raise their standard of living, this helps us. Ignorance breeds violence too often in distant corners of the world.

Therefore, I think we have to explain to our constituents that if we give a person in Kenya, for example, or Botswana the opportunity to create a job for themselves, sometimes $300 to a microcredit program helps a woman stand tall, and this supports a whole family. This can support a whole community. We have an obligation, Mr. Chairman, to help educate our constituents.

Now, the United Nations is not perfect. There are many things that I would agree with my colleague on. We have to work, work with the new Secretary General, to make sure that these areas are reformed. But I would ask my colleagues to oppose this amendment, and in fact, take a strong position to support the United Nations and to make sure that the United States can stand tall and fulfill our responsibilities as a leader in the world by paying our arrearages.

Mr. PAUL. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Chairman, I share the gentlewoman's desire for the United States to be a leader. It is just that my concept of leadership is different. We have troops in 100 countries of the world. That does not have very much to do with our national security. I am for neutrality. I want to be friends with everybody. Some say this is an isolationist viewpoint. It has nothing to do with isolationism, if we combine it with free trade.

This whole notion that we are isolating and drawing back, yes, we would like to draw some of our troops back, maybe because we are not authorized, it is not part of our national security, we do not have the funds, and it gets us into trouble. Those are the reasons why the American people are sick and tired of all this adventurism overseas.

Mr. HASTINGS of Florida. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I would say to the gentleman from Texas [Mr. PAUL], my distinguished colleague, those 100 countries the gentleman asserts we have troops in are not all under the aegis of the United Nations. Many of those are our bilateral responsibilities, and some are unilateral.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, I would say to the gentleman from Texas [Mr. PAUL] again I would like to respectfully disagree. It has been our policy that educating the populations of the world, spreading democracy, has been in the interests of the United States. I would like to close by saying that it is in the interest of our country, of our constituents, that we do what we can to strengthen the United States, to invest in world peace. Hopefully this will keep our community safe here at home.

I would like to work with the gentleman to invest in our communities at home, to help our families be strengthened through education and through housing and health care programs. But in order to keep our constituents safe at home, we have a responsibility, in my judgment, to strengthen our role in the United Nations, to be sure that we have a United Nations that can continue to work for world peace. That is in the interest of our constituents here at home.

Mr. PAUL. If the gentlewoman will continue to yield, Mr. Chairman, I think a lot of American people want to feel secure. That is obviously part of our responsibility. But a lot of people in this country now would feel more secure if they could keep more of their own money and we were not so adventurous.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. PAUL].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PAUL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 159, further proceedings on the amendment offered by the gentleman from Texas [Mr. PAUL] will be postponed.

□ 1900

The CHAIRMAN. Are there further amendments to title XV?

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEARNS: PAGE 156, LINE 12, STRIKE "SECRETARY OF STATE" AND INSERT "CONGRESS".

Mr. STEARNS. Mr. Chairman, I have in my hand the actual bill, H.R. 1757. If my colleagues are interested, on page 156, I am just going to read what it says in the one word we are substituting.

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 any of its specialized agencies for any calendar year if the Secretary of State.

My colleagues, all my amendment does is delete the words "Secretary of State" and put in the word "Congress" so that if the Congress 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 ensure 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.

Mr. Chairman, I have a very simple two-line amendment which deletes the words "Secretary of State" and puts in the word "Congress." Members might ask, why should we have Congress instead of the Secretary of State? I believe that Congress has been the central driving force to reform the United Nations. Both colleagues on this side of the aisle and this side of the aisle have made that a clarion call.

This section as it is ignores Congress' concern and wishes to administer some type of reform. We bring Congress into the mix here. By inserting the word "Congress," the amendment would allow Congress to play a critical role in overseeing the pace of reform on budgetary and fiscal matters at the United Nations.

Let me make this clear, particularly to my colleagues on the other side, this amendment does not force the President to comply. It is very simple. We are not saying the President has to comply. It just says it would give the President the option of withholding 20 percent of the funds for any calendar year and allows Congress to participate, to get involved. Since Congress is appropriating the money, giving the money to the United Nations, why not have Congress come back and, working through our committee here, determine that the United Nations is indeed adhering to implementing fiscal and budgetary reform? And then we could have a House vote recommending to the President that we withhold this 20 percent.

So if my colleagues believe as elected Representatives from their districts that they want to be involved with this decision when the President decides to withhold 20 percent of the appropriated funds, the funds that belong to their districts, their taxpayers, then they should vote yes for my amendment. It is a very simple amendment.

Mr. GILMAN. Mr. Chairman, I rise in opposition to the intent of our good colleague, the gentleman from Florida [Mr. STEARNS], who has been offering this amendment.

I would like to point out though that the amendment is actually redundant. By virtue of its role in the authorization and appropriations process, the Congress is already empowered to do what the gentleman from Florida [Mr. STEARNS] is attempting to do in the amendment; namely, to assess the degree to which the U.N. is satisfactorily pursuing reform measures. The Congress is readily able to make that assessment at the time we authorize and appropriate funds for U.N. contributions.

It is also important to note and to provide to the Secretary of State the discretion to make this kind of an assessment in the periods between when the Congress appropriates and the administration actually pays our contributions so that at that point in time U.N. performance can be fully judged.

I would like to remind our good colleague, the gentleman from Florida [Mr. STEARNS], that while we are aware that the U.N. is faced with a number of problems, there is a task force at work right now, a leadership task force, to try to determine what our accurate assessment should be, to make certain that certain conditions will be imposed before we pay arrearages and determine a proper formula for payment of arrearages.

I want to commend the gentleman for focusing attention, once again, on the problems we are having with the U.N., but I would urge him to consider the fact that we already in the Congress are empowered to do what the gentleman is attempting to do by this amendment.

Mr. STEARNS. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. STEARNS. Mr. Chairman, I appreciate what my colleague has just said. Both he and I read from the same document, and I certainly appreciate what he has to say.

I think, since he has been more intimately involved with this, I can appreciate what he is saying. Somehow, when I read it, I did not read there that it was that clear. So the insertion of the word "Congress" instead of "Secretary of State," of course, is very simple and is not thwarting the President from doing what he wants.

When we go down to the paragraph that I believe he is citing here, which I think is line 19, "Notice to Congress, the President shall notify the Congress when a decision is made to withhold any share of the United States assessed contribution and shall notify the Congress when the decision is made to pay any; a notification shall include appropriate consultation between the President and the President's representative." It is basically just a notification. There is no reaction from the Congress. There is no feeling that the Congress is involved.

It is just the President and the Secretary of State making a decision to withhold 20 percent of the funds, and I think it would be nice to have Congress involved and actually have a vote on it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. STEARNS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GILMAN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 159, further proceedings on the amendment offered by the gentleman from Florida [Mr. STEARNS] will be postponed.

The point of order no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 159, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment offered by the gentleman from Alabama [Mr. BACHUS]; the amendment offered by the gentleman from Florida [Mr. GOSS]; the amendment offered by the gentleman from Texas [Mr. PAUL]; and the amendment offered by the gentleman from Florida [Mr. STEARNS].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

PARLIAMENTARY INQUIRY

Mr. BACHUS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BACHUS. Mr. Chairman, the voice vote was yes on my amendment, and I did not request a recorded vote and am not requesting a recorded vote.

The CHAIRMAN. The aye voice vote could still prevail at the time that the amendment comes up if a recorded vote is not ordered.

AMENDMENT OFFERED BY MR. BACHUS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Alabama [Mr. BACHUS] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 277, noes 146, not voting 11, as follows:

[Roll No. 161]

AYES—277

Abercrombie
Aderholt
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Carson
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (VA)
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gibbons
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Lampson
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Maloney (NY)
Manzullo
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Metcalf
Mica
Miller (FL)
Minge
Molinari
Moran (KS)
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wolf
Young (FL)

NOES—146

Ackerman
Allen
Armey
Bateman
Becerra
Bentsen
Bereuter
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Burton
Capps
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Coyne
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Engel
Fazio
Filner
Flake
Foglietta
Ford
Frost
Furse
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Houghton
Hoyer
Hunter
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kennedy (MA)
Kennelly
Kilpatrick
Kolbe
Kucinich
LaFalce
LaHood
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Manton
Markey
Martinez
Matsui
McDermott
McGovern
McKinney
McNulty
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Oberstar
Olver
Owens
Oxley
Pallone
Payne
Pelosi
Pomeroy
Porter
Rahall
Rangel
Regula
Reyes
Rogers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Scott
Serrano
Sherman
Skaggs
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stark
Stokes
Taylor (NC)
Thompson
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates
Young (AK)

NOT VOTING—11

Andrews
Buyer
Farr
Fattah
Goode
Jefferson
Lantos
Pickering
Royce
Schiff
Watkins

□ 1932

Mr. SPRATT, Mr. VENTO, and Mrs. KENNELLY of Connecticut changed their vote from "aye" to "no."

Messrs. BUNNING, McHALE, DIAZ-BALART, JOHN, SHAYS, GREENWOOD, PACKARD, BARCIA, STUPAK, SHIMKUS, Mrs. KELLY, and Ms. ROS-LEHTINEN changed their vote from "no" to "aye".

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 159, 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 of the other amendments on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. GOSS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida [Mr. GOSS] on which further proceedings were postponed on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 214, noes 211, not voting 9, as follows:

[Roll No. 162]

AYES—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
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
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
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 (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas

McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Pryce (OH)
Ramstad
Redmond
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 (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Young (AK)
Young (FL)

NOES—211

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

NOT VOTING—9

Andrews
Buyer
Farr
Fattah
Goode
Jefferson
Lantos
Pickering
Schiff

□ 1946

Mr. DAVIS of Virginia and Mr. WOLF changed their vote from "aye" to "no."

Messrs. LIVINGSTON, DUNCAN, HANSEN, CASTLE, HORN, PEASE, RIGGS, and ENSIGN, Mrs. LINDA SMITH of Washington, and Ms. GRANGER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PAUL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas [Mr. PAUL] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 54, noes 369, not voting 11, as follows:

[Roll No. 163]

AYES—54

Aderholt
Barr
Bartlett
Bonilla
Burton
Chenoweth
Coburn
Combest
Crane
Crapo
Cubin
Cunningham
DeLay
Dickey
Doolittle
Duncan
Ensign
Everett
Foley
Gibbons
Hall (TX)
Hefley
Hulshof
Hunter
Istook
Johnson, Sam
Jones
Kingston
Largent
Linder
Lucas
Manzullo
McIntosh
Moran (KS)
Nethercutt
Ney
Paul
Pombo
Riley
Rohrabacher
Ros-Lehtinen
Ryun
Salmon
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Solomon
Stump
Taylor (MS)
Wamp
Weldon (FL)
Young (AK)

NOES—369

Abercrombie
Ackerman
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Collins
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Fawell
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Neumann
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns

Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—11

Andrews
Berman
Buyer
Farr
Fattah
Goode
Jefferson
Lantos
Pickering
Royce
Schiff

□ 1956

Mr. LIVINGSTON and Mr. WHITFIELD changed their vote from "aye" to "no."

Mr. BURTON of Indiana and Mr. WAMP changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BERMAN. Mr. Chairman, I missed the vote on rollcall No. 163, the Paul of Texas amendment. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. STEARNS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida [Mr. STEARNS] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 176, noes 244, not voting 14, as follows:

[Roll No. 164]

AYES—176

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bono
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Foley
Fowler
Fox
Franks (NJ)
Gallegly
Gekas
Gibbons
Goodlatte
Goodling
Goss
Graham
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Largent
Lewis (KY)
Linder
LoBiondo
Lucas
Manzullo
McCollum
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Pitts
Pombo
Radanovich
Redmond
Riley
Rogan
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Traficant
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—244

Ackerman
Allen
Baesler
Baldacci
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Ehlers
Engel
Eshoo
Etheridge
Evans
Fawell
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Northup
Oberstar
Obey
Olver
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Pickett
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Walsh
Watt (NC)
Waxman
Wexler
Weygand
White
Wise
Woolsey
Wynn
Yates

NOT VOTING—14

Abercrombie
Andrews
Buyer
Dingell
Farr
Fattah
Goode
Jefferson
Lantos
McIntosh
Ortiz
Pickering
Schiff
Waters

□ 2007

Mr. SANFORD changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, on behalf of the majority leader, I would like to announce that we have taken the last rollcall vote of the evening. We will continue on the bill and roll any other votes that we have that are ordered until tomorrow morning.

AMENDMENTS OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc. The amendments are as follows:

Ewing No. 3, calling on Peru to expedite legal procedures; Jackson-Lee No. 37, State Department to monitor human rights in Ethiopia; Kennedy No. 20, special envoys to promote mutual disarmament; Kim No. 44, SOC re no transfer of nuclear waste from Taiwan to North Korea; Pallone No. 70, sense of Congress regarding U.S.-Indian relations; Pallone No. 73, sense of Congress for the protection of the Belarussian sovereignty; Rohrabacher No. 1, sense of Congress supporting Taiwan in the WTO; Vento No. 34, State Department report on Hmong and Laos refugees; Traficant, Buy America; Menendez, withholding assistance to countries that provide nuclear fuel to Cuba; Menendez, availability of amounts for Libertad and the Cuban Democracy Act; and Gejdenson, regarding the Wassenaar agreement.

Mr. Chairman, I ask unanimous consent that these amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. GILMAN:

AMENDMENT TO H.R. 1757, AS REPORTED OFFERED BY MR. EWING OF ILLINOIS

At the end of title XVII (relating to foreign policy provision) add the following (and conform the table of contents accordingly):

SEC. 1717. SENSE OF THE CONGRESS REGARDING UNITED STATES CITIZENS HELD IN PRISONS IN PERU.

(a) FINDINGS.—The Congress finds the following:

(1) The Government of Peru has made substantial progress in the effort to restrict the flow of illicit drugs from Peru to the United States.

(2) The Government of Peru has cooperated greatly with the United States Government to stop individuals and organizations seeking to transport illicit drugs from Peru to the United States and to jail such drug exporters.

(3) Any individual engaging in such exporting of illicit drugs and convicted in a court of law should face stiff penalties.

(4) Any such individual should also have a right to timely legal procedures.

(5) Two United States citizens, Jennifer Davis and Krista Barnes, were arrested in Peru on September 25, 1996, for attempting to transport illicit drugs from Peru to the United States.

(6) Ms. Davis and Ms. Barnes have admitted their guilt upon arrest and to an investigative judge.

(7) Ms. Davis and Ms. Barnes have volunteered to cooperate fully with Peruvian judicial authorities in naming individuals responsible for drug trafficking and several have been arrested.

(8) More than seven months after their arrest, Ms. Davis and Ms. Barnes have not yet been formally charged with a crime.

(9) Peruvian domestic law mandates that formal charges be brought within four to six months after arrest.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Government of Peru should respect the rights of prisoners to timely legal procedures, including the rights of all United States citizens held in prisons in Peru.

AMENDMENT TO H.R. 1757, AS REPORTED OFFERED BY MR. KENNEDY OF MASSACHUSETTS

At the end of title XVII, insert the following:

SEC. 1717. SPECIAL ENVOYS FOR MUTUAL DISARMAMENT.

The President shall instruct the United States Ambassador to the United Nations to support in the Security Council, the General Assembly, and other United Nations bodies, resolutions and other efforts to—

(1) appoint special envoys for conflict prevention to organize and conduct, in cooperation with appropriate multilateral institutions, mutual disarmament talks in every region of the world in which all nations would participate, and to report to international financial institutions on the degree of cooperation of governments with these talks;

(2) commit each member state to agree to meet with its regional special envoy within 3 months of appointment to deliver and discuss its proposal for regional (and, where appropriate, international) confidence-building measures, including mutual reductions in the size, proximity, and technological sophistication of its and other nations' armed forces, that would lead to significant cuts in threat levels and military spending; and

(3) commit each member state to agree to continue meeting with the special envoy and such regional bodies and states as the special envoy shall suggest to complete negotiations on such confidence-building measures, with the goal of making significant cuts in military spending by the year 2000.

AMENDMENT TO H.R. 1757, AS REPORTED OFFERED BY MR. KIM OF CALIFORNIA

At the end of title XVII (relating to foreign policy provisions) insert the following new section:

SEC. 1717. SENSE OF CONGRESS RELATING TO THE TRANSFER OF NUCLER WASTE FROM TAIWAN TO NORTH KOREA.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Republic of China on Taiwan (Taiwan) is considering transferring low-level nuclear waste to the Democratic People's Republic of Korea (North Korea) and paying North Korea an amount in excess of $220,000,000 to accept the nuclear waste.

(2) The transfer of nuclear waste across international boundaries creates worldwide environmental safety concerns.

(3) North Korea rejected the request of the International Atomic Energy Agency (IAEA) to inspect 2 nuclear facilities at Yongbyon in March 1993, in violation of Article III of the Treaty on the Non-Proliferation of Nuclear Weapons, to which North Korea is a signatory.

(4) North Korea has historically been unwilling to allow any third party investigators to inspect its nuclear waste storage facilities.

(5) The failure of North Korea to store nuclear waste safely raises environmental concerns on the Korean peninsula.

(6) The United States has in excess of 37,000 military personnel, plus their families, on the Korean peninsula.

(7) The current North Korean regime has been linked to numerous terrorist activities, including the bombing in 1987 of a Korean Airline aircraft, and the bombing in 1983 in Rangoon, Burma, which killed 4 South Korean Government and 13 diplomatic officials.

(8) North Korea continues to be listed by the United States Department of State as a state supporting international terrorism.

(9) The several hundred million dollars of hard currency generated by this transaction could be used by the militarist regime in North Korea to continue their reign of terror over their own people and the sovereign nations of the Pacific Rim.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Government of Taiwan should refrain from issuing an export license for the transfer of nuclear waste to North Korea until all parties on the Korean peninsula can be assured that—

(1) North Korea can safely handle this nuclear waste;

(2) North Korea will submit to independent third party inspection of their nuclear storage facilities; and

(3) North Korea indicates a willingness to comply with the commitments it made in the "Agreed Framework", entered into in 1994 between North Korea, South Korea, Japan, and the United States, relating to nuclear materials and facilities in North Korea, and meet International Atomic Energy Agency safeguards with respect to North Korea's nuclear program.

AMENDMENT TO H.R. 1757, AS REPORTED OFFERED BY MR. PALLONE OF NEW JERSEY

At the end of title XVII (relating to foreign policy provisions) insert the following new section:

SEC. 1717. CONGRESSIONAL STATEMENT REGARDING PRIME MINISTER GUJRAL OF INDIA.

(a) FINDINGS.—The Congress makes the following findings:

(1) Prime Minister Gujral of India has recently received a vote of confidence from the Indian parliament.

(2) Prime Minister Gujral is committed to strengthening ties between the United States and India through the continuation of free market reforms and initiatives.

(3) The Gujral government is on the verge of passing a budget package that will carry forward economic reforms initiated in 1991 that have opened India to foreign investment and trade.

(4) Prime Minister Gujral has made it a priority to improve relations with Pakistan and has recently met with the Prime Minister of Pakistan, Nawaz Sharif, to better relations between the two countries.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Clinton Administration should support and work closely with Indian Prime Minister Gujral in strengthening relations between the United States and India and improving relations in the South Asia region.

AMENDMENT TO H.R. 1757, AS REPORTED OFFERED BY MR. PALLONE OF NEW JERSEY

At the end of title XVII (relating to foreign policy provisions) insert the following new section:

SEC. 1717. SENSE OF CONGRESS REGARDING THE SOVEREIGNTY OF BELARUS.

It is the sense of the Congress that the President should strongly urge the Government of President Aleksandr Lukashenka of the Republic of Belarus to defend the sovereignty of Belarus, maintain its independence from the Russian Federation, abide by the provisions of the Helsinki Accords and the constitution of the Republic of Belarus and guarantee freedom of the press, allow for the flowering of the Belarusan language and culture, and enforce the separation of powers.

AMENDMENT TO H.R. 1757, AS REPORTED OFFERED BY MR. ROHRABACHER OF CALIFORNIA

At the end of title XVII (relating to foreign policy provisions) insert the following new section:

SEC. 1717. CONGRESSIONAL STATEMENT REGARDING THE ACCESSION OF TAIWAN TO THE WORLD TRADE ORGANIZATION.

(a) FINDINGS.—The Congress makes the following findings:

(1) The people of the United States and the people of the Republic of China on Taiwan have long enjoyed extensive ties.

(2) Taiwan is currently the 8th largest trading partner of the United States, and exports from the United States to Taiwan total more than $18,000,000 annually, substantially more than the United States exports to the People's Republic of China.

(3) The executive branch has committed publicly to support Taiwan's bid to join the World Trade Organization and has declared that the United States will not oppose this bid solely on the grounds that the People's Republic of China, which also seeks membership in the World Trade Organization, is not yet eligible because of its unacceptable trade practices.

(4) The United States and Taiwan have concluded discussions on a variety of outstanding trade issues that remain unresolved with the People's Republic of China and that are necessary for the United States to support Taiwan's membership in the World Trade Organization.

(5) The reversion of control over Hong Kong—a member of the World Trade Organization—to the People's Republic of China, scheduled by treaty to occur on July 1, 1997, will, in many respects, afford to the People's Republic of China the practical benefit of membership in the World Trade Organization for the substantial portion of its trade in goods—despite the fact that the trade practices of the People's Republic of China currently fall far short of what the United States expects for membership in the World Trade Organization.

(6) The executive branch has announced its interest in the admission of the People's Republic of China to the World Trade Organization; the fundamental sense of fairness of the people of the United States warrants the United States Government's support for Taiwan's relatively more meritorious application for membership in the World Trade Organization.

(7) It is in the economic interest of United States consumers and exporters for Taiwan to complete the requirements for accession to the World Trade Organization at the earliest possible moment.

(b) CONGRESSIONAL STATEMENT.—The Congress favors public support by officials of the Department of State for the accession of Taiwan to the World Trade Organization.

AMENDMENT TO H.R. 1757, AS REPORTED OFFERED BY MR. VENTO OF MINNESOTA

At the end of title XVII insert the following new section:

SEC. 1717. REPORTS AND POLICY CONCERNING HUMAN RIGHTS VIOLATIONS IN LAOS.

Within 180 days after the date of the enactment of this Act, the Secretary of State shall report to the appropriate congressional committees on the allegations of persecution and abuse of the Hmong and Laotian refugees who have returned to Laos. The report shall include:

(1) A full investigation, including full documentation of individual cases of persecution, of the Lao Government's treatment of Hmong and Laotian refugees who have returned to Laos.

(2) The steps the State Department will take to continue to monitor any systematic human rights violations by the Government of Laos.

(3) The actions which the State Department will take to ensure the cessation of human rights violations.

AMENDMENT TO H.R. 1757 OFFERED BY MR. MENENDEZ

At the end of the bill add the following (and conform the table of contents accordingly):

TITLE . 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.

AMENDMENT OFFERED BY MR. MENENDEZ

At the end of bill add the following (and conform the table of contents accordingly):

Title . AVAILABILITY OF AMOUNTS FOR CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT OF 1996 AND THE CUBAN DEMOCRACY ACT OF 1992

Not less than $2,000,000 shall be made available under Chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346; relating to economic support fund), for fiscal years 1998 to 1999 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. 2001 et. seq.)

AMENDMENT TO H.R. 1757 OFFERED BY MR. GEJDENSON OF CONNECTICUT

Add the following new title to the end of the bill (and adjust the table of contents accordingly)

Title

It is the sense of Congress and the President of the United States should attempt to achieve the foreign policy goal of an international arms sales code of conduct with all Wassenaar Arrangement countries. The purpose of this goal shall be to achieve an 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.

AMENDMENT TO H.R. 1757 Offered by Mr. Traficant of Ohio

At the end of the bill add the following (and conform the table of contents accordingly):

DIVISION C—BUY-AMERICAN REQUIREMENTS

SEC. 2001. BUY-AMERICAN REQUIREMENTS.

(A) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that is expending the funds the entity will consistent with International Trade Agreements implemented in U.S. Law, comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE REQUIREMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROBATION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label hearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. GILMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. BEREUTER. Mr. Chairman, reserving the right to object, under the reservation I would ask our chairman, the gentleman from New York (Mr. GILMAN], if he would describe what the Pallone amendment on Indian-American relations is about.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I would just take this moment on the gentleman's reservation, important reservation, to thank the chairman, the gentleman from New York [Mr. GILMAN], for his support for the inclusion of the amendment dealing with the Hmong and State Department report on that and the human rights and abuses and allegations that are going on, and I very much appreciate the chairman's support for that amendment, the ranking member's support. It is an important amendment to me and to the constituency I represent and to the people of Laos.

Mr. Chairman, I have an amendment at the desk, amendment No. 8, as filed in the RECORD on May 14, 1997, with revisions as filed in the Committee on Rules, and it is being included in the en bloc amendment. I appreciate this cooperation and thank Chairman GILMAN and Representative HAMILTON for their help. This amendment will require the State Department to report to Congress on the allegations of persecution and abuse of Hmong and Laotian refugees who have repatriated to Laos following the Southeast Asia conflict. Such an extraordinary State Department analysis is urgently needed because of

the current and continued reports which allege serious human rights violations, persecution, and loss of life being experienced by the Hmong in Laos—in years past and today.

The Hmong fought on the side of the United States in special guerrilla units during the Vietnam war at great sacrifice to themselves, their families, and their entire community. After the war, many of the Hmong who did survive the battlefields of their homeland were welcomed to the United States, while 10,000 Hmong remained in the refugee camps in Thailand until the closure of the camps in recent years. There have been continuous allegations of persecution and abuse of the Hmong who repatriated to Laos. In recent months, press reports describe bone-chilling nighttime massacres of Hmong villagers, including children.

The United States must thoroughly investigate these allegations promptly. Hmong families are reported to be threatened daily under the Communist government in Laos, and our Nation, the United States, is the only nation with the clout and resources to stop this persecution. The State Department's own "Country Report on Human Rights Practices for 1996" reads: "There continued to be allegations that the Government has detained three Hmong males since 1992, because of their association with the U.S. Government prior to 1975. The Lao Government has thus far not responded directly to repeated inquiries about these allegations." According to reports, there is only a mere sampling of the thousands of allegations of violent political persecution suffered by the Hmong which have been resolved.

The language in my amendment would require the State Department to report to Congress on the Lao Government's treatment of Hmong and Laotian refugees who have returned to Laos. This report should include the steps the State Department will take to continue to monitor any systematic human rights violations by the government of Laos. The purpose of this amendment is to ensure that the State Department is fully engaged and committed to the vigilant investigation of human rights violations in Laos.

This amendment is a reasonable requirement and isn't unduly burdensome on the Department of State and would help address in an orderly manner concerns raised by other Members of Congress, the media, and human rights organizations. The public light shed on this issue would help ensure adherence to recognition of universal human rights. I am pleased by the bipartisan support for this amendment and hope to continue to gain bipartisan support so that this vento proviso becomes law.

Over the years, I have worked to help the Hmong who resettled in the United States and believe that we certainly must not turn our backs on those who repatriated to Laos. I would like to thank the Chairman GILMAN, Representative HAMILTON, and Representative SOLOMON for their support and affording me the opportunity to have this amendment acted upon on the Floor. I urge my colleagues to support the en bloc amendment.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from New York.

Mr. GILMAN. With regard to the Pallone amendment, it is H.R. 1486. It is a congressional statement regarding Prime Minister Gujral of India. The Congress makes the following findings:

That the Prime Minister has recently received a vote of confidence from the Indian parliament;

Prime Minister Gujral is committed to strengthening ties between our Nation and India through the continuation of free market reforms and initiatives;

The Gujral government is on the verge of passing a budget package that will carry forward economic reforms initiated in 1991 and will help India reform investment and trade;

Prime Minister Gujral has made it a priority to improve relations with Pakistan and has recently met with the Prime Minister of Pakistan, Nawaz Sharif, to better relations between the two nations.

It is a sense of Congress that the Clinton administration should support and work closely with Indian Prime Minister Gujral in strengthening relations between the United States and India and improving relations in the south Asian region.

Mr. BEREUTER. Mr. Chairman, I do thank the gentleman under my reservation for yielding me this information. I want to commend the gentleman from New Jersey for his initiative.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Ms. JACKSON-LEE of Texas. Mr. Chairman, reserving the right to object, I would like to inquire of the gentleman whether or not the Jackson-Lee amendment dealing with the Ethiopian human rights has been included in the en bloc amendment?

□ 2015

Mr. GILMAN. Mr. Chairman, would the gentlewoman repeat her question?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would like to ask the gentleman from New York [Mr. GILMAN], and as I am asking I am going to thank him as well, but I am trying to determine whether the Jackson-Lee amendment dealing with monitoring human rights in Ethiopia has been included.

As the chairman of the committee recognizes, Ethiopia does not have an independent judicial system, and as well has found that it has mutilated female genitals and also has found many individuals incarcerated for their political views. So I am very concerned that the State Department monitors the human rights activities in Ethiopia, and I would like to know if that amendment is included in the en bloc that we are now discussing at this point.

Mr. GILMAN. Mr. Chairman, if the gentlewoman would yield, I would say in response that the amendment, as reported and offered by the gentlewoman from Texas [Ms. JACKSON-LEE], assistance for Ethiopia, the Department of State should closely monitor and take into account human rights progress in Ethiopia as it obligates fiscal year 1997 funds for Ethiopia authorized to be appropriated by this act.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his response to that. I was concerned, Mr. Chairman, that that was not included.

Mr. Chairman, I would like to offer this amendment to H.R. 1757, the State Department Authorization legislation that the House is considering. It is critical to the development of beneficial relations between our Nation and other countries around the world that we clearly communicate our interests.

According to the State Department, Ethiopia's Government limits freedom of association and refuses to register several nongovernmental organization. Societal discrimination and violence against women and abuse of children remains to be a problem; the aberrant act of female genital mutilation is nearly universal.

The Government has encouraged the efforts of domestic and international nongovernment organizations that focus on children's social, health, and legal issues. However, with daunting development challenges and severely limited resources, direct government support beyond efforts to provide improved health care and basic education remain limited.

Societal abuse against young girls continue to be a serious problem. Almost all girls undergo some form of female genital mutilation, which is widely condemned by international health, experts as damaging to both physical and psychological health. Clitorectomies are typically performed 7 days after birth and the excision of the labia and infibulation, the most extreme and dangerous form of female genital mutilation, can occur any time between the age of 8 and the onset of puberty. Female genital mutilation is not specifically prohibited. Early childhood marriage is common in rural areas, with girls as young as age 9 being party to arranged marriages. The maternal mortality rate is extremely high, due in part to food taboos for pregnant women, early marriage, and birth complications related to female genital mutilation.

The Constitution states that all persons are equal before the law. The law provides that all persons should have equal and effective protection without discrimination on grounds of race, color, sex, language, religion, political or other opinion, national or social origin, wealth, birth, or other status. The Government, however, has not yet put fully into place mechanisms for effective enforcement of these protections.

Equality for women is not applied in practice. Domestic violence, including wife beating and rape, are pervasive social problems.

The Government of Ethiopia has taken a number of steps to improve its human rights practices, but serious problems as you can imagine remain. The Government restricts freedom of the press and detained or imprisoned 14 journalists in 1996. At year's end,

most were accused or convicted of inciting ethnic hatred or publishing false information in violation of the 1992 Press Law.

The Constitution and both the Criminal and Civil Codes prohibit arbitrary arrest and detention, but the Government does not always respect these rights in practice. Nationwide, thousands of alleged suspects remain in detention without charge or trial at the close of 1996. Most often these detections resulted from the severe shortage and limited training of judges, prosecutors, and attorneys.

Ethiopia does not have an independent justice system. Judges and Public Prosecutors have been discharged if their judgment is not according to political conveniences.

I know that the United States can not totally relieve the suffering of people in all nations. However, we can offer a carrot and stick approach in our appropriations to those nations in order to effectively communicate our concerns regarding policies which are inconsistent with our own interest and values.

Ethiopia has shown a willingness to respond to the concerns of the United States regarding human rights, and I believe that this amendment to the State Department Authorization is needed to encourage greater strides in human rights and democratic activity in that country. The United States should not abandon an opportunity to increase human rights in Ethiopia and save lives.

This amendment would add an additional section to division B under title XVII of the Foreign Relations Authorization Act for fiscal years 1998 and 1999. The amendment states that the Department of State should closely monitor and take into account human rights progress in Ethiopia.

I urge my colleagues to support my amendment.

Mr. CUMMINGS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. Further reserving the right to object, I yield to the gentleman from Maryland.

Mr. CUMMINGS. Mr. Chairman, I want to thank the gentlewoman from Texas for yielding.

Almost exactly 6 years ago the brutal Mengistu regime in Ethiopia, notorious for having one of the bleakest human rights records on the continent, fell. At that time there was much hope that the country was finally entering a period of democracy and respect for human rights.

Sadly, the government continues to divide the nation's peoples into ethnic-based enclaves, each purposely pitted against the other, with the goal of facilitating the dictatorial regime. This ploy has endangered the Ethiopian people with the inevitable consequence of civil war, with repercussions far worse than the tragedies that transpired in Bosnia and Rwanda.

Until the current government took over, Ethiopia was one of a few stable democratic countries in the sub-Saharan Africa. Now, all the democratically hostile countries surrounding Ethiopia, such as Sudan, Somalia, Iraq and Iran, are seeking to exploit the chaotic situation in the country by exerting their negative influences, and therefore I support the gentlewoman's amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from New York [Mr. GILMAN] very much for confirming that this is accepted, and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman for offering this important amendment.

The CHAIRMAN. The gentleman from New York [Mr. GILMAN] is recognized for 5 minutes in support of his en bloc amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman. It seems in our effort to work together, and I thank the gentleman so very much, that we had to comply with the opening language of this legislation.

I would like to make a technical amendment to insert the fiscal year 1997 and fiscal year 1998 on the Jackson-Lee amendment in the en bloc amendment.

Mr. GILMAN. Mr. Chairman, we are pleased to accept the technical amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to make the aforementioned technical changes.

Mr. GILMAN. Mr. Chairman, we recognize the technical amendment and address it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman very much.

The CHAIRMAN. The Chair would say to the gentlewoman, the modification has to be in writing.

Ms. JACKSON-LEE of Texas. I thank the Chairman.

Mr. GILMAN. Mr. Chairman, I yield to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, the gentleman's amendment has been accepted en bloc, then?

Mr. GILMAN. The gentleman is correct.

Mr. STEARNS. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. There is an amendment pending.

Mr. PALLONE. Mr. Chairman, I move to strike the last word on the en bloc amendment.

The CHAIRMAN. The gentleman from New York [Mr. GILMAN] is controlling the time.

Mr. PALLONE. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from New Jersey.

Mr. PALLONE. Mr. Chairman, I just wanted to thank the chairman of the full committee, the gentleman from New York [Mr. GILMAN], as well as the chairman of the subcommittee, the gentleman from Nebraska [Mr. BEREUTER] and the ranking members for including my two amendments as part of the en bloc amendment.

Just very briefly, if I could comment on the two amendments. One that was already mentioned by the gentleman from Nebraska directs the Clinton administration to work closely with Indian Prime Minister Gujral in strengthening relations with the U.S., protecting U.S. interests in South Asia, and creating peace and stability in the region.

I just believe that this is important, because U.S. relations in South Asia are at the critical point, and I think it is imperative that we recognize and support the "Gujral Doctrine" which basically has been an instrument to bring peace between the various nations in South Asia.

I think many of us know that after three wars and 50 years of tense relations, India and Pakistan have finally agreed to work together to promote peace and economic prosperity, not only through bilateral relations, but also through other countries in South Asia.

The main reason for this amendment was to basically indicate U.S. support for the Gujral Doctrine which says that these countries should work together, not only diplomatically and to avoid possible conflict, but also economically and in terms of their trade.

The other en bloc amendment relates to democracy, sovereignty and human rights in Belarus. Again, I want to thank the chairman and the ranking member.

This amendment expresses the sense of Congress that our President should strongly urge the government of President Lukashenka of the Republic of Belarus to defend the sovereignty of Belarus, maintain its independence from the Russian Federation, abide by the provisions of the Helsinki Accords, as well as Belarus's own constitution, and guarantee freedom of the press, enforce separation of powers and allow for the Belarusan language and culture to flourish.

That may all seem very simple and something that any nation would normally do and any president would normally do. But as I think most of us know, the recently installed parliament of Belarus approved an integration deal with Russia last week, and this parliament was created after a preferential referendum last year and has been criticized as being a rubber stamp for the hard-line President Lukashenka.

Many opposition leaders in Belarus, as well as Western observers, believe that last year's referendum was illegitimate. Essentially what we have in Belarus is an effort to suppress the

Belarusan language and culture and to integrate it almost in terms of one nation ultimately with Russia.

What we are saying in this amendment is that that is not the way that Belarus should go. The Belarusan-American community feels very strongly that this integration deal is not the way to go and is a sellout of Belarusan national interests.

Again, I want to thank the chairman and others who have been supportive in including this in the en bloc amendment.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for his supporting comments.

MODIFICATION OFFERED BY MS. JACKSON-LEE TO THE AMENDMENTS OFFERED BY MR. GILMAN

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to replace the Jackson-Lee amendment that was accepted graciously by the gentleman from New York [Mr. GILMAN] in the en bloc with a technical change substitute amendment.

The CHAIRMAN pro tempore (Mr. DICKEY). The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Ms. JACKSON-LEE of Texas to the amendments offered by Mr. GILMAN:

In lieu of the matter proposed to be included in the en bloc amendment, insert the following:

At the end of title XVII insert the following new section:

SEC. 1717. ASSISTANCE FOR ETHIOPIA.

The Department of State should closely monitor and take into account human rights progress in Ethiopia as it obligates fiscal year 1998 and 1999 funds for Ethiopia authorized to be appropriated by this Act.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mrs. HARMAN. Mr. Chairman, I rise today in strong support of the amendment offered by my colleague, Mr. EWING of Illinois, expressing the sense of Congress that the Government of Peru should respect the rights of prisoners to timely legal procedures.

I take particular interest in this amendment because of the problems one of my constituents, Ms. Krista Barnes, has had with the Peruvian judicial system. Ms. Barnes and a friend, Jennifer Davis, allegedly accepted an offer of a free trip to Peru in exchange for smuggling cocaine into that country. They were arrested in Lima, Peru on September 25, 1996.

Mr. Chairman, Krista Barnes and her friend may have made a huge mistake. If they broke the law, I do not in any way advocate excusing them from the consequences. But they do deserve, at the least, a fair and speedy trial. Even after fully cooperating with Peruvian authorities, and providing information leading to additional arrests, they still have not been charged with a crime, let alone granted a trial. It has been more than 8 months since Krista Barnes and Jennifer Davis were taken into custody. Peruvian domestic law requires that formal charges be brought within 4 to 6 months after arrest.

This amendment strikes the right balance by pointing out the substantial and important progress the Peruvian Government has made in restricting the flow of illegal drugs between our two countries, and by stating the importance of strict penalties for convicted drug smugglers. But it also makes clear just how important to America it is that her partners in the War on Drugs respect the rule of law and grant fair and speedy dispensation of justice to prisoners. I strongly urge my colleagues to support the Ewing amendment.

Mr. KIM. Mr. Chairman, this amendment is a sense of Congress. It asks Taiwan to reconsider its proposed deal to pay North Korea $220 million to store 200,000 barrels of Taiwanese nuclear waste in North Korea.

There are several reasons to oppose this deal.

First: If the current deal goes through, it would set a precedent for the buying and selling of nuclear waste on the open market, just like any other world commodity. But this isn't any normal commodity.

The ramifications of this deal are very serious: It will be promoting the unregulated, international transfer of nuclear waste across international boundaries, without monitoring or safeguards.

Second: North Korea transporting this waste—unsupervised—across the open seas should frighten us all.

What assurances do we have that North Korea will take proper safety precautions?

Remember the ecological disaster that resulted from the Exxon Valdez accident? And that was just an oil spill. An accident during the transportation of this radioactive material could be much worse.

Third: What assurances do we have that North Korea will safely store this waste? They have never opened their storage facilities for international inspection. Never.

At a minimum, this deal should require a 3d party inspection by an independent organization like the IAEA.

All we know is that North Korea plans to dump the waste into abandoned mines along the DMZ.

What if the material leaks into the water table or air? That would be an environmental nightmare.

The United States has 37,000 troops on the Korean Peninsula, many right along the DMZ. They would be among the first to be exposed in the event of an accident.

In addition, Seoul, a city of over 10 million people—including tens of thousands of U.S. civilians—is only 24 miles from the DMZ.

This scares me, Mr. Chairman.

Fifth: The rogue regime in North Korea could use this waste as a political pawn with which to hold the South hostage.

Sixth: We have no idea what the North Koreans will do with the $220 million in hard currency they will receive in this deal.

Will the Communist dictatorship in North Korea continue to bolster their aggressive million man army threatening our young men and women in the Pacific Rim?

Will they build more missiles to point at us?

Mr. Chairman, my amendment simply expresses the Sense of Congress that Taiwan should stop this deal until all of these serious environmental, safety and security concerns are satisfactorily addressed.

I urge my colleagues to support this reasonable amendment.

Mr. ROHRABACHER. Mr. Chairman, my amendment which is included in the en block amendment would put Congress on record in support of the effort by Taiwan to be admitted to the World Trade Organization. Taiwan, which has a democratically elected government, is currently the eighth largest trading partner of the United States. Taiwan has a population of 20 million people compared to 1.2 billion in China. However, exports from Taiwan substantially total more than U.S. exports to the Communists People's Republic of China, which has surpassed Japan in holding the largest annual trade imbalance with the United States. The executive branch has announced an interest in the admission of the People's Republic of China to the World Trade Organization. It is not only a matter of fundamental fairness, that democratic Taiwan also be admitted. The administration has, in fact, also indicated an interest in Taiwan's admission. This afternoon both the State Department and the Office of the U.S. Trade Representative expressed support for my amendment. It is in the economic interest of United States consumers and exporters for Taiwan to complete the requirements for admission to the World Trade Organization at the earliest possible moment.

The CHAIRMAN. The question is on the amendments, as modified, offered by the gentleman from New York [Mr. GILMAN].

The amendments, as modified, were agreed to.

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEARNS:

At the end of title XVII (relating to foreign policy provisions) insert the following new section:

SEC. 1717. STUDY OF THE UNITED NATIONS.

It is the sense of the Congress that the President and the Permanent Representative of the United States to the United Nations should strongly encourage the United Nations to establish a commission to study, report, promptly, concerning—

(1) establishing a new location for the headquarters for the United Nations; and

(2) to establish the United Nations as a part-time body.

Mr. STEARNS. Mr. Chairman, this is truly an historic amendment that I wish my colleagues would consider carefully. The United Nations has been located in New York City for 51 years. Why not have a new location for the United Nations? I am not sure the delegation from New York would agree, but if they will think about it, that property is very valuable, and it does not hurt for the United Nations to look at alternative locations.

In addition, my amendment asks the United Nations for a study of ways to simplify, ways to move their body into a part-time, evolving United Nations.

I pulled up on the web page, Mr. Chairman, the list of locations and system organizations that are part of the U.N., and it just goes on A through Z

here, of all of the different locations that are just sort of reporting back to New York City.

My point is that we need to bring the United Nations into a new location, to try and simplify it and look for ways to bring down the cost. Obviously it could be put in parts of the United States where the cost is not so high, or it could be put in Europe, it could be put in Asia. But I think after 51 years it is time to look at putting the United Nations in a new location.

The current structure of the United Nations does not reflect the real world. Many corporations, after 51 years in one location, look at cost-saving devices and look at ways to move their headquarters somewhere else. In fact, in New York City there are a lot of corporate headquarters that move to Stanford, Connecticut, or Greenwich, Connecticut, or Omaha, Nebraska. Why cannot the United Nations look at the possibility of relocating itself?

The world we live in today is much different than the post-World War II era that led to the creation of the United Nations. It has a monstrous bureaucracy, and I think we need to start the process of downsizing the United Nations just like we have downsized the United States Government.

In 1994, we had a revolution here where we tried to change things, and we did. We created savings and we instituted new reforms here. We need the United Nations to come on board and start their reforms too.

Individual States do it, countries do it, corporations do it. It is time the United Nations started to reflect the global changes and the need to institute reforms and to relocate the United Nations.

So it is a very simple amendment here. I am sure the chairman might not necessarily agree about the relocation. I am not asking for it to go to Florida. I am just asking for the United Nations to put up a commission and say look, we are going to look at it. It is not a big deal here.

Why can we not have new thinking at the United Nations, instead of having all of these delegates file into the United Nations year in and year out? I think we would not see these 131,000 parking tickets which were issued by the New York City police to U.N. diplomatic and consular vehicles, and none of them were paid. So maybe now is the time to look at this bureaucracy.

Mr. Chairman, I am asking the United Nations to start the first step, to go ahead and establish preliminary plans to relocate the United Nations to another country, or perhaps they might think another location within the United States.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I notice that the gentleman mentioned Omaha, Nebraska, and I just wanted to tell him there is no ground swell of support for the United Nations being located in Omaha, but I thank the gentleman.

Mr. STEARNS. Mr. Chairman, I think that probably confirms that Omaha, Nebraska is out the window for the site location, but I would say that perhaps there are places in Europe or places in other parts of the world that might welcome the United Nations.

□ 2030

I think the gentleman's point might be well taken. I am sure they feel the same way in Ocala, Florida, which is my home State, and other parts of central Florida. We do not want to see the United Nations certainly in New York City anymore. We would like to see it relocated, but more importantly, we would like to see the United Nations move in the direction corporations are doing today by downsizing; and like we see here in Congress and the Senate and the House, while we are downsizing and trying to make the government more efficient and less expensive, why not have the United Nations do the same thing?

That is the gist of my amendment. I urge my colleagues to support it when we vote on it tomorrow, Mr. Chairman.

Mr. CAPPS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to oppose the amendment. Having been born and raised in Omaha, Nebraska, I, too, picked up on that suggestion. Maybe if Omaha does not want it, Lincoln might; I do not know. That is beyond the bounds of this.

Mr. Chairman, first of all, I question the sense-of-Congress kind of ruling. I am new at this business, but I think those are very difficult kinds of petitions to deal with. As a general rule, the sense-of-Congress language, I think, is problematic. I would oppose this amendment on those grounds. I am not enthusiastic about the proposal. I certainly do not accept that the United Nations should be a part-time body. I think it has so much more to do than can be done as a part-time institution.

I wonder if the gentleman has asked the New York delegation how they feel about moving the United Nations away from New York. I am not at all sure that this would be a positive development. It seems to me that the United Nations has headquarters in New York, with major presences in Geneva and elsewhere around the world, and that is the way it ought to be. I am going to oppose this amendment on those grounds and still other grounds.

Mr. STEARNS. Mr. Chairman, will the gentleman yield?

Mr. CAPPS. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, there are some Members of Congress from New York that would perhaps like to see it leave New York City.

The second point is that the sense of Congress is the only avenue we have available to try and put in place a feeling that the United Nations should look at another location. The United Nations does not have to be forever in New York City. So I think the fact that the United Nations could set up a commission to look at alternative selection sites is not an unreasonable sense of Congress, if you will, because that is the only avenue we have under this bill without it not being germane. This is the only way I could do it.

We do sense of Congresses on the House floor all the time. It is not something that is new. I think the Members should realize that we have probably done 30 sense of Congresses in the last 60 days, so it is not a new type of parliamentary procedure, it is not a new type of procedure.

Towards the idea of a United Nations as a part-time body, the United Nations should look at some of their agencies that could be part-time. They do not have to have every agency which is in this Web site that I have listed, which is line after line of different agencies; not every one of those has to be full time, 365 days, 52 weeks a year.

I would urge my colleague to reconsider, and say basically that he is optimistic that the United Nations would find another location, and that they could do a commission report, and it would be a harmless yet an exploratory, an exploratory way for the United Nations to see is it the best value for taxpayers and for people from other countries to support the United Nations and to continue in New York City?

Obviously that real estate is very, very valuable. There obviously could be other places where the United Nations could go that would be less expensive. Every corporation in America, every corporation in this country, looks at cost-saving ways to bring the cost down, and likewise the United Nations could do the same thing by looking at an alternative location. I thank the gentleman for yielding, for his courtesy.

Mr. CAPPS. Mr. Chairman, I think the amendment would have more force if the initiative had come from the United Nations itself. But I simply oppose the amendment.

Mr. ENGEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am from New York and represent a district in New York City, Bronx, New York, and am from Westchester, New York, just north of the city. I can tell the Members that we in New York are very proud of the United Nations. We are very proud to have it in New York. New York is a wonderful city.

By the way, I must say that the latest crime statistics have come out and New York is now the safest city in the

country of any city of 1 million population or more, and we are very proud of that. Part of what makes New York New York is the United Nations. New York certainly is a very international city. It is a city of which we are proud. We are very happy to have the United Nations there.

The United Nations pumps $3 billion a year into the New York economy. That is a lot of money; 20,000 jobs in the U.N. into the New York economy. That is a lot of money. New York, being the largest city in this country, it is the financial center of this country, and it is near the national center of the country.

I can tell the Members that my friend, the gentleman from Florida, is very wrong in terms of this amendment. I think that the people of New York, New York City, and the metropolitan area of New York, which includes parts of New Jersey and Connecticut, I think overwhelmingly we are very proud of the United Nations and very proud to have the United Nations in New York.

That does not mean there are not disputes from time to time. We have been having some disputes involving parking and diplomats parking in New York. But disputes will come up from time to time. It does not mean that we do not want the U.N. It does not mean we should even consider not having the U.N. in New York.

Mr. Chairman, I really rise to oppose this amendment. We have agencies that want to leave the United Nations in New York. In Bonn, for instance, the Germans have been very active in trying to pull different U.N. agencies out of New York. The UNDP, the United Nations Developmental Program, Bonn has a lot of empty office space and a lot of empty space because the Germans are relocating their capital to Berlin. They have offered the U.N. all kinds of incentives to try to lure different departments and agencies away from New York and away from the United States. We resist it because we do not want them to move again because of the jobs, and the fact that money is pumped into the New York economy.

We should be proud of the United Nations. We should be proud of the fact that New York is the international capital of the world because the United Nations is there, and I just think that this moving the U.N. or pulling out of the U.N., as there was an amendment before which was soundly defeated, is all part and parcel of an undercurrent of U.N. bashing, or international engagement bashing.

I think that is wrong. I think that the United States needs to be engaged in the world. We are the last remaining superpower. I think it is a feather in our cap to have the United Nations in the United States. It is certainly a feather in New York's cap to have the United Nations in New York. From the point it was formed back in 1945, at the end of the Second World War, New York has been the seat of the United Nations. It has been a good seat of the United Nations. It has been a good fit to have the United Nations in New York.

I can say that I probably speak for the entire New York State delegation, 31 of us, Democrats and Republicans, we are proud to have the U.N. in New York. We want the U.N. to stay in New York. On our license plates, New York license plates, we have the Statue of Liberty, and of course the big three in New York City has always been the Statue of Liberty, the Empire State Building, and the United Nations. We can talk about others, the World Trade Center and others as well. But the U.N. is part and parcel of New York, and New York is part and parcel of the U.N.

Mr. STEARNS. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, I appreciate the gentleman's courtesy in yielding. I understand the gentleman's sympathy, being a Member of Congress from New York, and perhaps some people feel like the gentleman does, too. But obviously there are 49 other States. The cost and the amount of expense that is incurred in New York City certainly could be brought down by relocating the United Nations elsewhere.

A lot of corporations have been in New York City and they have relocated because they found it less expensive. So while the gentleman might be partisan in this matter, but we are trying to think in terms of the other 49 States who realize that perhaps there is a way to bring the cost down for the United Nations by relocating it, by having a commission try to, shall we say, reform the United Nations, and finding areas where we can make it part time.

This is not U.N. bashing, this is an attempt, like we are doing here in Congress, to reform the process, to reform the United Nations and to make it more effective. Does the gentleman not think after 51 years the United Nations needs some type of reform?

Mr. ENGEL. Reclaiming my time, Mr. Chairman, let me say, as I mentioned before when I spoke against the amendment offered by the gentleman from Texas [Mr. PAUL], I think the United Nations is in great need of reform. I think that the new Secretary General is embarking on a period of reform, and heaven knows, we need reform and we demand reform in the U.N., and we must have reform.

But I do not think moving it out of New York City has anything to do with reform. I wonder how expensive it would be to even consider moving it out of New York. I think if something is working, it is part and parcel of the fabric of New York, we ought to keep it. Let me just say that I do not think we want to move the U.N. out of New York any more than we want to move Disney World out of Florida. I do not know if it is the gentleman's district, but I think he would probably resist it.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the gentleman from Florida is mixing mangoes with papayas here, because there is a feeling by some folks that the U.N. should not exist or that the U.N. should be reformed, or that the U.N. should be downsized. But that should not be a reason for taking the U.N. out of the United States or the U.N. out of New York.

I come from a district where we fear on a daily basis the loss of the New York Yankees moving out of State, or maybe if the gentleman succeeds at this, they may move out of the country. I just cannot understand why this desire all of a sudden to bash the U.N. and bash it in a way, in a way which says that the way to deal with this is to have them move out of New York.

I do not want to believe that this is a New York bashing bill, a proposal, because I know the gentleman better than that. I have great respect for him. But I think we have to just look very briefly at some history.

There is a reason why the U.N. is in New York. The decision was made based on a couple of things. Obviously, the land was donated by one of the families in the United States. The construction took place with a lot of help from private capital. But there was a desire, and I think a great statement made by that organization, that it wanted to go to the freest and most democratic country on earth, and that in there it wanted to be situated in an international city which was known as a melting pot in this country and definitely throughout the world. So there was a reason why the U.N. was put in New York. That reason still remains a very valid reason today.

Today New York City continues to be a place that attracts people from all over the world to live, to visit, to set up businesses. The U.N. being in New York is very much a part of what the U.N. is supposed to be about.

I understand that the gentleman is one of a group that feels that the U.N. should disappear. Try doing that. Some of us may oppose the gentleman, but try doing that. In the meantime, leave it in New York unless he wants it in Florida. If that is the point, then please make that.

Mr. STEARNS. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, I thank my colleague for yielding to me.

The gentleman and I both know that he had a football team, the Giants,

that left New York and went to New Jersey. The New York Jets have left. Other athletic teams have left New York City. A lot of corporations have left. We are not saying in this amendment that it has to leave. We are asking the United Nations to study it, just to look at alternative locations that would be less expensive.

All we are saying is set up a commission to look at it somewhere down the line, maybe 50 years from now, 20 years from now, 5 years from now. Somewhere down the line it might be advisable for the United Nations to put itself in a new location. That is all we are asking.

The contrast the gentleman from New York [Mr. ENGEL] says between Disney World and the United Nations, Disney World and the United Nations, maybe some colleagues might think they are synonymous. They are not. Disney World is a for-profit operation. The United Nations is a not-for-profit operation. It is totally different. But I appreciate the gentleman giving me the time.

Mr. SERRANO. Mr. Chairman, reclaiming my time, the gentleman has not obviously looked at the fact that the U.N. pumps a lot of money into the United States economy, because New York City is that kind of a national and international town where any money that is pumped into that economy in fact has ramifications throughout the Nation. That is a fact of life.

To say that it should move out because the Giants moved out, first of all, I think it is very unfair to remind me that the Giants and the Jets moved out and the Nets moved out, and the Yankees are thinking of moving out. I have not recovered from the Dodgers moving out or the Giants moving out.

Granted, if the gentleman can get me the Dodgers back, I will trade the U.N., but for now, for now let us leave the U.N. in New York.

Mr. PALLONE. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from New Jersey.

□ 2045

Mr. PALLONE. Mr. Chairman, I just wanted to say, which I think is very obvious, my other colleague from New York pointed out, $3 billion into the local economy. Let me just say as a resident and representing New Jersey, I know that a significant amount of that money also comes to our State. I am sure it goes to Connecticut. I am sure there are people that fly down to Miami or other places in Florida and spend their vacation.

The bottom line is that the U.N. is a good deal for the United States in terms of having its center located here in New York in this country. It makes no sense, by any rational sense of the imagination, why we would want it to move out. We still have to pay dues. We still have to do the other things to be part of the organization. Why not have it here where the people are spending all this money in our local economies and, as the gentleman said, not only in New York but in a lot of other States.

The CHAIRMAN pro tempore [Mr. DICKEY]. The time of the gentleman from New York [Mr. SERRANO] has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. STEARNS].

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

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 159, further proceedings on the amendment offered by the gentleman from Florida [Mr. STEARNS] will be postponed.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent that the Stearns amendment just considered be made part of title XVII rather than title XV as originally noted.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore. Are there further amendments to title XV?

AMENDMENT OFFERED BY MR. SNOWBARGER

Mr. SNOWBARGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SNOWBARGER:

After chapter 2 of title XV (relating to international organizations; United Nations and related agencies) insert the following new chapter:

CHAPTER 3—UNITED NATIONS ACCOUNTABILITY ACT OF 1997

SEC. 1531. SHORT TITLE.

This chapter may be cited as the "United Nations Accountability Act of 1997".

SEC. 1532. PROHIBITION OF PAYMENT OF ARREARAGES TO UNITED NATIONS.

Until a certification by the President of reforms in the United Nations under section 1533 is transmitted to the Congress and the certification is approved by the Congress through enactment of a joint resolution and, notwithstanding any other provision of law, funds appropriated or otherwise made available for any fiscal year under "Contributions to International Organizations", "Contributions for International Peacekeeping", or any other account shall not be available for the payment of any assessed contribution of the United States for prior years to the United Nations.

SEC. 1533. CERTIFICATION BY THE PRESIDENT OF UNITED NATIONS REFORMS.

The certification referred to in section 1532 is a certification (with supporting documentation) by the President to the Congress that the United Nations has implemented all of the following reforms:

(1) ASSESSED PAYMENT REFORMULATION.—

(A) The assessed payment of the United States to the United Nations for each year has been lowered to 20 percent of the budget of the United Nations, or

(B) The United Nations has reformulated each member state's assessed level to reflect each state's share of the total world gross national product.

(2) CODE OF CONDUCT.—The United Nations has implemented a code of conduct for all employees of the United Nations. The code of conduct shall specify that no United Nations official, including the Secretary General, shall be permitted to engage in business activities outside the United Nations, or provide any relative with access to United Nations procurement contracts, or take bribes, directly or indirectly, from individuals or corporations doing business with the United Nations or from United Nations member states or their representatives.

(3) INSPECTOR GENERAL OF THE UNITED NATIONS.—The office of Inspector General of the United Nations has been strengthened as follows:

(A) The United Nations has a truly independent office of inspector general to conduct and supervise objective audits, inspections, and investigations relating to programs and operations of the United Nations. The office shall be financed under a separate line item in the budget of the United Nations and shall function independently of the Secretary General.

(B) The United Nations has an inspector general who is selected and elected by the General Assembly for a term of 3 years and whose appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation. The inspector general may be removed only for cause by the Secretary General with the approval of the General Assembly.

(C) The inspector general is authorized to—

(i) make investigations and reports relating to the administration of the programs and operations of the United Nations;

(ii) have access to all relevant records, documents, and other available materials relating to those programs and operations; and

(iii) have direct and prompt access to any official of the United Nations.

(D) The United Nations has fully implemented, and made available to all member states, procedures designed to protect the identity of, and prevent reprisals against, any employee of the United Nations making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the inspector general.

(E) The United Nations has fully implemented procedures designed to ensure compliance with recommendations of the inspector general.

(F) The United Nations has required the inspector general to issue an annual report and has ensured that the annual report and all other relevant reports of the inspector general are made available to the member governments of the United Nations General Assembly without modification.

(G) The United Nations is committed to providing sufficient budgetary resources to ensure the effective operation of the office of the inspector general.

(4) EMPLOYEE PROTECTION.—The existing United Nations grievance system has been thoroughly reformed to permit United Nations employees to hire outside counsel for taking their grievances up the United Nations grievance ladder to the top United Nations grievance appeals level. It should also be made amply clear for civil lawyers and judges in each member state that United Nations officials' immunity from civil process applies only to actions performed in the strict fulfillment of United Nations official duties and never to abuses in violation of an

extensive United Nations code of conduct, United Nations employees having the right and option in such cases any time to exit the United Nations grievance process and sue in a civil court.

(5) PROCUREMENT REFORMS.—

(A) The United Nations has implemented a system requiring at least 30 days prior notification for the submission of all qualified bid proposals on all United Nations procurement opportunities of more than $100,000 and a public announcement of the award of any contract of more than $100,000 (except in justified and documented emergencies).

(b) To the extent practicable, notifications and announcements under subparagraph (A) are made in the Commerce Business Daily.

(C) The procurement regulations of the United Nations prohibit punitive actions such as the suspension of contract eligibility for contractors who challenge contract awards or complain about delayed payments.

(6) WHISTLEBLOWER PROTECTION.—The United Nations has implemented whistleblower protection for employees of the United Nations that—

(A) protects employees who allege or report instances of fraud or mismanagement, and

(B) the independent Office of the Inspector General has reviewed the policies and regulations under subparagraph(A) and determined, in writing that they offer adequate safeguards against retaliation for such employees, and that the United Nations employee grievance system outlined in paragraph (4)(C)(ii) has been reformed and the reforms implemented.

(7) NO GROWTH BUDGET.—The United Nations has adopted a calendar year 2000–2001 biennial budget that requires no nominal growth, in dollars, in expenditures.

(8) DOWNSIZING.—The United Nations has continued to downsize the number of authorized employment positions, including a reduction of not less than 10 percent in the number of full-time permanent authorized employment positions from the number of such positions authorized on January 1, 1997. Acceptable downsizing may not include early detachment from United Nations service with full pay until retirement age is reached, nor may it include the hiring of consultants to replace employees detached early with full pay or those replaced by temporary employees on short-term contracts.

(9) SALARIES.—The United Nations has imposed a freeze on salaries of employees of the United Nations which allows only for annual increases not greater than any annual increase in the United States consumer price index.

(10) REPRESENTATION ON ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGET QUESTIONS.—The 8 member states which are the highest contributors to the budget of the United Nations shall be permanent members of the Advisory Committee on Administrative and Budget Questions.

(11) ACCESS TO DOCUMENTS.—Require access by any member state of the United Nations Budget Committee (also known as the Fifth Committee) to any document concerning any United Nations program that involves expenditures.

(12) ANNUAL REAUTHORIZATION OF PEACEKEEPING MISSIONS.—The United Nations requires an annual review and reauthorization of any peace-keeping missions by the United Nations Security Council.

(13) REIMBURSEMENT FOR UNITED STATES DEPARTMENT OF DEFENSE PEACEKEEPING EXPENDITURES.—The United Nations and the United States have entered into an agreement that calls for United Nations reimbursement for any future voluntary contributors by the United States Department of Defense, whether they be financial, logistical, or material.

(14) UNITED STATES ARREARAGES.—The United Nations and the United States have mutually determined an amount that will satisfy any and all arrearages of the United States in assessed contributions for prior years.

(15) NOMINATIONS TO SECURITY COUNCIL.—All member states of the United States belong to a regional group that allows each member state to be nominated to the Security Council.

(16) UNITED NATIONS TAXES.—The United Nations has abandoned any effort to establish an international tax or any other international fee or assessment imposed by the United Nations (other than the assessed contributions of member states of the United Nations and associated organs).

(17) NONINTERFERENCE WITH RELIGIOUS BELIEF, CULTURE, OR TRADITION.—Neither the United Nations nor any affiliated agency or entity is engaged in any program or activity that threatens to interfere with the religion, moral values, culture, or traditions of any person or group, except insofar as is strictly necessary for the protection of fundamental and internationally recognized human rights.

Mr. SNOWBARGER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. SNOWBARGER. Mr. Chairman, it is very clear this evening that after the two amendments that have been offered, one by the gentleman from Florida [Mr. STEARNS] and one by the gentleman from Texas [Mr. PAUL], that we are not going to take the U.S. out of the U.N. and we will have the vote tomorrow but it is probably unlikely that we are taking the U.N. out of the U.S. With that in mind, I think we ought to look to a concern that Americans do have about the United Nations and look toward reform.

I heard a number of my colleagues on both sides of the aisle as we have gone through the debate today talk about the various reforms that are needed in the U.N. My amendment would require that Congress and the President agree that the United Nations has actually implemented certain reforms, that we would require. Those reforms pursuant to my amendment would be a lowering of the U.S. dues assessment from 25 to 20 percent or in the alternative to set assessments for each country's dues to reflect each country's share of the aggregate GDP.

It would also require that a code of conduct for U.N. employees be implemented which would prevent conflicts of interest, bribes, giving access to friends and relatives to information in the U.N. It would also strengthen the U.N. inspector general's office giving him the power to investigate and oversee all aspects of the United Nations and making him independent of the Secretary General. The inspector general would be elected by the assembly as opposed to appointed by the Secretary General.

Also, we would propose that a grievance system be reformed to allow employees of the United Nations to hire outside counsel to assist them in and even allow them to sue in civil court for grievances against the United Nations. We would also ask that procurement reforms be implemented so that prior notification would be presented to the public on any procurements over $100,000 and also prohibiting punitive actions against contractors who challenge those contract awards. We would provide protection to whistle blowers who report fraud or mismanagement, we would require that no growth occur in the next biennial U.N. budget.

We would request that the U.N. reduce its employee force by 10 percent from the 1997 levels. We would also impose a salary freeze which would allow only for cost-of-living increases. We would propose that the eight top contributors to the United Nations be permanent members of the U.N. Committee on the Budget. Due to the administration's incompetence last year, the United States is not currently on that committee this year. We would also require member states to have access to all documents relating to expenditures. It seems incredible to me, but the U.N. currently does not allow its own members to have access to internal documents.

The U.N. would also be required to annually reauthorize all peacekeeping missions so we have an opportunity to review all of those missions. I understand in the last few years that they have gone to a 6-month or 1-year review. We think that ought to occur for all peacekeeping missions.

We would also in the amendment provide for a credit to the Department of Defense for contributions to peacekeeping missions against the U.S. assessment. The U.N. and the United States would have to come to an agreement that any payment that we would make under that agreement would completely satisfy any arrearage. The U.N. would have to abandon any efforts to impose an international tax or any other new international fee. All member states would belong to a regional group that would allow them to be on the Security Council and to nominate Security Council members. And also the U.N. would not engage in activity that would interfere with people's religion, culture, traditions, other than the interference needed to protect fundamental human rights.

The final provision of the bill would require that the President certify to Congress that these efforts have been made to reform the United Nations. Once the President has made that certification within 30 legislative days,

the President's certification, there would be a vote of Congress that would approve or deny that.

Mr. Chairman, I have tried to combine the efforts of an awful lot of people in putting this amendment together.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. SNOWBARGER. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I want to commend the gentleman from Kansas [Mr. SNOWBARGER] for this thoughtful and very thorough amendment concerning reform of the U.N. I appreciate all the hard work that went into this effort, intensive work. We have drawn heavily from the contents of the Snowbarger amendment for a bill that I intend to offer in the near future with the support of our leadership. My bill, however, creates even more stringent conditions the U.N. must meet before we pay our arrears in full. I believe that, when it is introduced, the gentleman will agree that it fully meets all of his concerns as expressed in his very thoughtful amendment.

I would, therefore, request the gentleman to withdraw his measure today and await consideration of the bill that will be introduced very soon as a freestanding measure on U.N. reform.

The CHAIRMAN pro tempore. The time of the gentleman from Kansas [Mr. SNOWBARGER] has expired.

(By unanimous consent, Mr. SNOWBARGER was allowed to proceed for 1 additional minute.)

Mr. SNOWBARGER. Mr. Chairman, the Clinton administration and U.N. allies say that the American taxpayer ought to pay arrearages now and wait for reform later because the dues are legal obligations of our government. The obligations go both ways. Part of the bargain of the United Nations is that the United Nations should be efficient, responsible and accountable. As anyone who has dealt with a nonperforming contractor knows, withholding of payment is often the only way to get him to respond to your concerns.

To the chairman of the committee, although I am very reluctant to withdraw the amendment, I do understand that there has been quite a bit of work going on behind the scenes in trying to draft another bill. With the assurances from the chairman that that bill is in progress, I look forward to working with the chairman. I will withdraw my amendment.

Mr. GILMAN. Mr. Chairman, if the gentleman will continue to yield, I thank the gentleman. We have a leadership task force at work right now trying to define the conditions to define the correct amount that is due and trying to develop a formula for payment.

Mr. SNOWBARGER. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

Are there further amendments to title XV?

AMENDMENT OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COBURN:

At the end of title XV insert the following new section:

SEC. 1525. PROHIBITION ON FUNDING FOR UNESCO WORLD HERITAGE AND MAN AND BIOSPHERE PROGRAMS.

None of the funds authorized to be appropriated by this Act may be made available to the Man and Biosphere (MAB) Program or the World Heritage Program administered by the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

Mr. COBURN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. COBURN. Mr. Chairman, this is simply an amendment to clarify what our process is.

The World Heritage and Man and Biosphere program has never been authorized by this Congress. It has never been presented to any committee of this Congress. A quarter of a million dollars this last year was spend in the State Department's budget for this program. This amendment simply states that until this is authorized by a committee of Congress, that no moneys in this authorization will be spent for this.

I will not go into any detail. I plan on reserving my time, but it is my understanding that the chairman has accepted this amendment and that the minority will not object to it. Therefore, I would ask the chairman of the committee if that is his intention.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, we do not have any objections to accepting this amendment and would be pleased to accept the gentleman's amendment.

Mr. COBURN. Mr. Chairman, I wonder if the gentleman from California might confirm for the minority if that is their intention as well.

Mr. CAPPS. Mr. Chairman, will the gentleman yield?

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

Mr. CAPPS. Mr. Chairman, I would like to note for the record that the administration opposes this amendment. We as a body will not object.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent that, when the Committee has under consideration the Smith amendment, relative to restrictions to population activities, that debate on that amendment and all amendments thereto be limited to one hour and 20 minutes divided and controlled as follows:

Twenty minutes to the gentleman from New Jersey [Mr. SMITH] or his designee; 20 minutes to the gentleman from California [Mr. CAMPBELL] or his designee; 20 minutes to the gentleman from Indiana [Mr. HAMILTON] or his designee; and 20 minutes to the gentleman from Michigan [Mr. BARCIA] or his designee.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oklahoma [Mr. COBURN].

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to title XV?

The Clerk will designate title XVI.

The text of title XVI is as follows:

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".

The CHAIRMAN pro tempore. Are there any amendments to title XVI?

The Clerk will designate title XVII.

The text of title XVII is as follows:

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.

The CHAIRMAN pro tempore. Are there any amendments to title XVII?

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey:

In Title 17, add the following new section (and conform the table of contents accordingly):

SEC. . REPORT ON BORDER CLOSURES OR ECONOMIC OR COMMERCIAL BLOCKADES AFFECTING THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act the President shall prepare and transmit to the Congress a report on any border closure or use of an economic or commercial blockade by or against any independent state of the former Soviet Union against any other country.

(2) CONTENTS OF REPORT.—Such report shall contain a description of the extent to extent to which such a closure or blockade restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance, and whether such closure or blockade is considered to restrict, directly or indirectly, the transport or delivery of such assistance for purpose of section 6201 of the Foreign Assistance Act of 1961 (22 U.S.C. 2379).

(b) DEFINITION.—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).

Mr. SMITH of New Jersey (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Chairman, I think this amendment should be noncontroversial. It would require the President to report to Congress about any border closures or the use of an economic or commercial blockade by or against any of the new independent states against any other country.

The report would be due within 60 days of enactment of the bill. The amendment stipulates that the report shall describe the extent to which such border closures or economic or commercial blockades impede or restrict directly or indirectly the delivery of U.S. humanitarian aid and whether the closure would be considered to be in violation of Humanitarian Aid Corridors Act. As we know, Mr. Chairman, the corridors law calls for the cutoff of U.S. assistance to countries that impede the delivery of U.S. humanitarian assistance to third countries.

The report would allow Congress and the State Department to have a clear mutual understanding of where violations or potential violations occur.

□ 2100

As a result of ethnic separatist conflicts in the territory of the former Soviet Union, especially in the Caucasus, various states have at times imposed border closures or blockades on neighboring states. These blockades or border closures hamper or make impossible the delivery of humanitarian assistance.

Among these blockades or embargoes are: Azerbaijan's blockade on Armenia and Nagorno-Karabagh, and Armenia's blockade of Nakhichevan, an Azerbaijani enclave separated from the rest of Azerbaijan by Armenian territory, and Russia's occasional blockading of Azerbaijan, claiming that Azerbaijan was helping Chechnya.

I would ask Members to support this. Again, I know there is good strong support for this on the other side. This would give us a clear picture again of

what is truly going on and whether or not the Humanitarian Aid Corridors Act is being violated.

The CHAIRMAN pro tempore (Mr. DICKEY). The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to title XVII?

AMENDMENT OFFERED BY MR. PALLONE

Mr. PALLONE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PALLONE:

At the end of title XVII (relating to foreign policy provisions) insert the following new section:

SEC. 1717. SENSE OF CONGRESS REGARDING THE NAGORNO-KARABAGH CONFLICT.

(a) SENSE OF CONGRESS—It is the sense of Congress that

(1) the United States should take a greater leadership role in working for a negotiated settlement of the Nagorno-Karabagh conflict; and

(2) the Secretary of State should consider the participation of the United States as a co-chair of the OSCE's Minsk Group a priority of the Department of State; and

(3) the United States reaffirms its neutrality in the conflict.

(b) CONGRESSIONAL STATEMENT—The congress urges the President and the Secretary of State to encourage direct talks between the parties to the Nagorno-Karabagh conflict.

Mr. PALLONE. Mr. Chairman, I am submitting this amendment on behalf of myself and my colleague, the gentleman from Michigan [Mr. KNOLLENBERG]. The provision reaffirms the current U.S. Government position of neutrality in working for a negotiated settlement to the conflict over Nagorno-Karabagh.

The U.S., as was mentioned in the amendment, is a cochair of the Organization for Security and Cooperation in Europe's Minsk Group, which is charged with negotiating a political solution to the Nagorno-Karabagh conflict. The amendment would also encourage direct talks between the parties to the conflict, Armenia, Nagorno-Karabagh and Azerbaijan.

As was mentioned when the amendment was read, part of the amendment is basically asking the U.S. to take a greater leadership role in working for a negotiated settlement of the conflict and, in particular, that the U.S.'s activities as cochair of the Minsk Group be a priority of the Department of State.

The U.S. has identified a resolution of the Nagorno-Karabagh conflict as a vital interest and we have actually appointed a U.S. special negotiator for this purpose. Although a cease-fire has mostly held for about 3 years in the area, the OSCE-brokered negotiations intended to produce a political settlement are deadlocked. Congress can help to jump-start the negotiating process by going on record in support of a negotiated settlement and reaffirming U.S. neutrality.

Mr. Chairman, I do not want to get into a lengthy historical discussion, but I did want to mention that the collapse of the Soviet Union allowed the formerly captive nations to have a rebirth of freedom. Unfortunately, the end of the Soviet Union also exposed problems created by the way borders were drawn during the Stalin era, setting the stage for subsequent ethnic conflicts.

In the case of Karabagh, historically populated by Armenians, as it still is today, but assigned to Azerbaijan, this is really a striking example of some of the problems that resulted from the lines that were drawn during the Stalinist era. While it is ultimately up to the parties directly involved to agree to a negotiated settlement, the power and the prestige of the United States counts for a great deal, and I believe that people listen to us and our influence can be of great help in moving forward on the peace process.

Mr. KNOLLENBERG. Mr. Chairman, I rise today in support of the Pallone amendment and urge my colleagues to join the gentleman from New Jersey [Mr. PALLONE] in supporting his amendment. This amendment will finally, we believe, bring peace and stability to this war torn region of the former Soviet Union.

The amendment that we are offering this evening would urge the President and the Secretary of State to take a greater leadership role in efforts to gain a negotiated settlement of the Nagorno-Karabagh conflict.

Armenia and Azerbaijan have spent the last decade entangled in conflict over the tiny enclave of Nagorno-Karabagh. This never-ending conflict has caused tremendous hardship and suffering, and despite continuing efforts by the OSCE's Minsk Group, resolution is still a long way off.

Like it or not, the U.S. is now cochair of the Minsk Group. And as the world's greatest power we must recognized our role as an important positive part of efforts to reach a negotiated settlement that would end the bloodshed.

As the State Department recently said, the U.S. must act as "an unbiased mediator in this conflict and support a solution that is mutually acceptable to all parties." We must do so because only an agreed, not an imposed solution will be stable and will endure.

President Clinton also vowed that the U.S.'s consistent position of neutrality in the Nagorno-Karabagh conflict has not changed and will not change.

Lives are here on the line, Mr. Chairman, and we must continue to play an important supporting role in efforts to end this disastrous conflict once and for all.

I know there are a lot of people out there that may want to address other issues, like territorial integrity and the unfettered delivery of U.S. aid to the region. However, this is neither the time nor the place to debate these issues. Indeed, the Minsk Group is the only place to do it, and only with unbiased U.S. leadership can the Minsk Group become a productive forum for resolving such disputes.

Here is the bottom line. This amendment expresses Congress' desire to see the United States be an unbiased leader in resolving the Nagorno-Karabagh conflict, nothing more, nothing less. This is not a new position. The President has pledged neutrality and the State Department has pledged neutrality. It is time for Congress to follow suit.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, I want to thank the gentleman and I want to say while there may be personal differences of opinion on how to deal with this conflict, I want to support this amendment with the understanding of this colloquy.

It is my understanding that this amendment is designed to encourage the United States to become more actively involved in settling the Nagorno-Karabagh conflict and that nothing in the amendment is intended to change U.S. policy in this matter. I would ask the gentleman if that is correct.

Mr. KNOLLENBERG. Mr. Chairman, reclaiming my time, I appreciate the gentleman's question, and tell him that that is correct. I do not believe that this amendment changes current U.S. policy in any way. In fact, what it does, it reaffirms a consistent U.S. policy as stated by both the President and the State Department. So that is a yes.

Mr. EDWARDS. Mr. Chairman, if the gentleman will continue to yield, with that understanding, I look forward to supporting the gentleman's amendment.

Mr. KNOLLENBERG. Mr. Chairman, reclaiming my time, I appreciate the gentleman's support and I appreciate the gentleman from New Jersey's work on this.

Mr. CAPPS. Mr. Chairman. I move to strike the requisite number of words.

Mr. Chairman, I also want to talk in support of the amendment. I believe the amendment states exactly what U.S. policy should be toward the conflict in Nagorno-Karabagh.

In my judgment, the United States should exert a leadership role in its new co-chairmanship of the Minsk Group talks to help try to bring the conflict between Armenia and Azerbaijan to an end. This is precisely what the Pallone-Knollenberg amendment advocates.

I commend the gentleman from New Jersey and the gentleman from Michigan and the gentleman from Texas and urge the adoption of the amendment.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by my colleagues, the gentleman from New Jersey [Mr. PALLONE] and the gentleman from Michigan [Mr. KNOLLENBERG].

For years, Armenia and Azerbaijan have engaged in a tragic conflict over the status of the Nagorno-Karabagh region. While a cease-fire has been in place since 1994, there are still thousands of refugees and civilians who are desperately in need of our help.

I was disappointed that the committee rejected an amendment to the original foreign aid bill that would have encouraged U.S. humanitarian assistance to the Nagorno-Karabagh area. This amendment would have provided much needed assistance to the refugees and any civilians living in the area.

The Pallone-Knollenberg amendment does not address the issue of U.S. aid nor does it take sides in the conflict between Armenia or Azerbaijan. Instead, the amendment simply expresses the sense of the Congress that the United States Government should take a leadership role in bringing a resolution to the conflict.

The amendment also reaffirms the current neutral stance of the United States and encourages direct negotiations between the parties to the conflict. I support this amendment because there can be no better way to assist the war torn victims of this longstanding conflict than to help bring about a lasting peace in the region.

There is nothing wrong with the U.S. remaining neutral. It is wrong for us to stand on the sidelines doing nothing to bring about a permanent resolution to this war. The Clinton administration has taken the initiative in similar conflicts around the world, and there is no good reason why we should not do the same in Nagorno-Karabagh.

Mr. Chairman, the people of this region are in need of our help. The best thing that we can do for them right now is to vote for the Pallone-Knollenberg amendment. I strongly urge my colleagues to support it.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will just take a minute or two to express my support for this resolution before the House.

I am a very strong supporter of Armenia, and I share the concern of the author of the amendment that Armenia and its neighbor, Azerbaijan, live in peace and harmony with each other. I would like to ask one question, if I could, of the sponsor of the amendment, my good friend from New Jersey, Mr. PALLONE.

Just so it is very clear, and I think one of the previous speakers said this, so there is no ambiguity about it, is it the gentleman's intent to change the current U.S. position in support of the territorial integrity of Azerbaijan through this amendment?

Mr. PALLONE. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from New Jersey.

Mr. PALLONE. Mr. Chairman, I want to stress that the resolution states the U.S. reaffirms its neutrality in the conflict. What we have purposely done here is to craft language that would avoid the underlying issue of territorial integrity versus self-determination or some of the other principles that are now being discussed in the context of the negotiations.

So we purposely have not used any of those principles in crafting the language.

Mr. SMITH of New Jersey. Mr. Chairman, I think that is helpful, especially as the sensitive stage of negotiations is underway. So I do thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. PALLONE].

The amendment was agreed to.

Mr. SMITH of New Jersey. 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. NETHERCUTT] having assumed the chair, Mr. DICKEY, Chairman pro tempore 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. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes, had come to no resolution thereon.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 84, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1998

Mr. HOBSON submitted the following conference report and statement on the concurrent resolution (H. Con. Res. 84) establishing the congressional budget for the U.S. Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002:

CONFERENCE REPORT (H. REPT. 105–116)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 84), establishing the congressional budget for the United States Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the resolution and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1998.

(a) DECLARATION.—The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1998 including the appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002 as required by section 301 of the Congressional Budget Act of 1974.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 1998.

TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social security.
Sec. 103. Major functional categories.
Sec. 104. Reconciliation in the Senate.
Sec. 105. Reconciliation in the House of Representatives.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

Sec. 201. Discretionary spending limits.
Sec. 202. Allowance for the IMF.
Sec. 203. Allowance for section 8 housing assistance.
Sec. 204. Separate environmental allocation.
Sec. 205. Priority Federal land acquisitions and exchanges.
Sec. 206. Allowance for arrearages.
Sec. 207. Intercity passenger rail reserve fund for fiscal years 1998–2002.
Sec. 207A. Intercity passenger rail reserve fund in the Senate for fiscal years 1998–2002.
Sec. 208. Mass transit reserve fund in the Senate for fiscal years 1998–2002.
Sec. 209. Highway reserve fund in the Senate for fiscal years 1998–2002.
Sec. 210. Deficit—neutral reserve fund in the House for surface transportation.
Sec. 211. Sale of Government assets.
Sec. 212. Determinations of budgetary levels; reversals.
Sec. 213. Exercise of rulemaking powers.

TITLE III—SENSE OF CONGRESS, HOUSE, AND SENATE PROVISIONS

Subtitle A—Sense of the Congress

Sec. 301. Sense of the Congress on repayment of the Federal debt.
Sec. 302. Sense of the Congress on tax cuts.
Sec. 303. Sense of Congress that the 10-year revenue loss from the tax relief package shall not exceed $250,000,000,000.

Subtitle B—Sense of the House

Sec. 306. Sense of the House on Commission on Long-Term Budgetary Problems.
Sec. 307. Sense of the House on corporate welfare.
Sec. 308. Sense of the House on baselines.
Sec. 309. Sense of the House on family violence option clarifying amendment.

Subtitle C—Sense of the Senate

Sec. 311. Sense of the Senate on long term entitlement reforms, including accuracy in determining changes in the cost of living.
Sec. 312. Sense of the Senate on tactical fighter aircraft programs.
Sec. 313. Sense of the Senate regarding children's health coverage.
Sec. 314. Sense of the Senate on a medicaid per capita cap.
Sec. 315. Sense of the Senate that added savings go to deficit reduction.

Sec. 316. Sense of the Senate on fairness in medicare.
Sec. 317. Sense of the Senate regarding assistance to Lithuania and Latvia.
Sec. 318. Sense of the Senate regarding a National Commission on Higher Education.
Sec. 319. Sense of the Senate on lockbox.
Sec. 320. Sense of the Senate on the earned income credit.
Sec. 321. Sense of the Senate supporting long-term entitlement reforms.
Sec. 322. Sense of the Senate on disaster assistance funding.
Sec. 323. Sense of the Senate on enforcement of bipartisan budget agreement.
Sec. 324. Sense of the Senate regarding the National Institutes of Health.
Sec. 325. Sense of the Senate regarding certain elderly legal aliens.
Sec. 326. Sense of the Senate regarding retroactive taxes.
Sec. 327. Sense of the Senate on social security and balancing the budget.
Sec. 328. Sense of the Senate supporting sufficient funding for veterans programs and benefits.
Sec. 329. Sense of the Senate on family violence option clarifying amendment.
Sec. 330. Sense of the Senate regarding assistance to Amtrak.
Sec. 331. Sense of the Senate regarding the protection of children's health.
Sec. 332. Sense of the Senate on depositing all Federal gasoline taxes into the Highway Trust Fund.
Sec. 333. Sense of the Senate on early childhood education.
Sec. 334. Sense of the Senate concerning Highway Trust Fund.
Sec. 335. Sense of the Senate concerning tax incentives for the cost of post-secondary education.
Sec. 336. Sense of the Senate on additional tax cuts.
Sec. 337. Sense of the Senate regarding truth in budgeting and spectrum auctions.
Sec. 338. Sense of the Senate on highway demonstration projects.
Sec. 339. Sense of the Senate regarding the use of budget savings.
Sec. 340. Sense of the Senate regarding the value of the social security system for future retirees.
Sec. 341. Sense of the Senate on economic growth dividend protection.
Sec. 342. Sense of the Senate supporting Federal, State, and local law enforcement officers.
Sec. 343. Sense of Senate regarding parental involvement in prevention of drug use by children.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1998, 1999, 2000, 2001, and 2002:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1998: $1,199,000,000,000.
Fiscal year 1999: $1,241,900,000,000.
Fiscal year 2000: $1,285,600,000,000.
Fiscal year 2001: $1,343,600,000,000.
Fiscal year 2002: $1,407,600,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1998: $-7,400,000,000.
Fiscal year 1999: $-11,100,000,000.
Fiscal year 2000: $-22,000,000,000.
Fiscal year 2001: $-22,800,000,000.
Fiscal year 2002: $-19,900,000,000.

(C) The amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1998: $113,500,000,000.
Fiscal year 1999: $119,100,000,000.
Fiscal year 2000: $125,100,000,000.
Fiscal year 2001: $130,700,000,000.
Fiscal year 2002: $136,800,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1998: $1,386,700,000,000.
Fiscal year 1999: $1,440,100,000,000.
Fiscal year 2000: $1,486,400,000,000.
Fiscal year 2001: $1,520,200,000,000.
Fiscal year 2002: $1,551,600,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1998: $1,372,000,000,000.
Fiscal year 1999: $1,424,100,000,000.
Fiscal year 2000: $1,468,800,000,000.
Fiscal year 2001: $1,500,700,000,000.
Fiscal year 2002: $1,515,900,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1998: $-173,000,000,000.
Fiscal year 1999: $-182,200,000,000.
Fiscal year 2000: $-183,200,000,000.
Fiscal year 2001: $-157,100,000,000.
Fiscal year 2002: $-108,300,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1998: $5,593,500,000,000.
Fiscal year 1999: $5,841,000,000,000.
Fiscal year 2000: $6,088,600,000,000.
Fiscal year 2001: $6,307,300,000,000.
Fiscal year 2002: $6,481,200,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1998: $34,000,000,000.
Fiscal year 1999: $33,400,000,000.
Fiscal year 2000: $34,900,000,000.
Fiscal year 2001: $36,100,000,000.
Fiscal year 2002: $37,400,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1998: $315,700,000,000.
Fiscal year 1999: $324,900,000,000.
Fiscal year 2000: $328,200,000,000.
Fiscal year 2001: $332,200,000,000.
Fiscal year 2002: $335,300,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302, 602, and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1998: $402,800,000,000.
Fiscal year 1999: $422,300,000,000.
Fiscal year 2000: $442,600,000,000.
Fiscal year 2001: $461,600,000,000.
Fiscal year 2002: $482,800,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302, 602, and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1998: $317,600,000,000.
Fiscal year 1999: $330,600,000,000.
Fiscal year 2000: $343,600,000,000.
Fiscal year 2001: $358,100,000,000.
Fiscal year 2002: $372,500,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1998 through 2002 for each major functional category are:

(1) National Defense (050):

Fiscal year 1998:
(A) New budget authority, $268,200,000,000.
(B) Outlays, $266,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $600,000,000.

Fiscal year 1999:
(A) New budget authority, $270,800,000,000.
(B) Outlays, $265,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $800,000,000.

Fiscal year 2000:
(A) New budget authority, $274,800,000,000.
(B) Outlays, $268,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $1,100,000,000.

Fiscal year 2001:
(A) New budget authority, $281,300,000,000.
(B) Outlays, $270,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $1,100,000,000.

Fiscal year 2002:
(A) New budget authority, $289,100,000,000.
(B) Outlays, $272,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $1,100,000,000.

(2) International Affairs (150):

Fiscal year 1998:
(A) New budget authority, $15,900,000,000.
(B) Outlays, $14,600,000,000.
(C) New direct loan obligations, $2,000,000,000.
(D) New primary loan guarantee commitments, $12,800,000,000.

Fiscal year 1999:
(A) New budget authority, $14,900,000,000.
(B) Outlays, $14,600,000,000.
(C) New direct loan obligations, $2,000,000,000.
(D) New primary loan guarantee commitments, $13,100,000,000.

Fiscal year 2000:
(A) New budget authority, $15,800,000,000.
(B) Outlays, $15,000,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New primary loan guarantee commitments, $13,400,000,000.

Fiscal year 2001:
(A) New budget authority, $16,100,000,000.
(B) Outlays, $14,800,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New primary loan guarantee commitments, $13,800,000,000.

Fiscal year 2002:
(A) New budget authority, $16,400,000,000.
(B) Outlays, $14,800,000,000.
(C) New direct loan obligations, $2,200,000,000.
(D) New primary loan guarantee commitments, $14,200,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1998:
(A) New budget authority, $16,200,000,000.
(B) Outlays, $16,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:
(A) New budget authority, $16,200,000,000.
(B) Outlays, $16,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:
(A) New budget authority, $15,900,000,000.
(B) Outlays, $16,000,000,000.
(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $15,800,000,000.

(B) Outlays, $15,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $15,600,000,000.

(B) Outlays, $15,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1998:

(A) New budget authority, $3,100,000,000.

(B) Outlays, $2,200,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $3,500,000,000.

(B) Outlays, $2,400,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $3,200,000,000.

(B) Outlays, $2,300,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $2,900,000,000.

(B) Outlays, $2,000,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $2,800,000,000.

(B) Outlays, $1,900,000,000.

(C) New direct loan obligations, $1,200,000,000.

(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1998:

(A) New budget authority, $23,900,000,000.

(B) Outlays, $22,400,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $23,200,000,000.

(B) Outlays, $22,700,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $22,600,000,000.

(B) Outlays, $23,000,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $22,200,000,000.

(B) Outlays, $22,700,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $22,100,000,000.

(B) Outlays, $22,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1998:

(A) New budget authority, $13,100,000,000.

(B) Outlays, $11,900,000,000.

(C) New direct loan obligations, $9,600,000,000.

(D) New primary loan guarantee commitments, $6,400,000,000.

Fiscal year 1999:

(A) New budget authority, $12,800,000,000.

(B) Outlays, $11,300,000,000.

(C) New direct loan obligations, $11,000,000,000.

(D) New primary loan guarantee commitments, $6,400,000,000.

Fiscal year 2000:

(A) New budget authority, $12,200,000,000.

(B) Outlays, $10,700,000,000.

(C) New direct loan obligations, $11,100,000,000.

(D) New primary loan guarantee commitments, $6,500,000,000.

Fiscal year 2001:

(A) New budget authority, $11,000,000,000.

(B) Outlays, $9,500,000,000.

(C) New direct loan obligations, $11,000,000,000.

(D) New primary loan guarantee commitments, $6,600,000,000.

Fiscal year 2002:

(A) New budget authority, $10,700,000,000.

(B) Outlays, $9,100,000,000.

(C) New direct loan obligations, $11,000,000,000.

(D) New primary loan guarantee commitments, $6,700,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1998:

(A) New budget authority, $6,600,000,000.

(B) Outlays, −$900,000,000.

(C) New direct loan obligations, $4,700,000,000.

(D) New primary loan guarantee commitments, $245,500,000,000.

Fiscal year 1999:

(A) New budget authority, $11,100,000,000.

(B) Outlays, $4,300,000,000.

(C) New direct loan obligations, $1,900,000,000.

(D) New primary loan guarantee commitments, $253,500,000,000.

Fiscal year 2000:

(A) New budget authority, $15,200,000,000.

(B) Outlays, $9,800,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $255,200,000,000.

Fiscal year 2001:

(A) New budget authority, $16,100,000,000.

(B) Outlays, $12,100,000,000.

(C) New direct loan obligations, $2,600,000,000.

(D) New primary loan guarantee commitments, $258,000,000,000.

Fiscal year 2002:

(A) New budget authority, $16,700,000,000.

(B) Outlays, $12,500,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $259,900,000,000.

(8) Transportation (400):

Fiscal year 1998:

(A) New budget authority, $46,400,000,000.

(B) Outlays, $40,900,000,000.

(C) New direct loan obligations, $200,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $46,600,000,000.

(B) Outlays, $41,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $47,100,000,000.

(B) Outlays, $41,400,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $48,100,000,000.

(B) Outlays, $41,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $49,200,000,000.

(B) Outlays, $41,200,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1998:

(A) New budget authority, $8,800,000,000.

(B) Outlays, $10,400,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $2,400,000,000.

Fiscal year 1999:

(A) New budget authority, $8,500,000,000.

(B) Outlays, $10,900,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $2,400,000,000.

Fiscal year 2000:

(A) New budget authority, $7,800,000,000.

(B) Outlays, $11,000,000,000.

(C) New direct loan obligations, $3,000,000,000.

(D) New primary loan guarantee commitments, $2,400,000,000.

Fiscal year 2001:

(A) New budget authority, $7,800,000,000.

(B) Outlays, $11,400,000,000.

(C) New direct loan obligations, $3,100,000,000.

(D) New primary loan guarantee commitments, $2,500,000,000.

Fiscal year 2002:

(A) New budget authority, $7,800,000,000.

(B) Outlays, $8,400,000,000.

(C) New direct loan obligations, $3,200,000,000.

(D) New primary loan guarantee commitments, $2,500,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1998:

(A) New budget authority, $60,000,000,000.

(B) Outlays, $56,100,000,000.

(C) New direct loan obligations, $12,300,000,000.

(D) New primary loan guarantee commitments, $20,700,000,000.

Fiscal year 1999:

(A) New budget authority, $60,500,000,000.

(B) Outlays, $59,300,000,000.

(C) New direct loan obligations, $13,100,000,000.

(D) New primary loan guarantee commitments, $21,900,000,000.

Fiscal year 2000:

(A) New budget authority, $61,700,000,000.

(B) Outlays, $60,700,000,000.

(C) New direct loan obligations, $13,900,000,000.

(D) New primary loan guarantee commitments, $23,300,000,000.

Fiscal year 2001:

(A) New budget authority, $63,000,000,000.

(B) Outlays, $61,900,000,000.

(C) New direct loan obligations, $14,700,000,000.

(D) New primary loan guarantee commitments, $24,500,000,000.

Fiscal year 2002:

(A) New budget authority, $63,300,000,000.

(B) Outlays, $62,300,000,000.

(C) New direct loan obligations, $15,400,000,000.

(D) New primary loan guarantee commitments, $25,700,000,000.

(11) Health (550):

Fiscal year 1998:

(A) New budget authority, $137,800,000,000.

(B) Outlays, $137,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $100,000,000.

Fiscal year 1999:

(A) New budget authority, $145,000,000,000.

(B) Outlays, $144,900,000,000.

(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $154,100,000,000.
(B) Outlays, $153,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $163,400,000,000.
(B) Outlays, $163,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $172,200,000,000.
(B) Outlays, $171,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(12) Medicare (570):
Fiscal year 1998:
(A) New budget authority, $201,600,000,000.
(B) Outlays, $201,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $212,100,000,000.
(B) Outlays, $211,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $225,500,000,000.
(B) Outlays, $225,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $239,600,000,000.
(B) Outlays, $238,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $251,500,000,000.
(B) Outlays, $250,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1998:
(A) New budget authority, $239,000,000,000.
(B) Outlays, $247,800,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $100,000,000.
Fiscal year 1999:
(A) New budget authority, $254,100,000,000.
(B) Outlays, $258,100,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $100,000,000.
Fiscal year 2000:
(A) New budget authority, $269,600,000,000.
(B) Outlays, $268,200,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $100,000,000.
Fiscal year 2001:
(A) New budget authority, $275,100,000,000.
(B) Outlays, $277,300,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $100,000,000.
Fiscal year 2002:
(A) New budget authority, $286,900,000,000.
(B) Outlays, $285,200,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $100,000,000.
(14) Social Security (650):
Fiscal year 1998:
(A) New budget authority, $11,400,000,000.
(B) Outlays, $11,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $12,100,000,000.
(B) Outlays, $12,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $12,800,000,000.
(B) Outlays, $12,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $13,000,000,000.
(B) Outlays, $13,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $14,400,000,000.
(B) Outlays, $14,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1998:
(A) New budget authority, $40,500,000,000.
(B) Outlays, $41,300,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $27,100,000,000.
Fiscal year 1999:
(A) New budget authority, $41,500,000,000.
(B) Outlays, $41,700,000,000.
(C) New direct loan obligations, $1,100,000,000.
(D) New primary loan guarantee commitments, $26,700,000,000.
Fiscal year 2000:
(A) New budget authority, $41,700,000,000.
(B) Outlays, $41,900,000,000.
(C) New direct loan obligations, $1,200,000,000.
(D) New primary loan guarantee commitments, $26,200,000,000.
Fiscal year 2001:
(A) New budget authority, $42,100,000,000.
(B) Outlays, $42,200,000,000.
(C) New direct loan obligations, $1,200,000,000.
(D) New primary loan guarantee commitments, $25,600,000,000.
Fiscal year 2002:
(A) New budget authority, $42,300,000,000.
(B) Outlays, $42,400,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $25,100,000,000.
(16) Administration of Justice (750):
Fiscal year 1998:
(A) New budget authority, $24,800,000,000.
(B) Outlays, $22,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $25,100,000,000.
(B) Outlays, $24,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $24,200,000,000.
(B) Outlays, $25,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $24,400,000,000.
(B) Outlays, $25,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $24,900,000,000.
(B) Outlays, $24,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1998:
(A) New budget authority, $14,700,000,000.
(B) Outlays, $14,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $14,400,000,000.
(B) Outlays, $14,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $14,000,000,000.
(B) Outlays, $14,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $13,700,000,000.
(B) Outlays, $14,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $13,100,000,000.
(B) Outlays, $13,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(18) Net Interest (900):
Fiscal year 1998:
(A) New budget authority, $296,500,000,000.
(B) Outlays, $296,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $304,600,000,000.
(B) Outlays, $304,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $305,100,000,000.
(B) Outlays, $305,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $303,800,000,000.
(B) Outlays, $303,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $303,700,000,000.
(B) Outlays, $303,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(19) Allowances (920):
Fiscal year 1998:
(A) New budget authority, $0.
(B) Outlays, $0.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $0.
(B) Outlays, $0.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2000:

(A) New budget authority, $0.
(B) Outlays, $0.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $0.
(B) Outlays, $0.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $0.
(B) Outlays, $0.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 1998:
(A) New budget authority, −$41,800,000,000.
(B) Outlays, −$41,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, −$36,900,000,000.
(B) Outlays, −$36,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, −$36,900,000,000.
(B) Outlays, −$36,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, −$39,200,000,000.
(B) Outlays, −$39,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, −$51,100,000,000.
(B) Outlays, −$51,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

SEC. 104. RECONCILIATION IN THE SENATE.

(a) RECONCILIATION OF SPENDING REDUCTIONS.—Not later than June 13, 1997, the committees named in this subsection shall submit their recommendations to the Committee on the Budget of the Senate. After receiving those recommendations, the Committee on the Budget shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

(1) COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.—The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to increase outlays by not more than $300,000,000 in fiscal year 2002 and by not more than $1,500,000,000 for the period of fiscal years 1998 through 2002.

(2) COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.—The Senate Committee on Banking, Housing, and Urban Affairs shall report changes in laws within its jurisdiction that reduce the deficit $434,000,000 in fiscal year 2002 and $1,590,000,000 for the period of fiscal years 1998 through 2002.

(3) COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.—The Senate Committee on Commerce, Science, and Transportation shall report changes in laws within its jurisdiction that reduce the deficit $14,849,000,000 in fiscal year 2002 and $26,496,000,000 for the period of fiscal years 1998 through 2002.

(4) COMMITTEE ON ENERGY AND NATURAL RESOURCES.—The Senate Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $6,000,000 in fiscal year 2002 and $13,000,000 for the period of fiscal years 1998 through 2002.

(5) COMMITTEE ON FINANCE.—The Senate Committee on Finance shall report changes in laws within its jurisdiction—

(A) that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $40,911,000,000 in fiscal year 2002 and $100,646,000,000 for the period of fiscal years 1998 through 2002; and

(B) to increase the statutory limit on the public debt to not more than $5,950,000,000,000.

(6) COMMITTEE ON GOVERNMENTAL AFFAIRS.—The Senate Committee on Governmental Affairs shall report changes in laws within its jurisdiction that reduce the deficit $1,769,000,000 in fiscal year 2002 and $5,467,000,000 for the period of fiscal years 1998 through 2002.

(7) COMMITTEE ON LABOR AND HUMAN RESOURCES.—The Senate Committee on Labor and Human Resources shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $1,057,000,000 in fiscal year 2002 and $1,792,000,000 for the period of fiscal years 1998 through 2002.

(8) COMMITTEE ON VETERANS' AFFAIRS.—The Senate Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $681,000,000 in fiscal year 2002 and $2,733,000,000 for the period of fiscal years 1998 through 2002.

(b) RECONCILIATION OF REVENUE REDUCTIONS.—Not later than June 20, 1997, the Senate Committee on Finance shall report to the Senate a reconciliation bill proposing changes in laws within its jurisdiction necessary to reduce revenues by not more than $20,500,000,000 in fiscal year 2002 and $85,000,000,000 for the period of fiscal years 1998 through 2002.

(c) TREATMENT OF CONGRESSIONAL PAY-AS-YOU-GO.—For purposes of section 202 of House Concurrent Resolution 67 (104th Congress), legislation which reduces revenues pursuant to a reconciliation instruction contained in subsection (b) shall be taken together with all other legislation passed pursuant to the reconciliation instructions contained in this resolution when determining the deficit effect of such legislation.

(d) CHILDREN'S HEALTH INITIATIVE.—

(1) DEFICIT NEUTRAL ADJUSTMENTS.—After the reporting of reconciliation legislation pursuant to subsection (a), or after the submission of a conference report thereon, and if the Committee on Finance reduces outlays by an amount greater than the outlay reduction that is required by subsection (a)(5)(A), the Chairman of the Committee on the Budget of the Senate, with the concurrence and agreement of the ranking minority member, may submit in writing appropriately revised (A) reconciliation instructions to the Committee on Finance to reduce the deficit, (B) allocations, (C) limits, and (D) aggregates.

(2) FLEXIBILITY ON ADJUSTMENTS.—The adjustments made pursuant to this subsection shall not exceed $2,300,000,000 in fiscal year 1998 and $16,000,000,000 for the period of fiscal years 1998 through 2002 and shall not cause an increase in the deficit levels in this resolution.

SEC. 105. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) PURPOSE.—The purpose of this section is to provide for two separate reconciliation bills: the first for entitlement reform and the second for tax relief.

(b) SUBMISSIONS.—

(1) ENTITLEMENT REFORMS.—Not later than June 13, 1997, the House committees named in subsection (c) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2) TAX RELIEF AND MISCELLANEOUS REFORMS.—Not later than June 14, 1997, the House committees named in subsection (d) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(c) INSTRUCTIONS RELATING TO ENTITLEMENT REFORMS.—

(1) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $34,571,000,000 in outlays for fiscal year 1998, $37,008,000,000 in outlays for fiscal year 2002, and $179,884,000,000 in outlays in fiscal years 1998 through 2002.

(2) COMMITTEE ON BANKING AND FINANCIAL SERVICES.—The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: −$8,435,000,000 in outlays for fiscal year 1998, −$5,091,000,000 in outlays for fiscal year 2002, and −$32,743,000,000 in outlays in fiscal years 1998 through 2002.

(3) COMMITTEE ON COMMERCE.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $393,533,000,000 in outlays for fiscal year 1998, $507,150,000,000 in outlays for fiscal year 2002, and $2,259,294,000,000 in outlays in fiscal years 1998 through 2002.

(4) COMMITTEE ON EDUCATION AND THE WORKFORCE.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $17,222,000,000 in outlays for fiscal year 1998, $17,673,000,000 in outlays for fiscal year 2002, and $89,528,000,000 in outlays in fiscal years 1998 through 2002.

(5) COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT.—(A) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $68,975,000,000 in outlays for fiscal year 1998, $81,896,000,000 in outlays for fiscal year 2002, and $375,722,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that would reduce the deficit by: $0 in fiscal year 1998, $621,000,000 in fiscal year 2002, and $1,829,000,000 in fiscal years 1998 through 2002.

(6) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $18,087,000,000 in outlays for fiscal year 1998, $17,283,000,000 in outlays for fiscal year 2002, and $88,711,000,000 in outlays in fiscal years 1998 through 2002.

(7) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $22,444,000,000 in outlays for fiscal year 1998, $24,563,000,000 in outlays for fiscal year 2002, and $117,959,000,000 in outlays in fiscal years 1998 through 2002.

(8) COMMITTEE ON WAYS AND MEANS.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of direct spending for that committee does not exceed: $397,581,000,000 in outlays for fiscal year 1998, $506,522,000,000 in outlays for fiscal year 2002, and $2,257,912,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of revenues for that committee is not less than: $1,172,136,000,000 in revenues for fiscal year 1998, $1,382,679,000,000 in revenues for fiscal year 2002, and $6,358,388,000,000 in revenues in fiscal years 1998 through 2002.

(C) The House Committee on Ways and Means shall report changes in laws within its jurisdiction to increase the statutory limit on the public debt to not more than $5,950,000,000,000.

(d) INSTRUCTIONS RELATING TO TAX RELIEF AND MISCELLANEOUS REFORMS.—

(1) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $34,571,000,000 in outlays for fiscal year 1998, $37,008,000,000 in outlays for fiscal year 2002, and $179,884,000,000 in outlays in fiscal years 1998 through 2002.

(2) COMMITTEE ON BANKING AND FINANCIAL SERVICES.—The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: −$8,435,000,000 in outlays for fiscal year 1998, −$5,091,000,000 in outlays for fiscal year 2002, and −$32,743,000,000 in outlays in fiscal years 1998 through 2002.

(3) COMMITTEE ON COMMERCE.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $393,533,000,000 in outlays for fiscal year 1998, $507,150,000,000 in outlays for fiscal year 2002, and $2,259,294,000,000 in outlays in fiscal years 1998 through 2002.

(4) COMMITTEE ON EDUCATION AND THE WORKFORCE.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $17,222,000,000 in outlays for fiscal year 1998, $17,673,000,000 in outlays for fiscal year 2002, and $89,528,000,000 in outlays in fiscal years 1998 through 2002.

(5) COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT.—(A) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $68,975,000,000 in outlays for fiscal year 1998, $81,896,000,000 in outlays for fiscal year 2002, and $375,722,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that would reduce the deficit by: $0 in fiscal year 1998, $621,000,000 in fiscal year 2002, and $1,829,000,000 in fiscal years 1998 through 2002.

(6) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $18,087,000,000 in outlays for fiscal year 1998, $17,283,000,000 in outlays for fiscal year 2002, and $88,711,000,000 in outlays in fiscal years 1998 through 2002.

(7) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $22,444,000,000 in outlays for fiscal year 1998, $24,563,000,000 in outlays for fiscal year 2002, and $117,959,000,000 in outlays in fiscal years 1998 through 2002.

(8) COMMITTEE ON WAYS AND MEANS.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of direct spending for that committee does not exceed: $397,581,000,000 in outlays for fiscal year 1998, $506,522,000,000 in outlays for fiscal year 2002, and $2,257,912,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of revenues for that committee is not less than: $1,164,736,000,000 in revenues for fiscal year 1998, $1,362,179,000,000 in revenues for fiscal year 2002, and $6,273,388,000,000 in revenues in fiscal years 1998 through 2002.

(C) The House Committee on Ways and Means shall report changes in laws within its jurisdiction to increase the statutory limit on the public debt to not more than $5,950,000,000,000.

(e) DEFINITION.—For purposes of this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(f) CHILDREN'S HEALTH INITIATIVE.—If the Committees on Commerce and Ways and Means report recommendations pursuant to their reconciliation instructions that, combined, provide an initiative for children's health that would increase the deficit by more than $2.3 billion for fiscal year 1998, by more than $3.9 billion for fiscal year 2002, and by more than $16 billion for the period of fiscal years 1998 through 2002, the committees shall be deemed to not have complied with their reconciliation instructions pursuant to section 310(d) of the Congressional Budget Act of 1974.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

SEC. 201. DISCRETIONARY SPENDING LIMITS.

(a) DISCRETIONARY LIMITS.—In the Senate, in this section and for the purposes of allocations made for the discretionary category pursuant to section 302(a) or 602(a) of the Congressional Budget Act of 1974, the term "discretionary spending limit" means—

(1) with respect to fiscal year 1998—

(A) for the defense category $269,000,000,000 in new budget authority and $266,823,000,000 in outlays; and

(B) for the nondefense category $257,857,000,000 in new budget authority and $286,445,000,000 in outlays;

(2) with respect to fiscal year 1999—

(A) for the defense category $271,500,000,000 in new budget authority and $266,518,000,000 in outlays; and

(B) for the nondefense category $261,499,000,000 in new budget authority and $292,803,000,000 in outlays;

(3) with respect to fiscal year 2000, for the discretionary category $537,193,000,000 in new budget authority and $564,265,000,000 in outlays;

(4) with respect to fiscal year 2001, for the discretionary category $542,032,000,000 in new budget authority and $564,396,000,000 in outlays; and

(5) with respect to fiscal year 2002, for the discretionary category $551,074,000,000 in new budget authority and $560,799,000,000 in outlays;

as adjusted for changes in concepts and definitions and emergency appropriations.

(b) POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

(A) a revision of this resolution or any concurrent resolution on the budget for fiscal years 1999, 2000, 2001, or 2002 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit or limits for such fiscal year; or

(B) any bill or resolution (or amendment, motion, or conference report on such bill or resolution) for fiscal year 1998, 1999, 2000, 2001, or 2002 that would cause any of the limits in this section (or suballocations of the discretionary limits made pursuant to section 602(b) of the Congressional Budget Act of 1974) to be exceeded.

(2) EXCEPTION.—

(A) IN GENERAL.—This section shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

(B) ENFORCEMENT OF DISCRETIONARY LIMITS IN FISCAL YEAR 1998.—Until the enactment of reconciliation legislation pursuant to subsections (a) and (b) of section 104 of this resolution—

(i) subparagraph (A) of paragraph (1) shall not apply; and

(ii) subparagraph (B) of paragraph (1) shall apply only with respect to fiscal year 1998.

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, revenues, and deficits for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

SEC. 202. ALLOWANCE FOR THE IMF.

(a) ADJUSTMENTS.—In the Senate, for fiscal year 1998, 1999, 2000, 2001, or 2002, and in the House of Representatives, for fiscal year 1998 or 1999, after the reporting of an appropriations measure (or after the submission of a conference report thereon) that includes an appropriation with respect to paragraph (1) or (2), the chairman of the Committee on the Budget shall increase the appropriate allocations, budgetary aggregates, and, in the Senate only, discretionary limits, by the amount of budget authority in that measure that is the dollar equivalent, in terms of Special Drawing Rights, of—

(1) an increase in the United States quota as part of the International Monetary Fund Eleventh General Review of Quotas (United States Quota); or

(2) any increase in the maximum amount available to the Secretary of the Treasury pursuant to section 17 of the Bretton Woods Agreement Act, as amended from time to time (New Arrangements to Borrow).

(b) COMMITTEE SUBALLOCATIONS.—The Committee on Appropriations may report to its House appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974 following the adjustments made pursuant to subsection (a).

SEC. 203. ALLOWANCE FOR SECTION 8 HOUSING ASSISTANCE.

(a) ADJUSTMENT FOR DISCRETIONARY SPENDING.—For fiscal year 1998, after the reporting of an appropriation measure (or after the submission of a conference report thereon) that includes an appropriation for the renewal of expiring contracts for tenant- and project-based housing assistance under section 8 of the United States Housing Act of 1937, the chairman of the Committee on the Budget may increase the appropriate allocations in this resolution by the amount provided in that appropriation measure for that purpose, but not to exceed $9,200,000,000 in budget authority and the appropriate amount of outlays.

(b) COMMITTEE SUBALLOCATIONS.—The Committee on Appropriations may report to its House appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974 following the adjustments made pursuant to subsection (a).

SEC. 204. SEPARATE ENVIRONMENTAL ALLOCATION.

(a) COMMITTEE ALLOCATIONS.—After the Committee on Commerce and the Committee on Transportation and Infrastructure report a bill (or after the submission of a conference report thereon) or in the Senate, after the Committee on Environment and Public Works reports a bill (or after the submission of a conference report thereon) to reform the Superfund program to facilitate the cleanup of hazardous waste sites that does not exceed—

(1) $200,000,000 in budget authority for fiscal year 1998,

(2) $200,000,000 in outlays for fiscal year 2002, and

(3) $1,000,000,000 in budget authority for the period of fiscal years 1998 through 2002,

the chairman of the Committee on the Budget of that House may increase the appropriate allocations of budget authority in this resolution by the amounts provided in that bill for that purpose and the outlays flowing in all years from such budget authority.

(b) PRIOR SURPLUS.—In the Senate, for the purposes of section 202 of House Concurrent Resolution 67 (104th Congress), legislation reported (or the submission of a conference report thereon) pursuant to subsection (a) shall be taken together with all other legislation passed pursuant to section 104 of this resolution.

SEC. 205. PRIORITY FEDERAL LAND ACQUISITIONS AND EXCHANGES.

(a) ADJUSTMENT FOR DISCRETIONARY SPENDING.—For fiscal year 1998, after the reporting of an appropriation measure (or after the submission of a conference report thereon) that provides $700 million in budget authority for fiscal year 1998 for Federal land acquisitions and to finalize priority Federal land exchanges, the Chairman of the Committee on the Budget of each House shall increase the appropriate allocations by that amount of budget authority and the outlays flowing from such budget authority to the Committee on Appropriations of that House.

(b) COMMITTEE SUBALLOCATIONS.—The Committee on Appropriations may report to its House appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974 following the adjustments made pursuant to subsection (a).

SEC. 206. ALLOWANCE FOR ARREARAGES.

(a) ADJUSTMENT FOR DISCRETIONARY SPENDING.—(1) In the Senate, for the period of fiscal years 1998 through 2002, or in the House of Representatives, for the period of fiscal years 1998 and 1999, after the reporting of an appropriations measure (or after the submission of a conference report thereon) that includes an appropriation for arrearages for international organizations, international peacekeeping, and multilateral development banks during that fiscal year, the Chairman of the Committee on the Budget shall increase the appropriate allocations, aggregates, and, in the Senate only, discretionary spending limits, in this resolution by an amount provided for that purpose in that appropriation measure.

(2) In the Senate, the adjustments described in paragraph (1) for the period of fiscal years 1998 through 2002 may not exceed $1,884,000,000 in budget authority and the outlays flowing in all years from such budget authority.

(b) COMMITTEE SUBALLOCATIONS.—The Committee on Appropriations shall report to its House appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974 following the adjustments made pursuant to subsection (a).

SEC. 207. INTERCITY PASSENGER RAIL RESERVE FUND FOR FISCAL YEARS 1998–2002.

(a) IN GENERAL.—If legislation is enacted which generates revenue increases or direct spending reductions to finance an intercity passenger rail fund and to the extent that such increases or reductions are not included in this concurrent resolution on the budget, the appropriate budgetary levels and limits may be adjusted if such adjustments do not cause an increase in the deficit in this resolution. Necessary authorizing reforms and additional funding contained in this reserve fund for intercity passenger rail should both occur in this Session, and if such funds are appropriated before the enactment of such reforms, such appropriated funds shall not be made available until the enactment of such reforms.

(b) ESTABLISHING A RESERVE.—

(1) ADJUSTMENTS TO CAPTURE SAVINGS.—After the enactment of legislation described in subsection (a), the Chairman of the Committee on the Budget may submit revisions to the appropriate allocations and aggregates by the amount that provisions in such legislation generates revenue increases or direct spending reductions.

(2) DETERMINATION OF MAXIMUM DISCRETIONARY ALLOWANCE.—Upon the submission of such revisions, the Chairman of the Committee on the Budget shall also submit the amount of revenue increases or direct spending reductions such legislation generates and the maximum amount available each year for adjustments pursuant to subsection (c).

(c) ADJUSTMENTS FOR DISCRETIONARY SPENDING.—

(1) REVISIONS TO ALLOCATIONS AND AGGREGATES.—After either—

(A) the reporting of an appropriations measure, or after a conference committee submits a conference report thereon, that appropriates funds for the National Railroad Passenger Corporation and funds from the intercity passenger rail fund; or

(B) the reporting of an appropriations measure, or after a conference committee submits a conference report thereon, that appropriates funds from the intercity passenger rail fund (funds having previously been appropriated for the National Railroad Passenger Corporation for that same fiscal year), the Chairman of the Committee on the Budget may submit increased budget authority allocations, aggregates, and, in the Senate only, discretionary limits, for the amount appropriated for authorized expenditures from the intercity passenger rail fund and the outlays in all years flowing from such budget authority.

(2) REVISIONS TO SUBALLOCATIONS.—The Committee on Appropriations may submit appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974.

(d) LIMITATIONS.—

(1) IN GENERAL.—The revisions made pursuant to subsection (b) shall not be made—

(A) with respect to direct spending reductions, unless the committee that generates the direct spending reductions is within its allocations under sections 302(a) and 602(a) of the Budget Act in this resolution (not including the direct spending reductions envisioned in subsection (b)); and

(B) with respect to revenue increases, unless revenues are at or above the revenue aggregates in this resolution (not including the revenue increases envisioned in subsection (b)).

(2) BUDGET AUTHORITY.—The budget authority adjustments made pursuant to subsection (c) shall not exceed the amounts specified in subsection (b)(2) for a fiscal year.

SEC. 207A. INTERCITY PASSENGER RAIL RESERVE FUND IN THE SENATE FOR FISCAL YEARS 1998–2002.

(a) IN GENERAL.—In the Senate, if legislation is enacted which generates revenue increases or direct spending reductions to finance an intercity passenger rail fund and to the extent that such increases or reductions are not included in this concurrent resolution on the budget, the appropriate budgetary levels and limits may be adjusted if such adjustments do not cause an increase in the deficit in this resolution.

(b) ESTABLISHING A RESERVE.—

(1) ADJUSTMENTS TO CAPTURE SAVINGS.—After the enactment of legislation described in subsection (a), the Chairman of the Committee on the Budget of the Senate may submit revisions to the appropriate allocations and aggregates by the amount that provisions in such legislation generates revenue increases or direct spending reductions.

(2) DETERMINATION OF MAXIMUM DISCRETIONARY ALLOWANCE.—Upon the submission of such revisions, the Chairman of the Committee on the Budget of the Senate shall also submit the amount of revenue increases or direct spending reductions such legislation generates and the maximum amount available each year for adjustments pursuant to subsection (c).

(c) ADJUSTMENTS FOR DISCRETIONARY SPENDING.—

(1) REVISIONS TO ALLOCATIONS AND AGGREGATES.—After either—

(A) the reporting of an appropriations measure, or after a conference committee submits a conference report thereon, that appropriates funds for the National Railroad Passenger Corporation and funds from the intercity passenger rail fund; or

(B) the reporting of an appropriations measure, or after a conference committee submits a conference report thereon, that appropriates funds from the intercity passenger rail fund (funds having previously been appropriated for the National Railroad Passenger Corporation for that same fiscal year),

the Chairman of the Committee on the Budget of the Senate may submit increased budget authority allocations, aggregates, and discretionary limits, for the amount appropriated for authorized expenditures from the intercity passenger rail fund and the outlays in all years flowing from such budget authority.

(2) REVISIONS TO SUBALLOCATIONS.—The Committee on Appropriations of the Senate may submit appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974.

(d) LIMITATIONS.—

(1) IN GENERAL.—The revisions made pursuant to subsection (b) shall not be made—

(A) with respect to direct spending reductions, unless the committee that generates the direct spending reductions is within its allocations under sections 302(a) and 602(a) of the Budget Act in this resolution (not including the direct spending reductions envisioned in subsection (b)); and

(B) with respect to revenue increases, unless revenues are at or above the revenue aggregates in this resolution (not including the revenue increases envisioned in subsection (b)).

(2) BUDGET AUTHORITY.—The budget authority adjustments made pursuant to subsection (c) shall not exceed the amounts specified in subsection (b)(2) for a fiscal year.

SEC. 208. MASS TRANSIT RESERVE FUND IN THE SENATE FOR FISCAL YEARS 1998–2002.

(a) IN GENERAL.—In the Senate, if legislation generates revenue increases or direct spending reductions to finance mass transit and to the extent that such increases or reductions are not included in this concurrent resolution on the budget, the appropriate budgetary levels and limits may be adjusted if such adjustments do not cause an increase in the deficit in this resolution.

(b) ADJUSTMENT FOR BUDGET AUTHORITY.—After the reporting of legislation (the offering of an amendment thereto or conference report thereon) that reduces non-mass transit direct spending or increases revenues for a fiscal year or years, the Chairman of the Committee on the Budget of the Senate may submit appropriately revised allocations and aggregates by an amount that equals the amount such legislation reduces direct spending or increases revenues for a fiscal year or years.

(c) ESTABLISHING A RESERVE.—

(1) REVISIONS.—After the enactment of legislation described in subsection (a), the Chairman of the Committee on the Budget of the Senate may submit revisions to the appropriate allocations and aggregates by the amount that provisions in such legislation generates revenue increases or direct nonhighway spending reductions.

(2) REVENUE INCREASES OR DIRECT SPENDING REDUCTIONS.—After the submission of such revisions, the Chairman of the Committee on the Budget of the Senate shall also submit the amount of revenue increases or non-mass transit direct spending reductions such legislation generates and the maximum amount available each year for adjustments pursuant to subsection (d).

(d) ADJUSTMENTS FOR DISCRETIONARY SPENDING.—

(1) REVISIONS TO ALLOCATIONS AND AGGREGATES.—After the reporting of an appropriations measure, or after a conference committee submits a conference report thereon, that makes available funds for mass transit, the Chairman of the Committee on the Budget of the Senate shall submit increased outlay allocations, aggregates, and discretionary limits for the amount of outlays flowing from the additional obligational authority provided in such bill.

(2) REVISIONS TO SUBALLOCATIONS.—The Committee on Appropriations of the Senate may submit appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974.

(e) LIMITATIONS.—

(1) IN GENERAL.—The revisions made pursuant to subsection (c) shall not be made—

(A) with respect to non-mass transit direct spending reductions, unless the committee that generates the direct spending reductions is within its allocations under sections 302(a) and 602(a) of the Budget Act in this resolution (not including the non-mass transit direct spending reductions envisioned in subsection (c)); and

(B) with respect to revenue increases, unless revenues are at or above the revenue aggregates in this resolution (not including the revenue increases envisioned in subsection (c)).

(2) OUTLAYS.—The outlay adjustments made pursuant to subsection (d) shall not exceed the amounts specified in subsection (c)(2) for a fiscal year.

SEC. 209. HIGHWAY RESERVE FUND IN THE SENATE FOR FISCAL YEARS 1998–2002.

(a) IN GENERAL.—In the Senate, if legislation generates revenue increases or direct spending reductions to finance highways and to the extent that such increases or reductions are not included in this concurrent resolution on the budget, the appropriate budgetary levels and limits may be adjusted if such adjustments do not cause an increase in the deficit in this resolution.

(b) ADJUSTMENTS FOR BUDGET AUTHORITY.—After the reporting of legislation (the offering of an amendment thereto or conference report thereon) that reduces nonhighway direct spending or increases revenues for a fiscal year or years, the Chairman of the Committee on the Budget of the Senate may submit appropriately revised allocations and aggregates by an amount that equals the amount such legislation reduces direct spending or increases revenues for a fiscal year or years.

(c) ESTABLISHING A RESERVE.—

(1) REVISIONS.—After the enactment of legislation described in subsection (a), the Chairman of the Committee on the Budget of the Senate may submit revisions to the appropriate allocations and aggregates by the amount that provisions in such legislation generates revenue increases or non-highway direct spending reductions.

(2) REVENUE INCREASES OR DIRECT SPENDING REDUCTIONS.—Upon the submission of such revisions, the Chairman of the Committee on the Budget of the Senate shall also submit the amount of revenue increases or direct nonhighway spending reductions such legislation generates and the maximum amount available each year for adjustments pursuant to subsection (d).

(d) ADJUSTMENTS FOR DISCRETIONARY SPENDING.—

(1) REVISIONS TO ALLOCATIONS AND AGGREGATES.—After the reporting of an appropriations measure, or after a conference committee submits a conference report thereon, that makes available funds for highways, the Chairman of the Committee on the Budget of the Senate shall submit increased outlay allocations, aggregates, and discretionary limits for the amount of outlays flowing from the additional obligational authority provided in such measure.

(2) REVISIONS TO SUBALLOCATIONS.—The Committee on Appropriations of the Senate may submit appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974.

(e) LIMITATIONS.—

(1) IN GENERAL.—The revisions made pursuant to subsection (c) shall not be made—

(A) with respect to nonhighway direct spending reductions, unless the committee that generates the direct spending reductions is within its allocations under section 302(a) and 602(a) of the Budget Act in this resolution (not including the nonhighway direct spending reductions envisioned in subsection (c)); and

(B) with respect to revenue increases, unless revenues are at or above the revenue aggregates in this resolution (not including the revenue increases envisioned in subsection (c)).

(2) OUTLAYS.—The outlay adjustments made pursuant to subsection (d) shall not exceed the amounts specified in subsection (c)(2) for a fiscal year.

SEC. 210. DEFICIT-NEUTRAL RESERVE FUND IN THE HOUSE FOR SURFACE TRANSPORTATION.

(a) PURPOSE.—In the House, the purpose of this section is to adjust the appropriate budgetary levels to accommodate legislation increasing spending from the highway trust fund on surface transportation and highway safety above the levels assumed in this resolution if such legislation is deficit neutral.

(b) DEFICIT NEUTRALITY REQUIREMENT.—(1) In order to receive the adjustments specified in subsection (c), a bill reported by the Committee on Transportation and Infrastructure of the House that provides new budget authority above the levels assumed in this resolution for programs authorized out of the highway trust fund must be deficit neutral.

(2) A deficit-neutral bill must meet the following conditions:

(A) The amount of new budget authority provided for programs authorized out of the highway trust fund must be in excess of $25.949 billion in new budget authority for fiscal year 1998, $25.464 billion in new budget authority for fiscal year 2002, and $127.973 billion in new budget authority for the period of fiscal years 1998 through 2002.

(B) The outlays estimated to flow from the excess new budget authority set forth in subparagraph (A) must be offset for fiscal year 1998, fiscal year 2002, and for the period of fiscal years 1998 through 2002. For the sole purpose of estimating the amount of outlays flowing from excess new budget authority under this section, it shall be assumed that such excess new budget authority would have an obligation limitation sufficient to accommodate that new budget authority.

(C) The outlays estimated to flow from the excess new budget authority must be offset by (i) other direct spending or revenue provisions within that transportation bill, (ii) the net reduction in other direct spending and revenue legislation (for purposes of such offset) that is enacted during this Congress after the date of adoption of this resolution and before such transportation bill is reported (in excess of the levels assumed in this resolution), or (iii) a combination of the offsets specified in clauses (i) and (ii).

(D) As used in this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) REVISED LEVELS.—(1) After the Committee on Transportation and Infrastructure of the House reports a bill (or after the submission of a conference report thereon) meeting the conditions set forth in subsection (b)(2), the chairman of the Committee on the Budget of the House shall increase the allocation of new budget authority to that committee by the amount of new budget authority provided in that bill (and that is above the levels set forth in subsection (b)(2)(A)) for programs authorized out of the highway trust fund.

(2) After the enactment of the transportation bill described in paragraph (1) and after the reporting of a general, supplemental, or continuing resolution making appropriations by the Committee on Appropriations of the House (or after the submission of a conference report thereon) establishing an obligation limitation above the levels specified in subsection (b)(2)(A) (at a level sufficient to obligate some or all of the budget authority specified in paragraph (1)), the chairman of the Committee on the Budget of the House shall increase the allocation and aggregate levels of outlays to that committee for the appropriate fiscal years.

(d) OFFSETTING ADJUSTMENTS.—Upon the enactment of legislation providing offsets pursuant to subsection (c), the chairman of the Committee on the Budget shall make offsetting adjustments in the appropriate allocations and aggregates.

(e) DEFINITION.—As used in this section, the term "highway trust fund" refers to the following budget accounts (or any successor accounts):

(1) 69–8083–0–7–401 (Federal-Aid Highways).

(2) 69–8191–0–7–401 (Mass Transit Capital Fund).

(3) 69–8350–0–7–401 (Mass Transit Formula Grants).

(4) 69–8016–0–7–401 (National Highway Traffic Safety Administration-Operations and Research).

(5) 69–8020–0–7–401 (Highway Traffic Safety Grants).

(6) 69–8048–0–7–401 (National Motor Carrier Safety Program).

SEC. 211. SALE OF GOVERNMENT ASSETS.

(a) LIMITATION.—Subsections (b) through (d) of this section shall not apply to the sale of any asset resulting from the enactment of any reconciliation bill referred to in section 104 or 105 of this resolution.

(b) BUDGETARY TREATMENT.—

(1) IN GENERAL.—For the purpose of this concurrent resolution on the budget and the Congressional Budget Act of 1974, no amounts realized from the sale of an asset shall be scored with respect to the level of budget authority, outlays, or revenues if such sale would cause an increase in the deficit as calculated pursuant to paragraph (2).

(2) CALCULATION OF NET PRESENT VALUE.—The deficit estimate of an asset sale shall be the net present value of the cash flow from—

(A) proceeds from the asset sale;

(B) future receipts that would be expected from continued ownership of the asset by the Government; and

(C) expected future spending by the Government at a level necessary to continue to operate and maintain the asset to generate the receipts estimated pursuant to subparagraph (B).

(c) DEFINITION.—For purposes of this section, the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) TREATMENT OF LOAN ASSETS.—For the purposes of this section, the sale of loan assets or the prepayment of a loan shall be governed by the terms of the Federal Credit Reform Act of 1990.

(e) INTENT.—The asset sale rule may be revisited when the Budget Enforcement Act of 1990 is extended.

SEC. 212. DETERMINATIONS OF BUDGETARY LEVELS; REVERSALS.

(a) DETERMINATIONS.—For purposes of this title, budgetary levels shall be determined on the basis of estimates made by the Committee on the Budget.

(b) REVERSALS AND ADJUSTMENTS.—(1) In the House of Representatives, if any legislation referred to in this title is not enacted into law, then the chairman of the Committee on the Budget shall, as soon as practicable, reverse adjustments made under this title for such legislation and have such adjustments published in the Congressional Record.

(2) In the Senate, the adjustments and revisions to allocations, aggregates, and limits made by the Chairman of the Committee on the Budget pursuant to this title for legislation shall only apply while such legislation is under consideration in the Senate and shall only permanently take effect upon the enactment of such legislation.

(c) EFFECT OF REVISIONS.—Any revisions made by the chairman of the Committee on the Budget under this title, and in the Senate, under section 104(d), shall be considered for purposes of the Congressional Budget Act of 1974 as the allocations and aggregates, and in the Senate, the discretionary spending limits, contained in this resolution, and the chairman shall have such revisions published in the Congressional Record.

SEC. 213. EXERCISE OF RULEMAKING POWERS.

The Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to 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.

TITLE III—SENSE OF CONGRESS, HOUSE, AND SENATE PROVISIONS

Subtitle A—Sense of the Congress

SEC. 301. SENSE OF THE CONGRESS ON REPAYMENT OF THE FEDERAL DEBT.

(a) FINDINGS.—The Congress finds the following:

(1) The Congress and the President have a basic moral and ethical responsibility to future generations to repay the Federal debt, including the money borrowed from the Social Security Trust Fund.

(2) The Congress and the President should enact a law which creates a regimen for paying off the Federal debt within 30 years.

(3) If spending growth were held to a level one percentage point lower than projected growth in revenues, then the Federal debt could be repaid within 30 years.

(b) SENSE OF THE CONGRESS REGARDING PRESIDENT'S SUBMISSION TO CONGRESS.—It is the sense of the Congress that—

(1) the President's annual budget submission to Congress should include a plan for repayment of Federal debt beyond the year 2002, including the money borrowed from the Social Security Trust Fund; and

(2) the plan should specifically explain how the President working with Congress would cap spending growth at a level one percentage point lower than projected growth in revenues.

SEC. 302. SENSE OF THE CONGRESS ON TAX CUTS.

It is the sense of the Congress that this resolution assumes that—

(1) a substantial majority of the tax cut benefits provided in the tax reconciliation bill will go to middle class working families earning less than approximately $100,000 per year; and

(2) the tax cuts in the tax reconciliation bill will not cause revenue losses to increase significantly in years after 2007.

SEC. 303. SENSE OF CONGRESS THAT THE 10-YEAR REVENUE LOSS FROM THE TAX RELIEF PACKAGE SHALL NOT EXCEED $250,000,000,000.

(a) FINDINGS.—Congress finds that—

(1) a May 15, 1997 letter from the Speaker of the House of Representatives and the Majority Leader of the Senate to the President of the United States, representing the agreement on the tax package in the Bipartisan Budget Agreements, states that, "It was agreed that the net tax cut shall be $85 billion through 2002 and not more than $250 billion through 2007.";

(2) a May 15, 1997 letter from the Speaker of the House of Representatives and the Majority Leader of the Senate to the Chief of Staff to the President, contained in the same Bipartisan Budget Agreement and referring to the tax package, states that "The proposal shall not cause costs to explode in the outyears."; and

(3) the text of the Bipartisan Budget Agreement issued on May 15, 1997 states that "If bills, resolutions or conference reports are deemed to be inconsistent, remedial efforts shall be made by all parties to assure consistency. Such efforts shall include bipartisan Leadership consultation and concurrence on amendments and scheduling as necessary.".

(b) SENSE OF CONGRESS.—

(1) 10-YEAR COST.—The 10-year cost of the tax reconciliation bill resulting from this resolution shall not exceed $250,000,000,000 and any revenue loss shall be certified by the Joint Committee on Taxation in consultation and cooperation with the Office of Tax Analysis of the Department of Treasury.

(2) 5-YEAR COST.—The 5-year cost of the tax reconciliation bill resulting from this resolution shall be $85,000,000,000 and any revenue loss shall be certified by the Joint Committee on Taxation in consultation and cooperation with the Office of Tax Analysis of the Department of Treasury.

Subtitle B—Sense of the House

SEC. 306. SENSE OF THE HOUSE ON COMMISSION ON LONG-TERM BUDGETARY PROBLEMS.

(a) FINDINGS.—The House finds that—

(1) achieving a balanced budget by fiscal year 2002 is only the first step necessary to restore our Nation's economic prosperity;

(2) the imminent retirement of the baby-boom generation will greatly increase the demand for government services;

(3) this burden will be borne by a relatively smaller work force resulting in an unprecedented intergenerational transfer of financial resources;

(4) the rising demand for retirement and medical benefits will quickly jeopardize the solvency of the medicare, social security, and Federal retirement trust funds; and

(5) the Congressional Budget Office has estimated that marginal tax rates would have to increase by 50 percent over the next 5 years to cover the long-term projected costs of retirement and health benefits.

(b) SENSE OF THE HOUSE.—It is the sense of the House that legislation should be enacted to create a commission to assess long-term budgetary problems, their implications for both the baby-boom generation and tomorrow's workforce, and make such recommendations as it deems appropriate to ensure our Nation's future prosperity.

SEC. 307. SENSE OF THE HOUSE ON CORPORATE WELFARE.

(a) FINDINGS.—The House finds that the functional levels and aggregates in this budget resolution assume that—

(1) the Federal Government supports profit-making enterprises and industries through billions of dollars in payments, benefits, and programs;

(2) many of these subsidies do not serve a clear and compelling public interest;

(3) corporate subsidies frequently provide unfair competitive advantages to certain industries and industry segments; and

(4) at a time when millions of Americans are being asked to sacrifice in order to balance the budget, the corporate sector should bear its share of the burden.

(b) SENSE OF THE HOUSE.—It is the sense of the House that legislation should be enacted to—

(1) eliminate the most egregious corporate subsidies; and

(2) create a commission to recommend the elimination of Federal payments, benefits, and programs which predominantly benefit a particular industry or segment of an industry, rather than provide a clear and compelling public benefit, and include a fast-track process for the consideration of those recommendations.

SEC. 308. SENSE OF THE HOUSE ON BASELINES.

(a) FINDINGS.—The House finds that—

(1) baselines are projections of future spending if existing policies remain unchanged;

(2) under baseline assumptions, spending automatically rises with inflation even if such increases are not mandated under existing law;

(3) baseline budgeting is inherently biased against policies that would reduce the projected growth in spending because such policies are portrayed as spending reductions from an increasing baseline; and

(4) the baseline concept has encouraged Congress to abdicate its constitutional obligation to control the public purse for those programs which are automatically funded.

(b) SENSE OF HOUSE.—It is the sense of the House that baseline budgeting should be replaced with a budgetary model that requires justification of aggregate funding levels and maximizes congressional and executive accountability for Federal spending.

SEC. 309. SENSE OF THE HOUSE ON FAMILY VIOLENCE OPTION CLARIFYING AMENDMENT.

(a) FINDINGS.—The House finds the following:

(1) Domestic violence is the leading cause of physical injury to women. The Department of Justice estimates that over 1,000,000 violent crimes against women are committed by intimate partners annually.

(2) Domestic violence dramatically affects the victim's ability to participate in the workforce. A University of Minnesota survey reported that one quarter of battered women surveyed had lost a job partly because of being abused and that over half of these women had been harassed by their abuser at work.

(3) Domestic violence is often intensified as women seek to gain economic independence through attending school or training programs. Batterers have been reported to prevent women from attending these programs or sabotage their efforts at self-improvement.

(4) Nationwide surveys of service providers prepared by the Taylor Institute of Chicago, Illinois, document, for the first time, the interrelationship between domestic violence and welfare by showing that from 34 percent to 65 percent of AFDC recipients are current or past victims of domestic violence.

(5) Over half of the women surveyed stayed with their batterers because they lacked the resources to support themselves and their children. The surveys also found that the availability of economic support is a critical factor in poor women's ability to leave abusive situations that threaten them and their children.

(6) The restructuring of the welfare programs may impact the availability of the economic support and the safety net necessary to enable poor women to flee abuse without risking homelessness and starvation for their families.

(7) In recognition of this finding, the House Committee on the Budget unanimously passed a sense of Congress amendment on domestic violence and Federal assistance to the fiscal year 1997 budget resolution. Subsequently, Congress passed the family violence option amendment to last year's welfare reform reconciliation bill.

(8) The family violence option gives States the flexibility to grant temporary waivers from time limits and work requirements for domestic violence victims who would suffer extreme hardship from the application of these provisions. These waivers were not intended to be included as part of the permanent 20 percent hardship exemption.

(9) The Department of Health and Human Services has been slow to issue regulations regarding this provision. As a result, States are hesitant to fully implement the family violence option fearing it will interfere with the 20 percent hardship exemption.

(10) Currently 15 States have opted to include the family violence option in their welfare plans, and 13 other States have included some type of domestic violence provisions in their plans.

(b) SENSE OF THE HOUSE.—It is the sense of the House that—

(1) States should not be subject to any numerical limits in granting domestic violence good cause waivers to individuals receiving assistance for all requirements where compliance with such requirements would make it more difficult for individuals receiving assistance to escape domestic violence; and

(2) any individuals granted a domestic violence good cause waiver by States should not be included in the States' 20 percent hardship exemption.

Subtitle B—Sense of the Senate

SEC. 311. SENSE OF THE SENATE ON LONG TERM ENTITLEMENT REFORMS, INCLUDING ACCURACY IN DETERMINING CHANGES IN THE COST OF LIVING.

(a) FINDINGS.—

(1) ENTITLEMENT REFORMS.—The Senate finds that with respect to long term entitlement reforms—

(A) entitlement spending continues to grow dramatically as a percent of total Federal spending, rising from fifty-six percent of the budget in 1987 to an estimated seventy-three percent of the budget in 2007;

(B) this growth in mandatory spending poses a long-term threat to the United States economy because it crowds out spending for investments in education, infrastructure, defense, law enforcement and other programs that enhance economic growth;

(C) in 1994, the Bipartisan Commission on Entitlement and Tax Reform concluded that if no changes are made to current entitlement laws, all Federal revenues will be spent on entitlement programs and interest on the debt by the year 2012;

(D) the Congressional Budget Office has also recently issued a report that found that pressure on the budget from demographics and rising health care costs will increase dramatically after 2002; and

(E) making significant entitlement changes will significantly benefit the economy, and will forestall the need for more drastic tax and spending decisions in future years.

(2) CPI.—The Senate finds that with respect to accuracy in determining changes in the cost of living—

(A) the Final Report of the Senate Finance Committee's Advisory Commission to study the CPI has concluded that the Consumer Price Index overstates the cost of living in the United States by 1.1 percentage points;

(B) the overstatement of the cost of living by the Consumer Price Index has been recognized by economists since at least 1961, when a report noting the existence of the overstatement was issued by a National Bureau of Economic Research Committee, chaired by Professor George J. Stigler;

(C) Congress and the President, through the indexing of Federal tax brackets, social security benefits, and other Federal program benefits, have undertaken to protect taxpayers and beneficiaries of such programs from the erosion of purchasing power due to inflation; and

(D) the overstatement of the cost of living increases the deficit and undermines the equitable administration of Federal benefits and tax policies.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions in this resolution assume that—

(1) Congress and the President should continue working to enact structural entitlement reforms in the 1997 budget agreement and in subsequent legislation;

(2) Congress and the President must find the most accurate measure of the change in the cost of living in the United States, and should work in a bipartisan manner to implement any changes that are necessary to achieve an accurate measure; and

(3) Congress and the President must work to ensure that the 1997 budget agreement not only keeps the unified budget in balance after 2002, but that additional measures should be taken to begin to achieve substantial surpluses which will improve the economy and allow our nation to be ready for the retirement of the baby boom generation in the year 2012.

SEC. 312. SENSE OF THE SENATE ON TACTICAL FIGHTER AIRCRAFT PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) the Department of Defense has proposed to modernize the United States tactical fighter aircraft force through three tactical fighter procurement programs, including the F/A-18 E/F aircraft program of the Navy, the F-22 aircraft program of the Air Force, and the Joint Strike Fighter aircraft program for the Navy, Air Force, and Marine Corps;

(2) the General Accounting Office, the Congressional Budget Office, the Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Acquisition and Technology, and several Members of Congress have publicly stated that, given the current Department of Defense budget for procurement, the Department of Defense's original plan to buy over 4,400 F/A-18 E/F aircraft, F-22 aircraft, and Joint Strike Fighter aircraft at a total program cost in excess of $350,000,000,000 was not affordable;

(3) the F/A-18 E/F, F-22, and the Joint Strike Fighter tactical fighter programs will be competing for a limited amount of procurement funding with numerous other aircraft acquisition programs, including the Comanche helicopter program, the V-22 Osprey aircraft program, and the C-17 aircraft program, as well as for the necessary replacement of other aging aircraft such as the KC-135, the C-5A, the F-117, and the EA-6B aircraft; and

(4) the 1997 Department of Defense Quadrennial Defense Review has recommended reducing the F/A-18 E/F program buy from 1,000 aircraft to 548, and reducing the F-22 program buy from 438 to 339.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that, within 30 days, the Department of Defense should transmit to Congress detailed information pertaining to the implementation of this revised acquisition strategy so that the Congress can adequately evaluate the extent to which the revised acquisition strategy is tenable and affordable given the projected spending levels contained in this budget resolution.

SEC. 313. SENSE OF THE SENATE REGARDING CHILDREN'S HEALTH COVERAGE.

(a) FINDINGS.—The Senate finds that—

(1) of the estimated 10 million uninsured children in the United States, over 1.3 million have at least one parent who is self-employed and all other uninsured children are dependents of persons who are employed by another, or unemployed;

(2) these 1.3 million uninsured kids comprise approximately 22 percent of all children with self-employed parents, and they are a significant 13 percent of all uninsured children;

(3) the remaining uninsured children are in families where neither parent is self-employed and comprise 13 percent of all children in families where neither parent is self-employed;

(4) children in families with a self-employed parent are therefore more likely to be uninsured than children in families where neither parent is self-employed; and

(5) the current disparity in the tax law reduces the affordability of health insurance for the self-employed and their families, hindering the ability of children to receive essential primary and preventive care services.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that from resources available in this budget resolution, a portion should be set aside for an immediate 100 percent deductibility of health insurance costs for the self-employed. Full-deductibility of health expenses for the self-employed would make health insurance more attractive and affordable, resulting in more dependents being covered. The government should not encourage parents to forgo private insurance for a government-run program.

SEC. 314. SENSE OF THE SENATE ON A MEDICAID PER CAPITA CAP.

It is the sense of the Senate that in order to meet deficit reduction targets in this resolution with respect to medicaid—

(1) the per capita cap will not be used as a method for meeting spending targets; and

(2) the per capita cap could represent a significant structural change that might jeopardize the quality of care for children, the disabled, and senior citizens.

SEC. 315. SENSE OF THE SENATE THAT ADDED SAVINGS GO TO DEFICIT REDUCTION.

(a) FINDINGS.—The Congress finds that—

(1) balancing the budget will bring numerous economic benefits for the United States economy and American workers and families, including improved economic growth and lower interest rates;

(2) the fiscal year 1998 budget resolution crafted pursuant to an agreement reached between the Congress and the Administration purports to achieve balance in the year 2002;

(3) the deficit estimates contained in this resolution may not conform to the actual deficits in subsequent years, which make it imperative that any additional savings are realized be devoted to deficit reduction;

(4) the Senate's "pay-as-you-go" point of order prohibits crediting savings from updated economic or technical data as an offset for legislation that increases the deficit, and ensures these savings are devoted to deficit reduction; and

(5) Congress and the Administration must ensure that the deficit levels contained in this budget are met and, if actual deficits prove to be lower than projected, the additional savings are used to balance the budget on or before the year 2002.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) legislation enacted pursuant to this resolution must ensure that the goal of a balanced budget is achieved on or before fiscal year 2002; and

(2) if the actual deficit is lower than the projected deficit in any upcoming fiscal year, the added savings should be devoted to further deficit reduction.

SEC. 316. SENSE OF THE SENATE ON FAIRNESS IN MEDICARE.

(a) FINDINGS.—The Congress finds that—

(1) the Trustees of the Medicare Trust Funds recently announced that medicare's Hospital Insurance (HI) Trust Fund is headed for bankruptcy in 2001, and in 1997, HI will run a deficit of $26,000,000,000 and add $56,000,000,000 annually to the Federal deficit by 2001;

(2) the Trustees also project that Supplementary Medical Insurance (SMI), will grow twice as fast as the economy and the taxpayers' subsidy to keep the SMI from bankruptcy will grow from $58,000,000,000 to $89,000,000,000 annually from 1997 through 2001;

(3) the Congressional Budget Office reports that when the baby-boom generation begins to receive social security benefits and is eligible for medicare in 2008, the Federal budget will face intense pressure, resulting in mounting deficits and erosion of future economic growth;

(4) long-term solutions to address the financial and demographic problems of medicare are urgently needed to preserve and protect the medicare trust funds;

(5) these solutions to address the financial and demographic problems of medicare are urgently needed to preserve and protect the medicare trust funds;

(6) reform of the medicare program should ensure equity and fairness for all medicare beneficiaries, and offer beneficiaries more choice of private health plans, to promote efficiency and enhance the quality of health care;

(7) all Americans pay the same payroll tax of 2.9 percent to the medicare trust funds, and they deserve the same choices and services regardless of where they retire;

(8) however, under the currently adjusted-average-per-capita cost (AAPCC), some counties receive 2.5 times more in medicare reimbursements than others;

(9) this inequity in medicare reimbursement jeopardizes the quality of medicare services of rural beneficiaries and penalizes the most efficient and effective medicare service providers;

(10) in some states, the result has been the absence of health care choices beyond traditional, fee-for-service medicine for medicare beneficiaries, which in other counties and states plan providers may be significantly over-compensated, adding to medicare's fiscal instability; and

(11) ending the practice of basing payments to risk contract plans on local fee-for-service medical costs will help correct these inequities, mitigate unnecessary cost in the program, and begin the serious, long-term restructuring of medicare.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that the Finance Committee should strongly consider the following elements for medicare reform—

(1) any medicare reform package should include measures to address the inequity in medicare reimbursement to risk contract plans;

(2) medicare should use a national update framework rather than local fee-for-service spending increases to determine the annual changes in risk plan payment rates;

(3) an adequate minimum payment rate should be provided for health plans participating in medicare risk contract programs;

(4) the geographic variation in medicare payment rates must be reduced over time to raise the lower payment areas closer to the average while taking into account actual differences in input costs that exist from region to regional;

(5) medicare managers in consultation with plan providers and patient advocates should pursue competitive bidding programs in communities where data indicate risk contract payments are substantially excessive and when plan choices would not diminish by such a bidding process; and

(6) medicare should phase in the use of risk adjusters which take account of health status so as to address overpayment to some plans.

SEC. 317. SENSE OF THE SENATE REGARDING ASSISTANCE TO LITHUANIA AND LATVIA.

(a) FINDINGS.—The Senate finds that—

(1) Lithuania and Latvia reestablished democracy and free market economies when they regained their freedom from the Soviet Union;

(2) Lithuania and Latvia, which have made significant progress since regaining their freedom, are still struggling to recover from the devastation of 50 years of communist domination;

(3) the United States, which never recognized the illegal incorporation of Lithuania and Latvia into the Soviet Union, has provided assistance to strengthen democratic institutions and free market reforms in Lithuania and Latvia since 1991;

(4) the people of the United States enjoy close and friendly relations with the people of Lithuania and Latvia;

(5) the success of democracy and free market reform in Lithuania and Latvia is important to the security and economic progress of the United States; and

(6) the United States as well as Lithuania and Latvia would benefit from the continuation of assistance which helps Lithuania and Latvia to implement commercial and trade law reform, sustain private sector development, and establish well-trained judiciaries.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) adequate assistance should be provided to Lithuania and Latvia in fiscal year 1998 to continue the progress they have made; and

(2) assistance to Lithuania and Latvia should be continued beyond fiscal year 1998 as they continue to build democratic and free market institutions.

SEC. 318. SENSE OF THE SENATE REGARDING A NATIONAL COMMISSION ON HIGHER EDUCATION.

It is the sense of the Senate that the provisions of this resolution assure that a national commission should be established to study and make specific recommendations regarding the extent to which increases in student financial aid, and the extent to which Federal, State, and local laws and regulations, contribute to increases in college and university tuition.

SEC. 319. SENSE OF THE SENATE ON LOCKBOX.

It is the Sense of the Senate that the provisions of this resolution assume that to ensure all savings from medicare reform are used to keep the medicare program solvent, the Treasury Secretary should credit the Medicare Hospital Insurance Trust Fund (Part A) with government securities equal to any savings from Medicare Supplemental Medical Insurance (Part B) reforms enacted pursuant to the reconciliation instructions contained in this budget resolution.

SEC. 320. SENSE OF THE SENATE ON THE EARNED INCOME CREDIT.

(a) FINDINGS.—The Senate finds that—

(1) an April 1997 study by the Internal Revenue Service of Earned Income Credit (EIC) filers for tax year 1994 revealed that over $4,000,000,000 of the $17,000,000,000 spent on the EIC for that year was erroneously claimed and paid by the IRS, resulting in a fraud and error rate of 25.8 percent;

(2) the IRS study further concluded that EIC reforms enacted by the One Hundred Fourth Congress will only lower the fraud error rate to 20.7 percent, meaning over $23,000,000,000 will be wasted over the next five years; and

(3) the President's recent proposals to combat EIC fraud and error contained within this budget resolution are estimated to save $124,000,000 in scoreable savings over the next five years and additional savings from deterrent effects.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that the President should propose and Congress should enact additional programmatic changes sufficient to ensure that the primary purpose of the EIC to encourage work over welfare is achieved without wasting billions of taxpayer dollars on fraud and error.

SEC. 321. SENSE OF THE SENATE SUPPORTING LONG-TERM ENTITLEMENT REFORMS.

(a) FINDINGS.—The Senate finds that this resolution assumes that—

(1) entitlement spending has risen dramatically over the last thirty-five years;

(2) in 1963, mandatory spending (i.e., entitlement spending and interest on the debt) made up 29.6 percent of the budget, this figure rose to 61.4 percent by 1993 and is expected to reach 70 percent shortly after the year 2000;

(3) this mandatory spending is crowding out spending for the traditional "discretionary" functions of Government like clean air and water, a strong national defense, parks and recreation, education, our transportation system, law enforcement, research and development and other infrastructure spending; and

(4) taking significant steps sooner rather than later to reform entitlement spending will not only boost economic growth in this country, it will also prevent the need for drastic tax and spending decisions in the next century.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the levels in this budget resolution assume that Congress and the President should work to enact structural reforms in entitlement spending in 1997 and beyond which sufficiently restrain the growth of mandatory spending in order to keep the budget in balance over the long term, extend the solvency of the Social Security and Medicare Trust Funds, avoid crowding out funding for basic Government functions and that every effort should be made to hold mandatory spending to no more than 70 percent of the budget.

SEC. 322. SENSE OF THE SENATE ON DISASTER ASSISTANCE FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) emergency spending adds to the deficit and total spending;

(2) the Budget Enforcement Act of 1990 exempts emergency spending from the discretionary spending caps and pay-go requirements;

(3) the Budget Enforcement Act of 1990 expires in 1998 and needs to be extended;

(4) since the enactment of the Budget Enforcement Act, Congress and the President have approved an average of $5,800,000,000 per year in emergency spending; and

(5) a natural disaster in any particular State is unpredictable, by the United States is likely to experience a natural disaster almost every year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this concurrent resolution on the budget assume that the Congress should consider in the extension of the Budget Enforcement Act and in appropriations Acts—

(1) provisions that budget for emergencies or that require emergency spending to be offset;

(2) provisions that provide flexibility to meet emergency funding requirements associated with natural disasters;

(3) Congress and the President should consider appropriating at least $5,000,000,000 every year to provide for natural disaster relief; and

(4) Congress and the President should not designate any emergency spending for natural disaster relief until such amounts provided in regular appropriations are exhausted.

SEC. 323. SENSE OF THE SENATE ON ENFORCEMENT OF BIPARTISAN BUDGET AGREEMENT.

(a) FINDINGS.—The Senate finds that—

(1) the bipartisan budget agreement is contingent upon—

(A) favorable economic conditions for the next 5 years;

(B) accurate estimates of the fiscal impacts of assumptions in this resolution; and

(C) enactment of legislation to reduce the deficit; and

(2) if any of the conditions in paragraph (1) are not met, our ability to achieve a balanced budget by 2002 will be jeopardized.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals and limits in this resolution assume that—

(1) reconciliation legislation should include legislation to enforce the targets set forth in the bipartisan budget agreement and to ensure the balanced budget goal is met; and

(2) such legislation shall—

(A) establish procedures to ensure the agreement is enforced in every year;

(B) require that the President's annual budget and annual Congressional concurrent resolutions on the budget comply the agreement in every year;

(C) consider provisions which provide that if the deficit is below or the surplus is above the deficits projected in the agreement in any year, such savings are locked in for deficit and debt reduction; and

(D) consider provisions which budget for and control emergency spending in order to prevent the use of emergencies to evade the budget agreement.

SEC. 324. SENSE OF THE SENATE REGARDING THE NATIONAL INSTITUTES OF HEALTH.

(a) FINDINGS.—Congress finds that—

(1) heart disease was the leading cause of death for both men and women in every year from 1970 to 1993;

(2) mortality rates for individuals suffering from prostate cancer, skin cancer, and kidney cancer continue to rise;

(3) the mortality rate for African American women suffering from diabetes is 134 percent higher than the mortality rate of Caucasian women suffering from diabetes;

(4) asthma rates for children increased 58 percent from 1982 to 1992;

(5) nearly half of all American women between the ages of 65 and 75 reported having arthritis;

(6) AIDS is the leading cause of death for Americans between the ages of 24 and 44;

(7) the Institute of Medicine has described United States clinical research to be "in a state of crisis" and the National Academy of Sciences concluded in 1994 that "the present cohort of clinical investigators is not adequate";

(8) biomedical research has been shown to be effective in saving lives and reducing health care expenditures;

(9) research sponsored by the National Institutes of Health has contributed significantly to the first overall reduction in cancer death rates since record keeping was instituted;

(10) research sponsored by the National Institutes of Health has resulted in the identification of genetic mutations for osteoporosis; Lou Gehrig's Disease, cystic fibrosis, and Huntington's Disease; breast, skin and prostate cancer; and a variety of other illnesses;

(11) research sponsored by the National Institutes of Health has been key to the development of Magnetic Resonance Imaging (MRI) and Positron Emission Tomography (PET) scanning technologies;

(12) research sponsored by the National Institutes of Health has developed effective treatments for Acute Lymphoblastic Leukemia (ALL). Today, 80 percent of children diagnosed with Acute Lymphoblastic Leukemia are alive and free of the disease after 5 years; and

(13) research sponsored by the National Institutes of Health contributed to the development of a new, cost-saving cure for peptic ulcers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this Resolution assumes that—

(1) appropriations for the National Institutes of Health should be increased by 100 percent over the next 5 fiscal years; and

(2) appropriations for the National Institutes of Health should be increased by $2,000,000,000 in fiscal year 1998 over the amount appropriated in fiscal year 1997.

SEC. 325. SENSE OF THE SENATE REGARDING CERTAIN ELDERLY LEGAL ALIENS.

It is the sense of the Senate that the provisions of this resolution assume that—

(1) the Committee on Finance will include in its recommendations to the Committee on the Budget of the Senate changes in laws within the jurisdiction of the Committee on Finance that allow certain elderly, legal immigrants who will cease to receive benefits under the supplemental security income program as a result of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105) to continue to receive benefits during a redetermination or reapplication period to determine if such aliens would qualify for such benefits on the basis of being disabled; and

(2) the Committee on Finance in developing these recommendations should offset the additional cost of this proposal out of other programs within the jurisdiction of the Committee on Finance.

SEC. 326. SENSE OF THE SENATE REGARDING RETROACTIVE TAXES.

(a) FINDINGS.—The Senate finds that—

(1) in general, the practice of increasing a tax retroactively is fundamentally unfair to taxpayers; and

(2) retroactive taxation is disruptive to families and small business in their ability to plan and budget.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this budget resolution assume that—

(1) except for closing tax loopholes, no revenues should be generated from any retroactively increased tax; and

(2) the Congress and the President should work together to ensure that any revenue generating proposal contained within reconciliation legislation pursuant to this concurrent resolution proposal, except those proposals closing tax loopholes, should take effect prospectively.

SEC. 327. SENSE OF THE SENATE ON SOCIAL SECURITY AND BALANCING THE BUDGET.

(a) FINDINGS.—The Senate finds that—

(1) this budget resolution is projected to balance the unified budget of the United States in fiscal year 2002;

(2) section 13301 of the Budget Enforcement Act of 1990 requires that the deficit be computed without counting the annual surpluses of the Social Security Trust Funds; and

(3) if the deficit were calculated according to the requirements of section 13301, this budget resolution would be projected to result in a deficit of $108,700,000,000 in fiscal year 2002.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying this budget resolution assume that after balancing the unified Federal budget, the Congress should continue efforts to reduce the on-budget deficit, so that the Federal budget will be balanced without counting social security surpluses.

SEC. 328. SENSE OF THE SENATE SUPPORTING SUFFICIENT FUNDING FOR VETERANS PROGRAMS AND BENEFITS.

(a) FINDINGS.—The Senate finds that—

(1) veterans and their families represent approximately 27 percent of the United States population;

(2) more than 20 million of our 26 million living veterans served during wartime, sacrificing their freedom so that we may have ours; and

(3) veterans have earned the benefits promised to them.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the assumptions underlying this Budget Resolution assume that the 602(b) allocation to the Department of Veterans Affairs will be sufficient in fiscal year 1998 to fully fund all discretionary veterans programs, including medical care; and

(2) funds collected from legislation to improve the Department of Veterans Affairs' ability to collect and retain reimbursement from third-party payers ought to be used to supplement, not supplant, an adequate appropriation for medical care.

SEC. 329. SENSE OF THE SENATE ON FAMILY VIOLENCE OPTION CLARIFYING AMENDMENT.

(a) FINDINGS.—The Senate finds the following:

(1) Domestic violence is the leading cause of physical injury to women. The Department of Justice estimates that over 1,000,000 violent crimes against women are committed by intimate partners annually.

(2) Domestic violence dramatically affects the victim's ability to participate in the workforce. A University of Minnesota survey reported that ¼ of battered women surveyed had lost a job partly because of being abused and that over ½ of these women had been harassed by their abuser at work.

(3) Domestic violence is often intensified as women seek to gain economic independence through attending school or training programs. Batterers have been reported to prevent women from attending these programs or sabotage their efforts at self-improvement.

(4) Nationwide surveys of service providers prepared by the Taylor Institute of Chicago, Illinois, document, for the first time, the interrelationship between domestic violence and welfare by showing that from 34 percent to 65 percent of AFDC recipients are current or past victims of domestic violence.

(5) Over ½ of the women surveyed stayed with their batterers because they lacked the resources to support themselves and their children. The surveys also found that the availability of economic support is a critical factor in poor women's ability to leave abusive situations that threaten them and their children.

(6) The restructuring of the welfare programs may impact the availability of the economic support and the safety net necessary to enable poor women to flee abuse without risking homelessness and starvation for their families.

(7) In recognition of this finding, the Committee on the Budget of the Senate in considering the 1997 Resolution on the budget of the United States unanimously adopted a sense of the Congress amendment concerning domestic violence and Federal assistance. Subsequently, Congress adopted the family violence option amendment as part of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(8) The family violence option gives States the flexibility to grant temporary waivers from time limits and work requirements for domestic violence victims who would suffer extreme hardship from the application of these provisions. These waivers were not intended to be included as part of the permanent 20 percent hardship exemption.

(9) The Department of Health and Human Services has been slow to issue regulations regarding this provision. As a result, States are hesitant to fully implement the family violence option fearing that it will interfere with the 20 percent hardship exemption.

(10) Currently 15 States have opted to include the family violence option in their welfare plans, and 13 other States have included some type of domestic violence provisions in their plans.

(b) SENSE OF SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) States should not be subject to any numerical limits in granting domestic violence good cause waivers under section 402(a)(7)(A)(iii) of the Social Security Act (42 U.S.C. 602(a)(7)(A)(iii)) to individuals receiving assistance, for all requirements where compliance with such requirements would make it more difficult for individuals receiving assistance to escape domestic violence; and

(2) any individual who is granted a domestic violence good cause waiver by a State shall not be included in the States' 20 percent hardship exemption under section 408(a)(7) of the Social Security Act (42 U.S.C. 608(a)(7)).

SEC. 330. SENSE OF THE SENATE REGARDING ASSISTANCE TO AMTRAK.

(a) FINDINGS.—The Senate finds that—

(1) Amtrak is in a financial crisis, with growing and substantial debt obligations approaching $2,000,000,000;

(2) Amtrak has not been authorized since 1994;

(3) the Senate Committee on Commerce, Science, and Transportation favorably reported legislation to reform Amtrak during the last two Congresses, but no legislation was enacted;

(4) the Finance Committee favorably reported legislation in the last Congress that created a dedicated trust fund for Amtrak, but no legislation was enacted;

(5) in 1997 Amtrak testified before the Congress that it cannot survive beyond 1998 without comprehensive legislative reforms and a dedicated source of capital funding; and

(6) Congress is obligated to invest Federal tax dollars responsibly and to reduce waste and inefficiency in Federal programs, including Amtrak.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) legislative reform is urgently needed to address Amtrak's financial and operational problems;

(2) Congress should allocate additional Federal dollars to Amtrak in conjunction with reforms requested by Amtrak to address its precarious financial situation; and

(3) the distribution of money from any new fund to finance an intercity rail passenger fund should be implemented in conjunction with legislation to reauthorize and reform the National Rail Passenger Corporation.

SEC. 331. SENSE OF THE SENATE REGARDING THE PROTECTION OF CHILDREN'S HEALTH.

(a) FINDINGS.—The Senate makes the following findings:

(1) Today's children and the next generation of children are the prime beneficiaries of a balanced Federal budget. Without a balanced budget, today's children will bear the increasing burden of the Federal debt. Continued deficit spending would doom future generations to slower economic growth, higher taxes, and lower living standards.

(2) The health of children is essential to the future economic and social well-being of the Nation.

(3) The medicaid program provides health coverage for over 17,000,000 children, or 1 out of every 4 children.

(4) While children represent ½ of all individuals eligible for medicaid, children account for less than 25 percent of expenditures under the medicaid program.

(5) Disproportionate share hospital (DSH) funding under the medicaid program has allowed States to provide health care services to thousands of uninsured pregnant women and children. DSH funding under the medicaid program is critical for these populations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that the health care needs of low-income pregnant women and children should be a top priority. Careful study must be made of the impact of medicaid disproportionate share hospital (DSH) reform proposals on children's health and on vital sources of care, including children's hospitals. Any restrictions on DSH funding under the medicaid program should not harm State medicaid coverage of children and pregnant women.

SEC. 332. SENSE OF THE SENATE ON DEPOSITING ALL FEDERAL GASOLINE TAXES INTO THE HIGHWAY TRUST FUND.

(a) FINDINGS.—The Senate makes the following findings:

(1) Since 1956, Federal gasoline excise tax revenues have generally been deposited in the Highway Trust Fund and reserved for transportation uses.

(2) In 1993, Congress and the President enacted the first permanent increase in the Federal gasoline excise tax which was dedicated to general revenues, not the Highway Trust Fund.

(3) Over the next five years, approximately $7,000,000,000 per year in Federal gasoline excise tax revenues will be deposited in the general fund of the Treasury, rather than the Highway Trust Fund.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions in this resolution assume that Congress should in the extension of the Budget Enforcement Act, ISTEA reauthorization, appropriations Acts, and in any revenue bills, consider dedicating all revenues from Federal gasoline excise taxes, including amounts dedicated to general revenues in 1993, to the Highway Trust Fund so that such taxes may be used for the purpose to which they have historically been dedicated, promoting transportation infrastructure and building roads.

SEC. 333. SENSE OF THE SENATE ON EARLY CHILDHOOD EDUCATION.

(a) FINDINGS.—The Senate finds the following:

(1) Scientific research on the development of the brain has confirmed that the early childhood years, particularly from birth to the age of 3, are critical to children's development.

(2) Studies repeatedly have shown that good quality child care helps children develop well, enter school ready to succeed, improve their skills, cognitive abilities and socioemotional development, improve classroom learning behavior, and stay safe while their parents work. Further, quality early childhood programs can positively affect children's long-term success in school achievement, higher earnings as adults, decrease reliance on public assistance and decrease involvement with the criminal justice system.

(3) The first of the National Education Goals, endorsed by the Nation's governors, passed by Congress and signed into law by President Bush, stated that by the year 2000, every child should enter school ready to learn and that access to a high quality early childhood education program was integral to meeting this goal.

(4) According to data compiled by the RAND Corporation, while 90 percent of human brain growth occurs by the age of 3, public spending on children in that age range equals only 8 percent of spending on all children. A vast majority of public spending on children occurs after the brain has gone through its most dramatic changes, often to correct problems that should have been addressed during early childhood development.

(5) According to the Department of Education, of $29,400,000,000 in current estimated education expenditures, only $1,500,000,000, or 5 percent, is spent on children from birth to age 5. The vast majority is spent on children over age 5.

(6) A new commitment to quality child care and early childhood education is a necessary response to the fact that children from birth to the age of 3 are spending more time in care away from their homes. Almost 60 percent of women in the workforce have children under the age of 3 requiring care.

(7) Many States and communities are currently experimenting with innovative programs directed at early childhood care and education in a variety of care settings, including the home. States and local communities are best able to deliver efficient, cost-effective services, but while such programs are long on demand, they are short on resources. Additional Federal resources should not create new bureaucracy, but build on successful locally driven efforts.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budget totals and levels in

this resolution assume that funds ought to be directed toward increasing the supply of quality child care, early childhood education, and teacher and parent training for children from birth through age 3.

SEC. 334. SENSE OF THE SENATE CONCERNING HIGHWAY TRUST FUND.

(a) FINDINGS.—The Senate finds that—

(1) there is no direct linkage between the fuel taxes deposited in the Highway Trust Fund and the transportation spending from the Highway Trust Fund;

(2) the Federal budget process has severed this linkage by dividing revenues and spending into separate budget categories with—

(A) fuel taxes deposited in the Highway Trust Fund as revenues; and

(B) most spending from the Highway Trust Fund in the discretionary category;

(3) each budget category referred to in paragraph (2) has its own rules and procedures; and

(4) under budget rules in effect prior to the date of adoption of this resolution, an increase in fuel taxes permits increased spending to be included in the budget, but not for increased Highway Trust Fund spending.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) in this session of Congress, Congress should, within a unified budget, consider changing the Federal budget process to establish a linkage between the fuel taxes deposited in the Highway Trust Fund, including any fuel tax increases that may be enacted into law after the date of adoption of this resolution, and the spending from the Highway Trust Fund; and

(2) changes to the budgetary treatment of the Highway Trust Fund should not result in total program levels for highways or mass transit that is inconsistent with those assumed under the resolution.

SEC. 335. SENSE OF THE SENATE CONCERNING TAX INCENTIVES FOR THE COST OF POST-SECONDARY EDUCATION.

It is the sense of the Senate that the provisions of this resolution assume that any revenue reconciliation bill should include tax incentives for the cost of post-secondary education, including expenses of workforce education and training at vocational schools and community colleges.

SEC. 336. SENSE OF THE SENATE ON ADDITIONAL TAX CUTS.

It is the sense of the Senate that nothing in this resolution shall be construed as prohibiting Congress in future years from providing additional tax relief if the cost of such tax relief is offset by reductions in spending or increases in revenue from alternative sources.

SEC. 337. SENSE OF THE SENATE REGARDING TRUTH IN BUDGETING AND SPECTRUM AUCTIONS.

(a) FINDINGS.—The Senate finds that—

(1) the electromagnetic spectrum is the property of the American people and is managed on their behalf by the Federal Government;

(2) the spectrum is a highly valuable and limited natural resource;

(3) the auctioning of spectrum has raised billions of dollars for the Treasury;

(4) the estimates made regarding the value of spectrum in the past have proven unreliable, having previously understated and now overstating its worth; and

(5) because estimates of spectrum value depend on a number of technological, economic, market forces, and other variables that cannot be predicted or completely controlled, it is not possible to reliably estimate the value of a given segment of spectrum; therefore,

(b) SENSE OF THE SENATE.—It is the sense of the Senate that as auctions occur as assumed by this resolution, the Congress shall take such steps as necessary to reconcile the difference between actual revenues raised and estimates made and shall reduce spending and make other appropriate adjustments accordingly if such auctions raise less revenue than projected.

SEC. 338. SENSE OF THE SENATE ON HIGHWAY DEMONSTRATION PROJECTS.

(a) FINDINGS.—The Senate finds that—

(1) 10 demonstration projects totaling $362,000,000 were listed for special line-item funding in the Surface Transportation Assistance Act of 1982;

(2) 152 demonstration projects totaling $1,400,000,000 were named in the Surface Transportation and Uniform Relocation Assistance Act of 1987;

(3) 64 percent of the funding for the 152 projects had not been obligated after 5 years and State transportation officials determined the projects added little, if any, to meeting their transportation infrastructure priorities;

(4) 538 location specific projects totaling $6,230,000,000 were included in the Intermodal Surface Transportation Efficiency Act of 1991;

(5) more than $3,300,000,000 of the funds authorized for the 538 location-specific projects remained unobligated as of January 31, 1997;

(6) the General Accounting Office determined that 31 States plus the District of Columbia and Puerto Rico would have received more funding if the Intermodal Surface Transportation Efficiency Act location-specific project funds were redistributed as Federal-aid highway program apportionments;

(7) this type of project funding diverts Highway Trust Fund money away from State transportation priorities established under the formula allocation process and under the Intermodal Surface Transportation and Efficiency Act of 1991;

(8) on June 20, 1995, by a vote of 75 yeas to 21 nays, the Senate voted to prohibit the use of Federal Highway Trust Fund money for future demonstration projects;

(9) the Intermodal Surface Transportation and Efficiency Act of 1991 expires at the end of fiscal year 1997; and

(10) hundreds of funding requests for specific transportation projects in Congressional Districts have been submitted in the House of Representatives.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) notwithstanding different views on existing Highway Trust Fund distribution formulas, funding for demonstration projects or other similarly titled projects diverts Highway Trust Fund money away from State priorities and deprives States of the ability to adequately address their transportation needs;

(2) States are best able to determine the priorities for allocating Federal-Aid-To-Highway monies within their jurisdiction;

(3) Congress should not divert limited Highway Trust Fund resources away from State transportation priorities by authorizing new highway projects; and

(4) Congress should not authorize any new demonstration projects or other similarly-titled projects.

SEC. 339. SENSE OF THE SENATE REGARDING THE USE OF BUDGET SAVINGS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Poverty rates among the elderly are at the lowest level since our Nation began to keep poverty statistics, due in large part to the social security system and the medicare program.

(2) Twenty-two percent of every dollar spent by the Federal Government goes to the social security system.

(3) Eleven percent of every dollar spent by the Federal Government goes to the medicare program.

(4) Currently, spending on the elderly accounts for ⅓ of the Federal budget and more than ½ of all domestic spending other than interest on the national debt.

(5) Future generations of Americans must be guaranteed the same value from the social security system as past covered recipients.

(6) According to the 1997 report of the Managing Trustee for the social security trust funds, the accumulated balance in the Federal Old-Age and Survivors Insurance Trust Fund is estimated to fall to zero by 2029, and the estimated payroll tax at that time will be sufficient to cover only 75 percent of the benefits owed to retirees at that time.

(7) The accumulated balance in the Federal Hospital Insurance Trust Fund is estimated to fall to zero by 2001.

(8) While the Federal budget deficit has shrunk for the fourth straight year to $67,000,000,000 in 1997, measures need to be taken to ensure that trend continues.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that budget savings in the mandatory spending area should be used—

(1) to protect and enhance the retirement security of the American people by ensuring the long-term future of the social security system;

(2) to protect and enhance the health care security of senior citizens by ensuring the long-term future of the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); and

(3) to restore and maintain Federal budget discipline to ensure that the level of private investment necessary for long-term economic growth and prosperity is available.

SEC. 340. SENSE OF THE SENATE REGARDING THE VALUE OF THE SOCIAL SECURITY SYSTEM FOR FUTURE RETIREES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The social security system has allowed a generation of Americans to retire with dignity. Today, 13 percent of the population is 65 or older and by 2030, 20 percent of the population will be 65 or older. More than ½ of the elderly do not receive private pensions and more than ⅓ have no income from assets.

(2) For 60 percent of all senior citizens, social security benefits provide almost 80 percent of their retirement income. For 80 percent of all senior citizens, social security benefits provide over 50 percent of their retirement income.

(3) Poverty rates among the elderly are at the lowest level since the United States began to keep poverty statistics, due in large part to the social security system.

(4) Seventy-eight percent of Americans pay more in payroll taxes than they do in income taxes.

(5) According to the 1997 report of the Managing Trustee for the social security trust funds, the accumulated balance in the Federal Old-Age and Survivors Insurance Trust Fund is estimated to fall to zero by 2029, and the estimated payroll tax at that time will be sufficient to cover only 75 percent of the benefits owed to retirees at that time.

(6) The average American retiring in the year 2015 will pay $250,000 in payroll taxes over the course of his or her working career.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that no change in the social security system should be made that would reduce the value of the social security system for future generations of retirees.

SEC. 341. SENSE OF THE SENATE ON ECONOMIC GROWTH DIVIDEND PROTECTION.

(a) FINDINGS.—The Senate finds that with respect to the revenue levels established under this resolution—

(1) according to the President's own economists, the tax burden on Americans is the highest ever at 31.7 percent;

(2) according to the National Taxpayers Union, the average American family now pays almost 40 percent of their income in State, local, and Federal taxes;

(3) between 1978 and 1985, while the top marginal rate on capital gains was cut almost in half—from 35 to 20 percent—total annual Federal receipts from the tax almost tripled from $9,100,000,000 annually to $26,500,000,000 annually;

(4) conversely, when Congress raised the rate in 1986, revenues actually fell well below what was anticipated;

(5) economists across-the-board predict that cutting the capital gains rate will result in a revenue windfall for the Treasury; and

(6) while a USA Today poll from this March found 70 percent of the American people believe that they need a tax cut, under this resolution Federal spending will grow 17 percent over five years while the net tax cuts are less than 1 percent of the total tax burden.

(b) SENSE OF SENATE.—It is the sense of the Senate that with respect to the revenue levels established under this resolution, to the extent that actual revenues exceed the revenues projected under this resolution due to higher than anticipated economic growth, that revenue windfall should be reserved exclusively for additional tax cuts and/or deficit reduction.

SEC. 342. SENSE OF THE SENATE SUPPORTING FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Our Federal, State, and local law enforcement officers provide essential services that preserve and protect our freedoms and security, and with the support of Federal assistance, State and local law enforcement officers have succeeded in reducing the national scourge of violent crime, as illustrated by a murder rate in 1996 that is projected to be the lowest since 1971 and a violent crime total in 1996 that is the lowest since 1990.

(2) Through a comprehensive effort to attack violence against women mounted by State and local law enforcement, and dedicated volunteers and professionals who provide victim services, shelter, counseling, and advocacy to battered women and their children, important strides have been made against the national scourge of violence against women, illustrated by the decline in the murder rate for wives, ex-wives, and girlfriends at the hands of their "intimates" fell to a 19-year low in 1995.

(3) Federal, State, and local law enforcement efforts need continued financial commitment from the Federal Government for funding and financial assistance to continue their efforts to combat violent crime and violence against women.

(4) Federal, State and local law enforcement also face other challenges which require continued financial commitment from the Federal Government, including regaining control over the Southwest Border, where drug trafficking and illegal immigration continue to threaten public safety and menace residents on the border and throughout the Nation.

(5) The Violent Crime Reduction Trust Fund established in section 310001 the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) fully funds the Violent Crime Control and Law Enforcement Act of 1994, including the Violence Against Women Act, without adding to the Federal budget deficit.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions and the functional totals underlying this resolution assume that—

(1) the Federal Government's commitment to fund Federal law enforcement programs and programs to assist State and local efforts to combat violent crime, including violence against women, will be maintained; and

(2) funding for the Violent Crime Reduction program will continue as authorized by the Violent Crime Control and Law Enforcement Act of 1994.

SEC. 343. SENSE OF SENATE REGARDING PARENTAL INVOLVEMENT IN PREVENTION OF DRUG USE BY CHILDREN.

It is the sense of the Senate that the provisions of this resolution assume that, from resources available in this budget resolution, a portion should be set aside for a national grassroots volunteer effort to encourage parental education and involvement in youth drug prevention and to create a drug-intolerant culture for our children.

And the Senate agree to the same.

JOHN R. KASICH,
DAVID L. HOBSON,
JOHN M. SPRATT, Jr.,
Managers on the Part of the House.

PETE V. DOMENICI,
CHUCK GRASSLEY,
FRANK R. LAUTENBERG,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (House Concurrent Resolution 84), setting forth the congressional budget for the United States for fiscal years 1998, 1999, 2000, 2001, and 2002, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommend in the accompanying conference report:

The Senate amendment struck out all of the House resolution after the resolving clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House resolution and the Senate amendment.

EXPLANATION OF THE CONFERENCE AGREEMENT

PRINCIPAL COMPONENTS OF THE CONFERENCE AGREEMENT

The conference report on the Concurrent Budget Resolution on the Budget for Fiscal Year 1998 represents the first major legislative step in implementing the Bipartisan Budget Agreement announced by President Clinton and the Bipartisan Congressional Leadership on the May 2 and finalized on May 15, 1997. That agreement called on both Houses to pass a 1998 budget resolution with reconciliation instructions fully reflecting the Bipartisan Budget Agreement. This conference agreement represents the good faith effort of the Congress to implement the Agreement.

This conference report—built on the parameters of the Agreement and the economic projections of the Congressional Budget Office—when implemented through the directed statutory legislation called for in the conference report, will balance the federal budget by 2002, reduce federal spending, reduce the size of the federal government relative to the national economy, extend the solvency of the Medicare trust fund for at least a decade, reduce the burden of federal taxes on American families, and protect federal priority spending programs.

This conference report projects a balanced unified federal budget in the year 2002, as compared to deficits exceeding $150 billion a year, if current spending and tax policies were left unchanged.

This conference report will result in a reduction in the rate of growth of federal government spending from the current projected annual rate of 4.4 percent over the next five years, to 3.1 percent a year. In addition, the conference report when fully implemented, will reduce the scope of federal spending. Measured with respect to the size of a growing national economy resulting from a balanced federal budget, federal spending will decline from 20.8 percent of GDP in 1996 to 18.9 percent in 2002, the lowest level since 1974.

This conference report achieves a balanced federal budget while also reducing taxes on American families and businesses. The annual growth rate of federal taxes will decline and by the year 2002, federal tax receipts will balance spending at 18.9 percent of GDP, down from 19.4 percent in 1996. The Agreement provides that a net tax cut of $85 billion over the next five years will be achieved; with not more than $250 billion in net tax cuts through 2007.

This conference report also provides for an increased allocation of federal resources to the Appropriation Committees for some priority spending programs over the next five years. These include programs for: education, environment, transportation, crime fighting and international affairs. However, even with these increased resources, total federal spending for all appropriated nondefense programs will increase at less than a 0.5 percent annual average rate over the next five years. The conference report also implements the Agreement's child health insurance initiative, modifications to last year's welfare reform legislation, and other initiatives that could total $33.6 billion over the next five years.

Finally, the conference report begins the process of enforcing the Agreement through the existing budget process rules—the reconciliation process, committee spending allocations, and existing pay-go procedures. Additional enforcement mechanisms will be included in substantive law to extend and revise the Budget Enforcement Act of 1990.

DISPLAYS AND AMOUNTS

The contents of concurrent budget resolutions are set forth in section 301(a) of the Congressional Budget Act of 1974.

House resolution

The House budget resolution includes all of the items required as part of a concurrent budget resolution under section 301(a) of the Congressional Budget Act other than the spending and revenue levels for Social Security (which are used to enforce a point of order applicable only in the Senate).

Senate amendment

The Senate amendment includes all of the items required under section 301(a) of the Congressional Budget Act. In addition, it includes the revenue and outlay levels for Social Security for the purpose of enforcing points of order in the Senate.

Conference agreement

The House recedes to the Senate amendment.

AGGREGATES AND FUNCTION LEVELS

Conference agreement

1998 BUDGET RESOLUTION CONFERENCE AGREEMENT—FUNCTION TOTALS

[Dollars in billions]

		1997	1998	1999	2000	2001	2002
050: National Defense	BA	264.9	268.2	270.8	274.8	281.3	289.1
	OT	266.6	266.0	265.8	268.4	270.1	272.6
150: International Affairs	BA	15.3	15.90	14.9	15.8	16.1	16.4
	OT	14.5	14.6	14.6	15.0	14.8	14.8
250: Science, Space and Technology	BA	16.7	16.2	16.2	15.9	15.8	15.6
	OT	17.0	16.9	16.5	16.0	15.9	15.7
270: Energy	BA	2.6	3.1	3.5	3.2	2.9	2.8
	OT	1.9	2.2	2.4	2.3	2.0	1.9
300: Natural Resources and Environment	BA	22.2	23.9	23.2	22.6	22.2	22.1
	OT	22.4	22.4	22.7	23.0	22.7	22.3
350: Agriculture	BA	11.8	13.1	12.8	12.2	11.0	10.7
	OT	9.9	11.9	11.3	10.7	9.5	9.1
370: Commerce and Housing Credit:							
On-budget	BA	4.6	6.6	11.1	15.2	16.1	16.7
	OT	−11.0	−0.9	4.3	9.8	12.1	12.5
Off-budget	BA	1.4	2.7	−1.0	−1.3	−0.5	0.2
	OT	1.4	2.7	−1.0	−1.3	−0.5	0.2
Total	BA	6.0	9.3	10.1	13.9	15.6	16.9
	OT	−9.6	1.8	3.3	8.5	11.6	12.7
400: Transportation	BA	43.9	46.4	46.6	47.1	48.1	49.2
	OT	39.5	40.9	41.3	41.4	41.3	41.2
450: Community and Regional Development	BA	10.2	8.8	8.5	7.8	7.8	7.8
	OT	12.1	10.4	10.9	11.0	11.4	8.4
500: Education, Training, Employment and Social Services	BA	54.2	60.0	60.5	61.7	63.0	63.3
	OT	50.5	56.1	59.3	60.7	61.9	62.3
550: Health	BA	125.3	137.8	145.0	154.1	163.4	172.2
	OT	127.4	137.8	144.9	153.9	163.1	171.7
570: Medicare	BA	190.8	201.6	212.1	225.5	239.6	251.5
	OT	191.3	201.8	211.5	225.5	238.8	250.8
600: Income Security	BA	228.8	239.0	254.1	269.6	275.1	286.9
	OT	237.8	247.8	258.1	268.2	277.3	285.2
650: Social Security:							
On-budget	BA	11.0	11.4	12.1	12.8	13.0	14.4
	OT	11.0	11.5	12.2	12.9	13.0	14.4
Off-budget	BA	352.1	369.4	387.3	406.6	427.1	449.1
	OT	355.4	372.6	390.6	409.9	430.9	452.4
Total	BA	363.1	380.8	399.4	419.4	440.1	463.5
	OT	366.4	384.1	402.8	422.8	443.9	466.8
700: Veterans Benefits	BA	39.1	40.5	41.5	41.7	42.1	42.3
	OT	39.4	41.3	41.7	41.9	42.2	42.4
750: Administration of Justice	BA	23.5	24.8	25.1	24.2	24.4	24.9
	OT	20.7	22.6	24.5	25.2	25.9	24.9
800: General Government	BA	14.0	14.7	14.4	14.0	13.7	13.1
	OT	13.9	14.0	14.4	14.7	14.1	13.1
900: Net Interest:							
On-budget	BA	291.1	296.5	304.6	305.1	303.8	303.7
	OT	291.1	296.5	304.6	305.1	303.8	303.7
Off-budget	BA	−43.5	−48.0	−52.5	−57.2	−61.9	−66.9
	OT	−43.5	−48.0	−52.5	−57.2	−61.9	−66.9
Total	BA	274.6	284.5	252.1	247.9	241.9	236.8
	OT	274.6	284.5	252.1	247.9	241.9	236.8
920: Allowances	BA	.....	.....	.....	.....	.....	.....
	OT	.....	.....	.....	.....	.....	.....
950: Undistributed Offsetting Receipts:							
On-budget	BA	−41.0	−41.8	−36.9	−36.9	−39.2	−51.1
	OT	−41.0	−41.8	−36.9	−36.9	−39.2	−51.1
Off-budget	BA	−6.5	−7.0	−7.5	−91.	−10.9	−13.0
	OT	−6.5	−7.0	−7.5	−91.	−10.9	−13.0
Total	BA	−47.5	−48.8	−44.4	−46.0	−501.	−64.1
	OT	−47.5	−48.8	−44.4	−46.0	−501.	−64.1
Total Spending:							
On-budget	BA	1,329.0	1,386.7	1,440.1	1,486.4	1,520.2	1,551.6
	OT	1,315.0	1,372.0	1,424.1	1,468.8	1,500.7	1,515.9
Off-budget	BA	303.5	317.1	326.3	339.0	353.8	369.4
	OT	306.8	320.3	329.6	342.3	357.6	372.7
Total	BA	1,632.5	1,703.8	1,766.4	1,825.4	1,874.0	1,921.0
	OT	1,621.8	1,692.3	1,753.7	1,811.1	1,858.3	1,888.4
Revenues:							
On-budget		1,166.9	1,199.0	1,241.9	1,285.6	1,343.6	1,407.6
Off-budget		388.0	402.8	422.3	442.6	461.6	482.8
Total		1,554.9	1,601.8	1,664.2	1,728.2	1,805.2	1,890.4
Deficit:							
On-budget		−148.1	−173.0	−182.2	−183.2	−157.1	−108.3
Off-budget		81.2	82.5	92.7	100.3	104.0	110.1
Total		−66.9	−90.5	−89.5	−82.9	−53.1	1.8

1998 BUDGET RESOLUTION CONFERENCE AGREEMENT—DISCRETIONARY TOTALS

[Dollars in billions]

		1997	1998	1999	2000	2001	2002
050: National Defense	BA	265.8	269.0	271.5	275.4	281.8	289.6
	OT	267.5	266.8	266.5	269.0	270.7	273.1
150: International Affairs	BA	18.1	19.0	18.6	18.5	18.3	18.2
	OT	19.2	19.2	18.8	18.8	18.5	18.4
250: Science, Space and Technology	BA	16.6	16.2	16.2	15.9	15.8	15.6
	OT	17.0	16.8	16.5	16.0	15.8	15.6
270: Energy	BA	4.3	4.8	4.9	4.6	4.4	4.2
	OT	4.9	5.0	5.1	4.8	4.6	4.4
300: Natural Resources and Environment	BA	21.5	22.8	22.2	21.6	21.2	21.2
	OT	21.5	21.4	21.7	21.9	21.8	21.5
350: Agriculture	BA	4.2	4.1	4.0	3.9	3.8	3.8
	OT	4.2	4.1	4.1	3.9	3.9	3.8
370: Commerce and Housing Credit	BA	2.8	3.1	3.5	5.0	3.0	2.9
	OT	2.8	3.1	3.4	4.6	3.2	2.7
400: Transportation	BA	13.8	13.6	15.0	14.8	15.1	15.3
	OT	36.9	38.3	38.9	39.3	39.4	39.4
450: Community and Regional Development	BA	9.3	8.3	8.2	7.5	7.5	7.6
	OT	11.7	10.0	10.9	11.0	11.3	8.4
500: Education, Training, Employment and Social Services	BA	42.4	46.7	47.0	47.9	48.5	49.2
	OT	40.3	43.2	46.1	47.1	47.8	48.6

1998 BUDGET RESOLUTION CONFERENCE AGREEMENT—DISCRETIONARY TOTALS—Continued

[Dollars in billions]

		1997	1998	1999	2000	2001	2002
550: Health	BA	25.0	24.9	24.7	24.6	24.4	24.2
	OT	23.8	24.6	24.8	24.9	24.6	24.3
570: Medicare	BA	2.6	2.7	2.7	2.7	2.6	2.6
	OT	2.7	2.7	2.6	2.7	2.7	2.6
600: Income Security	BA	26.6	32.9	35.7	37.7	38.7	39.6
	OT	40.9	41.3	41.6	41.3	41.2	40.8
650: Social Security	BA	3.5	3.3	3.2	3.2	3.2	3.1
	OT	3.4	3.4	3.3	3.3	3.2	3.1
700: Veterans Benefits	BA	18.9	18.5	18.4	18.3	18.2	18.0
	OT	19.3	19.3	18.6	18.3	18.2	17.9
750: Administration of Justice	BA	22.9	24.4	24.8	23.9	24.1	24.7
	OT	20.4	22.2	24.2	25.0	25.7	24.7
800: General Government	BA	11.8	12.6	12.3	11.8	11.5	11.4
	OT	11.9	11.9	12.2	12.4	11.9	11.4
920: Allowances	BA	.....	.....	.....	.....	.....	.....
	OT	.....	.....	.....	.....	.....	.....
Total Discretionary	BA	510.1	526.9	533.0	537.2	542.0	551.1
	OT	548.5	553.3	559.3	564.3	564.4	560.8
Defense	BA	265.8	269.0	271.5	275.4	281.8	289.6
	OT	267.5	266.8	266.5	269.0	270.7	273.1
Nondefense	BA	244.3	257.9	261.5	261.8	260.2	261.5
	OT	281.0	286.4	292.8	295.3	293.7	287.7

1998 BUDGET RESOLUTION CONFERENCE AGREEMENT—MANDATORY TOTALS

[Dollars in billions]

		1997	1998	1999	2000	2001	2002
050: National Defense	BA	-0.9	-0.8	-0.7	-0.6	-0.5	-0.5
	OT	-1.0	-0.8	-0.7	-0.6	-0.6	-0.5
150: International Affairs	BA	-2.8	-3.1	-3.7	-2.8	-2.2	-1.9
	OT	-4.6	-4.6	-4.3	-3.8	-3.8	-3.6
250: Science, Space and Technology	BA	0.0	0.0	0.0	0.0	0.0	0.0
	OT	0.0	0.0	0.0	0.0	0.0	0.0
270: Energy	BA	-1.8	-1.6	-1.4	-1.4	-1.5	-1.4
	OT	-3.1	-2.8	-2.6	-2.5	-2.6	-2.6
300: Natural Resources and Environment	BA	0.7	1.1	1.0	1.0	1.0	0.9
	OT	0.8	1.0	1.0	1.0	0.9	0.8
350: Agriculture	BA	7.7	9.1	8.8	8.4	7.2	6.9
	OT	5.8	7.7	7.2	6.7	5.6	5.3
370: Commerce and Housing Credit	BA	3.2	6.2	6.6	9.0	12.6	14.0
	OT	-12.4	-1.3	-0.0	4.0	8.4	10.1
400: Transportation	BA	30.0	32.8	31.6	32.3	33.1	33.8
	OT	2.6	2.7	2.3	2.0	1.9	1.8
450: Community and Regional Development	BA	0.9	0.5	0.3	0.3	0.2	0.2
	OT	0.4	0.3	0.0	0.0	0.0	0.0
500: Education, Training, Employment and Social Services	BA	11.8	13.3	13.4	13.8	14.5	14.1
	OT	10.1	12.9	13.2	13.7	14.2	13.8
550: Health	BA	100.3	112.9	120.2	129.4	139.0	148.0
	OT	103.6	113.2	120.1	129.1	138.5	147.4
570: Medicare	BA	188.2	198.9	209.4	222.9	237.0	248.9
	OT	188.6	199.0	208.9	222.8	236.1	248.1
600: Income Security	BA	202.2	206.1	218.4	231.9	236.4	247.4
	OT	197.0	206.5	216.5	226.8	236.1	244.4
650: Social Security	BA	359.7	377.5	396.2	416.2	437.0	460.4
	OT	363.0	380.7	399.5	419.5	440.7	463.7
700: Veterans Benefits	BA	20.2	22.1	23.0	23.4	23.9	24.3
	OT	20.1	22.1	23.1	23.6	24.1	24.6
750: Administration of Justice	BA	0.6	0.4	0.3	0.3	0.3	0.2
	OT	0.4	0.4	0.3	0.2	0.2	0.2
800: General Government	BA	2.2	2.1	2.1	2.2	2.2	1.7
	OT	2.0	2.1	2.1	2.4	2.2	1.7
900: Net Interest	BA	247.6	248.6	252.0	247.9	241.9	236.9
	OT	247.6	248.6	252.0	247.9	241.9	236.9
920: Allowances	BA	.....	.....	.....	.....	.....	.....
	OT	.....	.....	.....	.....	.....	.....
950: Undistributed Offsetting Receipts	BA	-47.4	-48.8	-44.4	-46.0	-50.0	-64.1
	OT	-47.4	-48.8	-44.4	-46.0	-50.0	-64.1
Total Spending	BA	1,122.4	1,177.1	1,233.2	1,288.2	1,332.0	1,370.0
	OT	1,073.5	1,138.9	1,194.3	1,246.9	1,294.0	1,328.0

ECONOMICS

Section 301(g)(2) of the Congressional Budget Act requires that the joint explanatory statement accompanying a conference report on a budget resolution set forth the common economic assumptions upon which the joint statement and conference report are based. The conference agreement is based upon the economic forecasts developed by the Congressional Budget Office and presented in CBO's "The Economic and Budget Outlook: Fiscal Years 1998–2007" (January 1997). These economic forecasts assume a balanced budget by 2002. Changes were made to CBO's inflation projections, however, to reflect expected non-legislated technical CPI changes by the Bureau of Labor Statistics (BLS). The baseline also includes CBO's technical revenue re-estimate which was released in early May 1997.

House resolution

The assumptions of the House Resolution are identical to the assumptions of the Senate Amendment listed below.

Senate amendment

CBO's CPI forecasts were modified to reflect two upcoming technical changes that BLS will make in early 1999, namely the implementation of geometric means and an improved rotation of new goods into the CPI survey. These changes were announced after CBO's winter forecast was completed. CBO provided range estimates as to the likely impact of these technical changes on CPI growth. Based upon these estimates, the Senate Amendment reduced CBO's yearly CPI forecasts by 0.3 percentage points beginning in 1999. The Senate Amendment also increased CBO's taxable income stream by 0.04 percentage points a year, following CBO's statement that they may not have fully reflected BLS' 1996 reduction in CPI formula bias. Lastly, the Senate Amendment also included CBO's technical revenue re-estimate. In May 1997, CBO suggested that the Budget Committees should reduce their 1997–2002 deficits by an amount similar to $45 billion each year, partly in response to an increase in FY 1997 revenue.

Conference agreement

The conference agreement follows the House resolution and the Senate amendment.

ECONOMIC ASSUMPTIONS

[By calendar years]

	1997	1998	1999	2000	2001	2002
Percent change, year over year:						
Real GDP growth	2.3	2.1	2.2	2.2	2.2	2.1
Consumer Price Index	2.9	2.9	2.7	2.7	2.7	2.7
GDP Price Index	2.3	2.5	2.6	2.6	2.6	2.6
Percent, annual:						
Unemployment rate	5.3	5.6	5.8	5.9	6.0	6.0
Three-month Treasury bill rate	5.0	5.0	4.6	4.2	3.9	3.9

ECONOMIC ASSUMPTIONS—Continued

[By calendar years]

	1997	1998	1999	2000	2001	2002
Ten-year Treasury bond rate	6.2	6.1	5.8	5.5	5.5	5.5
Share of GDP:						
Wages and salaries	48.0	47.7	47.6	47.4	47.3	47.3
Corporate profits (book)	8.2	8.1	7.9	7.8	7.9	7.8

SPENDING AND REVENUES

A. Spending by Function

FUNCTION 050: NATIONAL DEFENSE

Major programs in function

The National Defense function includes the Department of Defense (DOD) in subfunction 051, Atomic Energy Defense Activities (AEDA) in the Department of Energy (DOE) in subfunction 053, and other defense related activities in the Federal Emergency Management Agency, the Select Service, and other federal agencies in subfunction 054. More than 94.6 percent of the 1998 budget authority in the President's Budget are for the Department of Defense (051); 5.1 percent of the funds are for subfunction 053, and the remaining 0.3 percent is for subfunction 054.

House resolution

FUNCTION 050: NATIONAL DEFENSE

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget authority	264,905	268,197	270,784	274,802	281,305	289,092
Outlays	266,582	265,978	265,771	268,418	270,110	272,571

The House resolution assumes $268.2 billion in budget authority [BA] and $266.0 billion in outlays for fiscal year 1998. Over the 5-year period from 1998 through 2002, the resolution assumes totals of $1,348.2 billion in BA and $1,342.8 billion in outlays.

For discretionary spending in this function, the House resolution assumes $269.0 billion in budget authority [BA] and $266.8 billion in outlays in fiscal year 1998. Over 5 years, it assumes $1,387.3 billion in BA and $1,346.1 billion in outlays.

The House resolution makes no assumptions concerning mandatory spending in this function.

Senate amendment

Discretionary spending—Discretionary spending in this function is a priority in the Bipartisan Budget Agreement.

The table below presents the discretionary spending figures for the Senate amendment.

	1997	1998	1999	2000	2001	2002	Total 98–02
Reported budget (BA)	265.8	269.0	271.5	275.4	281.8	289.6	1387.3
Resolution (OT)	267.5	266.8	266.5	269.0	270.7	273.1	1346.1

The Senate amendment is a middle ground between the Budget Resolution Baseline and a five year freeze at the final 1997 appropriated levels. It is an increase over the FY 1997 Congressional Budget Resolution projections for 1998 to 2002, and for the same years it exceeds the President's Budget in budget authority and is virtually the same in outlays.

The 1998–2002 totals of the Senate amendment are: (1) $63.0 billion in budget authority and $76.8 billion in outlays below the Budget Resolution Baseline; (2) $58.1 billion in budget authority and $24.1 billion in outlays above the Freeze Baseline: (3) $16.7 billion in budget authority and $5.2 billion in outlays above the FY 1997 Congressional Budget Resolution, and (4) $4.4 billion in budget authority above the President's Budget; in outlays it is $200 million lower.

The Senate amendment assumes non-statutory "firewalls" for two years, 1998 and 1999. The Balanced Budget Agreement includes statutory firewalls to be enacted later.

When comparing the Senate amendment to the President's Budget, one will notice the following differences. For 1998, the Senate amendment is $2.6 billion higher in budget authority and $1.0 billion higher in outlays. Over the years 1998–2002, in budget authority, the Senate amendment is higher or equal to the President's Budget for all years; overall it is an increase of $4.4 billion. Over the years 1998–2002, in outlays, the reported resolution's defense outlays exceed or are equal to the President's Budget in the years 1998 through 2001; in 2002, the President's Budget is higher. Overall, the Senate amendment and the President's Budget are virtually the same; the Senate amendment is $200 million lower, a difference of one hundredth of one percent.

Manadatory spending.—For mandatory spending in the 050 function, $200 million in additional stockpile sales were requested by the President in 2002, but they were not scored by CBO because no implementing legislation had been requested.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 150: INTERNATIONAL AFFAIRS

Major programs in function

Function 150 includes the operation of foreign affairs establishments including embassies and other diplomatic missions abroad; foreign aid loan and technical assistance activities in less developed countries; security assistance to foreign governments; foreign military sales made through the Foreign Military Sales Trust Fund; U.S. contributions to international financial institutions; U.S. contributions to international organizations; trade promotion activities; and refugee assistance.

House resolution

FUNCTION 150: INTERNATIONAL AFFAIRS

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget authority	15,281	15,909	14,918	15,782	16,114	16,353
Outlays	14,534	14,558	14,569	14,981	14,751	14,812

The House resolution assumes $15.9 billion in budget authority [BA] in fiscal year 1998 and $14.6 billion in outlays. Over the 5-year period from 1998 through 2002, the resolution assumes totals $79.1 in budget authority and $73.7 in outlays.

The House resolution assumes that budget authority for discretionary programs will be $19.0 billion in 1998 and total $92.7 billion over the next 5 years. Likewise, outlays are estimated to be $19.2 billion in 1998 and $93.8 billion over the next 5 years. The House resolution assumes a cap adjustment is available for exchanges of monetary assets and for international organization arrears.

No changes are envisioned concerning mandatory programs.

Senate amendment

Discretionary spending.—Discretionary spending in this function is a priority in the Bipartisan Budget Agreement. International Affairs discretionary spending in 1998 for this function would rise to $19.0 billion in BA and $19.2 billion in outlays, an increase of $0.4 billion in BA and $0.04 billion in outlays above the Budget Resolution Baseline for FY 1998. Over the five year period, spending would drop to a level of $18.2 billion in BA and $18.4 billion in outlays by 2002.

In the 1998 budget request, the President proposed funding $3.521 billion for the New Arrangements to Borrow (NAB), the emergency reserves of the IMF. Funding for the NAB is accommodated at the requested level by a provision in the Budget Process and Enforcement category providing an allowance for an upward adjustment to the budget authority discretionary spending limits should Congress act to support the proposal. A similar adjustment was provided for the IMF in the 1990 Budget Enforcement Act.

In the 1998 budget request, the President proposed funding to pay off the US arrears to the United Nations and other international organizations and the multilateral development banks over three years. Funding for the arrearages is accommodated at the requested level by a provision in the Budget Process and Enforcement category providing an allowance for an upward adjustment to the discretionary spending limits should Congress act to appropriate these funds. The Senate amendment intends for this adjustment to provide the committees of jurisdiction the necessary flexibility to reach a bipartisan resolution. In response to the Administration's proposal to pay the UN arrears, the Majority Leader in coordination with the chairmen and ranking members of the committees of jurisdiction has initiated efforts to meet that objective contingent on significant, demonstrable, and achievable reforms at the United Nations.

In order to meet the Bipartisan Budget Agreement's discretionary spending limits, savings will be required from programs in this function. These savings will be determined by the Appropriations Committee. Examples of possible reduction include the following:

The Senate amendment assumes the Administration's proposal to cut the 1998 level of funding for the Export Import Bank of the United States to a level of $630 million in BA in 1998, and $85 million decrease from 1997.

The Senate amendment assumes the Administration request of $492 million in BA for the Assistance for Eastern Europe and the Baltic States. By 2002 the request falls to $50 million in BA, $425 million below the 1997 level.

Mandatory spending.—Mandatory programs, in 1997, totaled −$2.8 billion in BA and −$4.6 billion in outlays. In 1998, mandatory accounts total −$3.1 billion in BA and −$4.6 billion in outlays and by 2002 total −$1.9 billion in BA and −$3.6 billion in outlays.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 250: GENERAL SCIENCE, SPACE & TRANSPORTATION

Major programs in function

Function 250 includes the National Aeronautics and Space Administration (NASA) civilian space program, the National Science Foundation (NSF), and basic research programs of the Department of Energy (DOE).

Seventy-five percent of the function is comprised of spending for NASA. Nearly 100 percent of the function is discretionary, under the jurisdiction of the Appropriations subcommittees on VA, HUD and Independent Agencies and Energy and Water.

House amendment

FUNCTION 250: GENERAL SCIENCE, SPACE, AND TECHNOLOGY

[In millions of dollars]

	1997	1998	1999	2000	2001	2002
Budget Authority	16,667	16,237	16,203	15,947	15,800	15,604
Outlays	17,038	16,882	16,528	16,013	15,862	15,668

The House resolution assumes $16.2 billion in budget authority [BA] and $16.9 billion in outlays for fiscal year 1998. Over the 5-year period from 1998 through 2002, the resolutions assumes totals of $79.8 billion in BA and $81.0 billion in outlays.

The House resolution assumes that budget authority for discretionary programs will be $16.2 billion in 1998 and total $79.6 billion over the next 5 years. Likewise, outlays are estimated to be $16.8 billion in 1998 and $80.8 billion over the next 5 years.

No changes are envisioned concerning mandatory programs.

Senate amendment

Discretionary spending.—Discretionary spending in 1998 for Function 250 would decrease by $0.9 billion in BA and $0.5 billion in outlays from the Budget Resolution baseline, resulting in total 1998 funding of $16.2 billion in BA and $16.8 billion in outlays. Over the five year period, budget authority would be decreased by $10.6 billion in BA and $9.0 billion in outlays by 2002 from the Budget Resolution baseline.

The Senate amendment assumes continued support for basic research between 1998 and 2002. National Science Foundation (NSF) spending on research and related activities would grow from their current level of $2.4 billion to $2.5 billion in 2002.

In order to meet the Bipartisan Budget Agreement's discretionary spending limits, savings will be required from program in this function. These savings will be determined by the Appropriations Committee.

Examples of possible reductions include the following: (1) The Senate amendment assumes the President's budget proposal to freeze DOE General Science programs at their 1997 level of $1.0 billion through 2002. (2) The Senate amendment assumes the President's reductions in NASA Science, Aeronautics, and Technology programs. Savings are achieved from the Budget Resolution baseline by allowing these programs to increase by an average of only two percent each year, from their current level of $4.8 billion to $5.2 billion in 2002. The proposal would result in savings of $0.8 billion over the five-year period. (3) The Senate amendment assumes the President's budget reductions to NASA Human Space Flight accounts. These activities would be reduced from their current level of $5.5 billion to $4.7 billion, with much of this reduction coming from planned reductions to the Space Station, which is scheduled to be funded at $2.1 billion in 1998 and fall to $1.5 billion in 2002. The proposal would result in savings of $4.2 billion over the five-year period. (4) The Senate amendment assumes the President's budget reductions to NASA Mission Support activities, which would be frozen at $2.5 billion per year, saving $1.7 billion over the five-year period. (5) The Senate amendment assumes the President's budget reductions to NSF spending on education and human resources, which would be frozen at their current level of $0.6 billion. (6) The President has proposed to reduce these NSF activities by $0.1 billion between 1998 and 2002 from the Budget Resolution baseline.

Mandatory spending.—There are no mandatory assumptions in Function 250.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 270: ENERGY

Major programs in function

Function 270 funds the civilian activities of the Department of Energy (DOE), the Rural Utilities Service (RUS), the Nuclear Regulatory Commission (NRC), and the net spending of the Tennessee Valley Authority (TVA) power program.

House resolution

FUNCTION 270: ENERGY

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget authority	2,562	3,123	3,469	3,186	2,939	2,846
Outlays	1,864	2,247	2,446	2,293	2,048	1,867

The House resolution assumes $3.1 billion in budget authority [BA] and $2.2 billion in outlays for fiscal year 1998. Over the 5-year period from 1998 through 2002, the House resolution assumes totals of $15.6 billion in BA and $10.9 billion in outlays.

The House resolution is consistent with the budget agreement. The House resolution assumes that budget authority for discretionary programs will be $4.8 billion in 1998 and total $22.9 over the next 5 years. Likewise, outlays are estimated to be $5.0 in 1998 and $24.0 over the next 5 years.

Consistent with the budget agreement, it is assumed that the Department of Energy [DOE] will be authorized to lease excess storage capacity in the Strategic Petroleum Reserve.

Senate amendment

Discretionary spending.—The Senate amendment assumes spending of $22.9 billion in budget authority and $24.0 billion in outlays for the function over the next five years. By 2002 spending would decrease by $0.5 billion in BA and $0.6 billion in outlays as compared to Budget Resolution baseline levels.

The aggregate numbers in this function will support the overall level of spending assumed in the Bipartisan Budget Agreement. In order to meet these levels, specific program reductions and freezes would be required beyond the President's request.

The Senate amendment places a priority on the Department of Energy programs that support science and basic research, such as DOE's efforts to map the human genome and the activities at the Department of Energy National Laboratories.

in order to meet the Bipartisan Budget Agreement's discretionary spending limits, savings will be required from programs in this function. These savings will be determined by the Appropriation Committees.

Examples of possible reductions include the following: (1) Naval Petroleum Reserves reductions. The President's Budget request proposes to reduce the Naval Petroleum Reserves program. The outyear discretionary savings result from the sale of Elk Hills Naval Petroleum Reserve scheduled for February 1998 and the subsequent reduced appropriations requirement. (2) Fossil Energy R&D reductions. The President's request would reduce fossil (coal, natural gas, and petroleum) technology development programs. (3) Other. The President's Budget request proposes reductions in the Uranium Enrichment decontamination and decommissioning fund and the Power Marketing Administrations. The President's request reduces the Rural Electrification Administration (REA) and the Energy Information Administration (EIA).

Mandatory spending.—The reported resolution adopts a proposal from the 1997 Budget Resolution and the president's budget request that authorizes DOE to lease excess SPRO storage capacity.

Conference agreement

The conference agreement reflect the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 300: ENVIRONMENT AND NATURAL RESOURCES

Major programs in function

This function includes funding for water resources, conservation and land management, recreation resources, and pollution control and abatement. Agencies with major programs in this function include: the Army Corp of Engineers (CORP), Bureau of Reclamation (BOR), Forest Service (USFS), Bureau of Land Management (BLM), Fish and Wildlife Service (USFWS), the National Park Service (NPS), Environmental Protection Agency (EPA), National Oceanic and Atmospheric Administration (NOAA), and the U.S. Geological Survey (USGS).

House resolution

FUNCTION 300: NATURAL RESOURCES AND ENVIRONMENT

[in millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget Authority	22,199	23,877	23,227	22,570	22,151	22,086
Outlays	22,359	22,405	22,702	22,963	22,720	22,313

The House resolution assumes $23.9 billion in budget authority [BA] and $22.4 billion in outlays for fiscal year 1998. Over the 5- year period, from 1998 through 2002, the total BA is $113.9 billion and $113.1 billion in outlays.

The House resolution assumes that budget authority for discretionary programs will be $22.8 billion in 1998 and total $108.9 over the next 5 years. Likewise, outlays are estimated to be $21.4 billion in 1998 and $108.3 billion over the next 5 years.

The House resolution assumes that up to $700 million will be available for Federal land acquisitions and to finalize priority Federal land exchanges, and that Superfund appropriations will be at the President's level if policies can be worked out.

The EPA Operating Program, the Operation of the National Park System, Land Acquisition and State Assistance, and Everglades Restoration Fund (including Corps of Engineers) are considered protected domestic, discretionary priorities, consistent with the Bipartisan Budget Agreement.

The House resolution also assumes that the amounts provided are sufficient to accommodate $143 million in fiscal year 1998 to

implement the California Bay-Delta Environmental Enhancement and Water Security Act.

The House resolution assumes that $200 million will be reserved annually for an Environmental Reserve Fund, contingent upon Superfund reform.

Senate amendment

Discretionary spending.—The discretionary spending in this function is a priority in the Bipartisan Budget Agreement. Discretionary spending in 1998 for this function increases by $0.6 billion in BA and increases by $0.3 billion in outlays above the Budget Resolution Baseline, to $22.8 billion in BA and $21.4 billion in outlays. Over the five year period, discretionary spending decreases to $21.2 billion in BA and $21.5 billion in outlays in 2002. The Senate amendment assumes total discretionary spending of $109.0 billion in BA and $108.3 billion in outlays over the five year period.

The Bipartisan Budget Agreement assumes the President's request of $1.2 billion in both BA and outlays for National Park Service operations, an increase of $66 million in BA and $57 million in outlays above 1997. This is an increase of $25 million in BA and $19 million in outlays above in the 1998 Budget Resolution Baseline. The Agreement assumes the President's funding request within the National Park Service and the Corps of Engineers for the restoration of the Florida Everglades.

The Bipartisan Budget Agreement also assumes the President's request of $3.5 billion in BA and $3.3 billion in outlays for EPA's operating programs, an increase of $0.3 billion in both BA and outlays above 1997.

The Bipartisan Budget Agreement assumes the President's request of $41 million in 1998, for National Park Service land acquisition, an increase of $17 million above 1997 ($162 million over the five year period). In addition, the Agreement assumes an additional $700 million in BA in 1998 and the associated outlays for 1998 through 2001 for high priority Federal land acquisitions and exchanges. The funding will be allocated to function 300 as an allowance exclusively for this purpose.

In 1997, $1.3 billion was provided for the hazardous waste Superfund operated through the Environmental Protection Agency. The Superfund authorization and the taxes to finance the Superfund trust fund expired in 1994 and 1995, respectively. Increased funding can be accommodated at the President's request of $2.1 billion in 1998 and $8.4 billion over five years if policies can be worked out.

In order to meet the Bipartisan Budget Agreement's discretionary spending limits, saving will be required from programs in this function. These savings will be determined by the Appropriation Committees.

Examples of possible reductions are: (1) Forest Service (FS) and Bureau of Land Management (BLM) Wildlife Management: In 1997, approximately $0.6 billion was spent on emergency firefighting for both the FS and BLM. The President's budget does not include the emergency funding but it does provide $0.8 billion in both BA and outlays in base funding. (2) FS construction and reconstruction: The President's budget proposes $0.1 billion in BA and $0.2 billion in outlays, a decrease of $34 million in BA and $24 million in outlays below the 1997 level. (3) Corps of Engineers: The President's budget proposes $3.5 billion for the major programs of the Corps, an increase of $0.2 billion in BA above 1997 and a decrease of $0.1 billion in outlays below 1997. The Senate amendment does not assume the President's proposal for Capital Asset Acquisitions.

Mandatory spending.—The Senate amendment assumes $1.0 billion over the five year period and $2.0 billion over ten years for new mandatory spending for orphan shares at Superfund hazardous waste cleanup sites. Orphan shares are portions of financial liability at Superfund sites allocated to non-Federal parties with limited or no ability to pay. The funds will be reserved for this purpose based on the assumption of a policy agreement on orphan share spending.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 350: AGRICULTURE

Major programs in function

This function includes programs that intend to promote economic stability in the agriculture sector. Programs in this function include direct assistance and loans to food and fiber producers, and market-information and agriculture research. Producers are assisted with production flexibility contract payment, crop insurance, non-recourse crop loans, operating loans and export promotion.

House resolution

FUNCTION 350: AGRICULTURE

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget authority	11,819	13,133	12,790	12,215	10,978	10,670
Outlays	9,910	11,892	11,294	10,664	9,494	9,108

The House resolution assumes $13.1 billion in budget authority [BA] and $11.9 billion in outlays for fiscal year 1998. Over the 5-year from 1998 through 2002, the House resolution assumes totals of $59.8 billion in BA and $52.5 billion in outlays.

The House resolution assumes that budget authority for discretionary programs will be $4.1 billion in 1998 and total $19.4 billion over the next 5 years. Likewise, outlays are estimated to be $4.1 billion in 1998 and $19.8 billion over the next 5 years.

The House resolution makes for assumptions concerning mandatory programs in this function.

Senate amendment

Discretionary spending.—Discretionary spending in 1998 for this function would decrease by $0.2 billion in BA and $0.1 billion in outlays below the Budget Resolution Baseline, to $4.1 billion in both BA and outlays. Over the five year period, discretionary spending would decrease to $3.8 billion in both BA and outlays in 2002. The Senate amendment assumes total discretionary spending of $19.6 billion in BA and $19.8 billion in outlays over the five year period. The aggregate numbers in this function will support the overall level of spending assumed in the Bipartisan Budget Agreement. In order to meet those levels, specific program reductions and freezes may be required beyond the President's request.

The Senate amendment assumes the President's proposal of $0.2 billion in discretionary funds to reimburse agent's sales commissions and company administrative expenses for private delivery. Private sales agents and insurance companies administer federal crop insurance on the federal government's behalf. In exchange for private delivery, the Department of Agriculture reimburses the private companies. Under current law, reimbursements are paid from the mandatory Federal Crop Insurance Fund and in 1998 and, thereafter, sales commissions are discretionary.

In order to meet the Bipartisan Budget Agreement's discretionary spending limits, savings will be required from programs in this function. These savings will be determined by the Appropriation Committees.

Examples of possible reductions include the following: (1) Farm Service Agency (FSA) salaries and expenses: The President's budget proposes $0.7 billion in both BA and outlays in 1998 for salaries and expenses, a decrease of $32 million in BA and $30 million in outlays, below the Budget Resolution Baseline. Over the five year period the President proposes to reduce FSA salaries and expenses by $1.1 billion in both BA and outlays. (2) Agriculture Credit Insurance Fund (ACIF): The President's budget proposes $0.3 billion in both BA and outlays for the ACIF in 1998, a decease of $46 million in BA and $40 million in outlays below the Budget Resolution Baseline. (3) Agriculture Research Service (ARS) Buildings and Facilities and Cooperative State Research, Education, and Extension Service Buildings and Facilities (CSREES): The President's budget proposes to terminate CSREES building and facilities and reduce ARS buildings and facilities. The proposal saves $76 million in BA and $4 million in outlays in 1998 below the Budget Resolution Baseline. Over five years, this proposal saves $0.5 million in BA and $0.3 million in outlays. (4) Agriculture Research: The President's budget proposes $1.6 billion in both BA and outlays for agriculture research and extension, a reduction of $44 million in BA and $27 million in outlays below the Budget Resolution Baseline.

Mandatory spending.—Over the five year period mandatory spending decreases from $7.7 billion in 1998 to $5.2 billion in 2002, a decrease of $2.5 billion. The majority of the decrease is associated with a reduction in flexibility contract payments and other policy changes enacted in the 1996 Farm Bill. The Senate amendment assumes total mandatory spending of $32.6 billion over the five year period. It does not assume policy changes for mandatory programs in this function.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 370: COMMERCE AND HOUSING CREDIT

Major programs in function

Function 370 includes certain discretionary housing programs, such as subsidies for single and multifamily housing in rural areas and mortgage insurance provided by the Federal Housing Administration; net spending by the Postal Service; discretionary funding for commerce programs, such as international trade and exports, science and technology, the periodic census, and small business; and mandatory spending for deposit insurance activities related to banks, thrifts, and credit unions.

House resolution

FUNCTION 370: COMMERCE AND HOUSING CREDIT

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget Authority	5,981	9,296	10,127	13,921	15,546	16,902

FUNCTION 370: COMMERCE AND HOUSING CREDIT—Continued

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Outlays	−9,571	1,769	3,344	8,559	11,601	12,765

The House resolution assumes $9.3 billion in budget authority and $1.8 billion in outlays in fiscal year 1998. Over the 5-year period from 1998 through 2002, the resolution assumes $65.8 billion in BA and $38.0 in outlays.

The House resolution assumes for discretionary programs $3.1 billion in budget authority and outlays in fiscal year 1998. Over the 5-year period, from 1998 to 2002, the House resolution assumes $17.5 billion in BA and $16.9 billion in outlays over 5 years.

The Federal Housing Administration provides mortgage insurance to Americans who otherwise might not be able to obtain the financing to buy a house. When a home buyer defaults on a federally insured mortgage, the FHA must pay the balance on the mortgage to the lender, and foreclose on the house. By giving the FHA more flexibility to work with homeowners who are in default on their mortgages, costs to the FHA insurance fund can be avoided. The House resolution assumes continuation of current law policy to provide FHA with tools to encourage lenders to forbear for only up to 1 year. This would improve the targeting and efficiency of HUD's current program, and allow the FHA homeowners experiencing temporary economic distress to stay in their homes.

The House resolution assumes shifting to the Postal Service the cost of financing workers compensation benefits for pre-1971 postal employees. This produces net savings of $121 million over 5 years.

Senate amendment

Discretionary spending—Discretionary spending in 1998 for this function would increase by $0.3 billion in BA and outlays over the 1997 level, to $3.1 billion in BA and outlays. By 2002, spending would return approximately to 1997 levels of $2.9 billion in BA and $2.7 billion in outlays, after having peaked at $5 billion in BA and $4.6 billion in outlays in 2000 to cover the costs of conducting the decennial census.

The decennial census requires a level of resources that is an order of magnitude larger than the baseline amounts based on the 1997 appropriation of $0.2 million for the periodic census. The Senate amendment includes sufficient funding over the next five years to conduct the census, and reflects savings from implementing improvements in conducting the census.

The Bipartisan Budget Agreement provides the President's request for the National Institute of Standards and Technology (NIST), which is an increase of $0.7 billion in budget authority and $0.3 billion in outlays over the Budget Resolution Baseline over the next five years.

In order to meet the Bipartisan Budget Agreement's discretionary spending limits, savings will be required from programs in this function. These savings will be determined by the Appropriations Committees.

Following are examples of possible reductions. The President's Budget proposes to operate a group of programs over the next five years at a level of resources generally frozen at the 1997 level, including direct rural multifamily housing loans and associated administrative expenses (actually a 4.5 percent reduction in 1998 compared to 1997), SBA business loans and salaries and expenses, payment for postal subsidies, FHA multifamily housing loan insurance, and salaries and expenses for the International Trade Administration (ITA), salaries and expenses at NIST, the Census Bureau, and the Federal Communications Commission.

Mandatory spending—The apparent increase in BA and outlays from 1997 to 2002 in the Senate amendment (an $11 billion BA change and a $22.4 billion outlay change) stems not from new policies but from baseline increases in the mandatory programs in this function. The primary component of the baseline increase is the Universal Service Fund, into which telecommunications carriers are required to pay amounts to cover the cost of guaranteeing certain levels of service in rural and high cost areas. These amounts appear as federal revenues on the tax side of the budget, with corresponding spending appearing in this budget function. While the fund has no net impact on the budget, the BA and outlays for the fund grow from $1 billion in 1997 to $12.2 billion in 2002, swamping any changes in other mandatory activities in this function.

The Treasury pays the Postal Service about $30 million annually for obligations incurred by the federal government before the Postal Service was reorganized and placed off-budget in 1971. The Bipartisan Budget Agreement provides for an end to these payments, with the costs shifting to postal rate payers and save the Treasury $0.1 billion over the next five years.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 400: TRANSPORTATION

Major programs in function

Function 400 includes ground transportation programs, such as the federal-aid highway program, mass transit operating and capital assistance, rail transportation through AMTRAK and other rail programs; air transportation through the Federal Aviation Administration (FAA) Airport Improvement Program (AIP), aviation facilities and equipment programs, and operation of the air traffic control system; water transportation through the Coast Guard and the Maritime Administration; and related transportation support activities.

House resolution

Function 400: Transportation

[in millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget Authority	43,869	46,402	46,556	47,114	48,135	49,184
Outlays	39,544	40,933	41,256	41,357	41,303	41,247

The House resolution assumes budget authority of $46.4 billion for fiscal year 1998, $49.2 billion for fiscal year 2002, and $237.4 billion for the 5-year period of fiscal years 1998–2002. The House resolution assumes outlays of $40.9 billion for fiscal year 1998, $41.2 billion for fiscal year 2002, and $206.1 billion for the 5-year period of fiscal years 1998–2002.

The House resolution assumes budget authority for discretionary programs of $13.6 billion for fiscal year 1998, $15.3 billion for fiscal year 2002, and $73.7 billion for the 5-year period of fiscal years 1998–2002. The House resolution assumes outlays of $38.3 billion for fiscal year 1998, $39.4 billion for fiscal year 2002, and $195.3 billion for the 5-year period of fiscal years 1998–2002.

In mandatory spending, the House resolution assumes the permanent extension of vessel tonnage fees.

Senate amendment

Discretionary spending.—Discretionary spending in this function is a priority in the Bipartisan Budget Agreement. Discretionary spending in 1998 for Function 400 would decrease by $1.1 billion in BA, while outlays would increase by $0.6 billion from the Budget Resolution baseline, resulting in total 1998 spending of $13.6 billion in BA and $38.3 billion in outlays. Over the five year period, total discretionary spending would decrease by $4.1 billion in BA and $2.3 billion in outlays by 2002 below the Budget Resolution baseline.

The Senate amendment assumes spending of all estimated Highway Trust Fund tax receipts between 1998 and 2002. Yearly allocations of Highway Trust Fund spending would be equal to the current estimates of tax receipts to the Highway Trust Fund, with a one-year delay. The proposal would increase total highway spending from its current level of $20.8 billion to $23.1 billion in 2002.

The Senate amendment assumes the Budget Resolution baseline for FAA Operations, Facilities and Equipment, and Research, Engineering, and Development programs. The Senate amendment would provide for these programs to grow from their 1997 level of $7.1 billion to $8.3 billion in 2002. The Senate amendment also assumes a freeze in the Airport Improvement Program (AIP), through 2002, at its current level of $1.46 billion. The President's budget had provided for AIP to be reduced to $1.0 billion in 1998 and frozen at this figure through 2002.

The Senate amendment assumes the Budget Resolution baseline for the Federal Transit Administration (FTA). This assumption would allow for total mass transit outlays to rise from their current level of $4.3 billion to $4.5 billion in 2002.

The Senate amendment assumes the Budget Resolution baseline for Amtrak. This proposal would allow Amtrak spending to rise from its current level of $0.8 billion to $0.9 billion in 2002.

In order to meet the Bipartisan Budget Agreement's discretionary spending limits, savings will be required from programs in this function. These savings will be determined by the Appropriations Committee.

Examples of possible reductions include: (1) The Department of Transportation Office of the Secretary accounts, maritime, and NASA Function 400 aeronautical facilities. (2) Coast Guard. Spending could be reduced by $0.8 billion over the five year period below the Budget Resolution baseline. Most of this reduction is from the President's proposal to freeze Coast Guard operations at $2.4 billion from 1998 through 2002.

Mandatory spending.—The Senate amendment provides for an increase in contract authority for highways, highway safety, and mass transit above the levels provided in 1997. Total highway and highway safety contract authority would rise from its current level of $22.6 billion to $25.1 billion in 2002. For mass transit, the Senate amendment would increase contract authority from its current level of $4.8 billion to $5.5 billion in 2002.

The Bipartisan Budget Agreement assumes an extension of these fees, set to expire September 30, 1998, raising $0.2 billion over 1999–2002.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 450: COMMUNITY AND REGIONAL DEVELOPMENT

Major programs in function

This function includes funding for community and regional development and disaster relief. The major programs are administered through a variety of agencies including the Department of Housing and Urban Development (HUD), Appalachian Regional Commission (ARC), Tennessee Valley Authority (TVA), Economic Development Administration (EDA), Bureau of Indian Affairs (BIA), Federal Emergency Management Agency (FEMA), and the Department of Agriculture (USDA).

House resolution

FUNCTION 450: COMMUNITY AND REGIONAL DEVELOPMENT

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget Authority	10,199	8,768	8,489	7,810	7,764	7,790
Outlays	12,137	10,387	10,902	10,986	11,350	8,429

The House resolution assumes $8.8 billion in budget authority [BA] and $10.4 billion in outlays for fiscal year 1998. Over the 5-year period, 1998 through 2002, the House resolution assumes $40.6 billion in BA and $52.1 in outlays.

The House resolution assumes $8.3 billion in discretionary budget authority [BA] and $10.0 billion in outlays in fiscal year 1998. Over the 5-year period, it assumes $39.1 in BA and $51.6 in outlays. The resolution assumes the Community Development Financial Institution [CDFI] Fund as a domestic discretionary priority, as defined in the Bipartisan Budget Agreement.

The House resolution makes no assumptions concerning mandatory spending in this function.

Senate amendment

Discretionary spending.—Discretionary spending in 1998 for this function would decrease by $1.3 billion in BA and $1.0 billion in outlays below the Budget Resolution Baseline, to $8.3 billion in BA and $10.0 billion in outlays. Over the five year period, discretionary spending would decrease to $7.6 billion in BA and $8.4 billion in outlays in 2002. The Senate amendment assumes total discretionary spending of $39.1 billion in BA and $51.6 billion in outlays over the five year period. The aggregate numbers in this function will support the overall level of spending assumed in the Budget Agreement. In order to meet those levels, specific program reductions and freezes may be required beyond the President's request.

The Senate amendment is $8.4 billion in BA and $1.0 billion in outlays below the President's 1998 request. The majority of the difference is due to the President's request of $5.8 billion for the emergency contingency fund and the President's $2.4 billion request for FEMA disaster relief. The Senate amendment does not assume the emergency contingency fund. The 1997 emergency supplemental in the Senate-passed bill and the House-reported bill includes the President's request of $2.4 billion for FEMA disaster relief, thus the Senate amendment does not assume the President's FEMA, disaster relief request of $2.4 billion in 1998. The Senate amendment does assume base non-emergency funding for FEMA disaster relief as requested by the President.

The Bipartisan Budget Agreement assumes the President's request of $125 million in BA and $63 million in outlays for the community development financial institution fund.

The Bipartisan Budget Agreement assumes the President's request of $0.8 billion for Tribal Priority Allocations, an increase of $0.1 billion over 1997. This program provides funds directly to tribes for tribal government operations and basic services such as law enforcement, child protection, education and road maintenance. Funding is also included in functions 300 and 500.

In order to meet the Bipartisan Budget Agreement's discretionary spending limits, savings will be required from programs in this function. These savings will be determined by the Appropriation Committees.

Examples of possible reductions include the following: (1) Community Development Block Grants (CDBG): The President's budget proposes $4.6 billion in BA and $4.7 billion in outlays, a decrease of $115 million in BA below the Budget Resolution Baseline and is essentially at a freeze in outlays. (2) Appalachian Regional Commission: The President's budget proposes $165 million in BA and $185 million in outlays, an increase of $5 million above 1997 in BA and a decrease of $9 million in outlays below 1997. In 1999 through 2002, the President's budget proposes $70 million per year.

Mandatory spending.—The Senate amendment assumes no changes in mandatory programs in this function.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 500: EDUCATION, TRAINING, EMPLOYMENT & SOCIAL SERVICES

Major programs in function

This function includes those activities designed to promote the acquiring of knowledge and skills, to provide social services for needy individuals, and for research directly related to these program areas. In general, the activities funded by this function are administered through the Departments of Labor, Health and Human Services, and Education.

House resolution

FUNCTION 500: EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget Authority	54,199	60,020	60,450	61,703	62,959	63,339
Outlays	50,466	56,062	59,335	60,728	61,931	62,316

The House resolution provides $60.0 billion in budget authority for function 500 in fiscal year 1998 and $56.1 billion in outlays. Over 5 years, the resolution provides $308.5 billion in budget authority and $300.4 billion in outlays.

For discretionary programs in fiscal year 1998, this House resolution assumes $46.7 billion in budget authority [BA] and $43.2 billion in outlays. Over 5 years, it assumes $239.3 billion in BA and $232.7 billion in outlays.

The resolution assumes funding levels sufficient to meet the education priorities of Congress and the President. Among these priorities are Education Reform—including the Technology Literacy Challenge Fund—Bilingual and Immigrant Education, Pell Grant ($300 increase in 1998 maximum award amount to $3,000), child literacy initiatives consistent with the goals and the concepts of the President's America Reads Program, Head Start and Training and Employment Services—including Job Corps.

The largest mandatory program in Function 500 is the student loan program. The House resolution assumes savings of $1.8 billion in student loans by reducing excess guaranty agency reserves in the guaranteed loan program and reducing administrative costs in the direct loan program. Students will not be affected by these changes. The same number of loans will be available to students at no additional cost to the students or their parents. The volume of student loans will grow from $27 billion in 1997 to $36 billion in 2002. The number of student loans will increase from 7,463,000 to 8,605,000.

The specific policy assumptions are as follows:

Reduce Section 458 (Direct Loan Administrative Account). The plan saves $603 million in outlays from the administration of the Direct Loan program. The proposal does not cap the direct lending.

Eliminate $10 Direct Loan Fee. The plan eliminates the $10-per-loan subsidy to schools and alternate originators participating in the direct loan program.

Reclaim Excess Guaranty Agency Reserves. This is a modified version of the President's proposal to recall excess guaranty agency reserves. This proposal would recall $1 billion and maintain 98 percent reinsurance levels for guaranty agencies. The administration's proposal would recall $2.5 billion and have the Federal Government pay 100 percent of all default claims through direct Federal payments.

Senate amendment

Discretionary spending.—Discretionary spending in this function is a priority in the Bipartisan Budget Agreement. Discretionary spending in 1998 for this function would increase by $4.3 billion in BA and $2.8 billion in outlays over the 1997 level, to $46.7 billion in BA and $43.2 billion in outlays in 1998. By 2002, discretionary spending would grow by $6.8 billion in BA and $8.2 billion in outlays over the 1997 level, for a total of $49.2 billion in BA and $48.6 billion in outlays in 2002. Compared to the Budget Resolution Baseline, spending in this function would increase by $9.7 billion in BA and $5.8 billion in outlays over the next five years.

In order to work toward the statutory federal goal of providing 40 percent of the national average per pupil expenditure per disabled child, the Senate amendment assumes a $5 billion increase in Special Education over the next five years.

Pell Grants are a critical form of student financial assistance in that they target students from low income families. The Bipartisan Budget Agreement supports the President's request for an additional $8.6 billion for this program over the next five years, including bringing the maximum grant from $2,700 to $3,000.

For Head Start, a program which provides pre-school programming for disadvantaged children, the Bipartisan Budget Agreement provides for the President's request which calls for an additional $2.7 billion over the next five years.

The Bipartisan Budget Agreement provides funding for literacy programs consistent with the goals and concepts of the President's America Reads program.

The Bipartisan Budget Agreement provides, as a priority item, the President's request for the Technology Literacy Challenge Fund, which will provide $946 million over the next four years for teacher training; updated computer equipment in classrooms; Internet connections; and other online learning resources. The program is scheduled to sunset in 2001.

Bipartisan Budget Agreement provides, as a priority item, $446 million increase over the next five years for Bilingual and Immigrant Education programs to help limited English-proficient students and local education agencies with large numbers of immigrant students.

The Bipartisan Budget Agreement, according to the President's Budget, provides for growth at the rate of inflation for Job Corps, which provides basic education, training, work experience, and other support through primarily residential settings.

In order to meet the Bipartisan Budget Agreement's discretionary spending limits, savings will be required from programs in this function. These savings will be determined by the Appropriation Committees.

Examples of possible reductions include the following: (1) Terminate Public Broadcasting Facilities. Funding for this program, which provides grants to noncommercial entities for the planning and construction of broadcasting facilities throughout the United States, would be terminated in the President's Budget. (2) School Improvement Programs. The President's Budget proposes to terminate the Innovative Program Strategies Grant Program. (3) Children and Families Services Programs. The President's Budget assumes reductions totaling nearly $1.4 billion over the next five years in the following programs: Community Services Block Grant, Social Services Research and Demonstration, termination of Community Services Discretionary Activities, termination of National Youth Sports, and termination of the Community Food and Nutrition program. (4) Unemployment Trust Fund and Service Operations. Appropriations for this account could be reduced by replacing federal funds through the enactment of a new alien labor certification fee that was proposed in the President's Budget.

Mandatory spending.—A significant source of mandatory funding within Function 500 includes the student loan programs. The subsidy for student loans is expected to grow from $3.9 billion in 1998 to $4.1 billion in 2002. This federal subsidy will support $28.8 billion in student loan volume in 1998, growing to $35.8 billion in 2002.

Proposed savings in student loan programs provided in the Bipartisan Budget Agreement would not increase costs, reduce benefits, or limit access to loans for students and their families. The specific policies assumed in the Bipartisan Budget Agreement are intended to achieve an equitable balance in savings between the direct student loan program and the guaranteed student loan program.

The Bipartisan Budget Agreement provides for total savings in student loan programs of $1.8 billion over the next five years. Annual budget authority levels for the Section 458 Funds for Administrative Expenses account of the Federal Direct Student Loan Program, would be reduced for a five year savings of $603 million. It would eliminate the $10 per loan federal payment to schools and alternate originators who make direct loans. Savings of $160 million over five years. This proposal would return to the federal government $1 billion in excess guarantee agency reserves which are not necessary for guarantee agencies to carry out their essential functions, saving $1 billion over five years. The Bipartisan Budget Agreement would eliminate the mandatory vocational education appropriation under the Smith-Hughes Act of 1918, as is proposed in the President's Budget, for a savings of $29 million over five years.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with a technical adjustment with respect to function spending levels. The Conferees note that the past two budget resolutions have included provisions related to the costs of originating and servicing Direct Loans as well as FFELP Loans. This conference agreement assumes current law provisions related to these programs. The Conferees believe further discussion of scorekeeping of all federal and direct guarantee programs is necessary.

FUNCTION 550: HEALTH

Major programs in function

This function covers all health spending except that for Medicare, military health, and veterans' health. The major programs include Medicaid, health benefits for federal retirees, the National Institutes of Health, the Food and Drug Administration, the Health Resources and Services Administration, the Indian Health Service, the Centers for Disease Control, and the Substance Abuse and Mental Health Services Administration.

House resolution

FUNCTION 550: HEALTH

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget Authority	125,271	137,799	144,968	154,068	163,412	172,171
Outlays	127,421	137,767	144,944	153,947	163,135	171,727

For fiscal year 1998, the House resolution assumes total function 550 budget authority [BA] of $137.8 billion and outlays of $137.8 billion. Over the 5-year period 1998–2002, it assumes budget authority of $772.4 billion and outlays or $771.5 billion.

The House resolution provides $24.9 billion in budget authority and $24.6 billion in outlays in fiscal year 1998 for the Federal Government's discretionary health programs. Over the 5-year period 1998–2002, for function 550 discretionary programs it assumes budget authority of $122.8 billion and outlays of $123.2 billion.

Under the Medicaid reform assumed in the House resolution, Medicaid outlays would be $105.3 billion in fiscal year 1998 and $604.7 billion over 5 years. There would be no per capita cap on Federal Medicaid spending. The plan calls for $13.6 billion in Federal Medicaid net savings over 5 years. Savings are derived from reduced disproportionate share hospital payments and flexibility provisions.

Key components of the Medicaid reform assumptions are the following:

Disproportionate Share Hospital Payments. Medicaid disproportionate share hospital [DSH] payments are additional payment adjustments made to hospitals serving a relatively large (disproportionate) volume of Medicaid or low-income patients. In fiscal year 1997, estimated Medicaid DSH payments are $9.8 billion. DSH payments vary greatly across the States, with some spending more than $1,000 per low-income resident, and others spending much less. This proposal would achieve Medicaid savings through DSH reform.

State Medicaid Flexibility. The plan incorporates an unprecedented increase in State Medicaid flexibility. Key elements include provisions to allow States more flexibility in managing the Medicaid program, including repeal of the Boren Amendment, converting managed care and home/community based care waiver process to State Plan Amendment, and elimination of unnecessary administrative requirements.

Net Medicaid savings include $919 million for a higher Federal Medicaid match rate for the District of Columbia; $250 million for an inflation adjustment for programs in Puerto Rico and other territories; $1.5 billion to cover increased Medicaid cost under existing law due to the shift of home health care from Part A to Part B of Medicare and due to the maintenance of the Medicare Part B premium at 25 percent; and $1.5 billion to ease the impact of increasing Medicare premiums on low-income beneficiaries.

The resolution assumes no per-capita cap limits.

Additional components of mandatory spending include the following:

Children's Health Insurance Initiatives. Under the Bipartisan Budget Agreement, Federal financial support to increase health insurance coverage for children who are uninsured will be provided. The resolution assumes that authorizing committees will draft legislation to use the Federal funds assumed in this resolution in the most cost-effective manner possible. Options for their consideration would include: (a) modifications to existing programs, such as Medicaid, including outreach activities to identify and enroll eligible children and providing 12-month continuous eligibility; and also to restore Medicaid for current disabled children losing SSI because of the new, more strict definitions of childhood eligibility; (b) a capped mandatory spending program, such as grants to the States; a combination of (a) and (b); or other approaches. The resolution assumes that $16 billion will be spent over the next 5 years to provide up to 5 million additional children with health insurance coverage by 2002. These resources will be used in the most cost-effective manner possible to expand coverage and services for low-income and uninsured children with a goal of up to 5 million currently uninsured children being served. These funds may not be used to decrease required savings.

Senate amendment

Discretionary spending.—The Senate amendment provides discretionary spending for this function in 1998 of $24.9 billion in BA and $24.6 billion in outlays. Compared to 1997, BA is $0.1 billion lower, and outlays are $0.8 billion higher. Over five years, discretionary spending in this function is $13.2 billion in BA and $10.0 billion in outlays below the Budget Resolution Baseline. Discretionary spending is $2.2 billion in BA and $1.4 billion in outlays below a five year freeze baseline. The Senate amendment assumes the National Institutes of Health will be given priority in terms of funding levels throughout the five year period.

In order to meet the Bipartisan Budget Agreement's discretionary spending limits, savings will be required in programs in this function. These savings will be determined by the Appropriations Committees. The following are examples of possible reductions.

The President's proposals to reduce funding for Health Professions and General Departmental Management; and reductions in funding for the Agency for Health Care Policy and Research.

Mandatory spending.—The Senate amendment includes net Medicaid savings of $13.6 billion over five years. Net Medicaid savings in the Senate amendment include a higher match for D.C., an inflation adjustment for programs in Puerto Rico and other territories, Part B premium interactions, and $1.5 billion to ease the impact of increasing Medicare premiums on low-income beneficiaries. The $13.6 billion in Medicaid savings do not reflect the health care investments for children's coverage, protections for legal immigrants under welfare reform, or the extension of veterans' Medicaid income protections. The Senate amendment includes savings derived from reduced disproportionate share payments and flexibility provisions. The Senate amendment includes provisions to allow States more flexibility in managing the Medicaid program, including repeal of the Boren amendment, converting current managed care and home/community-based care waivers to State Plan Amendment, and elimination of unnecessary administrative requirements.

The Senate amendment $16 billion over five years (to provide up to 5 million additional children with health insurance coverage by 2002). The funding could be used for one or both of the following, and for other possibilities if mutually agreeable: (1) Medicaid, including outreach activities to identify and enroll eligible children and providing 12-month continuous eligibility; and also to restore Medicaid for current disabled children losing SSI because of the new, more strict definition of childhood eligibility; and (2) A program of capped mandatory grants to States to finance health insurance coverage for uninsured children. The resources will be used in the most cost-effective manner possible to expand coverage and services for low-income and uninsured children with a goal of up to 5 million currently uninsured children being served.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 570: MEDICARE

Major programs in function

This function includes only the Medicare program. Medicare pays for medical services for 38.1 million senior citizens, disabled workers, and persons with end-stage renal disease. Medicare is administered by the Health Care Financing Administration, part of the Department of Health and Human Services.

House resolution

FUNCTION 570: MEDICARE

[in millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget Authority	190,792	201,620	212,073	225,540	239,636	251,548
Outlays	191,266	201,764	211,548	225,537	238,781	250,769

The House resolution assumes that spending for this function total $201.6 billion in budget authority and $201.8 billion in outlays for fiscal year 1998. The House resolution assumes that spending for this function total $1,130.4 billion in budget authority and $1,128.4 billion in outlays for fiscal years 1998–2002.

Function 570 discretionary spending consists of the administrative costs of the Medicare Part A and Part B programs. The House resolution assumes that discretionary spending for this function total $2.7 billion in budget authority and $2.7 billion in outlays for fiscal year 1998. The House resolution assumes that discretionary spending for this function total $13.4 billion in budget authority and $13.3 billion in outlays for fiscal years 1998–2002.

In accordance with the budget agreement between the administration and the congressional negotiators, this House resolution assumes the following:

Reduce projected Medicare spending by $115 billion over 5 years;

Extend the solvency of the Part A Trust Fund for at least 10 years through a combination of savings and structural reforms (including the home health reallocation);

Structural reforms will include provisions to give beneficiaries more choices among competing health plans, such as provider sponsored organizations and preferred provider organizations;

The Medicare program reforms provide beneficiaries with comparative information about their options, such as now provided Federal employees and annuitants in the FEHB program;

Maintain the Part B premium at 25 percent of program costs and phase in over 7 years the inclusion in the calculation of the Part B premium the portion cost of home health expenditures reallocated to Part B;

Reform managed care payment methodology to address geographic disparities that has limited HMO access in rural areas;

Reform payment methodology by establishing prospective payment systems for areas such as home health providers, skilled nursing facilities, and outpatient departments; and

Funding for new health benefits including: (1) expanded mammography coverage; (2) coverage for colorectal screenings; (3) coverage for diabetes self-management; and (4) higher payments to providers for preventive vaccinations to the extent it will lead to greater use by beneficiaries. Invest $4 billion over 5 years (and $20 billion over 10 years) to limit beneficiary copayments for outpatient services, unless there is a more cost-effective way to provide such services to beneficiaries as mutually agreed.

Senate amendment

Discretionary spending.—The Senate amendment assumes $2.7 billion in BA and outlays for discretionary spending in this function in 1998, which is $0.1 billion higher in BA compared to 1997 and essentially a freeze in outlays. Over five years, discretionary spending in this function is $1.5 billion in BA and $1.4 billion in outlays below the Budget Resolution Baseline and $0.4 billion in BA and outlays above a five year discretionary freeze.

Mandatory spending.—Under current law, net Medicare mandatory spending is estimated to grow from $188.6 billion in 1997 to $288.1 billion in 2002, for an average annual growth rate of 8.8 percent. On a per capita basis, spending is expected to increase from $4,949 in 1997 to $7,114 in 2002, for a 7.5 percent average annual growth rate.

The Bipartisan Budget Agreement includes a reduction of projected Medicare spending by $115 billion over five years, and by an estimated $434 billion over ten years. As well as an extension of solvency of the Part A Trust Fund for at least 10 years through a combination of savings and structural reforms (including the home health reallocation). Under the agreement, net Medicare spending will reach $248.1 billion in 2002, for an average annual growth rate of 5.6%. On a per capita basis, spending will reach $6,127 in 2002, for an average annual growth rate of 4.4%.

Structural reforms, in the Bipartisan Budget Agreement will include provisions to give beneficiaries more choices among competing private insurance options, such as provider sponsored organizations and preferred provider organizations. The Medicare program reforms will provide beneficiaries with comparative information about their options, such as now provided Federal employees and annuitants in the FEHB program. These proposals are similar to reforms sponsored by Senator Gregg, Senator Wyden, and others.

The Bipartisan Budget Agreement maintains the Part B premium permanently at 25 percent of program costs and phase in over seven years the inclusion in the calculation of the Part B premium the portion of home health expenditures reallocated to Part B. It reforms managed care payment methodology to address geographic disparities. It also reforms payment methodology by establishing prospective payment systems for areas such as home health providers, skilled nursing facilities, and outpatient departments.

Funding for new health benefits, in the Bipartisan Budget Agreement includes: (1) expanded mammography coverage; (2) coverage for colorectal screenings; (3) coverage for diabetes self-management; and (4) higher payments to providers for preventive vaccinations to the extent it will lead to greater use by beneficiaries. Invest $4 billion over five years (and $20 billion over ten years) to limit beneficiary copayments for outpatient services, unless there is a more cost-effective way to provide such services to beneficiaries as mutually agreed.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical as the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 600: INCOME SECURITY

Major programs in function

Function 600, Income Security, funds a broad range of programs including federal retirement programs, the major cash and in-kind welfare programs, housing programs and nutrition programs. These programs are administered by several agencies and departments including the Department of Health and Human Services, the Office of Personnel Management, the Social Security Administration, the Department of Housing and Urban Development and the Department of Agriculture.

House resolution

FUNCTION 600: INCOME SECURITY

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget Authority	228,802	239,032	254,090	269,566	275,145	286,945
Outlays	237,822	247,758	258,064	268,161	277,264	285,239

The House resolution assumes $239.0 billion in budget authority [BA] and $247.8 billion in outlays for fiscal year 1998. Over the 5-year period, from 1998 through 2002, the resolution assumes a total of $1.3 trillion in BA and $1.4 trillion in outlays.

The House resolution assumes that budget authority for discretionary programs will be

$32.9 billion in 1998 and total $184.7 over the next 5 years. Likewise, outlays are estimated to be $41.3 billion in 1998 and $206.2 billion over the next 5 years. Included in these figures is the assumption that the requested level in the President's budget ($89 million) is provided for Unemployment Insurance [UI] integrity activities in addition to continuing integrity activities already funded in the base UI administrative grants to obtain these savings.

The present Section 8 Housing program will require large increases in resources just to maintain the system as it is now structured. The House resolution assumes adequate funding so these obligations can be met. This will entail renewing contracts on almost two million apartments for 1998 alone. By doing so, the Federal Government will be able to continue to provide assistance to those tenants who now receive it. The nature of the problem over time worsens, and long term structural reforms are needed. The House resolution assumes the maintenance of Section 8 assisted housing units at the 1997 level. Though this will entail an increase in resources, the resolution assumes this additional funding for renewals will not be used for a net increase in subsidized apartments, except for assistance extended to tenants displaced by the demolition of a dilapidated building or for other reasons. The House resolution also anticipates reforms will be passed by the House Banking Committee allowing rents on Section 8 projects to be reduced to market levels by reducing mortgages on many of these projects. Since these projects have federally insured mortgages reducing the rents associated with subsidized apartments, mortgage restructuring is essential to avert widespread defaults. The House resolution recognizes the need to address concerns related to the tax consequences of reducing many of these mortgages. When reducing the mortgage amount, many project owners may face large tax liabilities. Also, there may be a need for reforms of the bankruptcy code related to these particular projects. The resolution assumes the necessary committees of jurisdiction will work together to produce the appropriate legislative language.

The House resolution assumes several modifications to the Personal Responsibility and Work Opportunity Act of 1996, welfare reform enacted last year by Congress and the President. It restores eligibility for Supplemental Security Income [SSI] disability and Medicaid benefits for those noncitizens who entered the United States prior to August 23, 1996, or who entered after that date but were enrolled in the program by June 1, 1997. These individuals will be eligible to receive SSI disability benefits if they are now disabled, or if they become disabled in the future. The House resolution also assumes lengthening the period during which refugees and asylees may qualify for public benefits from 5 to 7 years after attaining their immigration status. But the balanced budget plan retains the ban on noncitizen eligibility for SSI benefits for nondisabled noncitizens, and for all noncitizens who entered the country after August 23, 1996 and who were not enrolled by June 1, 1997. Under the House resolution, public benefits remain available to noncitizens who have worked in the United States and paid taxes for at least 10 years, or who are veterans of the U.S. military or dependents of veterans, in addition to persons who become naturalized citizens.

The House resolution also creates additional workfare positions within the Food Stamp Employment and Training Program for able-bodied adults subject to new work requirements in the Food Stamp law enacted last year. The plan also permits Governors to offer hardship exemptions—in addition to other waivers under existing law—to 15 percent of those individuals in their States who would otherwise lose Food Stamp benefits because of their failure to comply with the work requirement. Total costs associated with these work slots and additional benefits resulting from them and from the new 15 percent exemptions are $1.5 billion over 5 years.

Although the balanced budget plan provides additional opportunities for obtaining workfare and adds an additional opportunity for governors to waive the work requirement in certain cases, the basic structure of the work requirement enacted last year remains intact. Under the welfare reform law, able bodied adults with no child care responsibilities must work at least 20 hours per week to continue eligibility for food stamps after they have received 3 months of benefits in any 3-year period. If the individual becomes employed and then is laid off during the period, they become eligible for another 3 months worth of benefits without the required 20 hours per week of work activity. Governors may request a waiver of the requirement for persons who live in areas of high unemployment, where jobs are unavailable.

The balanced budget plan also provides $3 billion in capped mandatory spending through 2001 to the Temporary Assistance to Needy Families [TANF] block grant, allocated to States through a formula and targeted within a state to areas with poverty and unemployment rates at least 20 percent higher than the state average. A share of funds would go to cities/counties with large poverty populations commensurate with the share of long-term welfare recipients in those jurisdictions.

These amounts for low-income restorations may not be used to decrease required savings.

The balanced budget plan accepts several recommendations made by the administration to address the problem of an estimated $5 billion in annual overpayments within the Earned Income Credit. Among these recommendations are reallocating IRS resources to police the credit, creating demonstration projects in four states that will examine alternative methods for providing the credit, and requiring "due diligence" in the preparation of returns claiming the credit on the part of tax preparers. Penalties for deliberate fraud will be increased, and a greater burden of proof will be required of taxpayers claiming the credit who have had their claims denied.

Together, these reforms are estimated to generate $124 million in savings over the next 5 years.

The resolution does not assume any delay in the payment of cost-of-living adjustments. Increased agency and employee contributions to the Federal retirement system are discussed in Function 950 and Revenues.

The House resolution assumes $624 million in Trust Fund savings over 5 years by increasing the ceiling on federal administrative Trust Funds to .5 percent of total covered benefits. A total of $100 million annually in trust fund receipts would still be permitted to flow into state trust fund accounts.

The balanced budget plan also generates $763 million in savings over 5 years by conducting more benefit integrity activities within the program aimed at detecting fraudulent Unemployment Insurance claims and underpayment of Unemployment Insurance taxes.

To provide low income Americans with a chance to obtain access to housing, the Federal Government contracts with private project owners to provide affordable rental units. The project owner receives Federal assistance payments as well as rent from the tenant, which is capped at 30 percent of the tenant's income. Currently, some low-income project owners receive subsidies for their units which are in excess of the market rates for comparable buildings. By reducing the annual adjustments the project owner receives each year for these units, the Federal Government can obtain significant savings.

This proposal is an extension of current law set to expire at the end of fiscal year 1997. It would reduce the annual adjustment for projects whose rents are currently above 120 percent of the fair market rent. It would also reduce the annual adjustment for those apartments where there has been no tenant turnover. The resolution assumes these reforms should be made permanent starting in fiscal year 1999.

Senate amendment

Discretionary spending.—Discretionary spending in 1998 for this function would increase by $6.3 billion in BA and $0.4 billion in outlays over the 1997 level, to $32.9 billion in BA and $41.3 billion in outlays. Comparing 1997 levels to those in 2002 under the reported resolution, spending would increase by $13.0 billion in BA (because of the requirements of additional BA to renew expiring section 8 housing contracts in place under current law), but would decrease by $0.1 billion in outlays by 2002 (baseline outlays increase by $5.2 billion from 1997 to 2002, but the Senate amendment would save $5.3 billion in 2002).

The Senate Amendment includes sufficient funding to renew all section 8 contracts that expire over the next five years, while reflecting savings from policies proposed in the President's budget, which will guarantee that all those currently receiving assistance (or waiting for an existing unit to become available) will continue to receive such assistance.

The Senate amendment assumes that basic administrative funds are frozen, but that additional funds will be available for payment integrity and anti-fraud actions. The additional payment integrity activities would generate $763 million in entitlement unemployment insurance savings. This policy is part of the President's 1998 Budget and saves an additional $1.6 billion in discretionary costs.

The aggregate numbers in this function will support the overall level of spending assumed in the Bipartisan Budget Agreement. In order to meet the Bipartisan Budget Agreement's discretionary spending limits, savings will be required from programs in this function. These savings will be determined by the Appropriation Committees.

Examples of possible reductions include the following: (1) Public housing funds and other housing programs. The President's Budget would freeze at the 1997 appropriation level the funding for public housing. The public housing reauthorization changes expected to be passed by the Congress would facilitate the operation of public housing programs in a freeze environment. (2) Housing preservation. The President's Budget would end funding for housing preservation. (3) Other housing programs. The President's Budget would reduce funding below baseline levels for the HOME program, housing for special populations, revitalization of distressed public housing, HUD salaries and expenses, homeless assistance grants, drug elimination grants, very low income repair grants, mutual self-help grants, and rural

housing preservation grants. (4) Food Program Administration. The costs of federal administration of food programs—food stamps, child nutrition—would be frozen at the 1997 level. These costs can be frozen since most food assistance program caseloads have declined over the past three years, and actual spending on entitlement nutrition program in 1997 will be lower than 1996 spending. This proposal is part of the President's Budget and would save $62 million over five years. (5) Railroad Retirement. The President's proposals for Railroad Retirement Board administrative expenses and for windfall benefit funding would yield savings relative to the Budget Resolution Baseline of $0.4 billion in BA and outlays over the next five years. The windfall benefit funding in the President's budget is not a cut in benefits but an adjustment to the baseline reflecting the natural decline in the number of eligible beneficiaries for this closed-group benefit.

Mandatory spending.—Of total spending in this function for 1997, $197.0 billion (or 83 percent) is spent on mandatory programs. Six programs account for $165.9 billion in outlays in this function—$90.9 billion funds the major cash and in-kind means tested programs of Food Stamps, Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF) and outlays for the Earned Income Tax Credit (EITC). The balance of mandatory outlays, $75.0 billion is spent on federal retirement programs and $24.5 billion is spent on unemployment insurance.

The Bipartisan Budget Agreement restores SSI and Medicaid eligibility for all disabled legal immigrants who are or become disabled and who entered the U.S. prior to August 23, 1996. Those disabled legal immigrants who entered after the August 22, 1996, and are on the rolls before June 1, 1997 shall not be removed. This policy will cost $9.4 billion which includes $1.6 billion in Medicaid costs found in function 550.

The welfare reform bill exempted refugees and asylees from the ban on government assistance for five years. The agreement extends the refugee and asylee exemption from five years to seven years. This policy costs $300 million over five years.

The Bipartisan Budget Agreement $750 million in new capped mandatory funding to create additional work slots for individuals subject to the time limits. In addition, existing food stamps employment and training funds will be redirected to fund work slots. The agreement also allows states to exempt up to 15 percent of the individuals who would lose benefits because of the time limits (beyond current waiver policy) at a cost of $500 million over five years.

The Bipartisan Budget Agreement adds $3 billion over the next four years to the Temporary Assistance for Needy Families (TANF) block grant. These additional funds will be distributed through a formula and targeted to areas with poverty and unemployment at least 20 percent higher than the state average. A share of the funds would go to cities/counties with large poverty populations commensurate with the share of long-term welfare recipients in those jurisdictions.

The Bipartisan Budget Agreement increases the ceilings of the Federal FUTA-funded accounts in the Unemployment Trust Fund to increase solvency. This policy saves $624 million over five years.

The Bipartisan Budget Agreement includes savings from several compliance initiatives concurrent with an IRS study finding a 23 percent error rate. Other mutually acceptable EITC reforms targeted to reducing non-compliance and fraud may also be considered. The savings from the President's initiatives are approximately $124 million over five years.

The Senate amendment assumes continuation of proposals in the President's Budget to limit certain automatic increases in payments made to section 8 landlords from 1999–2002.

The Bipartisan Budget Agreement assumes the President's proposal of a 1.51 percent increase in federal agency contributions for all employees in the Civil Service Retirement System (CSRS), excluding the Postal Service, for a savings of $2.9 billion (shown in Function 950, Undistributed Offsetting Receipts).

The Bipartisan Budget Agreement assumes the President's proposal for a 0.5 percentage point increase in the federal employee's current retirement contribution rate. Rates for employees in the Civil Service Retirement System (CSRS) will increase from 7 percent to 7.5 percent, and rates for employees in the Federal Employees Retirement System (FERS) will increase from 0.8 to 1.3 percent, both on a phased-in basis beginning in 1999, according to the following schedule: 0.25 percent in 1999, 0.15 percent in 2000, and 0.10 percent in 2001. Total savings would amount to $1.8 billion (shown in Revenues).

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 650: SOCIAL SECURITY

Major programs in function

This function includes only Social Security old age, survivors, and disability insurance (OASDI). Benefits are paid from the Social Security trust funds and financed primarily with payroll taxes. For purposes of the Budget Enforcement Act, the Social Security trust funds are off-budget. However, the administrative expenses of the Social Security Administration (SSA) are on-budget and remain within the caps on discretionary spending.

House resolution

FUNCTION 650: SOCIAL SECURITY

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget Authority	363,175	380,781	399,389	419,400	440,113	463,505
Outlays	366,405	384,102	402,811	422,770	443,893	466,786

The House resolution assumes no changes in Social Security benefits.

Senate amendment

Discretionary spending.—The Senate amendment provides discretionary spending in 1998 for this function at $3.3 billion in BA and $3.4 billion in outlays, which is $0.2 billion below the 1997 level for BA and $0.1 billion lower for outlays. Over the five year period, discretionary spending is $3.2 billion in BA and $2.8 billion in outlays below the Budget Resolution Baseline and $1.4 billion in BA and $1.0 billion in outlays below a freeze baseline.

MANDATORY SPENDING. The Senate amendment assumes no changes from current law for mandatory spending in this function.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 700: VETERAN AFFAIRS

Major programs in function

Function 700 funds the Department of Veteran Affairs which oversees programs for veterans of the armed forces. Compensation, pension and life insurance programs address the income security needs of disabled and indigent veterans as well as their survivors. Major education, training and rehabilitation and readjustment programs include the Montgomery GI bill, Veterans Educational Assistance program and the Vocational Rehabilitation and Counseling program. Veterans are also eligible for guaranteed home and farm loans. Roughly half of all spending on veterans goes to the Veterans Health Administration which comprises over 700 hospitals, nursing homes, domiciliaries and outpatient clinics.

House resolution

FUNCTION 700: VETERANS' BENEFITS AND SERVICES

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget Authority	39,125	40,545	41,466	41,740	42,093	42,282
Outlays	39,445	41,337	41,700	41,908	42,215	42,436

The VA administers a vast health care system for veterans who meet certain eligibility criteria. Care is provided largely in facilities owned and operated by the VA. In 1996, the VA-operated facilities included 173 medical centers, 130 nursing home care units, 375 outpatient clinics, and 39 domiciliaries. In recent years, about 2.8 million veterans used the VA health care system, representing just over 10 percent of the total veteran population.

The VA pays monthly cash benefits to veterans who have service-connected disabilities. The basic amounts of compensation paid are based on percentage-of-disability rating (multiples of 10 percentage points) assigned to the veteran. In fiscal year 1998, about 2.6 million veterans will receive disability compensation, with Federal obligations totaling about $16.7 billion. The VA pays monthly cash pension benefits to about 714 thousand veterans or their survivors. These pension obligations will total about $3.0 billion in fiscal year 1998.

For fiscal year 1998, the House resolution assumes total function 700 budget authority of $40.5 billion and outlays of $41.3 billion. Over the 5-year period 1998–2002, it assumes budget authority of $208.1 billion and outlays of $209.6 billion.

The House resolution assumes funding of $18.5 billion in budget authority [BA] and $19.3 billion in outlays in fiscal year 1998 for the Federal Government's discretionary veteran's programs. Over the 5-year period 1998–2002, for Function 700 discretionary programs it assumes budget authority of $91.4 billion and outlays of $92.2 billion.

In addition to these sums, under the Bipartisan Budget Agreement, VA medical care will be able to retain third party insurance and user fees to partially offset the cost of care provided in VA facilities, CBO estimates that this will supplement budget authority by $604 million for fiscal year 1998.

The House resolution assumes funding of $22.1 billion in budget authority and $22.1 billion in outlays in fiscal year 1998 for the Federal Government's mandatory veteran's programs. Over the 5-year period 1998–2002, for

Function 700 mandatory programs it assumes budget authority of $116.8 billion and outlays of $117.4 billion. The following policy assumptions are made:

Round down the VA compensation cola to the nearest whole dollar;

Extend expiring provisions of current law that sunset in 1998. This assumption assumes permanently extending the following provisions of current law that will otherwise expire in 1998: income verification for pension eligibility; the pension limit for persons in Medicaid nursing homes; and the three expiring OBRA provisions of VA housing loan fees and default procedures; and

Other Provisions. The resolution also assumes the acceptance of the administration's legislative proposal to allow VA Medical Care to retain user fees and third party collections to offset the cost of care provided in VA facilities starting October 1, 1997. The resolution also assumes repeal of the prohibition on home loan debt collections, extending real estate mortgage investment conduits, and an increase in the fee for non-veterans using VA's vendee loan program.

Senate amendment

Discretionary spending.—In 1998, discretionary spending is assumed to decrease by $0.4 billion in BA but increase by $0.1 billion in outlays over the 1997 level to $18.5 billion in BA and $19.3 billion in outlays. Over the next five years, spending is assumed to decrease modestly to $18.0 billion in BA and outlays. The discretionary funding level will be augmented by converting the receipts of the Medical Care Cost Recovery fund into additional spending for the Veteran Hospital system. The shift of offsetting receipts from mandatory spending to discretionary spending has been incorporated into the Budget Committee's adjusted baseline. Over the next five years the number of veterans will continue to decline and after 1999, the over-65 veteran population will decrease.

The aggregate numbers in this function will support the overall level of spending assumed in the Budget Agreement. In order to meet the Bipartisan Budget Agreement's discretionary spending limits, savings will be required from programs in this function. These savings will be determined by the Appropriation Committees.

Examples of possible reductions include the following: (1) Medical Administration and Miscellaneous Expenditures. The President's Budget proposes $40 million in savings from freezing the Medical Administration account from the Budget Resolution Baseline. (2) Construction of Medical Facilities. Adopting the President's proposal of funding no new major construction but providing for renovations and repair of existing facilities would save about $800 million over five years compared to the baseline. (3) General Operating Expenses. Freeze General Operating Expenses (GOE) at the 1997 level. This proposal was part of the President's Budget and saves $395 million over five years from the Budget Resolution Baseline.

Mandatory spending.—Spending on mandatory veterans programs will rise by 23 percent over the next five years because of: cost-of-living increases, regulatory expansion of eligible populations, and a growing veteran population over the short term. Mandatory compensation benefits will peak in 2005 and gradually decline. Compensation and pension benefits will rise with inflation, but the overall veteran population will begin declining shortly after 2000. Starting in 1999 the over-65 veteran population will begin to decline. Finally, there have been recent administrative actions that have expanded eligibility for compensation, especially the Vietnam-era population.

A provision in both the Senate amendment and the Bipartisan Budget Agreement extends expiring provisions of OBRA 1993: Medical Care. (1) recovery of third party insurance costs, a $2 co-pay for prescription drugs and a per diem for hospital care, and (2) verification of income for medical care determination. The extensions of current law were part of the President's Budget and the 1997 budget resolution. Cumulatively the extensions add $1 billion to the Medical Care Cost Recovery fund which is transferred to discretionary spending. In addition the Senate amendment assumes savings from the mandatory administrative costs of collecting the co-pays and per diems, saving $641 million over five years.

The Senate amendment and the Bipartisan Budget Agreement extend expiring provisions of OBRA 1993: Housing Fees. Permanently extends (1) .75% home loan fee, (2) 3% fee on multiple use and (3) resale loss formula. In addition the Senate amendment and the Bipartisan Budget Agreement includes the President's proposal to charge non-veterans a fee when buying VA held properties to cover the costs of the program. In all the extended fees and new fees save $90 million over five years.

Both the Senate amendment and the Bipartisan Budget Agreement extend expiring provisions of OBRA 1993: Pension Limitation for Veterans in Medicaid Nursing Homes. Extends an expiring provision of law that limits pension benefits to $90 per month for veterans residing in Medicaid paid nursing homes. Saves $677 million over five years net of increased Medicaid costs.

The Secretary of the Veterans' Administration lacks authority to withhold compensation payments for veterans' delinquent on housing loans. The Senate amendment the Secretary to withhold a portion of VA payments for veterans delinquent on loan payments. This proposal is part of the President's Budget and the 1997 budget resolution and saves $90 million in 1998.

The Secretary has authority to bundle VA-backed mortgages into Real Estate Mortgage Investment Conduits (REMICs). REMICs are securities sold to investors which are carry the full faith and credit of the United States and command lower interest rates. The Senate amendment assumes an extension of current law indefinitely, and is part of the President's Budget and the 1997 Budget Resolution. This proposal saves $5 million per year and $25 million over five years.

Compensation and Pension beneficiaries receive annual Cost of Living Allowances which are tied to the Consumer Price Index (CPI). The Senate amendment assumes extension of current law and rounds down the COLA increase per beneficiary to the nearest whole dollar. This proposal is part of the President's Budget and the 1997 Budget Resolution. Rounding down COLA's saves $391 million over five years.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 750: ADMINISTRATION OF JUSTICE

Major programs in function

Function 750 includes funding for federal law enforcement activities, including criminal investigations by the Federal Bureau of Investigation (FBI) and the Drug Enforcement Administration (DEA), border enforcement and the control of illegal immigration by the Customs Service and Immigration and Naturalization Service (INS), as well as funding for prison construction, drug treatment, crime prevention programs and the federal Judiciary.

House resolution.

FUNCTION 750: ADMINISTRATION OF JUSTICE

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget authority	23,506	24,765	25,120	24,178	24,354	24,883
Outlays	20,744	22,609	24,476	25,240	25,901	24,879

The House resolution assumes $24.8 billion in budget authority and $22.6 billion in outlays will be provided in fiscal year 1998, and $123.3 billion in budget authority and $123.1 billion in outlays for 1998–2002. This amount assumes the Bipartisan Budget Agreement.

For discretionary programs, the House resolution assumes $24.4 billion in budget authority and $22.2 billion in outlays for fiscal year 1998, and $121.9 billion in budget authority and $121.8 billion in outlays for 1998–2002.

Included in the total discretionary funding for this function is the Violent Crime Reduction Trust Fund which, the House resolution assumes $5.500 billion in budget authority and $3.592 billion in outlays for fiscal year 1998, and $24.7 billion in budget authority and $24.6 billion in outlays for 1998–2002. The Bipartisan Budget Agreement assumes the President's level for the trust fund.

The House resolution makes no mandatory assumptions in this function.

Senate amendment.

Discretionary spending.—Discretionary spending in Function 750 Administration of Justice is a priority function in the Bipartisan Budget Agreement.

Discretionary spending in 1998 for this function would increase by $1.5 billion in BA and $1.8 in outlays over the 1997 level, to $24.4 billion in BA and $22.2 billion in outlays. Over the five year period, spending would increase to $24.7 billion in BA and $25.7 billion in outlays by 2002. The Administration of Justice function contains the Violent Crime Reduction Trust Fund programs which will expire after 2000 under current law. The Senate amendment retains current law on separate violent crime reduction trust fund caps as assumed in the agreement.

In general the Bipartisan Budget Agreement assumes continued investments in federal and state law enforcement. Ongoing programs, including general fund programs, are generally assumed to increase with inflation. Several programs including the INS, FBI, DEA and Bureau of Justice Assistance will receive funds over baseline. The Bipartisan Budget Agreement assumes major investments in additional personnel to fight illegal immigration especially along the Southwest border, increased resources to combat and adjudicate drug trafficking and violent crime, additional funding to modernize and maintain law enforcement equipment and facilities, additional resources to fight juvenile crime, and extra funding to combat acts of international and domestic terror.

The Senate amendment assumes adequate funding for federal law enforcement agencies responsible for the control of illegal immigration and drugs, especially the Customs Service, the Immigration and Naturalization Service and the Drug Enforcement Administration. There is a particular emphasis for fully funding the Southwest border initiatives, proper staffing levels including support staff, and assuring access to the latest and best technologies for fighting drugs.

This program was created by the Violent Crime Reduction Act to automate paper-bound state legal systems. The Senate amendment assumes the program is terminated once the automation goals are complete. This proposal saves roughly $100 million after from 2000 to 2002.

The state prison construction program was created with the Violent Crime Trust Fund. States currently receive $750 million per year. The Senate amendment assumes sufficient spending to achieve the prison construction program goals. This proposal saves roughly $2.3 billion from 2000 to 2002 compared to the baseline.

The COPS program provides states with seed money to hire beat policemen. The goal of the program is to pay for an additional 100,000 cops on the beat over five years. The Senate amendment provides sufficient funding to meet the goal of current law. The Senate amendment also assumes that states will continue receiving assistance from the State and Local Law Enforcement Block Grant which focuses resources on areas of high crime.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 800: GENERAL GOVERNMENT

Major programs in function

Function 800 consists of the activities of the Legislative Branch, the Executive Office of the President, U.S. Treasury fiscal operations (including the Internal Revenue Service), personnel and property management, and general purpose fiscal assistance to states, localities, and U.S. territories. For 1997 discretionary spending for Function 800 will be approximately 84 percent of total spending for the function. About 60 percent of the discretionary spending is for the Internal Revenue Service. Slightly more than half of the mandatory spending is attributed to the Treasury claims fund. The remainder is primarily payments to states, localities, and Puerto Rico.

House resolution

FUNCTION 800: GENERAL GOVERNMENT

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget authority	13,987	14,711	14,444	13,977	13,675	13,105
Outlays	13,881	13,959	14,363	14,727	14,131	13,100

The House resolution assumes $14.7 billion in total budget authority and $14.0 billion in outlays in fiscal year 1998. Over 5 years, it assumes $69.9 billion in total budget authority and $70.3 in outlays.

The House resolution assumes $12.6 billion in budget authority [BA] and $11.9 billion in outlays for discretionary programs in fiscal year 1998. Over 5 years, it assumes $59.6 billion in BA and $59.8 billion in outlays.

The House resolution assumes $2.1 billion in mandatory budget authority [BA] and $2.1 billion in mandatory outlays in fiscal year 1998. Over 5 years, it assumes $10.3 billion in mandatory budget authority [BA] and $10.5 billion in outlays. The resolution assumes unspecified asset sales of $540 million in 2002.

Senate amendment

Discretionary spending.—Discretionary spending for this function will total $59.6 billion in budget authority and $59.8 billion in outlays from 1998–2002. For 1998, spending will increase by $0.8 billion in budget authority from the 1997 level to $12.6 billion; 1998 outlays will remain constant at $11.9 billion. Compared to the Budget Resolution Baseline, the Senate amendment will save $5.7 billion in budget authority and $5.1 billion in outlays over five years.

In order to meet the Bipartisan Budget Agreement's discretionary spending limits, savings will be required from programs in this function. These savings will be determined by the Appropriation Committees. Following are examples of possible reductions.

The President has proposed aiding the District of Columbia through a plan which combines new mandatory spending, new tax breaks, and decreased discretionary spending. Mandatory spending for increased Medicaid benefits (see Function 550) would total $900 million over five years. Targeted tax breaks for the District would cost $260 million over five years (see Revenues). Finally, discretionary spending for a federal takeover of a portion of the District's justice, tax collection, and transportation responsibilities would total $2.8 billion over five years. In turn, annual payments to the District would be terminated, saving $3.9 billion over five years. Under this plan, Function 800 discretionary spending would decrease by $1.1 billion over five years compared to the Budget Resolution Baseline.

The Federal Buildings Fund is a quasi-revolving fund which charges agencies for rent and then uses the proceeds for rent, building operations, repairs, and new construction. In addition, a relatively small amount is appropriated each year to bolster this fund. The President has proposed eliminating the annual appropriation by 1999, which would save $2.0 billion over five years compared to the baseline.

The President has proposed holding the GSA, the National Archives and Records Administration, and central personnel management slightly below or at the 1997 level, which would save $362 million over five years compared to the baseline.

The President has proposed holding the Treasury's building repair and restoration appropriation, the Bureau of Public Debt, and the salaries and expenses of the Departmental Offices (which provide basic support to the Secretary of the Treasury) slightly below or at the 1997 level. This would save $269 million over five years compared to the baseline.

The majority of the remaining spending reductions in this function could come from the IRS, which will account for 60 percent of Function 800 discretionary spending in 1997. The IRS budget rose 32 percent in real terms from 1985 to 1997, and GAO has identified areas where efficiencies can be made.

Mandatory spending.—Mandatory spending for this function will total $10.5 billion from 1998–2002, $0.5 billion below the baseline. Of this total, $7.5 billion is for legal payments to harmed savings and loans institutions. Last year, the Supreme Court ruled that a 1989 federal law broke an agreement between the federal government and a savings and loan institution. Mandatory spending in this function could be offset by $0.5 billion by selling unspecified government assets.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 900: NET INTEREST

Major programs in function

Net interest is the interest paid on the Federal public debt, minus the interest income received. Function 900 is a mandatory payment, with no discretionary components.

House resolution

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2001
Budget authority	247,639	248,578	252,029	247,884	241,899	236,877
Outlays	247,639	248,578	252,029	247,884	241,899	236,877

Senate amendment

The Senate Resolution assumes the levels provided for in the Bipartisan Budget Agreement.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 920: ALLOWANCES

Conference amendment

Function 920 displays the budgetary effects of proposals or assumptions that cannot be easily distributed across other budget functions. There are no assumptions in this function.

FUNCTION 950: UNDISTRIBUTED OFFSETTING RECEIPTS

Major programs in function

Function 950 records offsetting receipts (receipts, not federal revenues or taxes, that the budget shows as offsets to spending programs) that are too large to record in other budget functions. Such receipts are either intrabudgetary (a payment from one federal agency to another, such as agency payments to the retirement trust funds) or proprietary (a payment from the public for some type of business transaction with the government). The main types of receipts recorded as "undistributed" in this function are—the payments federal agencies make to the retirement trust funds for their employees, payments made by companies for the right to explore and produce oil and gas on the Outer Continental Shelf, and payments by those who bid for the right to buy or use the public property or resources, such as the electromagnetic spectrum.

House resolution

FUNCTION 950: UNDISTRIBUTED OFFSETTING RECEIPTS

[In millions of dollars]

	1997	1998	1999	2000	2001	2002
Budget Authority	−47,436	−48,798	−44,437	−45,996	−50,008	−64,098
Outlays	−47,436	−48,798	−44,437	−45,996	−50,008	−64,098

The budget agreement calls for $26.3 billion in additional receipts through actions involving the electromagnetic spectrum.

The budget agreement assumes an increase in Federal agency contributions for the Civil Service Retirement System [CSRS] (except for the Postal Service and District of Columbia) of 1.51 percentage points effective October 1, 1997 through September 30, 2002.

Senate amendment

Mandatory spending.—The authority (provided for the first time by OBRA 93) of the Federal Communications Commission (FCC) to auction spectrum in certain instances (mutually-exclusive, subscription-based services) is about to expire (in 1998). Thus far, FCC auctions have yielded more than $20 billion in winning bids that would not have occurred using the previous methods of assigning licenses (lottery or comparative hearing). The Bipartisan Budget Agreement would extend the FCC auction authority and broaden it to include any license sought by a private business.

As assumed in the President's Budget and the 1996 and 1997 budget resolutions, the Bipartisan Budget Agreement would direct the FCC to reallocate 100 megahertz of spectrum reserved for private applications as well as 20 megahertz now used by the government to new applications and auction it. Bipartisan Budget Agreement proposes to auction a portion of channels 60–69. Because these channels will not be necessary under the current FCC plan for the transition from analog to digital television, the President's Budget proposes to auction a portion of the spectrum covered by these channels (with the balance allocated to public safety applications) for new commercial applications.

The President proposes to codify current FCC plans to reclaim surplus analog broadcast spectrum after broadcasters have migrated to new digital channels that the FCC has given broadcasters at no charge.

The President proposes to require the FCC to award new generations of toll-free vanity telephone numbers by auction.

As authorized by current law, a specific charge would be imposed on entities who receive free spectrum for the development of digital television but use it for certain other purposes.

The President's Budget proposes to increase the contribution of federal agencies to the Civil Service Retirement Trust Fund by 1.51 percentage points.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

B. REVENUES

House resolution

Under the House resolution, $1,602 billion in total revenues in 1998 will grow by 18.0 percent to $1,890 billion in 2002, totaling $288 billion over 4 years as determined by the Bipartisan Budget Agreement. Absent changes in law, revenues will grow instead by 18.7 percent.

The House resolution assumes that the cost of the tax relief package will be offset partially with revenues from excise taxes on aviation services. The Committee is aware that various options for alternative tax structures in part or all of the current aviation excise taxes are being studied. The Committee further is aware that the Committee on Ways and Means will have to determine any future tax structure. To ensure that the underlying assumptions of the House resolution are met, revenues resulting from any modification of the current aviation excise taxes should be no less than the Federal revenue that would be produced by an extension, without change, of the current taxes.

The committee's recommended baseline revenues are based on CBO's March 1997 baseline, corrected for additions to revenue to reflect increased actual fiscal year 1997 income tax collections, and assumptions on technical price measure corrections. (As explained in the section on economic assumptions, these are not legislated changes in the CPI).

The recommended revenues reflect policy changes which are a net tax cut package revenue stream, as provided by the Joint Committee on Taxation [JCT], offset by revenues from the Airport and Airway Trust Fund taxes (which include taxes on tickets, departures, cargo and fuel) in current law; a 0.5 percentage point increase in Federal employee retirement contributions phased in over three years and beginning in fiscal year 1999; and the revenue portion of Earned Income Credit compliance reforms. The last assumption is described more fully in Function 600.

Senate amendment

Federal revenues are taxes and other collections from the public that result from the government's sovereign or governmental powers. Federal revenues include individual income taxes, corporate income taxes, social insurance taxes, excise taxes, estate and gift taxes, customs duties and miscellaneous receipts (which include deposits of earnings by the Federal Reserve System, fines, penalties, fees for regulatory services, and others).

1998 Budget Resolution Revenues 1998–2002

[5-year total, $ billions]

Budget Resolution Baseline	$8,772.8
−Net Tax Cut	−85.0
+Other Provisions Affecting Revenues	+1.9
=Net Revenue Change from Baseline	−83.1
1998 Budget Resolution Revenues	8,689.6

The Bipartisan Budget Agreement assumes a net tax cut of $85 billion over the next five years and not more than $250 billion over the next ten years, to provide tax relief to American families. Under the Agreement, revenues would continue to grow, from $1,554.9 billion in 1997 to $1,890.4 billion in 2002, an increase of $335.5 billion over the five year period.

As always, the Ways and Means Committee in the House and the Finance Committee in the Senate will determine the specific amounts and structure of the tax relief package. The tax-writing committees will be required to balance the interests and desires of many parties (while protecting the interests of taxpayers generally) in crafting the tax cut within the context of the goals adopted by the Bipartisan Budget Agreement. The Agreement establishes the following guidelines for the tax package:

The level of tax cuts provide enough room for broad-based capital gains tax reductions, significant estate tax reform, a $500 per child tax credit, and expansion of IRAs;

The committees of jurisdiction shall include tax relief of roughly $35 billion over five years for post-secondary education, including a deduction and a tax credit. The tax package should be consistent with the objectives put forward in the President's HOPE scholarship and tuition tax deduction proposals to assist middle-class parents;

The House and Senate Leadership will seek to include other proposals from the President's 1998 budget (e.g. the welfare-to-work-tax credit, capital gains tax relief for home sales, enterprise zone and enterprise community proposals, brownfields legislation, foreign sales corporation (FSC) treatment of software, and tax incentives designed to spur economic growth in the District of Columbia), as well as various pending congressional tax proposals;

The tax cuts shall not cause costs to explode in the outyears;

Reforms to the Earned Income Tax Credit (EITC) or other programs designed to benefit primarily lower-income individuals, as well as revenues from extension of the Superfund tax shall not be used to offset the costs of the tax cuts; and,

The tax estimating staffs at Treasury and the Joint Committee on Taxation shall continue to consult and share information necessary to understand fully the basis of their revenue estimates and to minimize revenue estimating differences.

OTHER PROVISIONS AFFECTING REVENUES IN THE BUDGET RESOLUTION

Revenue effects of the following two assumptions are not included in the $85 billion net tax cut number.

The Agreement assumes the President's April 1997 proposed reforms to the EITC to combat fraud and noncompliance, and the President's 1998 budget proposal to increase employee contributions to CSRS and FERS by 0.5 percent of base pay in three steps. Contributions would increase by 0.25 percent of base pay on January 1, 1999, another 0.15 percent on January 1, 2000 and a final 0.10 percent on January 1, 2001. These higher contribution rates would be effective through 2002; on January 1, 2003, contribution rates would return to current law levels.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. The revenue assumptions in the conference agreement also incorporate the tax agreements spelled out in the following letters.

TAX LETTER 1

CONGRESS OF THE UNITED STATES,
Washington, DC, May 15, 1997.

The Honorable WILLIAM J. CLINTON,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We would like to take this opportunity to confirm important aspects of the Balanced Budget Agreement. It was agreed that the net tax cut shall be $85 billion through 2002 and not more than $250 billion through 2007. We believe these levels provide enough room for important reforms, including broad-based permanent capital gains tax reductions, significant death tax relief, $500 per child tax credit, and expansion of IRAs.

In the course of drafting the legislation to implement the balanced budget plan, there are some additional areas that we want to be sure the committees of jurisdiction consider. Specifically, it was agreed that the package must include tax relief of roughly $35 billion over five years for post-secondary education, including a deduction and a tax credit. We believe this package should be consistent with the objectives put forward in the HOPE scholarship and tuition tax proposals contained in the Administration's FY 1998 budget to assist middle-class parents.

Additionally, the House and Senate Leadership will seek to include various proposals in the Administration's FY 1998 budget (e.g., the welfare-to-work tax credit, capital gains tax relief for home sales, the Administration's EZ/EC proposals, brownfields legislation, FSC software, and tax incentives designed to spur economic growth in the District of Columbia), as well as various pending congressional tax proposals.

In this context, it should be noted that the tax-writing committees will be required to balance the interests and desires of many parties in crafting tax legislation within the context of the net tax reduction goals which have been adopted, while at the same time protecting the interests of taxpayers generally.

We stand to work with you toward these ends. Thank you very much for your cooperation.

Sincerely,

NEWT GINGRICH,
Speaker.
TRENT LOTT,
Senate Majority Leader.

TAX LETTER 2

CONGRESS OF THE UNITED STATES,
Washington, DC, May 15, 1997.

Mr. ERSKINE BOWLES,
Chief of Staff to the President,
The White House, Washington, DC.

DEAR MR. BOWLES: We are writing to express our desire for continued cooperation between Congressional staff and the staff of the various Administration agencies during the development of the current budget agreement.

Much of the most difficult work in connection with the budget agreement will involve the development of the revenue provisions that will satisfy the parameters of the agreement. Historically, the staff of the Joint Committee on Taxation has provided technical legal and quantitative support to the House and Senate. The Budget Act requires the use of Joint Committee on Taxation revenue estimates. Ken Kies and his staff are committed to facilitating our work on the tax provisions of this budget agreement. You can be assured that they will cooperate with Administration counterparts in receiving Administration input as they carry out their statutory responsibilities.

The revenue estimating staffs of the Joint Committee on Taxation and the Office of Tax Analysis at Treasury have a long history of cooperation and communication among analysts. It is our understanding that steps have already been taken to insure that the cooperative efforts of these two staffs will be intensified during the current budget process. It is also our understanding that the professional staffs at the Office of Tax Analysis at Treasury and the Joint Committee on Taxation will consult and share information necessary to understand fully the basis of their revenue estimates and to minimize revenue estimating differences. The proposal shall not cause costs to explode in the outyears.

Now that we have agreed upon the overall parameters of this significant agreement, an inordinate number of details concerning specific provisions must be drafted and analyzed by the JCT and the committees of jurisdiction. We look forward to working with the Administration.

Sincerely,

NEWT GINGRICH,
Speaker.
TRENT LOTT,
Senate Majority Leader.

TAX LETTER 3

CONGRESS OF THE UNITED STATES,
Washington, DC, June 4, 1997.

Hon. PETE V. DOMENICI,
Chairman, Senate Budget Committee,
Washington, DC.

Hon. JOHN R. KASICH,
Chairman, House Budget Committee,
Washington, DC.

DEAR PETE AND JOHN: Our Committees will soon begin marking up tax legislation to meet the reconciliation directives of the 1998 Budget Resolutions. We will meet the Resolution's instructions of reducing revenues by $85 billion over the five year period 1998–2002 and by no more than $20.5 billion in 2002.

Furthermore, we can assure you that, consistent with the May 15, 1997 letter from the Speaker of the House and the Majority Leader of the Senate to the President which stated, "It was agreed that the net tax cut shall be $85 billion through 2002 and not more than $250 billion through 2007," the ten year net revenue loss in the tax reconciliation bill will not exceed $250 billion.

Sincerely,

WILLIAM V. ROTH,
Chairman, Finance Committee.
BILL ARCHER,
Chairman, Ways and Means Committee.

RECONCILIATION

House resolution

The House-passed resolution includes reconciliation directives for House Committees to make changes in direct spending and revenues in two separate bills. The House resolution also effectively provides the option to include both the direct spending, revenue changes, and increases in the debt limit in the second reconciliation bill.

The House resolution include language providing the Committee on Ways and Means flexibility to submit legislation incorporating part of the children's health initiative, which was reconciled to the Committee on Commerce, as long as the combined recommendations for the children's health initiative does not exceed $2.3 billion in fiscal year 1998, $3.9 billion in fiscal year 2002, and $16 billion over five years.

Senate amendment

The Senate amendment include reconciliation directives for Senate committees to make changes in direct spending and revenues in two separate bills. The Senate adopted a unanimous consent agreement with respect to the application of Section 313(b)(1)(E) of the Budget Act (the "Byrd Rule") to allow these two bills to be combined only for the purposes of determining whether reconciliation legislation would violate the Byrd rule by causing a net increase in the deficit in the outyears. In addition, the Senate amendment includes a provision that allows the two reconciliation bills to be combined only for the purposes of determining whether these reconciliation bills would violate the Senate's pay-as-you-go rule.

The Senate amendment also includes provisions to allow flexibility on a proposed children's initiative. The balanced budget agreement included $16 billion in additional spending and other possibilities, if mutually agreeable, for a children's initiative. The Senate amendment assumes $16 billion in additional direct spending for a children's health initiative, but provides flexibility in the Senate to modify levels in the resolution for other possibilities. These modifications only can be made by the Chairman of the Budget Committee with the agreement and concurrence of the Ranking Minority Member of the Committee.

Conference agreement

The conference agreement includes the House resolution's provisions with respect to reconciliation directives to House committees and the Senate amendment's provisions with respect to reconciliation directives to Senate and House committees to implement the balanced budget agreement. The conference agreement also includes technical modifications to these provisions.

Reconciliation By House Committee—Entitlement Reforms Due June 13, 1997

[In millions of dollars]

Committee	1997 Base	1998	2002	1998 to 2002
Agriculture:				
Direct Spending	31,559	34,571	37,008	179,884
Banking & Financial Services:				
Direct Spending	−17,563	−8,435	−5,091	−32,743
Commerce:				
Direct Spending	359,601	393,533	507,150	2,259,294
Education and the Workforce:				
Direct Spending	13,581	17,222	17,673	89,528
Government Reform & Oversight:				
Direct Spending	67,339	68,975	81,896	375,722

Reconciliation By House Committee—Entitlement Reforms Due June 13, 1997—Continued

[In millions of dollars]

Committee	1997 Base	1998	2002	1998 to 2002
Deficit Reduction	0	0	621	1,829
Transportation & Infrastructure:				
Direct Spending	17,904	18,087	17,283	88,711
Veterans Affairs:				
Direct Spending	21,175	22,444	24,563	117,959
Ways & Means:				
Direct Spending	363,970	397,581	506,522	2,257,912
Revenues	1,135,408	1,172,136	1,382,679	6,358,388

Reconciliation By House Committee—Tax Relief & Miscellaneous Reforms Due June 14, 1997

[In millions of dollars]

Committee	1997 Base	1998	2002	1998 to 2002
Agriculture:				
Direct Spending	31,559	34,571	37,008	179,884
Banking and Financial Services:				
Direct Spending	−17,563	−8,435	−5,091	−32,743
Commerce:				
Direct Spending	359,601	393,533	507,150	2,259,294
Education and the Workforce:				
Direct Spending	13,581	17,222	17,673	89,528
Government Reform and Oversight:				
Direct Spending	67,339	68,975	81,896	375,722
Deficit Reduction	0	0	621	1,829
Transportation and Infrastructure:				
Direct Spending	17,904	18,087	17,283	88,711
Veterans Affairs:				
Direct Spending	21,175	22,444	24,563	117,959
Ways and Means:				
Direct Spending	363,970	397,581	506,522	2,257,912
Revenues	1,135,408	1,164,736	1,362,179	6,273,388

Reconciliation Instruction By Senate Committee

[In billions of dollars]

Committee		1998	1999	2000	2001	2002	Total
First Reconciliation:							
Agriculture, Nutrition and Forestry	OT	0.300	0.300	0.300	0.300	0.300	1.500
Banking, Housing and Urban Affairs	DR	−0.136	−0.233	−0.365	−0.422	−0.434	−1.590
Commerce, Science and Transportation	OT		−3.549	3.549	−4.549	−14.849	−26.496
Energy and Natural Resources	OT		−0.001	−0.002	−0.004	−0.006	−0.013
Finance	OT	−1.137	−12.681	−19.079	−26.838	−40.911	−100.646
Governmental Affairs	DR	−0.632	−0.839	−1.042	−1.185	−1.769	−5.467
Labor and Human Resources	OT	−0.242	−0.247	−0.158	−0.088	−0.057	−2.792
Veterans Affairs	OT	−0.247	−0.540	−0.659	−0.606	−0.681	−2.733
Total First Reconciliation	DR	−2.094	−17.790	−24.554	−33.392	−59.407	−137.237
Second Reconciliation:							
Finance	Rev	−7.400	−11.300	−22.400	−23.400	−20.500	−85.000

NOTE: OT = outlays, DR = deficit reduction, Rev = revenues.

BUDGETARY RESTRAINTS AND RULEMAKING

House resolution

Title III of the House-passed budget resolution establishes new rules and procedures for implementing the budget resolution. The House resolution establishes a reserve fund for surface transportation (section 301), a new rule for scoring proposed asset sales (section 302), an environmental reserve for the superfund program (section 303), and a separate allocation for land acquisition (section 304).

Senate amendment

Title II of the Senate amendment establishes new rules and procedures for implementing the budget resolution. Section 301 establishes limits on discretionary spending through 2002. It also establishes separate limit on defense and non-defense discretionary spending (''firewalls'') for FY 1998 and 1999. The Senate amendment provides that a future budget resolution or an appropriations measure that would cause these limits to be exceeded would be subject to a 60 vote point of order in the Senate. The enforcement of the discretionary limits beyond 1998 are dependent on the enactment of reconciliation legislation called for by the resolution.

Section 202 of the Senate amendment establishes an allowance to provide an upward adjustment to the budget authority discretionary spending limits if the Appropriations Committee approves of U.S. participation in the International Monetary Fund (IMF) New Arrangements to Borrow (NAB) and for a potential increase in the U.S. quota subscription. This additional budget authority will not increase outlays or the deficit.

Section 203 of the Senate amendment provides an allowance that effectively fences the additional funding assumed for Section 8 Housing Assistance contract renewals. The agreement creates an allowance of $9.2 billion in budget authority with an associated, but unspecified, amount of outlays to be released by the budget committees when the appropriations committees report bills that provide for renewal of Section 8 housing assistance contracts that expire in 1998. The conference agreement assumes that the amount of the allowance to be released (estimated to be $3.436 billion for outlays) will not be reduced to the extent that the appropriations and authorizing committees produce Section 8 savings that were proposed in the President's 1998 budget.

Section 204 of the Senate amendment provides an allowance to allow for additional mandatory spending for environmental programs as part of legislation to reform the Superfund program to facilitate the cleanup of hazardous waste sites.

Section 205 of the Senate amendment includes an allowance that effectively fences $700 million in funding for Federal land acquisition and exchanges.

Section 206 of the Senate amendment includes an allowance to provide adjustments to the discretionary caps and other levels in the resolution to accommodate appropriations for arrearages for international organizations, international peacekeeping, and multilateral development banks.

Sections 207, 208, and 209 of the Senate amendment includes reserve funds for an intercity passenger rail fund, mass transit programs, and highway programs. These reserve funds allow the discretionary caps and the spending levels in the resolution to be adjusted for additional spending if legislation provides sufficient offsets to ensure this spending would not increase the deficit.

Section 210 of the Senate amendment provides that the changes in title II are made under the Congress rulemaking authority and recognizes Congress constitutional right to modify these rules at any time.

Conference Agreement

Title II of the conference agreement includes the rules and procedures for implementing the budget resolution.

Section 201 of the conference agreement reflects the Senate amendment by establishing discretionary limits through 2002. These limits only apply in the Senate.

1998 BUDGET RESOLUTION CONFERENCE AGREEMENT—DISCRETIONARY CAPS

[Dollars in billions]

	1998	1999	2000	2001	2002
Defense:					
BA	269.0	271.5	275.4	281.8	289.6
OT	266.8	266.5	269.0	270.7	273.1
Nondefense:					
BA	257.9	261.5	261.8	260.2	261.5
OT	286.4	292.8	295.3	293.7	287.7
Total discretionary:					
BA	526.9	533.0	537.2	542.0	551.1

1998 BUDGET RESOLUTION CONFERENCE AGREEMENT—DISCRETIONARY CAPS—Continued

[Dollars in billions]

	1998	1999	2000	2001	2002
OT	553.3	559.3	564.3	564.4	560.8

Section 202 of the conference agreement generally reflects the Senate amendment by establishing an allowance for the International Monetary Fund (IMF) for both the Senate and the House. In the House, the IMF allowance only applies for fiscal years 1998 and 1999.

Section 203 of the conference agreement reflects the Senate amendment for an allowance for Section 8 Housing contract renewals.

Section 204 of the conference agreement reflects the House resolution's language, with modifications, for an allowance for additional mandatory spending for legislation that reforms the superfund program to facilitate the cleanup of hazardous waste sites.

Section 205 of the conference agreement reflects the House resolution's language, with modifications, for an allowance for additional spending for land acquisition.

Section 206 of the conference agreement reflects the House resolution's language, with modifications, for an allowance for arrearages for international organizations. In the House, this allowance only applies for fiscal years 1998 and 1999.

Section 207 of the conference agreement includes a reserve fund for an intercity passenger rail fund and applies to the House and Senate. Sections 207A, 208, and 209 of the conference agreement provide reserve funds in the Senate for an intercity passenger rail fund, mass transit programs, and highway programs.

Section 210 of the conference agreement incorporates the House resolution provision establishing a reserve fund for highways highway safety and transit programs in the House.

Section 211 of the conference agreement includes the House resolution's language establishing a new rule for scoring proposed asset sales.

Section 212 of the conference agreement provides general authority with respect to the application and effect of adjustments made pursuant to title II of the resolution.

Section 213 of the conference agreement adopts the Senate amendment's provisions that the provisions of title II are made under Congress rulemaking authority and Congress reserves its right to change its rules at any time.

MISCELLANEOUS BUDGET ENFORCEMENT PROVISIONS

Extension of pay-as-you-go point of order in the Senate

The Senate Conferees note that in the Fiscal Year 1996 budget resolution (H. Con. Res. 67, 104th Congress) the pay-as-you-go point of order in the Senate was extended through the end of fiscal year 2002. Consequently it was again determined that it is not necessary to include the language in the text of this year's resolution. In order to emphasize the overall goal of balancing the budget set out in the bipartisan budget agreement and this resolution and that the pay-as-you-go discipline is still in effect, the text of section 202 from H. Con. Res. 67 is provided herein:

SEC. 202. EXTENSION OF PAY-AS-YOU-GO POINT OF ORDER.

(a) PURPOSE.—The Senate declares that it is essential to—

(1) ensure continued compliance with the balanced budget plan set forth in this resolution; and

(2) continue the pay-as-you-go enforcement system.

(b) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the deficit for any one of the three applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection the term "applicable time period" means any of the three following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first five fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the five fiscal years following the first five fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) DIRECT SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term "direct spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms "direct spending legislation " and "revenue legislation" do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of the section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the deficit when taken individually, then it must also increase the deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that the direct spending or revenue effect resulting from legislation enacted pursuant to the reconciliation instructions included in that concurrent resolution on the budget shall not be available.

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(f) CONFORMING AMENDMENT.—Section 23 of House Concurrent Resolution 218 (103rd Congress) is repealed.

(g) SUNSET.—Subsections (a) through (e) of this section shall expire September 30, 2002.

Unanimous consent agreement in the Senate—regarding section 313(b)(1)(E) of the Budget Act

The Senate Conferees note that because of the two bill reconciliation process envisioned by the bipartisan budget agreement and this resolution it was necessary in the Senate to obtain the following unanimous consent agreement with respect to the application of section 313(b)(1)(E) of the Congressional Budget Act of 1974 (the Byrd Rule) to the second reconciliation bill. The purpose of the consent is to provide that when the second reconciliation bill is considered in the Senate no Byrd Rule point of order under section 313(b)(1)(E) would lie against provisions which reduce revenues in years beyond those reconciled. This unanimous consent agreement is contingent upon the Senate considering two reconciliation bills pursuant to the concurrent resolution on the budget for fiscal year 1998. The text of the agreement, which was obtained on May 21, 1997, is as follows:

Ordered, That during the consideration of legislation (and the conference report thereon), pursuant to the reconciliation instructions set forth in the concurrent resolution on the budget for fiscal year 1998, for the purposes of section 313(b)(1)(E) of the Congressional Budget Act of 1974, legislation which reduces revenues pursuant to a reconciliation instruction contained in the fiscal year 1998 resolution (the second reconciliation bill) shall be taken together with all other legislation passed in the Senate pursuant to the reconciliation instructions contained in that resolution (the first reconciliation bill) when determining whether any provision of the second reconciliation bill is extraneous: *Provided*, That this unanimous consent agreement is contingent upon the Senate considering two reconciliation bills pursuant to the concurrent resolution on the budget for fiscal year 1998.

SENSE OF THE CONGRESS, HOUSE, AND SENATE PROVISIONS

House resolution

Title IV of the House-passed budget resolution contains sense of the Congress provisions on the following subjects:

baselines;
repayment of the federal debt;
commission on long-term budgetary problems;
corporate welfare; and
family violence.

Senate amendment

Title III of the Senate amendment contains sense of the Senate and other provisions on the following subjects:

long-term entitlement reforms;
tactical fighter aircraft programs;
children's health coverage;
medicaid per capita cap;
dedication of additional savings to deficit reduction;
fairness in medicare;
assistance to Lithuania and Latvia;
national commission on higher education;
medicare lockbox;
earned income credit;
repayment of the federal debt;
long-term entitlement reforms;
disaster assistance funding;

enforcement of the bipartisan budget agreement;
national institutes of health;
elderly legal aliens;
retroactive taxes;
social security and balancing the budget;
veterans programs and benefits;
family violence;
tax cuts;
amtrak;
children's health;
gasoline taxes and the highway trust fund;
early childhood education;
highway trust fund and the budget;
airport and airway trust fund and the budget;
military retirement trust funds and the budget;
civil service trust funds and the budget;
unemployment trust funds and the budget;
highway trust fund;
tax incentives for post-secondary education;
additional tax cuts;
spectrum auctions;
highway demonstration projects;
budget savings;
social security and future retirees;
economic growth dividend;
reserve fund for early childhood development;
law enforcement; and
prevention of drug use by children.

Conference agreement

Subtitle A of the conference agreement expresses the sense of the Congress on the following subjects:
repayment of the federal debt, and
tax cut shall not exceed $250 billion over ten years.

Subtitle B of the conference agreement contains sense of the House provisions on the following subjects:
commission on long-term budgetary problems;
corporate welfare;
baselines; and
family violence.

Subtitle C of the conference agreement contains sense of the Senate provisions on the following subjects:
long-term entitlement reforms;
tactical fighter aircraft programs;
children's health coverage;
medicaid per capita cap;
dedication of additional savings to deficit reduction;
fairness in medicare;
assistance to Lithuania and Latvia;
national commission on higher education;
medicare lockbox;
earned income credit;
repayment of the federal debt;
long-term entitlement reforms;
disaster assistance funding;
enforcement of the bipartisan budget agreement;
national institutes of health;
elderly legal aliens;
retroactive taxes;
social security and balancing the budget;
veterans programs and benefits;
family violence;
tax cuts;
amtrak;
children's health;
gasoline taxes and the highway trust fund;
early childhood education;
highway trust fund;
tax incentives for post-secondary education;
additional tax cuts;
spectrum auctions;
highway demonstration projects;
budget savings;
social security and future retirees;
economic growth dividend;
law enforcement;
prevention of drug use by children.

ALLOCATIONS

As required in sections 302 and 602 of the Budget Act, the joint statement of the managers includes an allocation, based upon the conference report, of the levels of total budget authority, total budget outlays, and—in the House only—total entitlement authority, among each of the appropriate House and Senate committees.

As required under sections 302 and 602, the allocations are divided between mandatory and otherwise uncontrollable amounts and discretionary or otherwise controllable amounts.

The allocations for each House consist of a set of two tables for the House and Senate. The first set of tables shows the allocation for the budget year, fiscal year 1998. For the House, the amount allocated to each committee is broken down by budget function. The second set of tables shows the amounts allocated for the totals of the budget year and the four succeeding planning years. These allocations serve as the basis for congressional enforcement of the budget resolution through points of order under the Budget Act.

The allocations are as follows:

Allocation of Spending Responsibility to House Committees Pursuant to Sections 302(a)/602(a) or the Congressional Budget Act
(by fiscal year, in millions of dollars)

	1998	1999	2000	2001	2002	1998 to 2002
Appropriations Committee						
Current Level						
Budget Authority	274,392	304,803	330,585	342,433	373,040	1,625,253
Outlays	276,420	297,566	324,972	334,475	366,766	1,600,199
Discretionary Action						
General Purpose						
Defense						
Budget Authority	269,000	271,500	275,367	281,847	289,610	1,387,324
Outlays	266,823	266,518	268,995	270,663	273,100	1,346,099
Nondefense						
Budget Authority	242,457	255,699	257,326	255,785	256,964	1,268,231
Outlays	279,117	287,850	289,716	287,752	283,169	1,427,604
Subtotal						
Budget Authority	511,457	527,199	532,693	537,632	546,574	2,655,555
Outlays	545,940	554,368	558,711	558,415	556,269	2,773,703
Violent Crime Reduction Trust Fund						
Budget Authority	5,500	5,800	4,500	4,400	4,500	24,700
Outlays	3,592	4,953	5,554	591	4,530	19,220
Total Discretionary Action						
Budget Authority	516,957	532,999	537,193	542,032	551,074	2,680,255
Outlays	549,532	559,321	564,265	559,006	560,799	2,792,923
Discretionary Action By Other Committees						
Budget Authority	7,860	7,702	7,634	7,269	5,389	35,854
Outlays	7,512	7,300	3,355	11,376	5,309	34,852
Committee Total						
Budget Authority	799,209	845,504	875,412	891,734	929,503	4,341,362
Outlays	833,464	864,187	892,592	904,857	932,874	4,427,974
Agriculture Committee						
Current Level (Enacted Law)						
Budget Authority	9,824	9,646	9,113	7,852	7,559	43,994
Outlays	7,512	7,136	6,663	5,474	5,111	31,896
National Security Committee						
Current Level (Enacted Law)						
Budget Authority	48,155	50,016	51,885	53,779	55,740	259,575
Outlays	48,005	49,864	51,761	53,660	55,625	258,915
Banking and Financial Services Committee						
Current Level (Enacted Law)						
Budget Authority	4,406	5,049	5,645	5,790	5,979	26,869
Outlays	-3,067	-1,654	149	868	1,289	-2,415
Discretionary Action						
Budget Authority	-136	-145	-147	-128	-110	-666
Outlays	-136	-233	-365	-422	-434	-1,590
Committee Total						
Budget Authority	4,270	4,904	5,498	5,662	5,869	26,203
Outlays	-3,203	-1,887	-216	446	855	-4,005

	1998	1999	2000	2001	2002	1998 to 2002
Economic Opportunity Committee						
Current Level (Enacted Law)						
Budget Authority	4,102	3,761	3,566	3,622	3,741	18,792
Outlays	3,508	3,450	3,291	3,275	3,367	16,891
Discretionary Action						
Budget Authority	-248	-247	-158	-88	-1,057	-1,798
Outlays	-242	-247	-158	-88	-1,057	-1,792
Committee Total						
Budget Authority	3,854	3,514	3,408	3,534	2,684	16,994
Outlays	3,266	3,203	3,133	3,187	2,310	15,099
New Entitlement Authority	1,726	2,544	2,776	2,871	2,970	12,887
Commerce Committee						
Current Level (Enacted Law)						
Budget Authority	2,729	6,329	9,120	12,112	12,802	43,092
Outlays	2,732	6,331	9,121	12,113	12,802	43,099
Discretionary Action						
Budget Authority	0	-3,501	-3,502	-4,504	-14,806	-26,313
Outlays	0	-3,501	-3,502	-4,504	-14,806	-26,313
Committee Total						
Budget Authority	2,729	2,828	5,618	7,608	-2,004	16,779
Outlays	2,732	2,830	5,619	7,609	-2,004	16,786
New Entitlement Authority	2,463	1,229	849	99	-2,265	2,375
International Relations Committee						
Current Level (Enacted Law)						
Budget Authority	13,142	11,676	11,284	11,506	11,647	59,255
Outlays	12,952	12,527	11,931	11,774	11,758	60,942
Government Reform and Oversight Committee						
Current Level (Enacted Law)						
Budget Authority	56,916	59,155	61,544	64,095	66,878	308,588
Outlays	55,822	57,745	59,920	62,393	65,069	300,949
Discretionary Action						
Budget Authority	-632	-625	-619	-614	-608	-3,098
Outlays	-632	-625	-619	-614	-608	-3,098
Committee Total						
Budget Authority	56,284	58,530	60,925	63,481	66,270	305,490
Outlays	55,190	57,120	59,301	61,779	64,461	297,851
Oversight Committee						
Current Level (Enacted Law)						
Budget Authority	93	97	94	93	94	471
Outlays	27	64	247	81	25	444

	1998	1999	2000	2001	2002	1998 to 2002
Public Lands and Resources Committee						
Current Level (Enacted Law)						
Budget Authority	2,252	2,328	2,337	2,346	2,389	11,652
Outlays	2,152	2,334	2,339	2,315	2,313	11,453
Judiciary Committee						
Current Level (Enacted Law)						
Budget Authority	4,084	4,162	4,278	4,373	4,456	21,353
Outlays	4,142	4,015	4,130	4,236	4,279	20,802
Discretionary Action						
Budget Authority	146	183	188	193	198	908
Outlays	177	214	219	223	230	1,063
Committee Total						
Budget Authority	4,230	4,345	4,466	4,566	4,654	22,261
Outlays	4,319	4,229	4,349	4,459	4,509	21,865
Transportation and Infrastructure Committee						
Current Level (Enacted Law)						
Budget Authority	18,040	15,883	16,051	16,197	16,387	82,558
Outlays	17,350	16,906	16,613	16,470	16,457	83,796
Discretionary Action						
Budget Authority	29,695	30,732	31,442	32,149	32,338	156,356
Outlays	65	243	398	490	13	1,209
Committee Total						
Budget Authority	47,735	46,615	47,493	48,346	48,725	238,914
Outlays	17,415	17,149	17,011	16,960	16,470	85,005
Science Committee						
Current Level (Enacted Law)						
Budget Authority	39	32	32	32	32	167
Outlays	36	36	36	33	32	173
Small Business Committee						
Current Level (Enacted Law)						
Budget Authority	250	0	0	0	0	250
Outlays	-100	-263	-142	-110	-84	-699
Veterans' Affairs Committee						
Current Level (Enacted Law)						
Budget Authority	1,358	1,291	1,264	1,196	1,107	6,216
Outlays	1,440	1,456	1,431	1,409	1,373	7,109
Discretionary Action						
Budget Authority	-224	-356	-360	-362	-363	-1,665
Outlays	-224	-356	-360	-362	-363	-1,665
Committee Total						
Budget Authority	1,134	935	904	834	744	4,551
Outlays	1,216	1,100	1,071	1,047	1,010	5,444
New Entitlement Authority	327	656	-575	3,269	2,096	5,773

	1998	1999	2000	2001	2002	1998 to 2002
Ways and Means Committee						
Current Level (Enacted Law)						
Budget Authority	672,255	705,953	730,987	755,233	782,020	3,646,448
Outlays	671,092	704,498	734,175	749,280	780,125	3,639,170
Discretionary Action						
Budget Authority	-5,918	-16,268	-22,088	-28,799	-40,873	-113,146
Outlays	-5,918	-16,268	-26,065	-24,822	-40,076	-113,149
Committee Total						
Budget Authority	666,337	689,685	708,899	726,434	741,947	3,533,302
Outlays	665,174	688,230	708,110	724,458	740,049	3,526,021
New Entitlement Authority	400	390	-1,007	1,550	270	1,603
Unassigned to Committee						
Current Level (Enacted Law)						
Budget Authority	-282,798	-290,579	-300,987	-307,621	-324,262	-1,506,247
Outlays	-281,687	-283,783	-295,024	-302,733	-319,423	-1,482,650
Discretionary Action						
Budget Authority	9,961	24	19	14	9	10,027
Outlays	3,797	24	19	14	9	3,863
Committee Total						
Budget Authority	-272,837	-290,555	-300,968	-307,607	-324,253	-1,496,220
Outlays	-277,890	-283,759	-295,005	-302,719	-319,414	-1,478,787
Total Current Level						
Budget Authority	829,239	889,602	936,798	973,038	1,019,609	4,648,286
Outlays	818,336	878,228	931,613	955,013	1,006,884	4,590,074
Total Discretionary Action						
Budget Authority	557,461	550,498	549,602	547,162	531,991	2,736,714
Outlays	553,664	545,872	537,187	545,687	509,016	2,691,426
Grand Totals						
Budget Authority	1,386,700	1,440,100	1,486,400	1,520,200	1,551,600	7,385,000
Outlays	1,372,000	1,424,100	1,468,800	1,500,700	1,515,900	7,281,500
Total New Entitlement Authority	4,916	4,819	2,043	7,789	3,071	22,638

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES
PURSUANT TO SEC. 602(A) OF THE CONGRESSIONAL BUDGET ACT
(IN MILLIONS OF DOLLARS)

HOUSE APPROPRIATIONS COMMITTEE

FISCAL YEAR: 1998

		BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)				
050	NATIONAL DEFENSE	197	197	0
150	INTERNATIONAL AFFAIRS	174	174	0
300	NATURAL RESOURCES AND ENVIRONMENT	68	109	0
350	AGRICULTURE	2,370	1,709	0
370	COMMERCE AND HOUSING CREDIT	35	-1,155	0
400	TRANSPORTATION	637	634	0
500	EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES	7,029	7,777	0
550	HEALTH	109,760	109,795	0
570	MEDICARE	62,297	62,297	0
600	INCOME SECURITY	61,828	64,935	0
650	SOCIAL SECURITY	21	21	0
700	VETERANS BENEFITS AND SERVICES	20,950	20,901	0
750	ADMINISTRATION OF JUSTICE	400	393	0
800	GENERAL GOVERNMENT	8,618	8,625	0
900	NET INTEREST	8	8	0
	SUBTOTALS	274,392	276,420	0

HOUSE APPROPRIATIONS COMMITTEE

FISCAL YEAR: 1998

		BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
DISCRETIONARY APPROPRIATIONS ACTION (ASSUMED LEGISLATION)				
050	NATIONAL DEFENSE	269,000	266,823	0
150	INTERNATIONAL AFFAIRS	19,038	19,179	0
250	GENERAL SCIENCE, SPACE, AND TECHNOLOGY	16,199	16,847	0
270	ENERGY	4,754	5,045	0
300	NATURAL RESOURCES AND ENVIRONMENT	22,107	21,093	0
350	AGRICULTURE	4,055	4,143	0
370	COMMERCE AND HOUSING CREDIT	3,133	3,066	0
400	TRANSPORTATION	13,556	38,267	0
450	COMMUNITY AND REGIONAL DEVELOPMENT	8,288	10,044	0
500	EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES	46,721	43,185	0
550	HEALTH	24,896	24,612	0
570	MEDICARE	2,715	2,724	0
600	INCOME SECURITY	23,737	37,829	0
650	SOCIAL SECURITY	3,255	3,355	0
700	VETERANS BENEFITS AND SERVICES	18,476	19,266	0
750	ADMINISTRATION OF JUSTICE	24,405	22,170	0
800	GENERAL GOVERNMENT	12,622	11,884	0
	SUBTOTALS	516,957	549,532	0

HOUSE APPROPRIATIONS COMMITTEE

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
DISCRETIONARY ACTION BY OTHER COMMITTEES (ASSUMED ENTITLEMENT LEGISLATION)			
500 EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES	2,538	1,955	0
550 HEALTH	2,863	2,863	0
600 INCOME SECURITY	2,100	2,100	0
700 VETERANS BENEFITS AND SERVICES	359	327	0
SUBTOTALS	7,860	7,245	0
COMMITTEE TOTALS	799,209	833,197	0

House Agriculture Committee

FISCAL YEAR: 1998

		BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)				
150	INTERNATIONAL AFFAIRS	-483	-483	0
270	ENERGY	0	-1,036	0
300	NATURAL RESOURCES AND ENVIRONMENT	2,502	2,570	0
350	AGRICULTURE	7,635	6,183	7,447
370	COMMERCE AND HOUSING CREDIT	0	4	0
400	TRANSPORTATION	30	30	0
450	COMMUNITY AND REGIONAL DEVELOPMENT	27	126	0
800	GENERAL GOVERNMENT	113	118	0
900	NET INTEREST	0	0	8
	SUBTOTALS	9,824	7,512	7,455
	COMMITTEE TOTALS	9,824	7,512	7,455

House National Security Committee

FISCAL YEAR: 1998

		BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)				
050	NATIONAL DEFENSE	16,704	16,662	0
300	NATURAL RESOURCES AND ENVIRONMENT	3	3	0
400	TRANSPORTATION	-2	-22	0
500	EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES	5	3	0
600	INCOME SECURITY	31,265	31,178	0
700	VETERANS BENEFITS AND SERVICES	180	181	180
	SUBTOTALS	48,155	48,005	180
	COMMITTEE TOTALS	48,155	48,005	180

House Banking and Financial Services Committee

FISCAL YEAR: 1998

		BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)				
150	INTERNATIONAL AFFAIRS	-1,059	-2,363	0
370	COMMERCE AND HOUSING CREDIT	1,375	-4,686	0
450	COMMUNITY AND REGIONAL DEVELOPMENT	0	-147	0
600	INCOME SECURITY	46	85	0
800	GENERAL GOVERNMENT	2	2	0
900	NET INTEREST	4,042	4,042	0
	SUBTOTALS	4,406	-3,067	0

House Banking and Financial Services Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
DISCRETIONARY ACTION (ASSUMED LEGISLATION)			
370 COMMERCE AND HOUSING CREDIT	-136	-136	0
SUBTOTALS	-136	-136	0
COMMITTEE TOTALS	4,270	-3,203	0

House Committee on Education and the Workforce

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)			
500 EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES	3,957	3,365	3,288
600 INCOME SECURITY	145	143	9,866
SUBTOTALS	4,102	3,508	13,154

House Committee on Education and the Workforce

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
DISCRETIONARY ACTION (ASSUMED LEGISLATION)			
500 EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES	-248	-242	1,726
SUBTOTALS	-248	-242	1,726
COMMITTEE TOTALS	3,854	3,266	14,880

House Commerce Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)			
300 NATURAL RESOURCES AND ENVIRONMENT	31	31	0
370 COMMERCE AND HOUSING CREDIT	2,078	2,078	1,700
500 EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES	1	1	0
550 HEALTH	611	614	105,536
800 GENERAL GOVERNMENT	8	8	0
SUBTOTALS	2,729	2,732	107,236

House Commerce Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
DISCRETIONARY ACTION (ASSUMED LEGISLATION)			
550 HEALTH	0	0	2,463
S	0	0	2,463
ILTTEE TOTALS	2,729	2,732	109,699

House International Relations Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)			
150 INTERNATIONAL AFFAIRS	12,595	12,407	0
400 TRANSPORTATION	7	7	0
600 INCOME SECURITY	534	532	522
800 GENERAL GOVERNMENT	6	6	0
SUBTOTALS	13,142	12,952	522
COMMITTEE TOTALS	13,142	12,952	522

House Government Reform and Oversight Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)			
370 COMMERCE AND HOUSING CREDIT	10	9	0
[illegible] TH	0	225	4,165
[illegible]	43,850	42,532	42,532
[illegible]TRATION OF JUSTICE	50	50	50
[illegible]RAL GOVERNMENT	12,986	12,986	0
900 NET INTEREST	20	20	0
SUBTOTALS	56,916	55,822	46,747

House Government Reform and Oversight Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
DISCRETIONARY ACTION (ASSUMED LEGISLATION)			
370 COMMERCE AND HOUSING CREDIT	-35	-35	0
950 UNDISTRIBUTED OFFSETTING RECEIPTS	-597	-597	0
SUBTOTALS	-632	-632	0
COMMITTEE TOTALS	56,284	55,190	46,747

House Oversight Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)			
500 EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES	25	26	0
800 GENERAL GOVERNMENT	68	1	93
SUBTOTALS	93	27	93
COMMITTEE TOTALS	93	27	93

House Resources Committee

FISCAL YEAR: 1998

		BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)				
270	ENERGY	-44	-71	0
300	NATURAL RESOURCES AND ENVIRONMENT	929	794	27
370	COMMERCE AND HOUSING CREDIT	66	36	0
450	COMMUNITY AND REGIONAL DEVELOPMENT	445	499	0
550	HEALTH	4	4	0
800	GENERAL GOVERNMENT	852	890	182
	SUBTOTALS	2,252	2,152	209
	COMMITTEE TOTALS	2,252	2,152	209

House Judiciary Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)			
370 COMMERCE AND HOUSING CREDIT	245	273	0
600 INCOME SECURITY	62	25	24
750 ADMINISTRATION OF JUSTICE	1,659	1,726	215
800 GENERAL GOVERNMENT	2,118	2,118	17
SUBTOTALS	4,084	4,142	256

House Judiciary Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
DISCRETIONARY ACTION (ASSUMED LEGISLATION)			
750 ADMINISTRATION OF JUSTICE	146	177	0
SUBTOTALS	146	177	0
COMMITTEE TOTALS	4,230	4,319	256

House Transportation and Infrastructure Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)			
270 ENERGY	0	-104	0
300 NATURAL RESOURCES AND ENVIRONMENT	189	157	0
400 TRANSPORTATION	2,578	2,051	634
450 COMMUNITY AND REGIONAL DEVELOPMENT	5	2	0
600 INCOME SECURITY	15,270	15,246	80
800 GENERAL GOVERNMENT	-2	-2	0
SUBTOTALS	18,040	17,350	714

House Transportation and Infrastructure Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
DISCRETIONARY ACTION (ASSUMED LEGISLATION)			
400 TRANSPORTATION	29,695	65	0
SUBTOTALS	29,695	65	0
COMMITTEE TOTALS	47,735	17,415	714

House Science Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)			
250 GENERAL SCIENCE, SPACE, AND TECHNOLOGY	38	35	0
500 EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES	1	1	0
SUBTOTALS	39	36	0
COMMITTEE TOTALS	39	36	0

House Small Business Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)			
370 COMMERCE AND HOUSING CREDIT	0	-210	0
450 COMMUNITY AND REGIONAL DEVELOPMENT	250	110	0
SUBTOTALS	250	-100	0
COMMITTEE TOTALS	250	-100	0

House Veterans' Affairs Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)			
700 VETERANS BENEFITS AND SERVICES	1,358	1,440	22,196
SUBTOTALS	1,358	1,440	22,196

House Veterans' Affairs Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
DISCRETIONARY ACTION (ASSUMED LEGISLATION)			
700 VETERANS BENEFITS AND SERVICES	-224	-224	327
SUBTOTALS	-224	-224	327
COMMITTEE TOTALS	1,134	1,216	22,523

House Ways and Means Committee

FISCAL YEAR: 1998

		BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)				
500	EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES	0	0	6,935
550	HEALTH	50	39	0
570	MEDICARE	231,519	231,654	226,966
600	INCOME SECURITY	65,068	63,790	23,509
650	SOCIAL SECURITY	8,148	8,148	0
750	ADMINISTRATION OF JUSTICE	493	481	0
800	GENERAL GOVERNMENT	450	453	0
900	NET INTEREST	366,612	366,612	366,612
950	UNDISTRIBUTED OFFSETTING RECEIPTS	-85	-85	0
	SUBTOTALS	672,255	671,092	624,022

House Ways and Means Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
DISCRETIONARY ACTION (ASSUMED LEGISLATION)			
550 HEALTH	0	0	400
570 MEDICARE	-6,500	-6,500	0
600 INCOME SECURITY	582	582	0
SUBTOTALS	-5,918	-5,918	400
COMMITTEE TOTALS	666,337	665,174	624,422

UNASSIGNED

FISCAL YEAR: 1998

		BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)				
050	NATIONAL DEFENSE	-17,701	-17,682	0
150	INTERNATIONAL AFFAIRS	-14,365	-14,314	0
250	GENERAL SCIENCE, SPACE, AND TECHNOLOGY	-37	18	0
270	ENERGY	-1,610	-1,634	0
300	NATURAL RESOURCES AND ENVIRONMENT	-2,829	-2,857	0
350	AGRICULTURE	-960	-135	0
370	COMMERCE AND HOUSING CREDIT	-171	-144	0
400	TRANSPORTATION	-101	-132	0
450	COMMUNITY AND REGIONAL DEVELOPMENT	-215	-234	0
500	EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES	-29	29	0
550	HEALTH	-384	-352	0
570	MEDICARE	-88,431	-88,375	0
600	INCOME SECURITY	-14,687	-14,613	0
650	SOCIAL SECURITY	-24	-24	0
700	VETERANS BENEFITS AND SERVICES	-599	-591	0
750	ADMINISTRATION OF JUSTICE	-2,214	-2,258	0
800	GENERAL GOVERNMENT	-23,141	-23,089	0
900	NET INTEREST	-74,182	-74,182	-60,736
950	UNDISTRIBUTED OFFSETTING RECEIPTS	-41,118	-41,118	0
	SUBTOTALS	-282,798	-281,687	-60,736

UNASSIGNED

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
DISCRETIONARY ACTION (ASSUMED LEGISLATION)			
300 NATURAL RESOURCES AND ENVIRONMENT	200	200	0
750 ADMINISTRATION OF JUSTICE	-139	-139	0
SUBTOTALS	61	61	0

UNASSIGNED

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
COMMITTEE TOTALS	-282,737	-281,626	-60,736

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
TOTAL - CURRENT LEVEL:	829,239	818,336	762,048
TOTAL - DISCRETIONARY ACTION:	547,561	549,928	4,916
GRAND TOTALS:	1,376,800	1,368,264	766,964

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT BUDGET YEAR TOTAL 1998

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in an annual appropriations	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations	788,769	824,665	0	0
Appropriations (violent crime reduction trust fund)	5,500	3,592	0	0
Agriculture, Nutrition, and Forestry	10,011	7,702	8,502	8,476
Armed Services	48,152	48,022	0	0
Banking, Housing, and Urban Affairs	9,190	−3,203	0	0
Commerce, Science, and Transportation	4,922	2,202	637	634
Energy and Natural Resources	1,879	1,848	50	41
Environment and Public Works	25,637	2,915	0	0
Finance	683,053	681,872	112,893	115,429
Foreign Relations	13,135	12,945	0	0
Governmental Affairs	56,248	55,190	0	17
Judiciary	4,230	4,319	220	215
Labor and Human Resources	7,072	6,478	1,352	1,352
Rules and Administration	93	27	0	0
Veterans' Affairs	1,111	1,193	21,187	21,106
Indian Affairs	449	423	0	0
Small Business	250	−100	0	0
Unassigned to Committee	−273,037	−278,090	0	0
Total	1,386,700	1,372,000	144,841	147,270

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT 5-YEAR TOTAL: 1998–2002

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in an annual appropriations	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	44,971	32,871	70,151	46,846
Armed Services	259,560	258,993	0	0
Banking, Housing, and Urban Affairs	52,169	−4,005	0	0
Commerce, Science, and Transportation	28,448	14,339	3,534	3,516
Energy and Natural Resources	9,530	9,528	254	282
Environment and Public Works	125,266	11,398	0	0
Finance	3,607,033	3,599,663	669,226	672,800
Foreign Relations	59,220	60,907	0	0
Governmental Affairs	304,950	297,311	0	33
Judiciary	22,261	21,865	1,100	1,095
Labor and Human Resources	33,475	31,562	7,112	7,112
Rules and Administration	471	444	0	0
Veterans' Affairs	3,483	4,376	113,589	113,276
Indian Affairs	2,278	2,144	0	0
Small Business	250	−699	0	0

JOHN R. KASICH,
DAVID L. HOBSON,
JOHN M. SPRATT, Jr.,
Managers on the Part of the House.

PETE V. DOMENICI,
CHUCK GRASSLEY,
FRANK R. LAUTENBERG,
Managers on the Part of the Senate.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

The SPEAKER pro tempore (Mr. NETHERCUTT). Pursuant to House Resolution 150 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. 1757.

□ 2114

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. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes, with Mr. DICKEY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

□ 2115

The CHAIRMAN pro tempore (Mr. DICKEY). When the Committee of the Whole rose earlier today, the amendment by the gentleman from New Jersey [Mr. PALLONE] had been disposed of.

Are there any further amendments?

AMENDMENT OFFERED BY MR. SCARBOROUGH

Mr. SCARBOROUGH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCARBOROUGH:

Page 185, after line 17, insert the following section:

SEC. 1717. UNITED STATES POLICY REGARDING RELIGIOUS PERSECUTION AND SUPPORT OF TERRORISM BY SUDAN.

(a) FINDINGS.—The Congress finds the following:

(1) Continued disregard of the freedom of religion by Sudan is unacceptable.

(2) Continued support of terrorist activities by Sudan is of deepest concern and shall not be tolerated.

(b) FINANCIAL TRANSACTIONS WITH TERRORISTS.—Notwithstanding any other provision of law, the exception with respect to Sudan under section 2332(a) of title 18, United States Code (provided in regulations issued in August 1996 by the Office of Foreign Assets of the Treasury Department) shall cease to be effective on the date of the enactment of this Act. No such exception under such section may be issued with respect to Sudan until the President certifies to the Congress that Sudan is no longer sponsoring or supporting terrorism.

Mr. SCARBOROUGH. Mr. Chairman, my amendment attempts to address some appalling activities of the government of Sudan. As my colleagues may know, Sudan has been certified by the administration as being an active supporter of terrorism since 1993 and is currently known to be sheltering several terrorists sought in several countries.

Sudan has also been the scene of some of the world's most deplorable religious persecution, persecution that the Washington Post called unspeakable, persecutions that the United Nations has reported included the crucifixion of a 7-year-old child because he was a Christian.

It has been estimated that more than 1.5 million Christians and other non-Muslims have been killed in Sudan, more than all those that have been killed in the Bosnian civil war. Christian slavery is widespread, and it is believed that at least 30,000 children have been sold to slavery for as little as $15. This was disputed by Louis Farrakhan some time ago, and he challenged supporters to go to Sudan and unearth this activity if it was really happening. Two reporters from the Baltimore Sun did that and bought two young boys for $500.

We also have recently had the Pope pleading for an end of religious persecution of non-Muslims. My amendment requires the administration to apply financial transaction restrictions against terrorist states, which were included in Public Law 104–132 to the Republic of Sudan.

Although these restrictions were intended to cover nations such as Sudan, regrettably the administration specifically exempted Sudan. And although the United States has closed its offices in Sudan, the Sudan still operates an embassy in the U.S., and this embassy has been cited as supporting terrorists who conspired to bomb various New York City landmarks.

Finally, the amendment would express the sense of Congress that Sudan's support for terrorism and religious persecution is unacceptable. In a recent April 1997 CRS report, CRS wrote that human rights violations have been cited by many religious humanitarian and international groups over the years.

Among other things, the Sudan government has been sanctioning civilian massacres, religious persecution, kidnapping, forced conscription of underaged boys, torture, forced circumcision of women, mutilation of women's genitals, unlawful detention, and most recently, slavery.

In a speech to the National Press Club on December 17, 1996, John Eibner of the International CSI stated the following: "Over 100 years after the Emancipation Proclamation, the modern mind does not readily comprehend that the practice of chattel slavery has not been laid to rest but continues. Slavery in Sudan is not a dying practice. It is, instead, a thriving practice that is actively promoted by the extremist Sudan regime."

Another human rights group stated that, during the recent three visits to the Sudan, they talked of torture, murder, starvation and enslavement of black Christians that, she said, resulted in at least 1.5 million deaths. Male slaves who resist conversion have their Achille's tendons cut, female Christians are routinely raped and sometimes forced to undergo circumcision and have their genitals mutilated.

I took a book off my shelf that is in the office. It is called "The Abandonment of the Jews." It was written 10 years ago. And in the beginning of the Abandonment of the Jews, David Wyman makes this statement: "The murder of the Jews during the Holocaust was done by people to other people, while still other people stood by. Comparatively few American non-Jews recognized that the plight of the European Jews was their plight too. Most were either unaware, did not care, or saw the European Jewish catastrophe as a Jewish problem. That explains, in part, why the United States did so little to help."

At the end of The Abandonment of the Jews, this is the question that he asks: "Would the reaction be different today? Would Americans be more sensitive, less self-centered, more willing to make sacrifices, less afraid of differences now than they were then?" Regrettably it appears that, up until now, the answer has been no.

Writing in the New York Times, A.M. Rosenthal stated the following: "The shocking untold story of our time is that more Christians have died this century simply for being Christians than in the first 19 centuries after the birth of Christ. They have been persecuted and martyred before an unknowing, indifferent world and a largely silent Christian community."

Mr. Chairman, it is time for that silence to end. That is why I ask my colleagues to pass this bill and send a message to Sudan that such barbarism will no longer be tolerated.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me just say that I rise in very strong support of the amendment of the gentleman from Florida [Mr. SCARBOROUGH]. I think my colleague does a really good and worthwhile service for the suffering Christians and the suffering people of faith in the Sudan.

My Subcommittee on International Operations and Human Rights last year held two hearings. One was on the use of chattel slavery in the Sudan and the terrible policy of forced Islamization, where young boys and girls, mostly boys, are kidnapped and then during the course of 6 months to 2 years, or whatever time period it seems to take, they are brainwashed, Sun Myung Moon-like, with sleep deprivation and other things, to separate themselves from their families, which they are already physically separated from, but also from their faith and all past cultural ties; and then they have this radical Islamic perspective forced upon them.

As we all know, in southern Sudan there has been horrific policy of what many of us consider to be genocide. Khartoum countenances this as part and parcel of it. So I think the gentleman from Florida [Mr. SCARBOROUGH] does a very worthwhile thing by raising this issue on the House floor.

We also had a hearing on the persecution of Christians worldwide, and it was the first hearing of its kind ever in the House, and heard from a large variety of panels and people and experts from Amnesty International to across the board. Nina Shay from Freedom House testified, and they bemoan the fact that there is a frightening rising tide of anti-Christianity and that this is a persecution that has to be addressed by anyone who believes in religious freedom and religious tolerance.

So I think the gentleman from Florida [Mr. SCARBOROUGH] does a great service with his amendment, and I fully support it.

Mr. CAPPS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I certainly appreciate the effort that is being made here. Religious persecution is a terrible phenomenon in our world today, and the situation in Sudan is certainly one that needs to be addressed in a most effective manner.

I also appreciate the fact that the gentleman from Florida [Mr. SCARBOROUGH] has revised his amendment in light of certain administrative responses through an original draft of his amendment. I think the purpose is a good one, but I believe that the penalty in this amendment is counterproductive and for the following reason: that a lot of non-governmental organizations operate in Sudan, they operate in order to help people who are suffering under oppression from a regime that we certainly cannot support. They have worked to help people who are suffering from hunger.

These NGOs use banks in Khartoum, the capital of Sudan. If the NGOs are not able to use the banks because of this amendment, it will be much harder for the agencies that are in the Sudan trying to alleviate the situation to operate.

So, on those grounds, and also because the administration does not support this amendment, I am also going to oppose it.

Mr. SCARBOROUGH. Mr. Chairman, will the gentleman yield?

Mr. CAPPS. Mr. Chairman, I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Mr. Chairman, I guess my biggest concern is regarding part B, which talks about financial transactions with terrorists. The Sudan has been considered by most human rights groups as one of the greatest sponsors of terrorism across the globe. And what this really strikes to is the fact that President Clinton during 1996 granted a waiver to Occidental Petroleum to basically do business in the Sudan to the tune of about $90 million and, by doing so, continues to fund the regime that is tottering and has, in fact, worthy opponents that are trying to bring it down.

What we are doing by allowing people to continue to do business while providing this waiver is continuing to fund perhaps the most barbarous antireligious-faith regime in the world today. Again, 1.5 million Christians have been murdered since 1989, and the acts are unspeakable.

Former President Jimmy Carter has been to the Sudan and has tried to intervene, and intervention has not provided any results. In fact, if my colleagues could name more than two or three organizations that remain in Sudan, I would be enlightened. Because from speaking to the gentleman from Virginia [Mr. WOLF] and others, I understand that all have pulled out because the regime is just so despicable and cannot be worked with.

It is one of the most barbarous regimes on the globe today. And if we allow business interests to trump human rights interests and freedom of religion, then we are sending an absolutely miserable message across the globe. This is about money over human rights, and it is about time that we stand up and be counted to be a country that still supports the ideas of Jeffersonian democracy instead of being concerned with market share.

Mr. CAPPS. Mr. Chairman, reclaiming my time, the gentleman from Florida [Mr. SCARBOROUGH] is correct. The regime is a dreadful one. The persecution that is going on there is absolutely reprehensible. We need to go after terrorist financing, and we have provisions for that under current law and regulations.

But this amendment still hurts NGO's that are a positive, constructive force in the Sudan; and those NGOs need to be protected because they are helping the suffering people. It is on those grounds precisely that I oppose the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida [Mr. SCARBOROUGH].

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

Mr. SCARBOROUGH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 159, further proceedings on the amendment offered by the gentleman from Florida [Mr. SCARBOROUGH] will be postponed.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ENGEL:

At the end of title XVII (relating to foreign policy provisions) add the following (and conform the table of contents accordingly):

SEC. 1717. CRISIS IN ALBANIA.

(a) FINDINGS.—The Congress finds the following:

(1) During March 1997 United States Armed Forces personnel evacuated approximately 500 Americans from Albania.

(2) No Americans were injured in the evacuation.

(3) The military operation was at times risky and dangerous, with helicopters of the United States Armed Forces occasionally receiving fire.

(4) Several United States diplomats, including Ambassador Marissa Lino, remained in Tirana during these unsettled and perilous times.

(5) The evacuation is the result of a rebellion in Albania which followed the collapse of several pyramid investment schemes.

(6) Hundreds of thousands of Albanian citizens lost large portions of their life savings in the pyramid investment schemes.

(7) Hundreds of Albanians have been killed since the crisis began.

(8) The almost complete collapse of central governmental authority left Albania in a state of near-anarchy.

(9) Many weapons depots were raided by the general population of Albania and many small arms were taken by the citizenry.

(10) The proliferation of weapons in Albania has made the situation very dangerous.

(11) On March 9, 1997, Albania's political parties agreed to a nine-point agreement on political reconciliation.

(12) Under the nine-point agreement, President Sali Berisha, a member of the ruling Democratic Party, appointed a broadly based unity government, led by an opposition socialist, former mayor of Gjirokaster Bashkim Fino.

(13) Under the nine-point agreement, President Berisha and opposition parties have agreed to hold general elections by June 1997.

(14) More than 5,500 multinational troops, led by Italy, have entered Albania in order to stabilize the nation and to create a safe security environment for the distribution of humanitarian assistance.

(b) DECLARATION OF POLICY.—The Congress declares the following:

(1) United States Armed Forces personnel are to be commended for the evacuation operations in Albania.

(2) United States diplomats are to be commended for their service in Albania during these dangerous times.

(3) The nine-point agreement of March 9, 1997, among all Albanian political parties represents a key step toward lifting Albania out of the current crisis.

(4) Albania's new multiparty leadership is strongly urged to implement in good faith the terms of the nine-point agreement of March 9, 1997, and to do all possible to reinspire the trust of the Albanian people.

(5) The Albanian people are strongly urged to afford their new government an opportunity to govern by laying down weapons and making any changes to the government through peaceful means, particularly the upcoming elections.

(6) The United States should support the new Albanian Government as it attempts to reestablish calm and achieve political reconciliation and should urge the new government to guarantee human rights, free and fair elections, and freedom of expression.

(7) The United States must remain closely engaged in the diplomatic efforts to ease Albania's crisis and should strongly support similar efforts by the Organization for Security and Cooperation in Europe and the multinational force, led by Italy, seeking to stabilize Albania.

(8) The United States and the international community should work with the new Albanian Government to ensure that upcoming elections will be free and fair by supplying political inducement, technical advice, and large numbers of observers.

(9) The United States should support the convening of a multinational conference, possibly in Rome, Italy, to consider options for assisting Albania to recover from the political and economic crisis.

(10) The United States should oppose any challenge to Albania's international borders or territorial integrity offered as a potential solution to the conflict.

Mr. ENGEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ENGEL. Mr. Chairman, recently I had the opportunity to visit Albania as the United States representative to the OSCE, which was negotiating a peace in Albania between the different factions in Albania.

As my colleagues know, Albania recently has sunk into turmoil and anarchy as a result of failed pyramid schemes in which many Albanians lost their life savings.

□ 2130

Albania has a tragic history. It was the most oppressive Stalinist state on the face of Europe, indeed perhaps in the world, and for 50 years lived under the most oppressive communism, isolationism and anti-Americanism.

What I have found in my three trips to Albania has been that the Albanian people did not believe a word of the anti-Americanism that they were fed for so many years. In fact, Americans are most welcome. They truly like Americans. Americans are warmly received. I am glad that the United States has established a relationship with Albania where we supply them with help, with aid, with military help, with humanitarian aid. Because it is a small country, a little bit of aid goes a long, long way.

However, as I mentioned before, there are problems in Albania. We know that the pyramid schemes when they collapsed caused many Albanians to lose their life savings, and as a result anarchy and lawlessness broke out, many people were rioting in the streets, guns were stolen, weapons depots were broken into. As a result, there was a proliferation and is a proliferation of weapons in the street.

The European Community and the United States stepped in and tried to calm the situation. I was asked by the State Department to be the United States representative to these negotiations, as a year ago I was the U.S. representative to the South Balkans Defense Ministerial and traveled to Tirana, Albania with then Defense Secretary Bill Perry. I have had extensive knowledge and work involving the United States-Albanian relationship.

This amendment is introduced by myself for myself and for my colleague the gentlewoman from New York [Ms. MOLINARI]. I might also add that the gentleman from New York [Mr. GILMAN], the chairman, also wholeheartedly supports this amendment.

The amendment commends the U.S. military and diplomats for the evacuation operation which we had to implement to get out American personnel and American citizens. I myself left Albania 3 or 4 days before I would have had to be evacuated. Thankfully, I was able to leave on a plane with Chancellor Vranitzky of Austria and some of the other diplomats.

The amendment also supports the multiparty government and agreement of March 9, 1997. We feel that it is very important for the Albanian people themselves to grab the bull by the horns and stop the anarchy. That is why we in the United States have been

urging the head of the government of Albania, Sali Berisha, to form a national unity government, a temporary national unity government, which he did form. That was part of the bulk of the agreement of March 9, 1997.

My amendment supports this agreement. It urges the Albanian people to give the new government a chance and to turn in their weapons, and urges the United States to support the new Albanian Government in its efforts to achieve political reconciliation. The amendment also urges the new government of Albania to guarantee human rights, free and fair elections and freedom of expression.

It urges us to remain closely engaged in efforts to ease Albania's crisis, and strongly supports the OSCE, which is the Organization of Security and Cooperation in Europe, efforts and the Italian-led multilateral force. It urges the United States to work with the Albanian Government to ensure that the June 29 elections will be free and fair by supplying technical assistance and observers. The amendment also supports the convening of a multinational conference to help Albania recover from its political and economic crisis.

I must say on my way back from Albania, I stopped in Italy to meet with the Italian defense minister and officials from the Italian Government who wholeheartedly support and have been working very, very closely with the United States in convening this multinational conference. Finally, the amendment opposes any challenge to Albania's border as a solution to the conflict.

Let me say, Mr. Chairman, that I believe the United States must remain engaged in Albania. We have a stake in that part of the world. The Albanian people, again, for 50 years were fed a steady dose of anti-Americanism, a steady dose of the worst Communist repression, and they did not believe a word of it. They have good, strong feelings for the American people. We want to see democracy take root in Albania, and a free-market economy, and my amendment goes a long way in saying that this is what Congress wants to do.

Mr. CAPPS. Mr. Chairman, I rise in support of the gentleman's amendment. In my judgment he has given a very precise and full analysis of the situation there and has made the case for United States engagement in Albania. The amendment outlines a series of useful steps for United States policy which includes support for diplomatic steps to ease the crisis, support for free and fair elections, and support for assisting Albania's recovery. Albania is one of the trouble spots in the world today about which we are very acutely concerned. This amendment in my judgment spells out good policy, and I urge my colleagues to support it.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

I want to thank my good friend the gentleman from New York for offering this amendment. The majority has looked at it carefully and we like it. We have worked together on issues related to Albania for a number of years. I commend the gentleman for his leadership.

The CHAIRMAN pro tempore (Mr. DICKEY). The question is on the amendment offered by the gentleman from New York [Mr. ENGEL].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. NETHERCUTT

Mr. NETHERCUTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NETHERCUTT: At the end of title XVII insert the following section:

SEC. 1717. SENSE OF CONGRESS RELATING TO THE ABDUCTION AND DETAINMENT OF DONALD HUTCHINGS OF THE STATE OF WASHINGTON.

(a) FINDINGS.—The Congress makes the following findings:

(1) Al-Faran, a militant organization that seeks to merge Kashmir with Pakistan, has waged a war against the Government of India.

(2) During the week of July 2, 1995, Al-Faran abducted Donald Hutchings of the State of Washington, and 4 Western Europeans in the territory of Jammu and Kashmir, India.

(3) Al-Faran has threatened to kill Donald Hutchings and the Western European hostages unless the Government of India agrees to release suspected guerrillas from its jails.

(4) Several militants have been captured by the Indian Government and have given conflicting and unconfirmed reports about the hostages.

(5) Donald Hutchings and the 4 Western European hostages have been held against their will by Al-Faran for nearly 2 years.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the militant organization Al-Faran should release, immediately, Donald Hutchings and 4 Western Europeans from captivity;

(2) Al-Faran and their supporters should cease and desist from all acts of hostage-taking and other violent acts within the State of Jammu and Kashmir, India;

(3) the State Department Rewards Program should be used to the greatest extent possible to solicit new information pertaining to hostages; and

(4) the governments of the United States, the United Kingdom, Germany, Norway, India, and Pakistan should share and investigate all information relating to these hostages as quickly as possible.

Mr. NETHERCUTT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. NETHERCUTT. Mr. Chairman, for the record, this particular amendment is being introduced for myself and on behalf of the distinguished gentleman from New Jersey [Mr. PALLONE] as it relates to a kidnapping that occurred 2 years ago of a constituent of mine in Spokane, Washington, Donald Hutchings.

In the interest of orderly proceedings on this bill, I ask unanimous consent to withdraw the amendment at this time, reserving the right and intending to have this amendment redrawn and offered at a different point in the consideration of this bill tomorrow.

The CHAIRMAN pro tempore. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. SERRANO

Mr. SERRANO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SERRANO:

At the end of title XVII (relating to foreign policy provisions) insert the following new section:

SEC. 1717. REPORT CONCERNING OFFICIAL COMPLAINTS OF THE GOVERNMENT OF CUBA TO THE GOVERNMENT OF THE UNITED STATES.

(a) REPORT TO CONGRESS.—Not later than 3 months after the date of the enactment of this Act, and each subsequent 3 months thereafter, the Secretary of State, after consultations with the heads of other Federal departments and agencies, shall submit to the Congress a report listing all complaints by the Government of Cuba to departments and agencies of the United States Government concerning actions taken by United States persons or the Government of the United States.

(b) UNITED STATES PERSON DEFINED.—As used in this section the term "United States person" means any—

(1) United States citizen or national;

(2) permanent resident alien; or

(3) juridical person organized under the laws of the United States.

Mr. SERRANO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SMITH of New Jersey. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN pro tempore. The gentleman from New Jersey reserves a point of order.

Mr. SERRANO. Mr. Chairman, this bill that is before us today has some new provisions which speak about reports that the administration has to come up with to deal with the issue of the enforcement of the Cuban embargo, the embargo on Cuba. I feel that our country in my opinion is involved in a Cold War with Cuba, and as such I think that it is time that we begin to balance all reports and all information that we get here in Congress.

Therefore, what my amendment does is to state that effective in 3 months and every 3 months thereafter, the Secretary of State would report to Congress on all official complaints put forth by the Cuban Government regarding actions taken by residents or citizens of this country that deal with the daily lives of Cubans and the island of Cuba.

For instance, before the Brothers to the Rescue planes were shot down on the 24th of February of 1996, Cuba made

over 10 complaints to the FAA about the group's violations of Cuban airspace. If Congress had seen these complaints, this tragedy might have been prevented. On a regular basis, we hear reports about the fact that the Cuban Government is complaining to the American Government about actions that are being taken individually by either groups in this country or individuals who go into the sea and go over Cuban airspace and create situations which could lead us into a more serious confrontation once again with the Cuban Government.

What my amendment therefore says is that the Secretary of State would let us know about all of these complaints. For instance, the Cuban Government makes formal protests to the State Department, but the FAA and the American interest section in Havana hear other complaints such as violation of Cuban airspace, dropping of leaflets in Cuba, that the Cuban Government finds offensive and provocative in many ways; American residents traveling too close to Cuban shores, and in some cases acts that could be considered by our Government as paramilitary or military in nature in Cuban territory.

Please understand, Mr. Chairman, that these complaints are complaints that our Government knows about but Members of Congress do not know about. My amendment would ask that we be kept informed. I do this with the full understanding that some people, some colleagues, would say that this somehow helps the Cuban Government, that it strengthens their ability to make public statements, that it gives them publicity that they do not deserve. But I think it is only fair that if we are going to continue to enforce the embargo against Cuba, something that I oppose, if we are going to continue to ask for the Cuban Government to behave in a certain way, then we have to propose the same behavior for our citizens.

Picture, if you will, the situation on February 24. After that incident and after the tragic loss of life of American citizens in that incident, it has been pretty well established that on many occasions, many individuals have ventured into Cuban territory and continue to do so today. Put the shoe on the other foot. If a Cuban airplane were flying over our capital, what would be our response? I would hope our response would be the proper one, which is to ask them to come down immediately and land or to shoot them down, no different than perhaps the behavior by the Cuban Government.

Therefore, I think that as we move into this new era of having the administration report to us on a regular basis as to how the embargo is being enforced, that we ask our own Government to report to us and keep us informed. If that happens, then I believe that in the future we would have situations that we can prevent by having enough information in our hands.

Anyone who opposes this bill, I think, would have to really understand that we are not asking for any action to be taken, we are not asking for anyone to be arrested for these actions. All we want to know is when does this happen, when the Cuban Government complains about it, and use that as we deliberate future actions with and toward the Government of Cuba.

The CHAIRMAN pro tempore. Does the gentleman from New Jersey insist on his point of order?

Mr. SMITH of New Jersey. No, Mr. Chairman, I do not insist on the point of order.

Mr. CAPPS. Mr. Chairman, I move to strike the last word.

With great reluctance because of my great respect for the gentleman from New York [Mr. SERRANO], I am going to oppose this amendment. He properly makes reference to the fact that we have got too many reports about Cuba that have been demanded by Congress, and I think he and I would agree that the increasing demand for more reports is a congressional effort to constrict the executive's flexibility to conduct foreign policy.

□ 2145

I think still another report, and that is what he is asking for, becomes counterproductive. I think this further restricts the President's ability to conduct Cuba policy in the most useful manner, and it is on that grounds specifically that I am urging my colleagues to vote against this amendment.

The CHAIRMAN pro tempore (Mr. DICKEY). The question is on the amendment offered by the gentleman from New York [Mr. SERRANO].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FOX OF PENNSYLVANIA

Mr. FOX of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOX of Pennsylvania:

At the end of title XVII insert the following new section:

SEC. 1717. SENSE OF CONGRESS CONCERNING ASSISTANCE FOR UKRAINE.

(a) IN GENERAL.—It is the sense of the Congress that—

(1) the Government and nation of Ukraine are to be commended for their decision to relinquish the nuclear weapons in the possession of Ukraine after the demise of the former Soviet Union;

(2) the Government of Ukraine is to be commended for its recent announcement that Ukrainian enterprises will not participate in the construction of nuclear reactors in Iran;

(3) the Government of Ukraine is to be commended for taking a positive and cooperative position with regard to the admission into the NATO alliance of new member-states in Central and Eastern Europe, particularly Ukraine's willingness to negotiate a bilateral charter with that alliance;

(4) the Government of Ukraine is to be commended for its efforts to ensure that the Russian-dominated Commonwealth of Independent States organization does not serve as a means to reintegrate the independent states of the former Soviet Union into a new political entity under Russian leadership and occupying the territory that comprised the former Soviet Union;

(5) the Government of Ukraine should immediately move to ensure that United States investors who have been subjected to extortion, fraud, or other criminal activity, or to inappropriate, corrupt activities carried out by officials or representatives of the Ukrainian Government, are provided with full restitution or compensation for their losses;

(6) the nation and Government of Ukraine are to be commended for the adoption of a democratic constitution, the conduct of free and fair elections, and the peaceful transfer of executive power since Ukraine gained its independence in 1991; and

(7) the President should respond positively to any request made by the government of Ukraine for United States government agencies assistance and involvement in the implementation of additional programs to fight corruption in Ukraine and to ensure that American investors in that country are not subjected to unfair, inappropriate, or criminal practices on the part of officials of the Government of Ukraine or any citizens of Ukraine.

(b) AVAILABILITY OF AMOUNTS FOR UKRAINE.—It is further the sense of the Congress that the President should ensure that Ukraine receives assistance for fiscal years 1998 and 1999 for political and economic reforms at a level equal to that allocated to Ukraine for fiscal year 1997.

Mr. FOX of Pennsylvania (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania.

There was no objection.

Mr. FOX of Pennsylvania. Mr. Chairman, I appreciate the opportunity to speak to my colleagues tonight on the amendment that will ensure that a nation in fiscal years 1998 and 1999 will have the same level of funding as 1997.

It should be noted that in this sense of Congress amendment that Ukraine foreign policy has served American interests well by unilaterally and voluntarily disarming all nuclear weapons, has refrained from selling turbines to Russia which were to be sold to Iran, that has welcomed the eastward expansion of NATO, that is seeking to curtail selling of military technology to rogue states, that further, the economic policies have unstabilized the Ukraine by reduction of the inflation rate from 10,000 percent in 1993 to a projected 25 percent in 1997.

We have seen 50,000 enterprises being privatized, but there has been a formation of a Council on International Investment to be comprised of individuals in the government and representatives of U.S. companies, and we have even seen the Agra forum by President Leonid Kuchma of Ukraine working with President Clinton to seek his help in designing a national anti-corruption program in Ukraine.

I yield to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I would like to rise in very strong support of the gentleman's amendment. The need for various types of aid to the Ukraine cannot be underestimated. Last year, as chairman of the Helsinki Commission, we held a hearing on the ongoing crisis in Chernobyl. The G–7 has pledged a tremendous amount of aid to shut down the reactor and to encase it in a way that will make it less dangerous than it is currently, and very little of that money has been produced over the last couple of years.

We also heard of the devastating impact of the cancers that are being suffered by children as a result of contamination from the nuclear fallout, and they cannot even begin to cope with the humanitarian medical and hospital needs in the Ukraine that should have been to that Chernobyl disaster.

As the gentleman pointed out, they have been forthcoming when it comes to NATO. As partners, as friends, they have embraced NATO. They have unilaterally forfeited the nuclear warheads on their own soil. That is a grand gesture of peace in my view, especially given the potential animosities between themselves and Russia which we all know exists today.

So I believe while there are problems, as is acknowledged in this resolution, dealing with corruption and it is insisted in this resolution that our economic interests be treated fairly, I think the resolution is a good one and deserves the support, and I would urge my colleagues to support this amendment.

Mr. CAPPS. Mr. Chairman, I rise to oppose this amendment in spite of my great respect for the gentleman from Pennsylvania [Mr. FOX]. I understand why he is doing this, and I think there is a lot of good reason for it. The Ukraine clearly must implement a number of important reforms specifically in the economic and the anti-corruption areas in order to maintain U.S. support.

However, I cannot support the amendment's recommended earmark. I do not support earmarks in principle, and that is that the President should have flexibility in conducting foreign affairs. Earmarking funds for any country undermines the President's ability to achieve U.S. foreign policy objectives.

Even though this is only a sense of the Congress amendment, it sends an important message particularly at a time when the President, many Members of Congress and our constituents have said Ukraine must make important changes. It does not make sense for Congress to go on record guaranteeing Ukraine foreign assistance. We need to send the right message to the Ukraine, which must be a measured message. We should applaud them for the reforms that they have undertaken, but we should also require that they continue to reform in the appropriate ways.

So, Mr. Chairman, I urge defeat of this amendment.

Mr. DIAZ-BALART. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, just to make a point of clarification, I appreciate the support of comments with regard to part of the motion from my colleague from California, and I would point out a matter of clarification that this is a sense of Congress, this is not an earmark, and so this would give flexibility to Congress and the President to move forward, recognize that there has been advances by Ukraine in the disarmament of nuclear weapons in the economic stabilization, and finally we are seeing the security as well being advanced. So I think that point should be underscored, and that is this is not an earmark and we do hope that the colleagues, both sides of the aisle, would support the legislation.

Mr. CAPPS. Mr. Chairman, I ask unanimous consent to strike the last word.

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

There was no objection.

Mr. CAPPS. Mr. Chairman, I just wanted to say to the gentleman from Pennsylvania [Mr. FOX] that even though this is only a sense-of-Congress resolution I still think the message needs to be a measured message in the way that I have described it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. FOX].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Engel:

At the end of title XVII (relating to foreign policy provisions) add the following (and conform the table of contents accordingly):

SEC. 1717. SANCTIONS AGAINST SYRIA.

(a) FINDINGS.—The Congress finds the following:

(1) Syria remains in a state of war with Israel and maintains large numbers of heavily armed forces near the border with Israel.

(2) Syria occupies Lebanon with almost 40,000 troops and maintains undue influence on all aspects of the Lebanese Government and society.

(3) Syria continues to provide safe haven and support for several groups that engage in terrorism, according to the Department of State's "Patterns of Global Terrorism" report for 1996.

(4) Syria was listed by the Department of State as a country that does not cooperate in the war on drugs.

(5) Syria has not signed the Chemical Weapons Convention, and numerous reports indicate that Syria has increased the production and level of sophistication of chemical weapons. Reports also indicate that such unconventional warheads have been loaded on SCUD-type ballistic missiles with the range to reach numerous targets in friendly nations, such as Israel, Turkey, and Jordan.

(6) Syria routinely commits a wide array of serious human rights violations, and according to a recent Human Rights Watch report, is engaging in the abduction of Lebanese citizens and Palestinian refugees in Lebanon.

(7) Several reports indicate that Syria knowingly allowed the explosives used in the June 1996 Dharan bombing, which killed 19 United States service personnel, to pass through Syria from Lebanon to Saudi Arabia.

(8) More than 20 trips by former Secretary of State Christopher to Damascus, a meeting between President Clinton and Syrian President Hafez Assad, and a Department of State-sponsored intensive negotiation session at Wye Plantation were all unsuccessful in convincing Syria to make peace with Israel. At the same time, most reports indicated that Israel was prepared to make substantial concessions of land in exchange for peace.

(9) According to the Central Intelligence Agency World Fact Book of 1995, petroleum comprises 53 percent of Syrian exports.

(10) By imposing sanctions against the Syrian petroleum industry, the United States can apply additional pressure against Syria to press the Assad regime to change its dangerous and destabilizing policies.

(b) POLICY.—It is the sense of the Congress that the United States should consider applying to Syria sanctions which are currently enforced against Iran and Libya under the Iran and Libya Sanctions Act of 1996 if the Government of Syria does not eliminate its dangerous and destabilizing policies.

Mr. ENGEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ENGEL. Mr. Chairman, this is a sense of Congress resolution that given Syria's extremist and dangerous policies, that I firmly believe the time has come for the U.S. to consider applying to Syria sanctions which are currently enforced against Iran and Libya in the Iran-Libya Oil Sanctions Act of 1996. The fact is that these penalties ought to be applied to Syria because Syria remains in a state of war with Israel and maintains large numbers of heavily armed forces near the border with Israel. Syria occupies Lebanon with almost 40,000 troops and maintains undue influence on all aspects of the Lebanese government and society to the detriment of the Lebanese people. Syria continues to provide safe haven and support for several groups that engage in terrorism.

According to the State Department's patterns of global terrorism report for 1996, the fact that Syria is one of the nations that support terrorism is undisputed, and that is why there are restrictions upon U.S. citizens' travel to Syria. Syria was also listed by the U.S.

State Department as a country that does not cooperate in the war on drugs, and indeed the problem that we have here in the United States with regards to drug addiction, much of it can be laid at the doorstep of Syria.

Syria, moreover, has not signed the Weapons Convention, and numerous reports indicate that Syria has increased the production and level of sophistication of chemical weapons. Reports also indicate that such unconventional warheads have been loaded on SCUD type ballistic missiles with the range to reach numerous targets in friendly nations, such as Israel, Turkey and Jordan.

Syria routinely commits a wide array of serious human rights violations and, according to a recent Human Rights Watch report, is engaging in the abduction of Lebanese citizens and Palestinian refugees in Lebanon. Several reports indicate that Syria knowingly allowed the explosives used in the June 1996 Dharan bombing in Saudi Arabia which killed 19 United States service personnel to pass through Syria from Lebanon to Saudi Arabia. That is how it was able to happen.

More than 20 trips by former Secretary of State Christopher to Damascus, Syria, a meeting between President Clinton and Syrian President Hafez Assad and the State Department-sponsored intensive negotiation session at Wye Plantation were all unsuccessful in convincing Syria to make peace with Israel. At the same time, most reports indicate that Israel was prepared to make substantial concessions of land in exchange for peace.

According to the CIA World Fact Book of 1995, petroleum comprises 53 percent of Syrian exports. So if we really want to send a message to Syria and hit them where it hurts, this is where we can do the most damage. By imposing sanctions against the Syrian petroleum industry, the U.S. could apply additional pressure against Syria to press the Assad regime to change its dangerous and destabilizing policies.

I think that clearly when we are talking about Middle East peace, when we are talking about terrorism, and we are talking about the war on drugs, and we are talking about all the things to which this country is committed to help with Syria has been one of the biggest obstacles to peace in the Middle East, the biggest obstacles to combatting the scourge of terrorism, the biggest obstacles in trying to curb drug addiction. Moreover, Syria maintains ties with terrorist states and works to the detriment of U.S. foreign policy and U.S. interests abroad.

So it is for all these reasons, Mr. Chairman, that I think it is very, very important, the time has come for the U.S. to consider applying to Syria sanctions which are currently enforced against Iran and Libya in the Iran-Libya Oil Sanctions Act of 1996. The same types are going against U.S. interests that Iran and Libya have done; Syria has been there as well.

Again, no matter what the United States has tried to do in foreign policy in these fields which I mentioned, Syria has been the most uncooperative nation, so I believe that this Congress ought to go on record as a sense of Congress resolution to say that we are tired of Syria's nonsense, we are not going to stand idly by, that if we are going to apply all sanctions upon Iran and Libya due to their terrorist and extremist policies Syria ought to be treated no differently.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. ENGEL].

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

Mr. ENGEL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 159, further proceedings on the amendment offered by the gentleman from New York [Mr. ENGEL] will be postponed.

Are there any other amendments?

AMENDMENT OFFERED BY MR. LAZIO OF NEW YORK

Mr. LAZIO of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LAZIO of New York: At the end of title XVII (relating to foreign policy provisions) insert the following:

SEC. 1717. SENSE OF CONGRESS REGARDING COMPLIANCE WITH CHILD AND SPOUSAL SUPPORT OBLIGATIONS BY UNITED NATIONS PERSONNEL.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) all United Nations staff, including diplomats, should comply with binding United States Federal, State, and local court orders regarding child and spousal support obligations;

(2) the internal regulations of the United Nations allows—

(A) the United Nations to release staff salary information to the courts in spousal and child support cases;

(B) the Secretary General to authorize deduction of dependency related allowances from staff salary;

(C) the United Nations to cooperate with appropriate authorities to facilitate proper legal or judicial resolution of the family's claim.

(b) CONGRESSIONAL STATEMENT.—The Secretary of State should urge the United Nations to fully comply with regulations regarding compliance with child and spousal support obligations by United Nations personnel, in a timely manner and to the fullest extent possible.

(c) LIMITATION ON PAYMENT OF ARREARAGES TO THE UNITED NATIONS.—Notwithstanding any other provision of this Act, of funds appropriated for the payment of United States arrearages to the United Nations out of funds authorized to be appropriated by this Act, $10,000,000 shall not be available until the Secretary of State certifies that—

(1) the United Nations is actively enforcing child and spousal support payments in compliance with Federal, State, and local court orders; and

(2) the United Nations is actively reforming its pension policy, making the United Nations pension fund subject to Federal, State, or local court orders of spousal or child support.

Mr. LAZIO of New York (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 2200

Mr. LAZIO of New York. Mr. Chairman, we have a chance tonight to help the United Nations enforce its own rules.

We have passed strict reforms in Congress to ensure that our citizens in America fulfill their obligations to their children and their spouses, yet many children and former spouses living in New York have not received the basic support they need to survive. As a matter of fact, I should extend that to my neighboring States of Connecticut and New Jersey as well. Their spouses are not bound by our laws to provide or even to furnish the courts with the salary information needed to process their claims. They are able to avoid responsibility simply because they are employed by the United Nations.

In most family support cases, a family who fails to comply with court orders could have their wages garnished. They may even face jail time. But this is not the case, however, with U.N. staff. Until 1994, the United Nations would not release any information regarding the salary of its employees. Even with the court order of support, spouses and children were left without payment and without recourse. In effect, the United Nations staffers living in New York had no obligations to their families. Lacking any legal remedy, their spouses and children were simply abandoned in American cities.

In 1994 the United Nations finally issued a directive encouraging employees to address their personal obligations, yet the United Nations has been dragging its feet in providing family courts with salary information and in taking action against its employees. The U.N. Family Rights Committee, a volunteer organization based in New York, is currently addressing over 40 cases of women having difficulty obtaining support. Clearly, these regulations need stronger enforcement.

While the Family Rights Committee has made some progress, people whose spouses have retired from the United Nations still have absolutely no recourse. The United Nations' pensions are still completely immune from court orders, and the United Nations Joint Staff Pension Fund refuses to divulge any information regarding pension payments. I might add, Mr. Chairman, in a recent inquiry to one of the

staffers as to why that occurs, the answer was that the people over there were old and in their old ways. Totally unacceptable.

Women divorced from a retired United Nations employee legally entitled to support are left virtually stranded. We can expect no less, no less from the United Nations than we expect of our own citizens.

This amendment directs the United Nations to comply with its own internal rules regarding family support and to apply those rules to its pension policy, allowing U.S. courts and former spouses some recourse once a U.N. official has retired. Further, it limits the payment of U.S. arrearages to the United Nations until the Secretary of State can certify that the U.N. is making these reforms, bringing the standards of the U.N. in line with those of the United States. I understand that the Members of the minority had some concerns with this, so we have tried to narrow the scope of this.

Congress has tried to ensure that U.S. citizens meet their responsibilities, and we must not accept less from the staff of the United Nations. We expect the U.N. staff to be held to the highest standards of competence, efficiency, and integrity in their professional conduct. We should expect it in their personal conduct as well. In short, the United States Congress cannot support a United Nations that does not support its own family.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to applaud the gentleman from New York [Mr. LAZIO] for his fine amendment. I think he helps the issue of deadbeat dads or parents and will, I think, make a very strong statement to the U.N. simply to enforce their own regulations. They ought to be a shining example rather than something other than that. So I think he does a very good service, and the linkages to arrearages could not come at a better time. So I rise in strong support of the amendment.

Mr. CAPPS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend the gentleman for the work he has put into this amendment. We all recognize that there is a strong desire in Congress for greater accountability for U.N. staff, a great need for U.N. reform. We also agree that U.N. employees should comply with and meet their family obligations. But the real question is, what is the best way to promote such policy?

I and we do not think that withholding our U.N. arrears is the most effective way to promote such actions by U.N. employees. We also suspect that there are thorny legal issues that need to be dealt with here regarding the ability of the United States courts to compel compliance by international civil servants.

So I would ask the gentleman to withdraw the amendment and urge him to bring this concern to the bipartisan bicameral United Nations Working Group under the leadership of Senator TRENT LOTT. Clearly, this is a serious issue that needs to be addressed, but I believe that that would be the most appropriate context and framework for addressing this issue.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. CAPPS. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I would just remind the gentleman from California [Mr. CAPPS], who I have a great deal of respect for, the fact is that this is the United Nations' own rules. We are asking them to enforce their own rules.

Up until 1994, they did not even cooperate with the least amount of information that is needed to try and provide for this collection so that spouses and children could survive on the streets. It is a matter of, I think, basic ethics and morality.

I think it is absolutely the right position for America to have to expect that U.N. employees living in America should respect their own family obligations, and this is not a situation that is new; it is something that has been complained about for quite some time. As a matter of fact, there is a whole organization, a volunteer organization that has been developed in response to the United Nations policies with respect to this.

We have tried to narrow the scope of this amendment so that only $10 million can be held back in response to some of the concerns that the gentleman has, which I understand, but without this leverage, more spouses and more children are going to be left out there holding the bag. And that should not be acceptable to this House.

Mr. CAPPS. Mr. Chairman, reclaiming my time, I understand the gentleman's concern, but in order to proceed in proper order, since we already have a bipartisan, bicameral working group under the leadership of Senator LOTT dealing with a wide variety of U.N. issues, I would prefer that this matter be placed on their agenda and dealt with in that fashion, because it is interrelated to other issues with which that committee is dealing.

The CHAIRMAN pro tempore (Mr. DICKEY). The question is on the amendment offered by the gentleman from New York [Mr. LAZIO].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PALLONE

Mr. PALLONE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PALLONE: At the end of title XVII (relating to foreign policy provisions) insert the following new section:

"SEC. 1717. SENSE OF CONGRESS REGARDING DEVELOPMENT OF AZERBAIJAN'S CASPIAN SEA PETROLEUM RESERVES.

"It is the sense of the Congress that—

"(1) the President should seek cooperation from the governments of Armenia, Azerbaijan, and Turkey, as well as private companies with an interest in developing Azerbaijan's Caspian Sea petroleum reserves, to encourage the construction of a pipeline route from Azerbaijan through Armenia that could reach Turkey and Mediterranean sea ports; and

"(2) such a route for a pipeline should in no way prejudice other trans-Caucasus pipeline routes, but would help to promote stability and economic growth in the Caucasus region, improving relations between neighboring countries and the United States."

Mr. PALLONE. Mr. Chairman, I am submitting this amendment on behalf of myself and my colleague, the gentleman from California [Mr. RADANOVICH].

The amendment simply recognizes the importance to U.S. national interests of promoting regional cooperation between Armenia, Azerbaijan and Turkey. Encouraging the construction of an oil pipeline from Azerbaijan through Armenia to Turkish ports is a tangible way to support regional cooperation.

The Caspian Sea area has been identified as one of the world's most abundant sources of oil. Given the need to decrease U.S. energy dependence on Middle Eastern oil, it makes sense for the United States to promote the development of this resource. Indeed, U.S. oil companies are already involved in this process.

Mr. Chairman, to be a commercially viable resource, the oil has to be transported to world markets. The most logical way to bring the oil to the outside world is via an overland pipeline from the source to Mediterranean ports in Turkey. The most direct route would pass through the Republic of Armenia.

Alternative pipeline routes have been proposed. I want to stress, Mr. Chairman, that this amendment would in no way prejudice these other routes. Indeed there are likely to be and could be other routes. Armenia, as a stable democratic region, would be able to safely maintain the stretch of pipeline stretching through its territory. In addition, giving the three neighboring countries a shared stake in the maintenance of the pipeline would improve confidence and cooperation in this troubled region and help provide economic benefits, I believe, to all of the nations and the Caucasus.

Given the important role that the U.S. is playing in developing this resource, we believe it makes sense for Congress to go on record in support of encouraging the Azerbaijan-Armenia-Turkey pipeline route.

As is indicated in my discussion of the previous amendment dealing with Armenia, the tensions in the Caucasus region frequently generate emotional rhetoric. We have tried very carefully, Mr. Chairman, to craft language that is straightforward and noncontroversial in this case.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Jersey [Mr. PALLONE], my friend and colleague, and the gentleman from California [Mr. RADANOVICH]. I share their interest to see a pipeline leave the Caspian Sea region and cross the Caucasus and Turkey to reach the Mediterranean. The energy reserves of the Caspian region and of central Asia may prove vital to the U.S. and its allies in the course of the next few decades.

However, it is also important for the independence of the states of those two regions that some of the pipelines that will be built to export that energy follow routes outside the control of Russia. Frankly, there have been too many indications that Russia has tried to employ its control of the existing export pipelines to place political pressure on the other independent states of the former Soviet Union. And circumstances in surrounding areas such as the conflict in Afghanistan and the vast distances and high mountains of China have made it difficult to complete new export pipelines quickly.

Mr. Chairman, I also support this amendment because I do not want to see the energy-exporting countries of the Caucasus and central Asian regions forced to build pipelines across the territory of Iran due to the instability and the conflict in the Caucasus and due to the Russian manipulation of existing pipelines. Iran is a state sponsor of terrorism, and the more hard currency it makes by shipping oil and gas across its territory, the more the U.S. will have to guard against it. The answer is to build a major pipeline across Turkey to the Mediterranean. Perhaps such a pipeline, if it were to cross Armenia or Georgia, would also prove a means of ensuring stability for all of the countries of the Caucuses region. I support the amendment.

Mr. CAPPS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment. It is a constructive amendment. I commend the gentleman from New Jersey and the gentleman from California for offering it.

It is in the interests of these three countries to work toward peace, and peace will bring economic benefits. The peaceful development of Caspian-based oil fields and pipelines in our judgment and in my judgment will benefit all parties. So I urge support for the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. PALLONE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CONDIT

Mr. CONDIT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONDIT:

After division B, insert the following new divison C (and conform the table of contents accordingly):

DIVISION C—FOREIGN AID REPORTING REFORM ACT OF 1997

SEC. 2001. SHORT TITLE.

This division may be cited as the "Foreign Aid Reporting Reform Act of 1997".

SEC. 2002. ANNUAL FOREIGN ASSISTANCE JUSTIFICATION REPORT.

(a) IN GENERAL.—In conjunction with the submission of the annual requests for enactment of authorizations and appropriations for foreign assistance programs for each fiscal year, the President shall submit to the Congress a single report containing—

(1) an integrated justification for all foreign assistance programs proposed by the President for the coming fiscal year; and

(2) an assessment of when the objectives of those programs will be achieved so that the assistance can be terminated.

(b) SPECIFIC INFORMATION TO BE PROVIDED.—Each such report shall include the following:

(1) INFORMATION REGARDING A FOREIGN ASSISTANCE PROGRAM GENERALLY.—For each foreign assistance program taken as a whole—

(A) the total amount of assistance proposed to be provided under that program;

(B) the justification for that amount;

(C) the objectives that assistance under that program is intended to achieve;

(D) an explanation of the relationship of assistance under that program to assistance under other foreign assistance programs; and

(E) the President's estimation of the date by which the objectives of that program will be achieved and the program terminated.

(2) INFORMATION REGARDING SPECIFIC ASSISTANCE RECIPIENTS.—For each country or organization which is a proposed recipient of assistance under any foreign assistance program—

(A) the amount of each type of assistance proposed;

(B) the justification for providing each such type of assistance;

(C) the objectives that each such type of assistance is intended to achieve;

(D) an explanation of the relationship of each type of assistance proposed to other types of assistance proposed for that recipient; and

(E) the President's estimation of the date by which the objectives of assistance for such recipient under each foreign assistance program will be achieved and assistance under that program to that recipient terminated.

The information required by subparagraphs (A) through (E) shall be provided on a recipient-by-recipient basis.

(3) INFORMATION REGARDING CENTRALLY-FUNDED PROGRAMS.—For each centrally-funded program under a foreign assistance program—

(A) the amount proposed for such program;

(B) the justification for such program;

(C) the objectives each such program is intended to achieve;

(D) an explanation of the relationship of such program to other types of assistance proposed under that foreign assistance program and under other foreign assistance programs; and

(E) the President's estimation of the date by which the objectives of such program will be achieved and such program terminated.

SEC. 2003. REQUIREMENT FOR CONGRESSIONAL EXPLANATION OF PROPOSED CHANGES TO THE PRESIDENT'S FOREIGN ASSISTANCE BUDGET.

Any committee of the House of Representatives or any committee of the Senate reporting legislation authorizing the enactment of new budget authority for, or providing new budget authority for, foreign assistance programs shall, to the maximum extent feasible, include in the report accompanying that legislation an explanation for any change proposed by that committee—

(1) in the total amount of new budget authority authorized or provided (as the case may be) for any foreign assistance program as compared to the amount proposed by the President; or

(2) in the amount of assistance for any specific recipient of assistance, or for any centrally-funded program, under any foreign assistance program as compared to the amount proposed by the President.

SEC. 2004. DEFINITION OF FOREIGN ASSISTANCE PROGRAMS.

As used in this chapter, the term "foreign assistance program" includes—

(1) any program of assistance authorized by the Foreign Assistance Act of 1961 (such as the development assistance program, the economic support fund program, and the international military education and training program) or authorized by the African Development Foundation Act, section 401 of the Foreign Assistance Act of 1969 (relating to the Inter-American Development Foundation), or any other foreign assistance legislation;

(2) any program of grant, credit, or guaranty assistance under the Arms Export Control Act;

(3) assistance under the Migration and Refugee Assistance Act of 1962;

(4) assistance under any title of the Agricultural Trade Development and Assistance Act of 1954;

(5) contributions to the International Monetary Fund;

(6) contributions to the International Bank for Reconstruction and Development, the International Development Association, or any other institution within the World Bank group; and

(7) contributions to any regional multilateral development bank.

Mr. CONDIT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. MENENDEZ. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. MENDENDEZ. Mr. Chairman, may I ask, are we still on title XVII?

The CHAIRMAN. The gentleman is correct.

Mr. CONDIT. Mr. Chairman, this amendment requires the President to prepare a yearly comprehensive report justifying all foreign aid requests and reporting on whether the existing assistance programs are meeting their objectives, and when they can be terminated or graduated.

The amendment also requires the committee of the Congress to make in their report a similar explanation, a comprehensive justification for their foreign assistance request.

This is a pretty straightforward bill. It is about accountability requiring us in the House and the administration to let us know how we are spending our foreign aid money and whether or not

we are achieving our objectives with those programs.

I would in addition like to thank the gentleman from New Jersey [Mr. SMITH] for his tolerance and for allowing me the opportunity to introduce this amendment tonight, as well as my colleague from California.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in support of the amendment.

I would like to congratulate the gentleman on his very fine amendment. The majority has looked at it very carefully. We like it. We think it will help the bill, so I thank him for his contribution to this legislation.

Mr. CAPPS. Mr. Chairman, I move to strike the last word.

I simply want to commend the gentleman from California [Mr. CONDIT] on an excellent amendment. This, when passed, will provide useful information, and I stand wholeheartedly in support of it.

□ 2215

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California Mr. CONDIT.

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there any further amendments?

AMENDMENT OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MENENDEZ:

At the end of the bill add the following (and conform the table of contents accordingly):

DIVISION C—MISCELLANEOUS PROVISIONS

SEC. 2001. ACTIVITIES AND PROGRAMS IN LATIN AMERICA AND THE CARIBBEAN REGION AND ASIA AND THE PACIFIC REGION.

Of the amount made available for assistance for a fiscal year 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 the fiscal year for each such region is to the total amount requested for development assistance for the fiscal year.

Mr. MENENDEZ (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MENENDEZ. Mr. Chairman, this amendment is straightforward. It was adopted in the original committee bill that came before the Committee on Rules. This language which I seek to include was included in the foreign operations appropriations bill last year. It creates no increase in authority or money, but simply put, it is a firewall to protect development assistance funds for Latin America and Asia from being reprogrammed.

The Asia and the Pacific region is home to 60 percent of the world's population and 75 percent of the world's poor. Since 1993, the Latin American, Caribbean, Asian, and Pacific regions have taken drastic funding cuts. Development assistance to Latin America and the Caribbean region dropped nearly in half, to half the level, which does not, I believe, reflect the commitment of this Congress or the government to the region.

Simply because of its proximity, Latin America should always be considered a priority region for the United States. The political and economic problems of the region manifest themselves in problems which affect our country and our future here at home: illegal immigration, narcotics trafficking.

As I listen to Members speak about the impact of immigration and drugs in our country, I cannot help but think our efforts to combat these problems at their root are insufficient. With 50 percent of Latin America and the Caribbean living below the poverty line, we will not see a decline in illegal immigration as long as the economic outlook to our south remains depressed.

Similarly, we cannot expect a decline in the drug trade when the reality for many poor and rural farmers is that cocoa is the only crop by which they support and feed their families. We need to create an alternative. Development assistance in the context of economic development, agricultural development, and education works to combat the problems which plague the streets of America.

Instead of fighting a war of words, we would be better served by a forward-looking policy toward these countries which includes enhanced development assistance.

Latin America is an important economic and trade partner. Democracy has swept through the region. Today only one country, Cuba, remains outside of that hemispheric commitment to democracy and free trade. In view of those facts, in view that Mickey Kantor has told us when he was the Trade Representative that Latin American trade between the United States and Latin America equaled trade to the entire Pacific Rim minus Japan, it tells us what we should be doing.

So if Members support business, they seek to create jobs, promote economic growth, if they oppose illegal immigration and narcotics trafficking, they should support this amendment, which again simply puts a firewall to protect development assistance for Latin America and Asia from being reprogrammed, creates no new increase in authority or money, but makes sure that we are engaged with an important region of the world.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to commend my friend for his amendment. I served as ranking member of the Subcommittee on the Western Hemisphere for a couple of terms. It was very apparent that Latin America often got short-shrifted and did not get its fair share of developmental aid.

In the heyday of the Nicaraguan and El Salvadoran crisis, the Contras and all of that, all of a sudden everybody cared about Central America. When that was over, it seemed a lot of people just wanted to look elsewhere. I think the amendment is a good step in the right direction, and in Asia as well. I thank the gentleman for his amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey Mr. MENENDEZ.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey:

Insert at the end of the bill the following new title:

TITLE . UNITED STATES POLICY WITH RESPECT TO FORCED ABORTION AND FOREIGN ORGANIZATIONS THAT PERFORM OR PROMOTE ABORTION

SEC. . FOREIGN ORGANIZATIONS THAT PERFORM OR PROMOTE ABORTION.

Section 104 of the Foreign Assistance Act of 1961, Public Law 87–195, is amended by the addition of the following subsection:

"(h) RESTRICTION ON ASSISTANCE TO FOREIGN ORGANIZATIONS THAT PERFORM OR ACTIVELY PROMOTE ABORTIONS.—

"(1) PERFORMANCE OF ABORTIONS.—

"(a) Notwithstanding section 614 of this Act or any other provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, perform abortions in any foreign country, except where the life of the mother would be endangered if the pregnancy were carried to term or in cases of forcible rape or incest.

"(b) Paragraph (a) may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

"(2) LOBBYING ACTIVITIES.—

"(a) Notwithstanding section 614 of this Act or any other provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in any activity or effort to alter the laws or

governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

"(b) Paragraph (a) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

"(3) The prohibitions of this subsection apply to funds made available to a foreign organization either directly or as a subcontractor or sub-grantee, and the required certifications apply to activities in which the organization engages either directly or through a subcontractor or sub-grantee."

SEC. . FORCED ABORTION IN THE PEOPLE'S REPUBLIC OF CHINA.

Section 301 of the Foreign Assistance Act of 1961, Public Law 87–195, is amended by the addition of the following new subsection:

"(i) LIMITATION RELATING TO FORCED ABORTIONS IN THE PEOPLE'S REPUBLIC OF CHINA.—Notwithstanding section 614 of this Act or any other provision of law, no funds may be made available for the United Nations Population Fund (UNFPA) in any fiscal year unless the President certifies that (1) UNFPA has terminated all activities in the People's Republic of China, and the United States has received assurances that UNFPA will conduct no such activities during the fiscal year for which the funds are to be made available; or (2) during the 12 months preceding such certification there have been no abortions as the result of coercion associated with the family planning policies of the national government or other governmental entities within the People's Republic of China. As used in this section the term "coercion" includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood, or severe psychological pressure."

Mr. SMITH of New Jersey (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. 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. COOKSEY) having assumed the chair, Mr. DICKEY, Chairman pro tempore 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. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes, had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1062

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that I be removed from cosponsorship of H.R. 1062.

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

There was no objection.

FREEDOM FROM RELIGIOUS PERSECUTION ACT

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

Mr. WOLF. Mr. Speaker, today I rise to speak on behalf of millions of people of faith around the world who are living in fear of religious persecution. In order to draw attention to this modern day tragedy, a number of Members, the gentleman from Texas [Mr. HALL] and others, have introduced the Freedom From Religious Persecution Act, which has over 40 cosponsors. I urge and beg my colleagues to cosponsor this bill and send a message around the world that America will not be silent on this issue.

The bill addresses the great untold human rights story of decades, persecution of peoples of faith around the world, Christians, Buddhists , Muslims, the Bahai faith. Slavery thrives in Sudan and this Congress does not a darned thing about it.

I hear Members talk about it, they give speeches about it, but, frankly, we do nothing about it. I urge my colleagues to do something about it. Cosponsor this bipartisan bill which has 40 cosponsors and let us pass it whereby we can help people of faith around the world.

The bill does a number of things. It focuses on persecution; abduction, enslavement, imprisonment, killing, forced mass resettlement, rape, or torture. It establishes an office in the White House to monitor religious persecution and requires the director to report to Congress whether foreign governments actively participate or fail to take steps to curtail religious persecution. It shuts of aid and requires U.S. executive directors to vote against multilateral development bank loans to persecuting countries. And it improves refugee and asylum procedures to ensure those seeking refuge from persecution are not turned away from a country which has historically welcomed religious victims.

The time has come for Congress to take a stand. Mr. Speaker, our bill would ensure that we take a new approach to this growing problem—an approach that says we will no longer be silent when regimes terrorize or allow terror against its religious believers. I urge my colleagues to cosponsor this bill.

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.

THE AMERICAN HERITAGE RIVERS INITIATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Idaho [Mrs. CHENOWETH] is recognized for 5 minutes.

Mrs. CHENOWETH. Mr. Speaker, one of the reasons for America's strength and her rise in economic ability is because of the wise use of her rivers and waterways for irrigation, travel, recreation, power, flood control, and all other uses.

Mr. Speaker, through the wise use and allocation of our Nation's waters we have literally turned our deserts into gardens, but tonight I rise to alert my colleagues and inform our constituents of the most recent assault by the Clinton administration on private property rights, States rights, and western values. That is the administration's American heritage rivers initiative, created and tendered solely by the White House, and executed without congressional approval.

Just before the Memorial Day work period the Council on Environmental Quality, an unauthorized agency existing on misappropriated funds, I might add, published this proposal in the Federal Register entitled "The American Heritage Rivers Initiative." It is in the Federal Register, May 19, 1997, page 27253. I urge my colleagues to read it.

Although law requires a 90-day public comment period, this comment period ends June 9, 1997, a mere 3 weeks after its date of publication; 3 weeks, not 3 months, as the law requires. This violates the Administrative Procedures Act and totally ignores the requirements of the National Environmental Policy Act.

Fortunately, today, Mr. Speaker, the gentleman from Alaska, Mr. DON YOUNG, chairman of the Committee on Resources, and the gentleman from Oregon, Mr. BOB SMITH, chairman of the Committee on Agriculture, along with myself and other Committee on Resources chairmen, have sent a letter to Katy McGinty strongly advising CEQ to extend that comment period to make it legal at least another 90 days. I am sure that the gentlewoman would be wise to follow this advice, and I will enter this letter into the RECORD.

Mr. Speaker, I have grave concerns about this initiative. The American heritage rivers proposal is just one in a string of the Clinton administration's attacks on our Western public lands. This is a Nation of laws, but from the Utah Monument to ecosystem management projects to the BLM's law enforcement regulations, this administration has demonstrated an absolute lack of regard for our Nation's laws and regulations, including requirements of environmental law.

I ask, where is the documentation required under the National Environmental Policy Act? Where is the notification and full public comment required under the APA? By the way, who is paying for this?

Again, the President is attempting to foist a program upon us, without us. Mr. Speaker, the very nature of how this proposal was constructed raises many troubling questions. For instance, since the American heritage rivers initiative has never been authorized by Congress, exactly which land

and water program funds were siphoned to prepare this proposal? How does the administration intend to continue funding this unauthorized project if it is established? I suspect that the Committee on Resources will be holding hearings to get answers to these very troubling questions.

Quite simply, this initiative will simply replace the long established and Constitutionally protected policies that govern the use of our waterways—which are critical to our economic survival, not only to the west, but to the entire nation. That is why for the past century the Supreme Court has held in case after case that in the west it is the States who control the use of water.

Mr. Speaker, there is case after case in the Supreme Court that upholds the fact that the States own the water in the western States. Let me quote from one of the seminal Supreme Court cases on this very issue, the 1978 Supreme Court decision written by Justice Rehnquist entitled "California v. U.S."

□ 2230

It states: To take from the legislatures of the various States and territories the control of water at the present time would be something less than suicidal. If the appropriation and use were not under the provisions of State law, the utmost confusion would prevail.

Mr. Speaker, I agree. Idaho Code 42–101 states: All the waters of the State, when flowing in their natural channels, including the waters of all natural springs and lakes within the boundaries of the States, are declared to be the property of the State, whose duty it shall be to supervise appropriation and allotment to those diverting the same therefrom for any beneficial purposes.

Mr. Speaker, this proposal by the President will be redefining communities. It will redefine watersheds and jurisdictional boundaries. It creates a governing authority called a river community which will redefine what the river and the entire heritage area is, which extends beyond State boundaries and jurisdictional boundaries.

Mr. Speaker, this fictional entity, the river community, will then describe and define the designation which could be the length of the entire area, whether it be an entire watershed, the length of an entire river or a short stretch of river and, as I say, it may cross State boundaries.

Mr. Speaker, we are just beginning to address this issue. We need to take immediate action. I will be here Tuesday night doing a one hour special order speech with a number of my colleagues on this very subject.

We have a little thing in this country called the separation of powers. The legislative branch creates laws. The executive branch implements the laws, and the courts interpret the laws. I think the administration has forgotten about this in this particular move.

When it comes to western resources issues, the Clinton Administration has once again usurped the Congress's lawmaking authority. Nowhere in law can one find the American Heritage Rivers program. This action is tantamount to tyranny, and must stop; or as the Supreme Court warns: "the utmost confusion will prevail."

Lastly, Mr. Speaker, I'd like to leave the Members something to think about. Perry Pendley, in his book "War on the West," wrote:

For the environmental extremists' vision of the West is of a land nearly devoid of people and economic activity, a land devoted almost entirely to the preservation of scenery and wildlife habitat. In their vision, everything becomes a vast park through which they might drive, drink Perrier and munching on organic chips, staying occasionally in the bed-and-breakfast operations into which the homes of Westerners have been turned, with those Westerners who remain fluffing duvets and pouring cappuccino. They are well on the way to achieving their objective.

You'll be hearing more on Tuesday.

Mr. Speaker, I include for the RECORD the following:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, June 4, 1997.

MS. KATHLEEN A. MCGINTY,
Chair, Council on Environment Quality, Executive Office of the President, Washington, DC.

DEAR MS. MCGINTY: This letter is in response to your May 19, 1997 letter to Chairman Don Young, House Committee on Resources, concerning the Clinton Administration's American Heritage Rivers Initiative. This Committee has strong reservations about this unauthorized initiative, and we are fully aware of the public outcry occurring over the Federal Register Notice on this issue.

We strongly advise that the comment period for the Council on Environmental Quality (CEQ), American Heritage Rivers Initiative be extended for 90 days, until at least September 9, 1997, to provide sufficient time for the American public to express their concerns.

Furthermore, as the Committee with jurisdiction over the CEQ and the Department of the Interior (DOI), we request that you prepare a detailed briefing for this Committee, and other interested Members of Congress, to fully explain your undertaking of this initiative. The committee is especially interested in a full explanation of any reprogramming of authorized funds involved in conducting the public hearings throughout the United States in April and May, 1997; a full accounting of all personnel involved from the DOI; and, a comprehensive review of what budgetary reprogramming the planned Federal Interagency Team will require in Fiscal Year 1998. This briefing should be provided as soon as possible, but no later than June 27, 1997.

Finally, this Committee has serious concerns about this initiative to designate specific areas for special Federal assistance without any authorization from the Congress. Ironically, it would appear that CEQ has totally ignored the requirements of the National Environmental Policy Act of 1969 in undertaking this "major Federal action." We look forward to your immediate response to this letter and especially to our oversight responsibility concerning the short public comment period CEQ has provided the American people.

Please contact Mr. P. Dan Smith, Legislative Staff, Subcommittee on National Parks and Public Lands at (202) 226–7736, to coordinate the briefing requested by this Committee.

Sincerely,

DON YOUNG,
Chairman, Committee on Resources.
JAMES V. HANSEN,
Chairman, Subcommittee on National Parks and Public Lands.
JOHN T. DOOLITTLE,
Chairman, Subcommittee on Water and Power.
HELEN CHENOWETH,
Chairman, Subcommittee on Forests and Forest Health.
ROBERT F. SMITH,
Chairman, Committee on Agriculture.
BARBARA CUBIN,
Chairman, Subcommittee on Energy and Mineral Resources.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 84, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEARS 1998–2002

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–117) on the resolution (H. Res. 160) waiving points of order against the conference report to accompany the concurrent resolution (H. Con. Res. 84) establishing the congressional budget for the United States Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–118) on the resolution (H. Res. 160) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

BALANCING THE BUDGET

The SPEAKER pro tempore (Mr. COOKSEY). Under a previous order of the House, the gentleman from Texas (Mr. SESSIONS) is recognized for 5 minutes.

Mr. SESSIONS. Mr. Speaker, not long ago his excellency, President

Eduardo Frei of Chile, spoke to a joint session of the Congress. He gave us some advice. He began by saying, I want to share with you why we Chileans are ever more satisfied with the dividends of freedom, why we do not want to look back, why we wish to have a part in the new history, the history mankind is now beginning to write.

I did not find his remarks presumptuous, as some did, because I believe we have a lot that we can learn from Chile. Chile was in a period of stagnation and suffered many of the budgetary perils that exist today in the United States. But Chile rose above it. Chile today has sustained 14 years of growth averaging 7 percent annually.

Real annual wages have risen over 4 percent. Per capita income has doubled in Chile in just the last decade. Chile's savings rate is close to 25 percent. All of this has been achieved not in spite of but as a direct result of 5 consecutive years of balanced budgets and fiscal surpluses.

Listening to President Frei, I was most impressed how he described the character of the Chilean people and its leaders. He said: We have learned to be patient. Chile does not begin anew with each election. Rather, we build on our creativity and on our work.

We are well aware that we have a unique historic opportunity to achieve full development in a free market of political freedom. We value our achievements but we give equal attention to the challenges that are ahead of us.

Mr. Speaker, I say that balancing the budget is about discipline, the discipline to do the right thing, the discipline to tell the American people the truth. With annual revenues of $1.45 trillion, the Federal Government spends more than $1.56 trillion each year. That means that the Government spends $4.3 billion every day, $178 million every hour and $3 million every minute. That also comes out to be $50,000 per second. But more importantly, it means that the President and Congress cannot do what American families do every single day, and that is to spend only what they have.

We have reached a historic accord with the President now, one that will balance the budget by the year 2002.

It came as a result of compromise and fair dealing. The Republicans in the House and the Senate have dealt with the administration in a direct and honest fashion, negotiating in good faith. Now it is up to the Democrats to meet us at this historic crossroads. This country has a great history of standing up to whatever challenges God sends our way. When we were oppressed, we fought for independence against overwhelming odds. When tyranny threatened our neighbors, we stood up against it and conquered it twice. When poverty sapped our Nation's energy, we rose from it to retain our place as the greatest Nation in the world.

Today we face similar challenges. One of the most important things President Frei said was that his countrymen did not need excessive government in their lives. He said: Our people want no more paternalism. They are ready to forge their own destiny.

Now we have come to an agreement on the budget. Americans should be calling on Members of Congress from both parties to sign on the dotted line and to pass this balanced budget.

With this balanced budget, we will provide $85 billion in tax relief over 5 years. It is not as much as we conservative Republicans think the American people deserve, but it will mean a child tax credit, death tax relief, capital gains tax relief, expanded IRAs and relief for parents who send their kids to college. This balanced budget saves Medicare for 10 years, providing America's seniors more choice and enacts real reforms that slow the growth of spending by $115 billion over 5 years.

In addition, it provides funding for domestic priorities, including transportation, housing and education.

I will fight for this balanced budget so that we can secure freedom for the future of all Americans and those Texans that live within the Fifth District. My constituents deserve leadership that tells them the truth, that can make tough decisions and that will make their life better.

Like Chile, our character is strong enough to withstand the path to a better future for our children.

SMALL BUSINESS OWNERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I rise today to commend a growing group of Americans who are at the heart and soul of America's thriving economy, America's small business owners. During this week, Small Business Week, I want to recognize small business owners for their contributions to our economy, our society and our communities. At the heart of every small business owner is the entrepreneurial spirit which our forefathers founded and build this country. It is this spirit and heart which has kept our business competitive for the past 200 years. In today's marketplace we can see large multinational corporations facing competition from small businesses making use of the Internet to expand their markets and competing with their counterparts from across the world. When we have small business owners striking out on their own trying to make a life and a living for themselves, we cannot afford to stifle the entrepreneurial spirit by overtaxing them.

Small businesses constitute 98 percent of all businesses in America. They employ nearly 60 percent of the work force. In addition, small businesses have created about two-thirds of the net new jobs in the American economy since the early 1970s. However, the government continues to impose policies like the burdensome death tax on small business people who wish to pass their business onto their children. Accordingly, Mr. Speaker, we must recognize and assist those who make small business work for America, those who show the drive, initiative and imagination to make themselves, their business and their communities a success so that our economy can continue to grow.

One of these individuals is a young woman from Rushville, Illinois, a small town in west central Illinois. Judy Robbins was a hopeful small business owner in Rushville who wanted to start a dance studio but really had no plan, knowledge on how to start one. Judy decided she would take the initiative herself, and she signed up for a 4-week course at the Illinois Department of Commerce and Community Affairs under the Small Business Development Council.

During the 4 weeks of her small business course training, Judy learned how to formulate a business plan, pool her resources and start a business of her own. She spent the next 4 months attempting to convince a bank to finance her business plan, finally finding an institution which would finance her idea for a dance studio. Shortly after, Judy started the dance center, dance studio, and I am happy to say that hundreds of dance steps are being performed on a daily basis in downtown Rushville today.

Mr. Speaker, Judy Robbins is a shining example of a classic American dream coming true. The American entrepreneurial spirit can and will thrive without excessive paperwork and burdensome taxes. Small business is the epitome of what is right with America and what is right with the free market. The more regulated and burdened this market becomes, the more small business owners will be unable to do their jobs and create jobs for others.

We must stop overtaxing our small businesses and hurting our economy by retaining the death tax. When we see a small business owner from our districts this week, thank him or her for contributing to the growth of our communities and our economy.

ON SMALL BUSINESS

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

Mr. BRADY. Mr. Speaker, today on Capitol Hill there were a number of representatives of the National Federation of Independent Business, the organization that represents more than 600,000 of our small and independent entrepreneurs in America, led capably by Jack Farris.

They were here today to talk about government and about the role it plays in stifling small business and the jobs they have the potential to create. It reminds us and helps remind us that small business is the engine of our economic growth in America. They are the quiet, very quiet heroes of our American economy.

We all know that most of the jobs in America are created by small businesses, but they are creating jobs at 8 times the rate at small businesses than are created in the larger companies with 500 or more employees. In fact in 1995, there were 800,000, 800,000 new businesses starred in America, a 5 percent increase over the year before.

Not only do these small businesses help our economy, but they help stimulate the economy in our community as well. They have a ripple effect each time one is created. A business with up to 100 employees not only brings new families and school children to our communities, but they also spin off another retail establishment to help support it. They create over half a million dollars in retail sales within that community and over a million dollars of more personal income to be spent to generate the local economy.

Not only do small businesses stimulate the economy, they always give back to the community in which they live. Employees of small businesses, by research, are more charitable, give back to their communities, give more donations to the service providers that help our community run.

These quiet heroes are all around us. Recently in a local newspaper, the Family Image, which is run by an entrepreneurial company, Ron and Barbara Frazier, who like to reinforce the family values that are the foundation of our country, there is a profile of a small business, of a small businesswoman K.C. Choe. She is owner of Schlotzsky's Restaurant on 1960 West near the intersection with I–45 in north Houston.

K.C. was born in Seoul, South Korea, came to America after high school and in 1979 became a U.S. citizen. After working in the Houston hotel for three years, she caught the entrepreneurial spirit of this country and bought a restaurant in 1984 that her mother helped her buy. That restaurant became Schlotzsky's later in 1995. K.C. and her coworker Tammy Karpas work 70 hours or more a week. Her mom works there as well and helps take care of K.C.'s 12-year-old son Joey, who attends Twins Creek Middle School in Spring, TX, and K.C., Tammy, and her mom work there day in and day out providing quality service to their customers.

□ 2245

She and her family have faced a thousand challenges to keep that company alive and growing and prospering, and like a lot of businesses, it is hard to believe the type of regulation and the challenges they are up against that government helps create.

Recently Herman Cain, who is the chairman and CEO of Godfather's, jotted down in a local magazine, Success Magazine, some of the regulations that they face, just Federal regulations, that a typical restaurant in our communities will face, and it is amazing. Let me read just some of these organizations and agencies they have to comply with.

The Department of Justice, for accessibility to disabled customers; Bureau of Alcohol, Tobacco, and Firearms, for the occupational tax for alcohol sellers; Occupational Safety and Health Administration, for blood-borne pathogen program for employees who give first aid; the EPA, for car pools for employers in high pollution areas and cooking emissions in high pollution areas; Department of Justice, for copyright law and restaurant music; Food and Drug Administration, to comply with egg refrigeration standards; Department of Labor, the Family and Medical Leave Act; the grease trap waste disposal regulations by EPA; health claims and restaurant food regulations by the Food and Drug Administration; health benefit plans and Americans with Disabilities Act by the EEOC; the Immigration Control Act regulates them as well.

Job application forms and the questions they can ask are regulated of their employees are regulated by the EEOC. Their lockout and tagout requirements are complied with through OSHA; minimum wage is determined and audited by the Department of Labor; the national origin discrimination is regulated by the EEOC; the FDA regulates the nutrient-content claims and restaurant food.

The IRS, of course, outlines overtime pay rules and the payroll tax deposits. The Department of Labor has the ban on the polygraph for employee testing. The Department of Labor has regulations on restaurant closings and advance notice to employees; the EEOC, sex discrimination; the IRS, tipping-income audits. The Department of Labor has uniforms and deposits; the National Labor Relations Board, the union contracts; the Department of Labor has the Veterans' employment rights; and earned income credit payment, the IRS regulates that on the W–5 form. And those are just the Federal regulations.

Restaurants also have to, even the smallest restaurants, also have to comply with State permits and regulations, city health inspections, and other registration requirements.

Mr. Speaker, we need to reduce this kind of burden on people like K.C. and other independent businesses, small businesses especially. Again, these are the quiet heroes, Mr. Speaker, that we honor this week.

CELEBRATING SMALL BUSINESS WEEK

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

Mr. PAPPAS. Mr. Speaker, I rise today to pay tribute to small businesses in our country. As many people know, across our country this week we are celebrating small business week throughout the 50 States of our great country. Many of us earlier today participated in a ceremony on the steps of this building with members of the National Federation of Independent Businesses.

Many people believe that small business is the engine that is driving our economy. In fact, more than 99 percent of the Nation's employers are employers that are considered small businesses. Most of the job growth that takes place in our economy in the United States is driven by small businesses.

I am very pleased to be a part of a Congress that has committed itself to fostering and moving forward legislation that would be supportive of small business. And when I say supportive of small business, I mean to really allow small business to function, to allow small business to operate unhindered and not to take the approach of throwing stumbling blocks, which, unfortunately in the past, was done. I do not believe intentionally, but that was the practical application of so much that emanated from this city, Washington, DC.

Joining the 105th Congress was an honor for me and certainly is a privilege and continues to be so, but as someone that is a product of small business, I am very happy to be a part of a group of Members that is trying to be sensitive to the needs of small businessmen and women throughout our country.

I am a member of the Committee on Small Business. When I had the opportunity to submit to the leadership of my party which committee assignments I was interested in serving on, small business was one of my first choices. Some here do not necessarily view the Committee on Small Business as being the first tier, but I certainly believe that it is a first tier because of what it means to so many of our fellow American citizens.

Mr. Speaker, in conclusion, I just want to thank the Speaker for the supportive approach he takes personally, and so many of our colleagues on both sides of the aisle, to the functioning of small business. I am looking forward over the next several months to continuing to move forward pieces of legislation that will once again be supportive of the entrepreneurial spirit that has made this country the wonderful country that it is, that enables people to get ahead, to provide for greater

opportunities for themselves, for their families and for future generations. That is what our focus should be and that is what one of my main focuses is.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. Pallone] is recognized for half the remaining time until midnight as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, Democrats have been active in trying to provide health care coverage for uninsured children, and since the last Congress Democrats developed the Families First Agenda that basically puts families first and insists that there be, as part of our legislative agenda in this Congress, a kids' health care initiative.

The initiative that we have put forward was basically developed by the Democratic Health Care Task Force, which I happen to one of the co-chairs. I wanted to mention, Mr. Speaker, that our task force has held numerous meetings and hearings on the issue of kids' health insurance. Testimony has been submitted from child advocacy groups, health care providers and actual families.

In addition, discussions have been held with the Health Care Financing Administration, representatives from the insurance industry and some of our Nation's Governors. Democrats have been dedicated, basically, and shown a commitment to developing a workable plan that will first build upon the foundation of Medicaid; second, provide States with additional resources to meet the health care needs of children in working families; and, third, enact private insurance reforms to make it easier for families to purchase children only policies.

I have to say, Mr. Speaker, that if it were not for Democrats leading the charge on children's health care, it probably would not have been included in the budget resolution that we will be considering tomorrow in conference.

In 1996, dozens of my Democratic colleagues joined me in writing a letter to the President, to Secretary Rubin and to Secretary Shalala urging inclusion of funds to provide assistance for the Nation's 10 million uninsured children. As the Speaker knows, the President's initial fiscal year 1998 budget did include monies for children's health care.

I want to commend the President, because President Clinton basically held his ground and insisted on including monies for children's health care in the balanced budget agreement that will be coming back from the conference tomorrow. What I am hoping is that the Democratic initiative, the Health Care Task Force initiative, will be included as part of this budget resolution. It will be ready for reconciliation, which we will of course begin to consider next week.

Without getting into the details of the Democratic caucuses plan, though, right now, I would like to yield some time to one of my colleagues on the Committee on Commerce, who has been very active in the kids' health insurance issue, the gentleman from Ohio, Mr. STRICKLAND.

Mr. STRICKLAND. Mr. Speaker, I want to thank my friend for yielding me this time. It is disturbing to me that in a country which is making progress on many fronts, where the economy is doing well for most Americans, where the deficit is shrinking, that we continue to have a health care crisis in this country. Some 40 million Americans are without health insurance, and the sad, tragic fact is that over 10 million of that number is composed of America's children.

We are a country that claims to value our children. We use children in commercials to sell products, everything from toilet paper to new houses. We talk about how much we value children and that we are a child centered society. But I believe that a country's values are best reflected, most accurately reflected in the behaviors and the public policies that it pursues rather than in the words that its leaders speak.

Ten million children without health insurance. And who are these kids? Some think that they are only composed of children whose parents are not working or who are on welfare, but of course that is absolutely not the case.

Currently, children whose parents receive welfare benefits, and are qualified to do so, the parents of those children do have access to quality health care through the Medicaid program. But many of the children, in fact most of the children that are without health care coverage in this country today, are the children whose mothers and fathers work.

They work full time, most of them. Most of them are from two-parent homes, and yet their parents work for employers that, for sometimes good reasons, other times for not good reasons, do not have health care benefits as a part of the employment package of benefits. And yet their wages are so low that they could not possibly go on the open market and purchase health insurance for their children. So these kids do without. They do without timely and appropriate dental care. Many of them do without those kinds of annual examinations which every pediatrician recommends in order to identify problems early so that they can be promptly treated and remediated.

So today, in this country, a rich country, a country that boasts of a booming economy, low unemployment, a shrinking deficit, at a time when we are talking about having a balanced budget, there are many Americans, and many in this Congress, I am sad to say, who seem to be unconcerned about 10 million American kids.

I am happy that the President is proposing in this budget agreement that we extend benefits to at least five additional million, but it troubles me, it really troubles me that we are not talking in terms of all of our children and making a commitment to using our national resources as they ought to be used to make sure as a priority that America's children, regardless of their economic situation, regardless of what families they come from, that those children have access to quality, timely, appropriate health care.

So as we look forward to the next weeks and months in this chamber, it is my hope that the American people will begin to express themselves, and that conservatives and liberals alike will say that 10 million American children without health insurance is unacceptable and we will not tolerate it for a longer time.

□ 2300

Mr. PALLONE. I want to thank the gentleman from Ohio Mr. STRICKLAND for his comments. He brought up a number of things that I think are very important. I have tried and sometimes I am partisan, sometimes I am not. On this particular occasion, I tend to be very partisan.

Really, for a long time, the Republican leadership was essentially ignoring this issue of kids' health insurance, the 10 million uninsured children that my colleague mentioned. Now that it is in the budget agreement, and presumably there is a pot of money, I think about $16 billion over 5 years, that is available for this.

It is not likely that that amount of money would cover, as my colleague said, more than about half of the 10 million children. But, obviously, what we want to do as Democrats is to make sure, on the one hand, that the $16 billion that is available covers as many kids as possible. Then we also feel very strongly as a group, and I know the Democratic task force does on health care, that we need to go beyond that and try to find a way to insure the other kids that are not currently insured.

There are obviously various ways to go about this. The gentleman from Ohio mentioned the Medicaid program, which is of course our primary program now for those who are below the poverty level or close to the poverty level. One of the things that we have noticed in the task force in some of the hearings and meetings that we have had is that there are actually 3 million children who are now eligible for the Medicaid program that do not sign up for one reason or another.

After meeting with some of the families and talking with some of the health care professionals, what we found is that there are a lot of reasons why those 3 million kids are not covered. First of all, as my colleague mentioned, a lot of times the parents are

both working and they just do not have the time to be bothered. They are not aware or they just find that the bureaucracy of having to sign the kids up, I do not mean they do not want to be bothered in the sense they do not want to help, but they are just not aware, for whatever bureaucratic reasons, they just do not know to sign the kids up.

There is also an extreme element of pride. I know a lot of people, unfortunately, I think see Medicaid as a welfare program. And if they are working, which most of these people that are eligible that are not signing up are overwhelmingly working, they are reluctant to sign up for Medicaid, they say they see it as some sort of Government handout.

What we have done in our Democratic task force proposal is to, at least initially, and the President has talked about this as well, try to find a way to get these 3 million children who are eligible for Medicaid signed up. And our plan, basically, provides grants to States to help local communities in the outreach programs to basically reach out in a flexible way to try to find ways in the community to do that.

The other problem with the Medicaid program is right now many kids are not covered for the full year. In other words, what they do is they determine eligibility every three months or so. And so, a kid can be on Medicaid for one or two months and then off Medicaid again. So one of the things that we have said in our plan is that we want to make sure kids are covered year round; in other words, if they are enrolled initially in Medicaid, that they at least stay on the rolls for 1 year. I think that that allows a certain amount of continuity and probably also would encourage people who are eligible for Medicaid but have not signed up to do so.

The other thing that my colleague mentioned is obviously we have the Medicaid program and we can find ways to expand it to stay just above the poverty level or a certain percentage above the poverty level, but I think we also need to go beyond the Medicaid program. Many people are simply not going to be eligible because they have a little higher income, but if their income is just a little higher than the so-called poverty level, they are still competing for this resource with the rent, with food, with clothes, and if they have to make a choice, a lot of times the choice cannot be to pay for health insurance because of the circumstances. They may not be eligible for a group policy. They may not be offered through their employment.

So what we have talked about, basically, is what we call Medikids, which is sort of a matching grant program. That is, you provide a certain amount of money to the States with a matching grant, and they, again in a flexible way, try to find ways to expand health care coverage for people that are not eligible for Medicaid and cover people possibly up to maybe 300 percent of the poverty level. I think that will take us up to, depending on the situation, maybe up to something like 35 or 40,000 for a family of 4.

Now, the other thing that we have talked about in the task force and as part of the legislation we put forward was a proposal or a component actually developed by another one of our colleagues on the Committee on Commerce, the gentlewoman from Washington Ms. FURSE. What she has pointed out is that many times families are eligible for a group plan, which of course means lower costs than if they have to buy health insurance individually. But many group plans do not offer kids-only insurance, and the parents may find that they cannot afford to pay for the whole family but they would like to pay for the kids. So what we are doing in this proposal is mandating that they be able to buy kids' health insurance only if they want, if they are eligible for a group policy.

The other thing is that under the Federal law, the COBRA legislation, which people who, for example, if they lose their employment or they want to take advantage of the COBRA law, oftentimes they also cannot buy a health insurance policy just for the kids. So we are saying also to mandate the COBRA provide kids-only health insurance.

I believe very strongly with our task force proposal that we could get at almost all the 10 million children, because essentially what we are doing is expanding Medicaid, we are then providing a matching grant program for those above the Medicaid level, and then for those who get to the level of maybe 40, 45 thousand and above, who can afford private insurance, we are making those changes in the insurance law so that they would be able to buy kids-only insurance. These are the ways that we have talked about over the last 6 months of trying to enroll as many of these 10 million kids as possible.

The last thing I want to mention, too, is that the number continues to grow. The estimate that I have seen from some of the advocacy groups is that by the year 2000, this number is going to be 12 million. So if we do not act now or do not act in a way that is going to provide as many kids as possible, we may cover five million and find out we have another 7 million by the year 2,000 that are not eligible.

Mr. STRICKLAND. I would just like to point out that this is an issue that I would hope and I believe cuts across the political spectrum of different political philosophies. I really do not believe that if we were to search the hearts of any Member of this body that there is any Member in this body that would believe that we should have children in this country without health care coverage. The question is how to achieve it and how to achieve it in a way that is acceptable to conservatives and liberals and those of us who try to make up the middle ground.

I think what my colleague is describing, what he has described tonight, is a plan that is efficient, that does not create a new program as such but simply builds on what we already have, something that is already working, but that gives the individual States greater resources and some flexibility in choosing how best to provide this kind of coverage.

So I know that we do a lot of arguing and debating in this Chamber and sometimes it is nonsense and sometimes it is serious, but I would hope that this is an issue that would rise above all others in terms of its ability to pull together both sides of the Chamber, Democrats and Republicans, as well as trying to find an agreement with the Administration.

I think if this 105th Congress were to achieve health care coverage for America's children in spite of whatever failures that we may find ourselves having to admit to, that we would truly be able to say we had accomplished something that was of very significant importance to the entire country.

I think my colleague the gentleman from New Jersey Mr. PALLONE is right when he indicated that if we do not do it now, the problem is going to get worse and that it will be more difficult perhaps in the months and years to come if we continue to let this number escalate and mushroom.

I guess I would end by saying it is the right thing to do. It is absolutely the right thing to do, and I cannot believe that, given the resources of this rich country, we cannot do this. It may require us to make some choices. It may require us to say that children are more important than something else. But we ought to be willing to do that. If we are not willing to do that, then I would suggest that some of my Members who use children as a way to express their values, we see a lot of Members, myself included, who walk around this Chamber with "save the children" ties on, with images of children hanging around their neck, and I assume that is in order to make a public display of their commitment to children.

I think if we as a Congress do not take this step and make the decisions that are necessary to set our priorities such that children come first, we talk about families coming first, but I really believe that we ought to get even more specific than that, we ought to say that children come first. They are the most vulnerable, defenseless part of our society, and we need to commit ourselves to this effort. I commit myself, as I know my colleague does and the Members of the Democratic task force, and I also believe that there are a number of our Republican colleagues who share our concerns.

So, hopefully, as this budget scenario plays itself out, we will find that we do what we need to do here. I thank my colleague for the opportunity to share these comments with him.

Mr. PALLONE. I really could not have said it any better, so I am going to pretty much stop here as well. But I wanted to just reiterate one of the things that my colleague said before we end, and that is that what we really are trying to do here is build upon the existing system.

That is, we know that most people get their health insurance through an employer-based system; and we want to build upon that with some of these private health care reforms. Medicaid generally has worked and it can be expanded and made better.

Lastly, with the matching grant programs, there are a lot of State private-public partnerships that are out there. A lot of States have done some very innovative things with private-public partnerships. I hope the matching grant program, if we can get that into effect, will build upon those various States' activities as well.

So, idealogically, this really is something that can cross party lines because it does not really have any idealogy, it builds upon existing programs and it is something that I believe can be supported on a bipartisan basis.

NATIONAL SMALL BUSINESS WEEK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Colorado Mr. BOB SCHAFFER is recognized for 30 minutes as the designee of the majority leader.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, June 1 through 7 is recognized throughout the country as National Small Business Week. I cannot think of a more worthy group to honor. Small business is the heart of not only our economy but of our communities. I hope that my colleagues here in the Congress will be participating in events in their districts to honor this vital sector of our economy.

Small business is the engine not just of our Nation's economy but of our communities. Typically it is the small business people who are the charitable and civic leaders in our neighborhoods. Small business accounts for 99.7 of the Nation's employers, employing 53 percent of the private work force, contributing 47 percent of all sales in the country, and responsible for 50 percent of the private gross domestic product.

Yet small business owners face a tax and regulatory system that overburdens and demoralizes them. Government is meant to be the servant of the people. Yet the existing Federal tax and regulatory state unfairly acts as judge, jury, and master of honest, hard-working Americans.

In the last 2 years, Congress has passed legislation that helps small business struggle from under the thumb of the Federal Government, the Small Business Regulatory Enforcement Fairness Act and Regulatory Flexibility Act, to name a few.

However, there is still a long way to go. This Congress is dedicated to championing legislation designed to encourage small business growth and prosperity, and I am dedicated to becoming one of its chief advocates.

Mr. Speaker, I insert the following for the RECORD.

SMALL BUSINESS TALKING POINTS

Small business is the engine—not just of our nation's economy—but of our communities. Typically, it is small business people who are the charitable and civic leaders in their neighborhoods.

Small business accounts for 99.7 percent of the nation's employers, employing 53 percent of the private work force, contributing 47 percent of all sales in the country, and responsible for 50 percent of the private gross domestic product.

Yet, small business owners face a tax and regulatory system that overburdens and demoralizes them. Government is meant to be the servant of the people, yet the existing federal tax and regulatory state unfairly acts as judge, jury, and master of honest, hard-working Americans.

In the last two years, Congress has passed legislation that helps small business struggle from under the thumb of the federal government—the Small Business Regulatory Enforcement Fairness Act and the Regulatory Flexibility Act—to name a few. However, there is still a long way to go. This Congress is dedicated to championing legislation designed to encourage small business growth and prosperity, and I am dedicated to becoming one of its chief advocates.

Paperwork Elimination. One of the first bills brought before the House in the 105th Congress, the Paperwork Elimination Act was designed to require federal agencies to communicate with small businesses and individuals through information technology. This bill makes electronic communications voluntary for businesses, but mandatory for the government. We are returning the responsibility of compliance back to the federal government—instead of the business owners.

Mandatory Electronic Filing Tax Payment System (EFTPS). A perfect example of federal regulatory tyranny is the impending mandate on small business to comply with the EFTPS. The system requires any business with payroll taxes in excess of $50,000 to file electronically. On June 1, 1997, the IRS succumbed to small business pressure and granted a six-month waiver of the 10% penalty. However if businesses do not comply by December 31, 1997, they will be subject to penalties. Although the extension is a solid victory, small business compliance with EFTPS is still outrageous. That is why we have introduced a bill to make compliance for small business voluntary. The Small Business Tax Payment Relief Act will return the onus to the federal government instead of the small business owner.

Tax Relief. Small businesses face an unfair tax burden. We are pleased that the budget agreement will include significant small business tax relief. It is vital that any tax package include these and other provisions for small business. The following are a few of the provisions that we are pushing for:

Death tax. The death tax, a.k.a. the estate tax, is levied on individuals who receive property from deceased family members. It is inconceivable that after paying taxes on a business for years, children must then pay again after the death of their parents. Many families must resort to selling the family business in order to pay the estate taxes. The result is tangible: more than 60 percent of small businesses cease before reaching the second-generation and more than 90 percent of small business fail to reach the third generation.

Capital gains. Capital gains taxes income twice and hurts many small firms that rely on venture and equity capital from investors—including millions of informal investors such as family, friends and employees—to survive. Lowering capital gains will benefit small business by unleashing capital for investment in and by small entities. This will enable them to innovate, grow, create jobs, increase wages, save and invest more, and spur economic growth.

Independent contractor classification. Pegged by the White House Conference on Small Business as one of the most important issues facing small businesses, redefining the independent contractor status will clarify the complex classification process. It will stop the IRS from retroactively penalizing legitimate business arrangements and let small businesses prosper.

Home office deduction. There are 14 million Americans who now operate home-based businesses. Corporate downsizing, improvements in technology, and a desire to be close to family have led to the growing number of home offices. We should do everything we can to allow families to work closer to home. That is why we need to restore the home office deduction.

Increased Health Deductability for the Self-Employed. It is patently unfair that large corporations can deduct 100 percent of their share of employees' health-care costs, while the self-employed farmer or home-business owner can only deduct 40 percent. Last year's health insurance bill increased health insurance deductibility to 80 percent by 2006, but that still is not good enough. We need to level the playing field and offer small businesses the same benefits larger corporations enjoy.

Small business is vital to our nation's economy. For too long, small business has had to fight the tyranny of a federal government that claims to support small business, yet instead support regulatory agencies and a tax system that stand in the way of small business success. It's time for change. It's time to give small business its due and return government to a supportive role—not an antagonistic one.

SMALL BUSINESS FACTS

ROLE IN THE ECONOMY

The number of new businesses catapulted in 1995. There were an estimated 800,000 new businesses last year—the highest ever—and a 5 percent increase over the 1994 record of 742,000 new businesses. Interest in starting and owning a small business has skyrocketed in the last three years, and part-time entrepreneurs have increased steadily in the past decade.

In the United States, small businesses have increased 49 percent since 1982. As of 1994, there were approximately 22.1 million nonfarm businesses, of which 99 percent are small by size standards set by the U.S. Small Business Administration (SBA). These include partnerships, corporations, and sole proprietorships. Most of the 22 million businesses—almost two-thirds operate full-time—the rest part-time.

There is nothing small about starting or owning a small business in the United

States. They account for 99.7 percent of America's employers. Small businesses employ 53 percent of the private work force, contribute 47 percent of all sales in the country, and are responsible for 50 percent of the private gross domestic product. Industries dominated by small businesses produced an estimated 62 percent of the 3.3 million new jobs created during 1994.

WOMEN AND MINORITY-OWNED ENTERPRISES

According to a 1995 study by the National Foundation for Women Business Owners and Dun and Bradstreet, there are now 7.7 million women-owned firms that provide jobs for 15.5 million persons, more than the number of persons employed in the Fortune 500 industrial firms.

Data on women and African American-owned businesses for 1987 and 1992—the latest data that is available from the Department of Commerce—reveals that these businesses fared well in the late 1980s. The number of women-owned businesses rose from 4,112,787 to 5,888,883 between 1987 and 1992—an increase of about 43 percent. The total receipts of women-owned businesses nearly tripled over this same time period, rising from $278.1 billion in 1987 to 642.5 billion in 1992.

Women owned 32.1 percent of all businesses in the United States in 1992—raising the total number of women-owned firms to 6.4 million. In 1994, women-owned firms comprised 32.7 percent of all U.S. businesses. The SBA predicts that by the beginning of the 21st century, women will own 50 percent of the small businesses in the United States.

Between the years of 1987 and 1992, the number of African American-owned businesses rose by 46 percent, from 424,165 to 620,912. As of 1992, the receipts of black-owned businesses totaled $32.2 billion, which is almost double the receipts in 1987.

One of the fastest growing segments of the U.S. business population during the 1980s proved to be Hispanic-owned business. Between 1982 and 1987, the latest years available, the number of Hispanic-owned businesses rose from 233,975 to 422,373, an increase of 80.5 percent. The total receipts from Hispanic-owned firms rose in 1987—from $11.8 billion in 1982 to $24.7 billion.

Between 1982 and 1987, businesses owned other minorities—Asian Americans, American Indians, and others—increased by 87.2 percent. This was the fastest increase of all the minority business groups surveyed by the Bureau of the Census for those years.

EMPLOYMENT

Most recently, employment in the small business sector has again reached high levels. Between December 1994 and December 1995, employment in small business-dominated industries increased 2.7 percent, creating 1.25 million new jobs, or 75 percent of total new jobs in the economy. Based on Dun and Bradstreet data, virtually all new jobs were generated by small firms with fewer than 500 employees from 1990–1994. During the 1990–1994 period, there were about 4.2 million new jobs added to the economy.

Restaurants, outpatient care facilities, physicians' offices, special trade construction contractors, computer and data processing services, credit reporting and collection firms, medical and dental laboratories, day care providers, and counseling and rehabilitation services are the fastest growing sectors of small business-dominated industries during recent years.

According to the latest projections, small firm-dominated sectors will contribute about 60 percent of new jobs from 1994–2005. Almost 88 percent of these jobs will be in retail trade or services. Small firms are most likely to generate jobs that will be filled by younger workers, older workers and women. Many of these workers prefer or are only able to work on a part-time basis, and thus can be easily accommodated by small employers.

Small businesses provide about 67 percent of initial job opportunities and are responsible for the majority of initial training in basic skills.

SOURCES OF INNOVATION

According to recent data, small firms produce 55 percent of innovations. Small firms generate twice as many product innovations per employee as large firms, including the employees of firms that do not innovate. Small firms obtain more patents per sales dollar, even though large firms are more likely to patent a discovery, implying that small firms have more discoveries.

The airplane, audio tape recorder, double-knit fabric, fiber optic examining equipment, heart valve, optical scanner, pacemaker, personal computer, soft contact lenses, and the zipper are among the important innovations by U.S. small firms in the 20th century.

MAIN STREET IMPACT

The establishment of a small business has a large, positive effect on the local economy. A small business with 100 employees in a town adds: 351 more people; 79 more school children; 97 more families; $490,000 more bank deposits; one more retail establishment; $565,000 more retail sales per year and $1,036,000 more personal income per year.

Small businesses also seem to be more community minded. They give more in charity to community service organizations per employee than do large businesses, according to the SBA's Office of Advocacy. In addition, small firms tend to target their donations to direct service providers.

JOB GROWTH & TRAINING

During the entire 1976–1990 period, small firms (with less than 500 employees) provided 53 percent of total employment and 65 percent of new jobs. From 1989–1991, the latest Census data available produced under contract for the SBA, indicated that small firms with 0–4 employees created 95 percent of the new jobs. Of the 2.6 million new jobs created, 1.5 million came from expansions of new small firms with 0–4 employees that moved into the 5–19 employees size category. The remaining jobs came from births of new small firms.

According to the Bureau of Labor Statistics, nearly three-fourths (71 percent) of future employment in the nation's fastest growing industries (health services and business services) is likely to come from small firms. By 2005, 7.2 million jobs will be created by these fast-growing industries, with small firms contributing 5.2 million.

EARNINGS GROWTH

The most recent income statistics available (from 1994) indicate gains in earnings for small businesses. The earnings of partners and sole proprietors increased 7.2 percent to $434.2 billion, increasing $30.0 billion from 1993.

According to a Price Waterhouse study, businesses receiving loan guarantees from the SBA experienced higher growth rates in sales and employment than other comparable small businesses.

THE SMALL BUSINESS REGULATORY ENFORCEMENT FAIRNESS ACT

Requires agencies to publish compliance guides in "plain English" and to develop a policy to answer inquiries of small businesses seeking advice about regulatory compliance.

Directs agencies to develop programs to answer inquiries of small businesses seeking information on and advice about regulatory compliance.

Allows small businesses to sue federal agencies for violating the Regulatory Flexibility Act. The Regulatory Flexibility Act requires, in part, that agencies determine whether a proposed rule will have a significant impact on small entities and that they act to minimize such impact.

Requires EPA and OSHA to collect advice and recommendations from small businesses, through the SBA's Chief Counsel for Advocacy, when creating proposed rules which will have a significant economic impact on small businesses.

Creates an SBA Ombudsman to collect feedback from small businesses through Regional Small Business Regulatory Fairness Boards, and rate federal agency responsiveness to small business.

Directs agencies to develop policies to waive or reduce penalties for noncompliance by small businesses in certain circumstances.

Allows parties which do not prevail in a case against an agency to recover a portion of their attorney fees if the original agency demand was unreasonable and substantially in excess of the final outcome of the case.

Creates a 60-day major rule "review period" during which Congress may pass a resolution and, with either the signature of the President or by overriding a veto, strike down the new regulation.

HOW A SMALL BUSINESS CAN TAKE ADVANTAGE OF SBREFA

Contact the Regional Small Business Regulatory Fairness Board to express concerns regarding agency enforcement activities.

Contact the SBA Office of Advocacy to offer advice and recommendations concerning rules in development by EPA and OSHA.

Seek judicial review of an agency's failure to comply with the Regulatory Flexibility Act.

Utilize "plain English" compliance guides published by agencies.

Consult agencies concerning the conduct required to be in compliance.

RELIEVING THE TAX BURDEN ON OUR HOME-BASED BUSINESSES AND WOMEN ENTREPRENEURS—H.R. 1145

We must relieve the tax burden on our small, family and home-based entrepreneurs—millions of them women—who are working hard to create jobs and economic opportunity for themselves and others in our communities.

Small businesses create two of every three net new jobs in this country. Of the roughly 5.5 million employers in the U.S., about 99% of them are small employers. Almost 90 percent of them employ fewer than 20 employees. Because they invest in people, high tax rates and complex tax rules impact small businesses most heavily.

Millions of small entrepreneurs are living the American dream of owning a business and working hard to make it succeed.

There are not more than 9 million home businesses, and over 14 million Americans earning income from a home business.

The majority of these businesses are created and owned by women. In fact, the SBA estimates that women start over 300,000 new home businesses in our country each year.

Staying close to family and our neighborhoods, courageous men and women are breaking through barriers to work and creating jobs—jobs that give parents greater freedom and flexibility to balance and care for their children's needs.

While the explosion in technology is facilitating home businesses, our tax code's outdated and unfair rules are hindering them.

H.R. 1145 provides common sense tax relief for home businesses and self-employed entrepreneurs—the fastest growing and most dynamic sectors of our economy.

As a simple matter of fairness, H.R. 1145 allows self-employed workers to deduct the expenses of a home office and 100% of their health-insurance costs.

There is no good reason why hard-working self-employed Americans should be denied the same opportunity all other employers have to deduct their office expenses and the full cost of health insurance. Currently, 5.1 million self-employed heads of households and their dependents—1.4 million of them children—are uninsured.

H.R. 1145 also provides a simple and clear definition of an independent contractor to help small entrepreneurs avoid crippling IRS audits and fines. Between 1988 and 1994, the IRS audited 11,000 businesses, reclassified 438,000 workers as employees, and imposed back taxes and penalties totaling $751 million on businesses under its subjective and outdated "20-factor" test.

Small businesses need H.R. 1145's fair, objective and safe test for providing and receiving the services of independent contractors.

All 30 Regional Tax Chairs and Regional Human Capital Chairs representing the 2000 delegates to the 1995 White House Conference on Small Business have endorsed H.R. 1145 because it "sets a clear standard to provide safety to law-abiding small businesses while protecting the rights of legitimate employees."

CONFERENCE REPORT ON H.R. 1469

Mr. LIVINGSTON submitted the following conference report and statement on the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $306,800,000: Provided, That such 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.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $7,900,000: Provided, That such 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.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $300,000: Provided, That such 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.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $29,100,000: Provided, That such 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.

OPERATION AND MAINTENANCE

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Overseas Contingency Operations Transfer Fund", $1,430,100,000: Provided, That the Secretary of Defense may transfer these funds only to Department of Defense operation and maintenance accounts: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That such 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.

OPLAN 34A/35 P.O.W. PAYMENTS

For payments to individuals under section 657 of Public Law 104-201, $20,000,000, to remain available until expended.

REVOLVING AND MANAGEMENT FUNDS

RESERVE MOBILIZATION INCOME INSURANCE FUND

For an additional amount for the "Reserve Mobilization Income Insurance Fund", $72,000,000, to remain available until expended: Provided, 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.

GENERAL PROVISIONS, CHAPTER 1

(TRANSFER OF FUNDS)

SEC. 101. The Secretary of the Navy shall transfer up to $23,000,000 to "Operation and Maintenance, Marine Corps" from the following accounts in the specified amounts, to be available only for reimbursing costs incurred for repairing damage caused by hurricanes, flooding, and other natural disasters during 1996 and 1997 to real property and facilities at Marine Corps facilities (including Camp Lejeune, North Carolina; Cherry Point, North Carolina; and the Mountain Warfare Training Center, Bridgeport, California);

"Military Personnel, Marine Corps", $4,000,000;

"Operation and Maintenance, Marine Corps", $11,000,000;

"Procurement of Ammunition, Navy and Marine Corps, 1996/1998", $4,000,000; and

"Procurement, Marine Corps, 1996/1998", $4,000,000.

SEC. 102. In addition to the amounts appropriated in title VI of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104-208), under the heading "Defense Health Program", $21,000,000 is hereby appropriated and made available only for the provision of direct patient care at military treatment facilities.

SEC. 103. In addition to the amounts appropriated in title II of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104-208), under the heading "Operation and Maintenance, Defense-Wide", $10,000,000 is hereby appropriated and made available only for force protection and counter-terrorism initiatives.

SEC. 104. In addition to the amounts provided in Public Law 104-208, $25,800,000 is appropriated under the heading "Overseas Humanitarian, Disaster and Civic Aid": Provided, That from the funds available under that heading, the Secretary of Defense shall make a grant in the amount of $25,800,000 to the American Red Cross for Armed Forces emergency services.

SEC. 105. REPORT ON COST AND SOURCE OF FUNDS FOR MILITARY ACTIVITIES RELATING TO BOSNIA.—(a) Not later than 60 days after enactment of this Act, the President shall submit to Congress the report described in subsection (b).

(b) REPORT ELEMENTS.—The report referred to in subsection (a) shall include the following:

(1) A detailed description of the estimated cumulative cost of all United States activities relating to Bosnia after December 1, 1995, including—

(A) the cost of all deployments, training activities, and mobilization and other preparatory activities of the Armed Forces; and

(B) the cost of all other activities relating to United States policy toward Bosnia, including humanitarian assistance, reconstruction assistance, aid and other financial assistance, the rescheduling or forgiveness of bilateral or multilateral aid, in-kind contributions, and any other activities of the United States Government.

(2) A detailed accounting of the source of funds obligated or expended to meet the costs described in paragraph (1), including—

(A) in the case of expenditures of funds of Department of Defense, a breakdown of such expenditures by military service or defense agency, line item, and program; and

(B) in the case of expenditures of funds of other departments and agencies of the United States, a breakdown of such expenditures by department or agency and by program.

SEC. 106. For an additional amount for "Family Housing, Navy and Marine Corps" to cover the incremental Operation and Maintenance costs arising from hurricane damage to family housing units at Marine Corps Base Camp Lejeune, North Carolina and Marine Corps Air Station Cherry Point, North Carolina, $6,480,000, as authorized by 10 U.S.C. 2854.

CHAPTER 2

RESCISSIONS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 104-208, $57,000,000 are rescinded.

MILITARY PERSONNEL, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 104-208, $18,000,000 are rescinded.

MILITARY PERSONNEL, MARINE CORPS

(RESCISSION)

Of the funds made available under this heading in Public Law 104-208, $5,000,000 are rescinded.

MILITARY PERSONNEL, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $23,000,000 are rescinded.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $196,000,000 are rescinded.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $51,000,000 are rescinded.

OPERATION AND MAINTENANCE, MARINE CORPS

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $3,000,000 are rescinded.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $117,000,000 are rescinded.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $25,000,000 are rescinded.

ENVIRONMENTAL RESTORATION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

ENVIRONMENTAL RESTORATION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

ENVIRONMENTAL RESTORATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

FORMER SOVIET UNION THREAT REDUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $2,000,000 are rescinded.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $1,085,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $5,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $13,000,000 are rescinded.

MISSILE PROCUREMENT, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $2,707,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $24,000,000 are rescinded.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $2,296,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $15,400,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $5,000,000 are rescinded.

PROCUREMENT OF AMMUNITION, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $3,236,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $18,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $11,000,000 are rescinded.

OTHER PROCUREMENT, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $2,502,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $21,000,000 are rescinded.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $34,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $52,000,000 are rescinded.

WEAPONS PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $16,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $6,000,000 are rescinded.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $812,000 are rescinded.

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–396, $10,000,000 are rescinded.

Of the funds made available under this heading in Public Law 103–139, $18,700,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $33,000,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $4,237,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $3,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $8,000,000 are rescinded.

PROCUREMENT, MARINE CORPS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $1,207,000 are rescinded.

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $49,376,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $40,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $41,000,000 are rescinded.

MISSILE PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $16,020,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $163,000,000 are rescinded.

PROCUREMENT OF AMMUNITION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $7,700,000 are rescinded.

OTHER PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $3,659,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $10,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $20,000,000 are rescinded.

PROCUREMENT, DEFENSE-WIDE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $8,860,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $16,113,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $5,000,000 are rescinded.

NATIONAL GUARD AND RESERVE EQUIPMENT

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $5,029,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $8,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $4,366,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $18,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $16,878,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $9,600,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $24,245,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $172,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $95,714,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $87,000,000 are rescinded.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $6,692,000 are rescinded.

OPERATIONAL TEST AND EVALUATION, DEFENSE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $160,000 are rescinded.

REVOLVING AND MANAGEMENT FUNDS

NATIONAL DEFENSE SEALIFT FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $25,200,000 are rescinded.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $21,000,000 are rescinded.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $456,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $20,652,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $27,000,000 are rescinded.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $2,000,000 are rescinded.

GENERAL PROVISIONS, CHAPTER 2

(RESCISSIONS)

SEC. 201. Of the funds appropriated in the Military Construction Appropriations Act, 1996 (Public Law 104–32), amounts are hereby rescinded from the following accounts in the specified amounts:

"Military Construction, Air National Guard", $5,000,000;

"Military Construction, Defense-wide", $41,000,000;

"Base Realignment and Closure Account, Part II", $35,391,000;

"Base Realignment and Closure Account, Part III", $75,638,000; and

"Base Realignment and Closure Account, Part IV", $22,971,000:

Provided, That of the funds appropriated in the Military Construction Appropriations Act, 1997 (Public Law 104–196), amounts are hereby rescinded from the following accounts in the specified amounts:

"Military Construction, Army", $1,000,000;

"Military Construction, Navy", $2,000,000;

"Military Construction, Air Force", $3,000,000; and

"Military Construction, Defense-wide", $3,000,000.

(RESCISSION)

SEC. 202. Of the funds appropriated for "Military Construction, Navy" under Public Law 103–307, $6,480,000 is hereby rescinded.

CHAPTER 3

GENERAL PROVISIONS—THIS TITLE

SEC. 301. The Department of Defense is directed to report to the congressional defense committees 30 days prior to transferring management, development, and acquisition authority over the elements of the National Missile Defense Program from the Military Services: Provided, That the Joint Requirements Oversight Council is directed to conduct an analysis and submit recommendations as to the recommended future roles of the Military Services with respect to development and deployment of the elements of the National Missile Defense Program: Provided further, That the analysis and recommendations shall be submitted to the congressional defense committees within 60 days of enactment of this Act: Provided further, That for 60 days following enactment of this Act, the Department of Defense shall take no actions to delay or defer planned activities under the National Missile Defense Program based solely on the conduct of the Joint Requirements Oversight Council analysis.

SEC. 302. Notwithstanding section 3612(a) of title 22, United States Code, the incumbent may continue to serve as the Secretary of Defense designee on the Board of the Panama Canal Commission if he retires as an officer of the Department of Defense, until and unless the Secretary of Defense designates another person to serve in this position.

SEC. 303. AUTHORITY OF SECRETARY OF DEFENSE TO ENTER INTO LEASE OF BUILDING NO. 1, LEXINGTON BLUE GRASS STATION, LEXINGTON, KENTUCKY.—

(a) AUTHORITY TO ENTER INTO LEASE.—The Secretary of Defense may enter into an agreement for the lease of Building No. 1, Lexington Blue Grass Station, Lexington, Kentucky, and any real property associated with the building, for purposes of the use of the building by the Defense Finance and Accounting Service. The agreement shall meet the requirements of this section.

(b) TERM.—(1) The agreement under this section shall provide for a lease term of not to exceed 50 years, but may provide for one or more options to renew or extend the term of the lease.

(2) The agreement shall include a provision specifying that, if the Secretary ceases to require the leased building for purpose of the use of the building by the Defense Finance and Accounting Service before the expiration of the term of the lease (including any extension or renewal of the term under an option provided for in paragraph (1)), the remainder of the lease term may, upon the approval of the lessor of the building, be satisfied by the Secretary or another department or agency of the Federal Government (including a military department) for another purpose similar to such purpose.

(c) CONSIDERATION.—(1) The agreement under this section may not require rental payments by the United States under the lease under the agreement.

(2) The Secretary or other lessee, if any, under subsection (b)(2) shall be responsible under the agreement for payment of any utilities associated with the lease of the building covered by the agreement and for maintenance and repair of the building.

(d) IMPROVEMENT.—The agreement under this section may provide for the improvement of the building covered by the agreement by the Secretary or other lessee, if any, under subsection (b)(2).

(e) LIMITATION ON CERTAIN ACTIVITIES.—The Secretary may not obligate or expend funds for the costs of any utilities, maintenance and repair, or improvements under this lease under this section in any fiscal year unless funds are appropriated or otherwise made available for the Department of Defense for such payment in such fiscal year.

SEC. 304. Notwithstanding 31 U.S.C. 1502(a), 31 U.S.C. 1552(a), and 31 U.S.C. 1553(a), funds appropriated in Public Law 101–511, Public Law 102–396, and Public Law 103–139, under the heading "Weapons Procurement, Navy", that were obligated and expended to settle claims on the MK–50 torpedo program may continue to be obligated and expended to settle those claims.

SEC. 305. None of the funds available to the Department of Defense in this or any other Act shall be available to pay the cost of operating a National Missile Defense Joint Program Office which includes more than 55 military and civilian personnel located in the National Capital Region.

SEC. 306. Funds obligated by the National Aeronautics and Space Administration (NASA) in the amount of $61,300,000 during fiscal year 1996, pursuant to the "Memorandum of Agreement between the National Aeronautics and Space Administration and the United States Air Force on Titan IV/Centaur Launch Support for the Cassini Mission," signed September 8, 1994, and September 23, 1994, and Attachments A, B, and C to that Memorandum, shall be merged with Air Force appropriations available for research, development, test and evaluation and procurement for fiscal year 1996, and shall be available for the same time period as the appropriation with which merged, and shall be available for obligation only for those Titan IV vehicles and Titan IV-related activities under contract.

SEC. 307. For the purposes of implementing the 1997 Defense Experimental Program to Stimulate Competitive Research (DEPSCoR), the term "State" means a State of the United States, the District of Columbia, Puerto Rico, Guam and the Virgin Islands of the United States, American Samoa and the Commonwealth of the Northern Mariana Islands.

TITLE II—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RECOVERY FROM NATURAL DISASTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Agricultural Credit Insurance Fund Program Account" for the additional cost of direct and guaranteed loans authorized by 7 U.S.C. 1928–1929, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, resulting from flooding and other natural disasters, $23,000,000, to remain available until expended, of which $18,000,000 shall be available for emergency insured loans and $5,000,000 shall be available for subsidized guaranteed operating loans: Provided, That the entire amount shall be available only to the extent that an official budget request for $23,000,000 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 the Congress:

Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

For an additional amount for the "Agricultural Credit Insurance Fund Program Account" for the additional cost of direct operating loans authorized by 7 U.S.C. 1928–1929, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, $6,300,000, to remain available until expended.

EMERGENCY CONSERVATION PROGRAM

For an additional amount for "Emergency Conservation Program" for expenses, including carcass removal, resulting from flooding and other natural disasters, $70,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for $70,000,000, 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 the Congress: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

TREE ASSISTANCE PROGRAM

An amount of $9,000,000 is provided for assistance to small orchardists to replace or rehabilitate trees and vineyards damaged by natural disasters: Provided, That the entire amount shall be available only to the extent that an official budget request of $9,000,000, 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 the Congress: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

COMMODITY CREDIT CORPORATION FUND

DISASTER RESERVE ASSISTANCE PROGRAM

Effective only for losses in the fiscal year beginning October 1, 1996, through the date of enactment of this Act, the Secretary may use up to $50,000,000 from proceeds earned from the sale of grain in the disaster reserve established in the Agricultural Act of 1970 to implement a livestock indemnity program for losses from natural disasters pursuant to a Presidential or Secretarial declaration requested prior to the date of enactment of this Act in a manner similar to catastrophic loss coverage available for other commodities under 7 U.S.C. 1508(b): Provided, That in administering a program described in the preceding sentence, the Secretary shall, to the extent practicable, utilize gross income and payment limitations conditions established for the Disaster Reserve Assistance Program for the 1996 crop year: Provided further, That notwithstanding any other provision of law, beginning on October 1, 1997, grain in the disaster reserve established in the Agricultural Act of 1970 shall not exceed 20 million bushels: Provided further, That the entire amount shall be available only to the extent an official budget request, 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 the 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.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations" to repair damages to the waterways and watersheds, including debris removal that would not be authorized under the Emergency Watershed Program, resulting from flooding and other natural disasters, including those in prior years, $166,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request for $166,000,000, 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 the 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: Provided further, That if the Secretary determines that the cost of land and farm structures restoration exceeds the fair market value of an affected agricultural land, the Secretary may use sufficient amounts, not to exceed $15,000,000, from funds provided under this heading to accept bids from willing sellers to provide floodplain easements for such agricultural land inundated by floods: Provided further, That none of the funds provided under this heading shall be used for the salmon memorandum of understanding.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

RURAL HOUSING ASSISTANCE PROGRAM

Any unobligated balances remaining in the "Rural Housing Insurance Fund Program Account" from prior years' disaster supplementals shall be available until expended for Section 502 housing loans, Section 504 loans and grants, Section 515 loans, and domestic farm labor grants to meet emergency needs resulting from natural disasters: Provided, That such unobligated balances shall be available only to the extent an official budget request 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 is transmitted by the President to the Congress: Provided further, That such unobligated balances are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act: Provided further, That notwithstanding section 520 of the Housing Act of 1949, as amended, (42 U.S.C. 1490) the College Station area of Pulaski County, Arkansas shall be eligible for loans and grants available through the Rural Housing Service: Provided further, That funds made available in Public Law 104–180 for Community Facility Grants for the Rural Housing Assistance Program may be provided to any community otherwise eligible for a Community Facility Loan for expenses directly or indirectly resulting from flooding and other natural disasters.

RURAL UTILITIES SERVICE

RURAL UTILITIES ASSISTANCE PROGRAM

For an additional amount for "Rural Utilities Assistance Program", for the cost of direct loans, loan guarantees, and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, for emergency expenses resulting from flooding and other natural disasters, $4,000,000, to remain available until September 30, 1998: Provided, That the entire amount shall be available only to the extent that an official budget request for $4,000,000, 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 the 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.

FOOD AND CONSUMER SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the "Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)" as authorized by section 17 of the Child Nutrition Act of 1966, as amended (42 U.S.C. et seq.), $76,000,000, to remain available through September 30, 1998: Provided, That the Secretary shall allocate such funds through the existing formula or, notwithstanding sections 17 (g), (h), or (i) of such Act and the regulations promulgated thereunder, such other means as the Secretary deems necessary.

GENERAL PROVISION, CHAPTER 1

SEC. 1001. COLLECTION AND DISSEMINATION OF INFORMATION ON PRICES RECEIVED FOR BULK CHEESE.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall collect and disseminate, on a weekly basis, statistically reliable information, obtained from cheese manufacturing areas in the United States on prices received and terms of trade involving bulk cheese, including information on the national average price for bulk cheese sold through spot and forward contract transactions. To the maximum extent practicable, the Secretary shall report the prices and terms of trade for spot and forward contract transactions separately.

(b) CONFIDENTIALITY.—All information provided to, or acquired by, the Secretary under subsection (a) shall be kept confidential by each officer and employee of the Department of Agriculture except that general weekly statements may be issued that are based on the information and that do not identify the information provided by any person.

(c) REPORT.—Not later than 150 days after the date of enactment of this Act, the Secretary shall report to the Committee on Agriculture, and the Committee on Appropriations, of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations, of the Senate, on the rate of reporting compliance by cheese manufacturers with respect to the information collected under subsection (a). At the time of the report, the Secretary may submit legislative recommendations to improve the rate of reporting compliance.

(d) TERMINATION OF EFFECTIVENESS.—The authority provided by subsection (a) terminates effective April 5, 1999.

CHAPTER 2

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs" for emergency infrastructure expenses and the capitalization of revolving loan funds related to recent flooding and other natural disasters, $52,200,000, to remain available until expended, of which not to exceed $2,000,000 may be available for administrative expenses and may be transferred to and merged with the appropriations for "Salaries and Expenses": Provided, 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.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

Of the amount provided under this heading in Public Law 104–208 for the Advanced Technology Program, not to exceed $35,000,000 shall be available for the award of new grants.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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 provide disaster assistance related to recent flooding and red tide pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act, and not to exceed $2,000,000 is available until expended to implement 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 $9,000,000, 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.

CONSTRUCTION

For an additional amount for "Construction" for emergency expenses resulting from flooding and other natural disasters, $10,800,000, to remain available until expended: Provided, 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.

RELATED AGENCY

COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW ENFORCEMENT

For an additional amount for the operations of the Commission on the Advancement of Federal Law Enforcement, $2,000,000, to remain available until expended.

GENERAL PROVISIONS, CHAPTER 2

SEC. 2001. Of the funds currently contained within the "Counterterrorism Fund" of the Department of Justice, $3,000,000 is provided for allocation by the Attorney General to the appropriate unit or units of government in Ogden, Utah, for necessary expenses, including enhancements and upgrade of security and communications infrastructure, to counter any potential terrorism threat related to the 2002 Winter Olympic games to be held in Utah.

SEC. 2002. EXPANDING SMALL BUSINESS PARTICIPATION IN DREDGING.—Section 722(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking "September 30, 1996" and inserting "September 30, 1997".

SEC. 2003. 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.".

SEC. 2004. Notwithstanding any other provision of law, the Secretary of Commerce shall have the authority to reprogram or transfer up to $41,000,000 of the amounts provided under "National Oceanic and Atmospheric Administration, Operations, Research, and Facilities" for Satellite Observing Systems in Public Law 104-208 for other programmatic and operational requirements of the National Oceanic and Atmospheric Administration and the Department of Commerce subject to notification of the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997 and which shall not be available for obligation or expenditure except in compliance with the procedure set forth in that section.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for "Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee" for emergency expenses due to flooding and other natural disasters, $20,000,000, to remain available until expended: Provided, 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.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General" for emergency expenses due to flooding and other natural disasters, $150,000,000, to remain available until expended: Provided, That of the total amount appropriated, the amount for eligible navigation projects which may be derived from the Harbor Maintenance Trust Fund pursuant to Public Law 99-662, shall be derived from that fund: Provided further, That of the total amount appropriated, $5,000,000 shall be available solely for the Secretary of the Army, acting through the Chief of Engineers, to pay the costs of the Corps of Engineers and other Federal agencies associated with the development of necessary studies, an interagency management plan, environmental documentation, continued monitoring, and other activities related to allocations of water in the Alabama-Coosa-Tallapoosa and Apalachicola-Chattahoochee-Flint River Basins: Provided further, That no portion of such $5,000,000 may be used by the Corps of Engineers to revise its master operational manuals or water control plans for operation of the reservoirs for the two river basins until (1) the interstate compacts for the two river basins are ratified by the Congress by law; and (2) the water allocation formulas for the two river basins have been agreed to by the States of Alabama, Georgia, and Florida and the Federal representative to the compacts: Provided further, That the preceding proviso shall not apply to the use of such funds for any environmental reviews necessary for the Federal representative to approve the water allocation formulas for the two river basins: 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.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies" due to flooding and other natural disasters, $415,000,000, to remain available until expended: Provided, 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: Provided further, That with $5,000,000 of the funds appropriated herein, the Secretary of the Army is directed to initiate and complete preconstruction engineering and design and the associated Environmental Impact Statement for an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River: Provided further, That of the funds appropriated under this paragraph, $5,000,000 shall be used for the project consisting of channel restoration and improvements on the James River authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4128) if the Secretary of the Army determines that the need for such restoration and improvements constitutes an emergency.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance", $7,355,000, to remain available until expended, to repair damage caused by floods and other natural disasters: Provided, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund shall be derived from that fund: 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.

GENERAL PROVISIONS, CHAPTER 3

SEC. 3001. (a) Beginning in fiscal year 1997 and thereafter, the United States members and the alternate members appointed under the Susquehanna River Basin Compact (Public Law 91-575), and the Delaware River Basin Compact (Public Law 87-328), shall be officers of the U.S. Army Corps of Engineers, who hold Presidential appointments as Regular Army officers with Senate confirmation, and who shall serve without additional compensation.

(b) Section 2, Reservations, Paragraph (u) of Public Law 91-575 (84 Stat. 1509) and Section 15.1, Reservations, Paragraph (d) of Public Law 87-328 (75 Stat. 688, 691) are hereby repealed.

(c) Section 2.2 of Public Law 87-328 (75 Stat. 688, 691) is amended by striking the words "during the term of office of the President" and inserting the words "at the pleasure of the President".

SEC. 3002. Notwithstanding section 5 of the Reclamation Safety of Dams Act of 1978, Public Law 95-578, as amended, the Secretary of the Interior is authorized to obligate up to $1,200,000 for carrying out actual construction for safety of dam purposes to modify the Willow Creek Dam, Sun River Project, Montana.

SEC. 3003. (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.

CHAPTER 4

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

ASSISTANCE TO UKRAINE

SEC. 4001. The President may waive the minimum funding requirements contained in subsection (k) under the heading "Assistance for the New Independent States of the Former Soviet Union" contained in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as included in Public Law 104–208, for activities for the government of Ukraine funded in that subsection, if he determines and so reports to the Committees on Appropriations that the government of Ukraine:

(1) has not made progress toward implementation of comprehensive economic reform;

(2) is not taking steps to ensure that United States businesses and individuals are able to operate according to generally accepted business principles; or

(3) is not taking steps to cease the illegal dumping of steel plate.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Construction" to repair damage caused by floods and other natural disasters, $4,796,000, to remain available until expended, of which $4,403,000 is to be derived by transfer from unobligated balances of funds under the heading, "Oregon and California Grant Lands", made available as supplemental appropriations in Public Law 104–134: Provided, 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.

OREGON AND CALIFORNIA GRANT LANDS

For an additional amount for "Oregon and California Grant Lands" to repair damage caused by floods and other natural disasters, $2,694,000, to remain available until expended and to be derived from unobligated balances of funds under the heading, "Oregon and California Grant Lands", made available as supplemental appropriations in Public Law 104–134: Provided, 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.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management", $5,300,000, to remain available until expended, for technical assistance and fish replacement made necessary by floods and other natural disasters, for restoration of public lands damaged by fire, and for payments to private landowners for the voluntary use of private land to store water in restored wetlands: Provided, 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.

CONSTRUCTION

For an additional amount for "Construction", $88,000,000, to remain available until expended, to repair damage caused by floods and other natural disasters: Provided, 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.

LAND ACQUISITION

For an additional amount for "Land Acquisition", $10,000,000, to remain available until expended, for the cost-effective emergency acquisition of land and water rights necessitated by floods and other natural disasters: Provided, 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.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction" for emergency expenses resulting from flooding and other natural disasters, $187,321,000, to remain available until expended: Provided, 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: Provided further, That of this amount, $30,000,000 shall be available only to the extent 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 such Act, is transmitted by the President to Congress, and upon certification by the Secretary of the Interior to the President that a specific amount of such funds is required for (1) repair or replacement of concession use facilities at Yosemite National Park if the Secretary determines, after consulting with the Director of the Office of Management and Budget, that the repair or replacement of those facilities cannot be postponed until completion of an agreement with the Yosemite Concessions Services Corporation or any responsible third party to satisfy its repair or replacement obligations for the facilities, or (2) the Federal portion, if any, of the costs of repair or replacement of such concession use facilities: Provided further, That nothing herein should be construed as impairing in any way the rights of the United States against the Yosemite Concession Services Corporation or any other party or as relieving the Corporation or any other party of its obligations to the United States: Provided further, That prior to any final agreement by the Secretary with the Corporation or any other party concerning its obligation to repair or replace concession use facilities, the Solicitor of the Department of the Interior shall certify that the agreement fully satisfies the obligations of the Corporation or third party: Provided further, That nothing herein, or any payments, repairs, or replacements made by the Corporation or a third party in fulfillment of the Corporation's obligations to the United States to repair and replace damaged facilities, shall create any possessory interest for the Corporation or such third party in such repaired or replaced facilities: Provided further, That any payments made to the United States by the Corporation or a third party for repair or replacement of concession use facilities shall be deposited in the General Fund of the Treasury or, where facilities are repaired or replaced by the Corporation or any other third party, an equal amount of appropriations for "Construction" shall be rescinded.

For an additional amount for "Construction", $10,000,000, to remain available until expended, to make repairs, construct facilities, and provide visitor transportation and for related purposes at Yosemite National Park.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", $4,650,000, to remain available until September 30, 1998, to repair or replace damaged equipment and facilities caused by floods and other natural disasters: Provided, 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.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian Programs", $14,317,000, to remain available until September 30, 1998, for emergency response activities, including emergency school operations, heating costs, emergency welfare assistance, and to repair and replace facilities and resources damaged by snow, floods, and other natural disasters: Provided, 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.

CONSTRUCTION

For an additional amount for "Construction", $6,249,000, to remain available until expended, to repair damages caused by floods and other natural disasters: Provided, 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: Provided further, That notwithstanding any other provision of law, funds appropriated herein and in Public Law 104–208 to the Bureau of Indian Affairs for repair of the Wapato irrigation project shall be made available on a nonreimbursable basis.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System" for emergency expenses resulting from flooding and other natural disasters, $39,677,000, to remain available until expended: Provided, 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.

RECONSTRUCTION AND CONSTRUCTION

For an additional amount for "Reconstruction and Construction" for emergency expenses resulting from flooding and other natural disasters, $27,685,000, to remain available until expended: Provided, 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.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For an additional amount for "Indian Health Services" for emergency expenses resulting from flooding and other natural disasters, $1,000,000, to remain available until expended: Provided, 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.

INDIAN HEALTH FACILITIES

For an additional amount for "Indian Health Facilities" for emergency expenses resulting from flooding and other natural disasters, $2,000,000, to remain available until expended: Provided, 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.

GENERAL PROVISIONS, CHAPTER 5

SEC. 5001. Section 101(c) of Public Law 104–134 is amended as follows: Under the heading "Title III—General Provisions" amend sections 315(c)(1)(A) and 315(c)(1)(B) by striking in each of those sections "104%" and inserting in lieu thereof "100%"; by striking in each of those sections "1995" and inserting in lieu thereof "1994"; and by striking in each of those sections "and thereafter annually adjusted upward by 4%,".

SEC. 5002. Section 101(d) of Public Law 104–208 is amended as follows: Under the heading "Administrative Provisions, Indian Health Service" strike the seventh proviso and insert the following in lieu thereof: ": Provided further, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended".

SEC. 5003. (a) EXTENSION AND EFFECTIVE DATE.—Section 3711(b)(1) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (106 Stat. 4752) is amended by striking "June 30, 1997" and inserting "March 31, 1999".

(b) EXTENSION FOR RIVER SYSTEM GENERAL ADJUDICATION.—Section 3711 of such Act is amended by adding at the end the following new subsection:

"(c) EXTENSION FOR RIVER SYSTEM GENERAL ADJUDICATION.—If, at any time prior to March 31, 1999, the Secretary notifies the Committee on Indian Affairs of the United States Senate or the Committee on Resources in the United States House of Representatives that the Settlement Agreement, as executed by the Secretary, has been submitted to the Superior Court of the State of Arizona in and for Maricopa County for consideration and approval as part of the General Adjudication of the Gila River System and Source, the March 31, 1999, referred to in subsection (b)(1) shall be deemed to be changed to December 31, 1999.".

(c) COUNTIES.—Section 3706(b)(3) of such Act is amended by inserting "Gila, Graham, Greenlee," after "Maricopa,".

(d) PARTIES TO AGREEMENT.—Section 3703(2) of such Act is amended by adding at the end the following new sentence: "The Gila Valley Irrigation District and the Franklin Irrigation District shall be added as parties to the Agreement, but only so long as none of the aforementioned parties objects to adding the Gila Valley Irrigation and/or the Franklin Irrigation District as parties to the Agreement.".

(e) DEFINITIONS.—Section 3703 of such Act is amended by adding the following new paragraphs:

"(12) 'Morenci mine complex' means the lands owned or leased by Phelps Dodge Corporation, now or in the future, delineated in a map as 'Phelps Dodge Mining, Mineral Processing, and Auxiliary Facilities Water Use Area', which map is dated March 19, 1996, and is on file with the Secretary of the Interior.

"(13) 'Upper Eagle Creek Wellfield' means that area in Greenlee County which is bounded by the eastern boundary of Graham County on the west, the southern boundary of the Black River watershed on the north, a line running north and south 5 miles east of the eastern boundary of Graham County on the east, and the southern boundary of the natural drainage of Cottonwood Canyon on the south.".

(f) BLACK RIVER FACILITIES.—Section 3711 of such Act, as amended by subsection (b) of this Act, is further amended by adding at the end the following:

"(d) BLACK RIVER FACILITIES.—(1) IN GENERAL.—The provisions and agreements set forth or referred to in paragraphs (2), (3), and (4) below shall be enforceable against the United States in United States district court, and the immunity of the United States for such purposes and for no other purpose is hereby waived. The provisions and agreements set forth or referred to in paragraphs (2)(A), (3), and (4) below shall be enforceable against the Tribe in United States district court, and the immunity of the Tribe for such purposes and for no other purpose, is hereby waived. The specific agreements made by the Tribe and set forth in paragraph (5) shall be enforceable against the Tribe in United States district court, and the immunity of the Tribe is hereby waived as to such specific agreements and for no other purpose.

"(2) INTERIM PERIOD.—

"(A) As of July 23, 1997, Phelps Dodge shall vacate the reservation and no longer rely upon permit #2000089, dated July 25, 1944. On such date the United States, through the Bureau of Reclamation, shall enter, operate, and maintain the Black River pump station, outbuildings, the pipeline, related facilities, and certain caretaker quarters (hereinafter referred to collectively as the 'Black River facilities').

"(B) The United States and Phelps Dodge shall enter into a contract for delivery of water pursuant to subparagraph (C), below. Water for delivery to Phelps Dodge from the Black River shall not exceed an annual average of 40 acre feet per day, or 14,000 acre feet per year. All diversions from Black River to Phelps Dodge shall be junior to the diversion and use of up to 7,300 acre feet per year by the San Carlos Apache Tribe, and no such diversion for Phelps Dodge shall cause the flow of Black River to fall below 20 cubic feet per second. The United States shall account for the costs for operating and maintaining the Black River facilities, and Phelps Dodge shall reimburse the United States for such costs. Phelps Dodge shall pay to the United States, for delivery to the Tribe, the sum of $20,000 per month, with an annual CPI adjustment from July 23, 1997, for purposes of compensating the Tribe for United States use and occupancy of the Black River facilities. Phelps Dodge and the Tribe shall cooperate with the United States in effectuating an orderly transfer of the operations of the Black River facilities from Phelps Dodge to the United States.

"(C) Notwithstanding any other provision of law, the contract referred to in subparagraph (B) between the United States and Phelps Dodge which provides for the diversion of water from the Black River into the Black River facilities, and the delivery of such water to Phelps Dodge at that location where the channel of Eagle Creek last exits the reservation for use in the Morenci mine complex and the towns of Clifton and Morenci and at no other location, is ratified and confirmed.

"(D) The power line right-of-way over the Tribe's Reservation which currently is held by Phelps Dodge shall remain in place. During the interim period, Phelps Dodge shall provide power to the United States for operation of the pump station and related facilities without charge, and Phelps Dodge shall pay a monthly right-of-way fee to the Tribe of $5,000 per month, with an annual CPI adjustment from July 23, 1997.

"(E) Any questions regarding the water claims associated with Phelps Dodge's use of the Upper Eagle Creek Wellfield, its diversions of surface water from Eagle Creek, the San Francisco River, Chase Creek, and/or its use of other water supplies are not addressed in this title. No provision in this subsection shall affect or be construed to affect any claims by the Tribe, the United States, or Phelps Dodge to groundwater or surface water.

"(3) FINAL ARRANGEMENTS AND TERMS.—The interim period described in paragraph (2) shall extend until all conditions set forth in paragraph (3)(B) have been satisfied. At such time, the following final arrangements shall apply, based on the terms set forth below. Such terms shall bind the Tribe, the United States, and Phelps Dodge, and shall be enforceable pursuant to subsection (d)(1) of this Act.

"(A) The United States shall hold the Black River facilities in trust for the Tribe, without cost to the Tribe or the United States.

"(B) Responsibility for operation of the Black River facilities shall be transferred from the United States to the Tribe. The United States shall train Tribal members during the interim period, and the responsibility to operate the Black River facilities shall be transferred upon satisfaction of 2 conditions—

"(i) a finding by the United States that the Tribe has completed necessary training and is qualified to operate the Black River facilities; and

"(ii) execution of the contract described in paragraph (3)(E), which contract shall be executed on or before December 31, 1998. In the event that the contract is not executed by December 31, 1998, the transfer described in this subsection shall occur on December 31, 1998 (so long as condition (i) of this subparagraph has been satisfied), based on application of the contract terms described in paragraph (3)(E), which terms shall be enforceable under this Act. Upon the approval of the Secretary, the Tribe may contract with third parties to operate the Black River facilities.

"(C) Power lines currently operated by Phelps Dodge on the Tribe's Reservation, and the right-of-way associated with such power lines, shall be surrendered by Phelps Dodge to the Tribe, without cost to the Tribe. Prior to the surrender of the power lines, the Bureau of Reclamation shall arrange for an inspection of the power lines and associated facilities by a qualified third party and shall obtain a certification that such power lines and facilities are of sound design and are in good working order. Phelps Dodge shall pay for the cost of such inspection and certification. Concurrently with the surrender of the power lines and the right-of-way, Phelps Dodge shall construct a switch station at the boundary of the Reservation at which the Tribe may switch power on or off and shall deliver ownership and control of such switch station to the Tribe. Subsequent to the transfer of the power lines and the right-of-way and the delivery of ownership and control of the switch station to the Tribe, Phelps Dodge shall have no further obligation or liability of any nature with respect to the ownership, operation, or maintenance of the power lines, the right-of-way, or the switch station.

"(D) The Tribe and the United States will enter into an exchange agreement with the Salt River Project which will deliver CAP water controlled by the Tribe to the Salt River Project in return for the diversion of water from the Black River into the Black River facilities. The exchange agreement shall be subject to review and approval by Phelps Dodge, which approval shall not be unreasonably withheld. Notwithstanding any other provision of law, the contract referred to in this subparagraph is ratified and confirmed.

"(E) The Tribe, the United States, and Phelps Dodge will execute a contract covering the lease and delivery of CAP water from the Tribe to Phelps Dodge on the following terms:

"(i) The Tribe will lease to Phelps Dodge 14,000 acre feet of CAP water per year as of the

date on which the interim period referred to in paragraph (2) expires. The lease shall be subject to the terms and conditions identified in the Tribal CAP Delivery Contract referenced in section 3706(b). The leased CAP water shall be delivered to Phelps Dodge from the Black River pursuant to the exchange referred to in subparagraph (D) above, based on diversions from the Black River that shall not exceed an annual average of 40 acre feet per day and shall not cause the flow of Black River to fall below 20 cubic feet per second. Such CAP water shall be delivered to Phelps Dodge at that location where the channel of Eagle Creek last exits the Reservation, to be utilized in the Morenci mine complex and the towns of Clifton and Morenci, and at no other location.

"(ii) The leased CAP water shall be junior to the diversion and use of up to 7,300 acre feet per year from the Black and Salt Rivers by the San Carlos Apache Tribe.

"(iii) The lease will be for a term of 50 years or, if earlier, the date upon which mining activities at the Morenci mine complex cease, with a right to renew for an additional 50 years upon a finding by the Secretary that the water is needed for continued mining activities at the Morenci mine complex. The lease shall have the following financial terms:

"(I) The Tribe will lease CAP water at a cost of $1,200 per acre foot. Phelps Dodge shall pay to the United States, on behalf of the Tribe, the sum of $5,000,000 upon the earlier of the execution of the agreement, or upon the expiration of the interim period referred to in paragraph (2) hereof, which amount shall be a prepayment for and applicable to the first 4,166 acre feet of CAP water to be delivered in each year during the term of the lease.

"(II) Phelps Dodge shall pay the United States, on behalf of the Tribe, the sum of $65 per acre foot per year, with an annual CPI adjustment for the remaining 9,834 acre feet of water to be delivered pursuant to the lease each year. Such payments shall be made in advance on January 1 of each year, with a reconciliation made at year-end, if necessary, in the event that less than 14,000 acre feet of CAP water is diverted from the Black River due to shortages in the CAP system or on the Black River.

"(III) Phelps Dodge shall pay in advance each month the Tribe's reasonable costs associated with the Tribe's operation, maintenance, and replacement of the Black River facilities for purposes of delivering water to Phelps Dodge pursuant to the lease, which costs shall be based upon the experience of the Bureau of Reclamation in operating the Black River facilities during the interim period referred to in paragraph (2), subject to an annual CPI adjustment, and providing for a credit for power provided by Phelps Dodge to the Tribe. In addition, Phelps Dodge shall pay a monthly fee of $30,000 to the United States, on behalf of the Tribe, to account for the use of the Tribe's distribution system.

"(IV) Phelps Dodge shall pay the United States operation, maintenance, and replacement charges associated with the leased CAP water and such reasonable interconnection charges as may be imposed by Salt River Project in connection with the exchange referred to in subparagraph (D) above.

"(iv) Notwithstanding the provisions of section 3707(b), any moneys, except Black River facilities OM&R, CAP OM&R and any charges associated with an exchange agreement with Salt River Project, paid to the United States on behalf of the Tribe from the lease referred to under paragraph (3)(D)(iii) shall be held in trust by the United States for the benefit of the Tribe. There is hereby established in the Treasury of the United States a fund to be known as the 'San Carlos Apache Tribe Lease Fund' for such purpose. Interest accruing to the Fund may be used by the Tribe for economic and community development purposes upon presentation to the Secretary of a certified copy of a duly enacted resolution of the Tribal Council requesting distribution and a written budget approved by the Tribal Council. Such income may thereafter be expended only in accordance with such budget. Income not distributed shall be added to principal. The United States shall not be liable for any claim or causes of action arising from the Tribe's use or expenditure of moneys distributed from the Fund.

"(v) The lease is not assignable to any third party, except with the consent of the Tribe and Phelps Dodge, and with the approval of the Secretary.

"(vi) Notwithstanding subsection (b) hereof, section 3706 shall be fully effective immediately with respect to the CAP water lease provided for in this subparagraph and the Secretary shall take all actions authorized by section 3706 necessary for purposes of implementing this subparagraph. Notwithstanding any other provision of law, the contract referred to in this subparagraph is ratified and confirmed and shall be enforceable in United States district court. In the event that no lease authorized by this subparagraph is executed, this subparagraph, notwithstanding any other provision of law, shall be enforceable as a lease among the Tribe, the United States, and Phelps Dodge in the United States district court, and the Secretary shall take all action authorized by section 3706 for purposes of implementing this subparagraph in such an event.

"(F) Any questions regarding the water claims associated with Phelps Dodge's use of the Eagle Creek Wellfield, its diversions of surface water from lower Eagle Creek, the San Francisco River, Chase Creek, and/or its use of other water supplies are not addressed by this title. No provision in this subsection shall affect or be construed to affect any claims by the Tribe, the United States, or Phelps Dodge to groundwater or surface water.

"(4) EAGLE CREEK.—From the effective date of this subsection, and during the Interim Period, the Tribe shall not, in any way, impede, restrict, or sue the United States regarding the passage of water from the Black River facilities into those portions of the channels of Willow Creek and Eagle Creek which flow through the Reservation. Phelps Dodge agrees to limit pumping from the Upper Eagle Creek Wellfield so that the combination of water from the Black River facilities and water pumped from the Upper Eagle Creek Wellfield does not exceed 22,000 acre feet per year of delivered water at the Phelps Dodge Lower Eagle Creek Pump Station below the Reservation. In calculating the pumping rates allowed under this subparagraph, transmission losses from Black River and the Upper Eagle Creek Wellfield shall be estimated, but in no event shall such transmission losses be more than 10 percent of the Black River or Upper Eagle Creek Wellfield water. Based on this agreement, the Tribe shall not, in any way, impede, restrict, or sue Phelps Dodge regarding the passage of water from the Phelps Dodge Upper Eagle Creek Wellfield, except that—

(A) Phelps Dodge shall pay to the United States, on behalf of the Tribe, $5,000 per month, with an annual CPI adjustment from July 23, 1997, to account for the passage of such flows; and

(B) the Tribe and the United States reserve the right to challenge Phelps Dodge's claims regarding the pumping of groundwater from the Upper Eagle Creek Wellfield, in accordance with paragraphs (2)(E) and (3)(F) above. In the event that a court determines that Phelps Dodge does not have the right to pump the Upper Eagle Creek Wellfield, the Tribe will no longer be subject to the restriction set forth in this subparagraph regarding the passage of water from the Wellfield through the Reservation. Nothing in this subsection shall affect the rights, if any, that Phelps Dodge might claim regarding the flow of water in the channel of Eagle Creek in the absence of this subsection.

"(5) PAST CLAIMS.—The Act does not address claims relating to Phelps Dodge's prior occupancy and operation of the Black River facilities. The Tribe agrees not to bring any such claims against the United States. The Tribe also agrees that within 30 days after Phelps Dodge has vacated the Reservation, it shall dismiss with prejudice the suit that it has filed in Tribal Court against Phelps Dodge (The San Carlos Apache Tribe v. Phelps Dodge, et al., Case No. C-97-118), which such dismissal shall not be considered a decision on the merits, and any claims that it might assert against Phelps Dodge in connection with Phelps Dodge's prior occupancy and operation of the Black River facilities shall be brought exclusively in the United States district court.

"(6) RELATIONSHIP TO SETTLEMENT.—

"(A) The term 'Agreement', as defined by section 3703(2), shall not include Phelps Dodge.

"(B) Section 3706(j) and section 3705(f) shall be repealed and shall have no effect.

"(7) RATIFICATION OF SETTLEMENT.—The agreement between the San Carlos Apache Tribe, the Phelps Dodge Corporation, and the Secretary of the Interior, as set forth in this subsection, is hereby ratified and approved.".

(g) TECHNICAL AMENDMENT.—Section 3702(a)(3) is amended by striking "qualification" and inserting "quantification".

SEC. 5004. Paragraph (5) of section 104(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)) is amended as follows:

(1) In subparagraph (A), by striking ", including polar bears taken but not imported prior to the date of enactment of the Marine Mammal Protection Act Amendments of 1994,".

(2) By adding the following new subparagraph at the end thereof:

"(D) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30 day period under subsection (d)(2), issue a permit for the importation of polar bear parts (other than internal organs) from polar bears taken in sport hunts in Canada before the date of enactment of the Marine Mammal Protection Act Amendments of 1994, to each applicant who submits, with the permit application, proof that the polar bear was legally harvested in Canada by the applicant. The Secretary shall issue such permits without regard to the provisions of subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3) of this section, and sections 101 and 102. This subparagraph shall not apply to polar bear parts that were imported before the effective date of this subparagraph.".

SEC. 5005. (a) FINDINGS.—The Congress finds that—

(1) section 2477 of the Revised Statutes (R.S. 2477) was repealed on October 21, 1976 by the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.);

(2) the Federal Land Policy and Management Act did not terminate valid rights of way established under R.S. 2477 prior to its repeal;

(3) the Federal Land Policy and Management Act included four provisions which explicitly preserved "valid existing rights" and made the actions of the government "subject to valid existing rights";

(4) after the repeal of R.S. 2477, disagreement and confusion has surrounded the existence and extent of rights of way established under R.S. 2477;

(5) in 1994 the Secretary of the Interior published proposed regulations for processing claims regarding R.S. 2477 rights of way;

(6) in 1995 and 1996 the Congress passed, and the President enacted, three separate pieces of

legislation that prevented the Secretary of the Interior from finalizing those regulations;

(7) the Omnibus Consolidated Appropriations for Fiscal Year 1997 (Public Law 104–208) permanently prohibited the promulgation of final rules or regulations regarding the recognition, validity, or management of R.S. 2477 rights of way unless such regulations were specifically authorized by a subsequent Act of Congress;

(8) the position of the Clinton Administration on this issue is reflected in the written policy statement issued by the Secretary of the Interior in January 1997 regarding R.S. 2477;

(9) western State representatives strongly disagree with the Administration's policy guidance; and

(10) a process is needed to recommend expeditiously a legislative mechanism to resolve all outstanding R.S. 2477 claims.

(b) PROCESS.—

(1) ESTABLISHMENT OF COMMISSION.—

(A) There is established a commission to be known as the Commission on Section 2477 of the Revised Statutes (hereinafter referred to in this section as "the Commission"). The Commission shall be composed of 13 members, as follows:

(i) two officials from Federal land management agencies, which shall be the Secretary of the Interior and the Secretary of Agriculture, or their designees;

(ii) six Members of Congress (or their staff designee), of whom two shall be appointed by the Majority Leader of the Senate and one by the Minority Leader of the Senate, and of whom two shall be appointed by the Speaker of the House of Representatives and one by the Minority Leader of the House of Representatives;

(iii) four State officials with land management or transportation development responsibilities, two of whom shall be from affected western States with a Republican Governor and two of whom shall be from affected western States with a Democratic Governor, with the four States selected by mutual agreement between the President, the Senate Majority Leader, and the Speaker of the House; and

(iv) a chairman, who shall be a former member of the Federal judiciary with experience in property and land management law, to be selected by consensus (or failing all reasonable attempts at consensus, majority vote) of the other 12 members of the Commission.

(B) The Commission shall be appointed within 90 days after the date of enactment of this section. The Secretary of the Interior shall provide any necessary support to the Commission.

(C) The chairman of the Commission shall receive compensation at the daily rate of GS–15, step 7 of the General Schedule, when engaged in the actual performance of duties for the Commission, and shall be reimbursed for actual expenses in the performance of such duties by the Secretary of the Interior. All other members of the Commission shall be reimbursed and compensated as appropriate by their respective employers and shall not be considered Federal employees solely because of their activities on the Commission.

(D) The Commission shall conduct its first meeting no later than 120 days after the date of enactment of this section, at which time the Commission shall select by consensus or majority vote the chairman. The Secretary of the Interior shall recommend to Commission members the names of at least three persons who meet the requirements of subparagraph (A)(iv) for consideration at the first meeting. Any other member of the Commission may also recommend persons who meet the requirements of subparagraph (A)(iv) for the consideration of the members at the first meeting.

(2) DUTIES OF COMMISSION.—

(A) The Commission shall recommend changes to law that should be enacted to provide for an expeditious resolution of all outstanding claims of a right of way across Federal lands established pursuant to section 2477 of the Revised Statutes (43 U.S.C. 932).

(B) The Commission shall hold a public hearing in each affected State upon the request of the Governor of each such State, and shall consult with the Governor of each affected State in developing its recommendations. The Commission may hold such other hearings as it deems necessary. All hearings conducted by the Commission shall be open to the public, and notice of each hearing shall be provided in media of general circulation within the State at least 14 days prior to each such hearing. The Secretary of the Interior shall publish a public record of each hearing.

(C) The Commission shall make its recommendations and all decisions by consensus, or failing all reasonable attempts at consensus, by majority vote. The Commission shall keep a record of its discussions. The Commission may, by majority vote, open its meetings to the public. If the Commission does conduct public meetings, it shall provide public notice of the time and place at least seven days in advance of each such meeting.

(D) The Commission shall submit its recommendations to the Secretary of the Interior by March 1, 1998. Not later than 15 days prior to this date, the Commission shall provide a draft of its recommendations to the Governor of each affected State, and shall include any letters submitted by such Governors with respect to such recommendations as an appendix to the Commission's submission to the Secretary of the Interior.

(3) REVIEW BY SECRETARY; SUBMISSION TO CONGRESS.—The Secretary of the Interior shall review and either approve or disapprove of the Commission's recommendations in their entirety by March 31, 1998. If the Secretary of the Interior approves of the Commission's recommendations, the Secretary shall submit all of the Commission's recommendations to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives by April 1, 1998. If the Secretary of the Interior disapproves of the Commission's recommendations, the Secretary shall state the reasons in writing for such disapproval and send a copy of such reasons with the Commission's recommendations to the Congress.

(4) CONGRESSIONAL PROCEDURE.—

(A) INTRODUCTION.—The Chairman of the Committee on Energy and Natural Resources of the Senate and the Chairman of the Committee on Resources of the House of Representatives (or their designees) shall introduce the Commission's recommendations as a bill in their respective Houses no later than 10 calendar days after such recommendations are approved and submitted by the Secretary of the Interior pursuant to paragraph (3). The provisions of this paragraph hereinafter set forth shall not apply to any bill containing the recommendations of the Commission if the Secretary of the Interior disapproves the Commission's recommendations under paragraph (3).

(B) CONSIDERATION IN THE HOUSE.—

(i) Any committee of the House of Representatives to which a bill introduced pursuant to subsection (A) is referred shall report it, with or without amendment and with or without recommendation, not later than 60 days of session after the date of such referral. If any committee fails to report the bill within that period, it is in order to move that the House discharge the committee from further consideration of the bill. A motion to discharge the bill may only be made by a member favoring the bill (but only at a time or place designated by the Speaker in the legislative schedule of the day after the calendar day on which the member offering the motion announces to the House his intention to do so and the form of the motion). The motion is highly privileged. Debate thereon shall be limited to not more than one hour, the time to be divided in the House equally between a proponent and opponent. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion was agreed to or disagreed to shall not be in order.

(ii) After a bill introduced pursuant to subparagraph (A) is reported or a committee has been discharged from further consideration, it is in order to move that the House resolve into the Committee of the Whole House on the State of the Union for consideration of the bill. If reported and the report has been available for at least one calendar day, all points of order against the bill and against consideration of the bill are waived. If discharged, all points of order against the bill and against consideration of the bill are waived. The motion is highly privileged. A motion to reconsider the vote by which the motion was agreed to or disagreed to shall not be in order. During consideration of the bill in the Committee of the Whole, the first reading of the bill shall be dispensed with. General debate shall proceed, shall be confined to the bill, and shall not exceed four hours equally divided and controlled by a proponent and opponent of the bill. The bill shall be considered as read for amendment under the five-minute rule. Only one motion to rise shall be in order, except if offered by the manager. Consideration of the bill for amendment shall not exceed four hours excluding time for recorded votes and quorum calls. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion. A motion to reconsider the vote on passage of the bill shall not be in order.

(iii) Appeals from the decision of the Chair regarding application of the rules of the House of Representatives to the procedure relating to a bill introduced pursuant to subparagraph (A) shall be decided without debate.

(iv) It shall not be in order to consider under this subparagraph more than one bill introduced pursuant to subparagraph (A) except for consideration of a Senate bill introduced pursuant to subparagraph (A).

(C) CONSIDERATION IN THE SENATE.—

(i) A bill introduced pursuant to subparagraph (A) shall be referred to the appropriate committee or committees. A committee to which the bill is referred shall report the bill not later than 60 days of session after such referral. If any committee fails to report the bill within that period, that committee shall be automatically discharged from further consideration of the bill and the bill shall be placed on the calendar.

(ii) A motion to proceed to consideration of a bill introduced pursuant to subparagraph (A) and reported or automatically discharged pursuant to subparagraph (C)(i) shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed was adopted or rejected, although subsequent motions to proceed may be made under this clause.

(iii) After no more than 30 hours of consideration of a bill introduced pursuant to subparagraph (A), the Senate shall proceed, without intervening action or debate, to vote on final disposition thereof to the exclusion of all amendments not then pending and to the exclusion of all motions, except a motion to reconsider or to table. The time for debate on the bill shall be equally divided between the Majority Leader and the Minority Leader or their designees.

(iv) Only relevant amendments to the bill shall be in order. Debate on any amendment shall be limited to one hour, equally divided and controlled by the Senator proposing the amendment and the majority manager, unless the majority manager is in favor of the amendment, in which case the minority manager shall be in control of the time in opposition.

(v) A motion to recommit a bill introduced pursuant to subparagraph (A) shall not be in order.

(vi) If the Senate receives a message from the House on a bill introduced pursuant to subparagraph (A), consideration in the Senate of all motions, amendments, or appeals necessary to dispose of such message shall be limited to four hours, equally divided in the usual form.

(D) EXERCISE OF RULEMAKING POWERS.—The provisions of this paragraph are enacted by the Congress—

(i) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent they are inconsistent therewith; and

(ii) with full recognition of the Constitutional right of either House to change such rules (so far as to relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

(5) APPLICABILITY OF OTHER LAW.—

(A) NO EXPRESS AUTHORIZATION.—This section shall not be construed as an express authorization for any final rule or regulation under any law.

(B) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Commission established by this section.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

Public Law 104–208, under the heading "Health Education Assistance Loans Program" is amended by inserting after "$140,000,000" the following: ": Provided further, That the Secretary may use up to $499,000 derived by transfer from insurance premiums collected from guaranteed loans made under Title VII of the Public Health Service Act for the purpose of carrying out section 709 of that Act".

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

Public Law 104–208, under the heading titled "Children and Families Services Programs" is amended by inserting after the reference to "part B(1) of title IV" the following: "and Section 1110".

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support high priority health research, $15,000,000, to remain available until expended: Provided, That the Secretary shall award such funds on a competitive basis.

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For additional amounts to carry out subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965, $101,133,000, of which $78,362,000 shall be for Basic Grants and $22,771,000 shall be for Concentration Grants, which shall be allocated, notwithstanding any other provision of law, only to those States, and counties within those States, that will receive, from funds available under the Department of Education Appropriations Act, 1997, smaller allocations for Grants to Local Educational Agencies than they would have received had those allocations been calculated entirely on the basis of child poverty counts from the 1990 census: Provided, That the Secretary of Education shall use these additional funds to provide those States with 50 percent of the difference between the allocations they would have received had the allocations under that Appropriations Act been calculated entirely on the basis of the 1990 census data and the allocations under the 1997 Appropriations Act: Provided further, That if any State's total allocation under that Appropriations Act and this paragraph is less than its 1996 allocation for that subpart, that State shall receive, under this paragraph, the amount the State would have received had that allocation been calculated entirely on the basis of child poverty counts from the 1990 census: Provided further, That the Secretary shall ratably reduce the allocations to states under the preceding proviso for either Basic Grants or Concentration Grants, or both, as the case may be, if the funds available are insufficient to make those allocations in full: Provided further, That the Secretary shall allocate, to such counties in each such State, additional amounts for Basic Grants and Concentration Grants that are in the same proportion, respectively, to the total amounts allocated to the State, as the differences between such counties' initial allocations for Basic Grants and Concentration Grants, respectively (compared to what they would have received had the initial allocations been calculated entirely on the basis of 1990 census data), are to the differences between the State's initial allocations for Basic Grants and Concentration Grants, respectively (compared to the amounts the State would have received had the initial allocations been calculated entirely on the basis of 1990 census data): Provided further, That the funds appropriated under this paragraph shall become available on July 1, 1997 and shall remain available through September 30, 1998: Provided further, That the additional amounts appropriated under this paragraph shall not be taken into account in determining State allocations under any other program administered by the Secretary.

RELATED AGENCY

NATIONAL COMMISSION ON THE COST OF HIGHER EDUCATION

SALARIES AND EXPENSES

For necessary expenses for the National Commission on the Cost of Higher Education, $650,000, to remain available until expended.

GENERAL PROVISIONS, CHAPTER 6

SEC. 6001. Notwithstanding any other provision of law, fiscal year 1995 funds awarded under State-administered programs of the Department of Education and funds awarded for fiscal year 1996 for State-administered programs under the Rehabilitation Act of the Department of Education to recipients in Presidentially declared disaster areas, which were declared as such during fiscal year 1997, are available to those recipients for obligation until September 30, 1998: Provided, That for the purposes of assisting those recipients, the Secretary's waiver authority under section 14401 of the Elementary and Secondary Education Act of 1965 shall be extended to all State-administered programs of the Department of Education. This special waiver authority applies only to funds awarded for fiscal years 1995, 1996 and 1997.

SEC. 6002. Notwithstanding any other provision of law, the Secretary of Education may waive or modify any statutory or regulatory provision applicable to the student financial aid programs under title IV of the Higher Education Act that the Secretary deems necessary to assist individuals and other program participants who suffered financial harm from natural disasters and who, at the time the disaster struck were operating, residing at, or attending an institution of higher education, or employed within these areas on the date which the President declared the existence of a major disaster (or, in the case of an individual who is a dependent student, whose parent or stepparent suffered financial harm from such disaster, and who resided, or was employed in such an area at that time): Provided further, That such authority shall be in effect only for awards for award years 1996–1997 and 1997–1998.

SEC. 6003. None of the funds provided in this Act or in any other Act making appropriations for fiscal year 1997 may be used to administer or implement in Denver, Colorado, the Medicare Competitive Pricing/Open Enrollment Demonstration, as titled in the April 1, 1997, Final Request for Proposals (RFP).

SEC. 6004. 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.) 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.

(2) 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).

EXTENSION OF SSI REDETERMINATION PROVISIONS

SEC. 6005. (a) Section 402(a)(2)(D)(i) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(D)(i)) is amended—

(1) in subclause (I), by striking "the date which is 1 year after such date of enactment," and inserting "September 30, 1997,"; and

(2) in subclause (III), by striking "the date of the redetermination with respect to such individual" and inserting "September 30, 1997,".

(b) The amendment made by subsection (a) shall be effective as if included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

CHAPTER 7

CONGRESSIONAL OPERATIONS

SENATE

CONTINGENT EXPENSES OF THE SENATE

SECRETARY OF THE SENATE

(TRANSFER OF FUNDS)

For an additional amount for expenses of the "Office of the Secretary of the Senate", to carry out the provisions of section 8 of the Legislative Branch Appropriations Act, 1997, $5,000,000, to remain available until September 30, 2000, to be derived by transfer from funds previously appropriated from fiscal year 1997 funds under the heading "SENATE", subject to the approval of the Committee on Appropriations.

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Marissa, Sonya, and Frank (III) Tejeda, children of Frank Tejeda, late a Representative from the State of Texas, $133,600.

OTHER AGENCY

BOTANIC GARDEN

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses, Botanic Garden", $33,500,000, to remain available until expended, for emergency repair and renovation of the Conservatory.

GENERAL PROVISIONS, CHAPTER 7

SEC. 7001. Section 105(f) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61–1(f)) is amended by adding at the end the following: "The limitation on the minimum rate of gross compensation under this subsection shall not apply to any member or civilian employee of the Capitol Police whose compensation is disbursed by the Secretary of the Senate.".

SEC. 7002. (a) Notwithstanding any other provision of law or regulation, with the approval of the Committee on Rules and Administration of the Senate, the Sergeant at Arms and Doorkeeper of the Senate is authorized to provide additional facilities, services, equipment, and office space for use by a Senator in that Senator's State in connection with a disaster or emergency declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Expenses incurred by the Sergeant at Arms and Doorkeeper of the Senate under this section shall be paid from the appropriation account, within the contingent fund of the Senate, for expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, upon vouchers signed by the Sergeant at Arms and Doorkeeper of the Senate with the approval of the Committee on Rules and Administration of the Senate.

(b) This section is effective on and after the date of enactment of this Act.

SEC. 7003. (a) Section 2 of Public Law 100–71 (2 U.S.C. 65f) is amended by adding at the end the following: "(c) Upon the written request of the Secretary of the Senate, with the approval of the Committee on Appropriations of the Senate, there shall be transferred any amount of funds available under subsection (a) specified in the request, but not to exceed $10,000 in any fiscal year, from the appropriation account (within the contingent fund of the Senate) for expenses of the Office of the Secretary of the Senate to the appropriation account for the expense allowance of the Secretary of the Senate. Any funds so transferred shall be available in like manner and for the same purposes as are other funds in the account to which the funds are transferred.".

(b) The amendment made by subsection (a) shall be effective with respect to appropriations for fiscal years beginning on or after October 1, 1996.

SEC. 7004. The Comptroller General may use available funds, now and hereafter, to enter into contracts for the acquisition of severable services for a period that begins in one fiscal year and ends in the next fiscal year and to enter in multiyear contracts for the acquisition of property and nonaudit-related services, to the same extent as executive agencies under the authority of sections 303L and 304B, respectively, of the Federal Property and Administrative Services Act (41 U.S.C. sec. 253l and 254c).

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $1,600,000, for necessary expenses directly related to support activities in the TWA Flight 800 crash investigation, to remain available until expended.

RETIRED PAY

For an additional amount for "Retired Pay", $9,200,000.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount for the Emergency Relief Program for emergency expenses resulting from flooding and other natural disasters, as authorized by 23 U.S.C. 125, $650,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by the 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: Provided further, That 23 U.S.C. 125(b)(1) shall not apply to projects resulting from the December 1996 and January 1997 flooding in the western States.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The limitation under this heading in Public Law 104–205 is increased by $694,810,534: Provided, That such additional authority shall remain available during fiscal year 1997: Provided further, That notwithstanding any other provision of law, the authority provided herein above shall be distributed to ensure that States receive an amount they would have received had the Highway Trust Fund fiscal year 1994 income statement not been understated prior to the revision on December 24, 1996: Provided further, That notwithstanding any other provision of law, $318,077,043 of the amount provided herein above shall be distributed to assure that States receive obligation authority that they would have received had the Highway Trust Fund fiscal year 1995 income statement not been revised on December 24, 1996: Provided further, That the remaining authority provided herein above shall be distributed to those States whose share of Federal-aid obligation limitation under Section 310 of Public Law 104–205 is less than the amount such States received under Section 310(a) of Public Law 104–50 in fiscal year 1996 in a ratio equal to the amounts necessary to bring each such State to the Federal-aid obligation limitation distributed under Section 310(a) of Public Law 104–50.

FEDERAL RAILROAD ADMINISTRATION

EMERGENCY RAILROAD REHABILITATION AND REPAIR

For necessary expenses to repair and rebuild freight rail lines of regional and short line railroads or a State entity damaged by floods, $18,900,000, to be awarded subject to the discretion of the Secretary on a case-by-case basis: Provided, That up to $900,000 shall be solely for damage incurred in West Virginia in September 1996 and $18,000,000 shall be solely for damage incurred in the Northern Plains States in March and April 1997: Provided further, That funds provided under this head shall be available for rehabilitation of railroad rights-of-way, bridges, and other facilities which are part of the general railroad system of transportation, and primarily used by railroads to move freight traffic: Provided further, That railroad rights-of-way, bridges, and other facilities owned by passenger railroads, or by tourist, scenic, or historic railroads are not eligible for funding under this head: Provided further, That these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount 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 the 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: Provided further, That all funds made available under this head are to remain available until September 30, 1997.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", for emergency expenses resulting from the crashes of TWA Flight 800, ValuJet Flight 592, and Comair Flight 3272, and for assistance to families of victims of aviation accidents as authorized by Public Law 104–264, $29,859,000, of which $4,877,000 shall remain available until expended: Provided, That these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount 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 the 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: Provided further, That notwithstanding any other provision of law, not more than $10,330,000 shall be provided by the National Transportation Safety Board to the Department of the Navy as reimbursement for costs incurred in connection with recovery of wreckage from TWA Flight 800 and shall be credited to the appropriation contained in the Omnibus Consolidated Appropriations Act, 1997, which is available for the same purpose as the appropriation originally charged for the expense for which the reimbursements are received, to be merged with, and to be available for the same purpose as the appropriation to which such reimbursements are credited: Provided further, That notwithstanding any other provision of law, of the amount provided to the National Transportation Safety Board, not more than $6,059,000 shall be made available to the State of

New York and local counties in New York, as reimbursement for costs incurred in connection with the crash of TWA Flight 800: Provided further, That notwithstanding any other provision of law, of the amount provided, not more than $3,100,000 shall be made available to Metropolitan Dade County, Florida as reimbursement for costs incurred in connection with the crash of ValuJet Flight 592: Provided further, That notwithstanding any other provision of law, of the amount provided, not more than $300,000 shall be made available to Monroe County, Michigan as reimbursement for costs incurred in connection with the crash of Comair Flight 3272.

GENERAL PROVISIONS, CHAPTER 8

SEC. 8001. Title I of the Department of Transportation and Related Agencies Appropriations Act, 1997 (Public Law 104–205) is amended under the heading "Federal Transit Administration—Discretionary Grants" by striking "$661,000,000" and inserting "$661,000".

SEC. 8002. Section 325 of Title III of the Department of Transportation and Related Agencies Appropriations Act, 1997 (Public Law 104–205) is amended by deleting all text following: "Provided, That such funds shall not be subject to the obligation limitation for Federal-aid highways and highway safety construction.".

SEC. 8003. Section 410(j) of title 23, United States Code, is amended by striking the period after "1997" and inserting ", and an additional $500,000 for fiscal year 1997.".

SEC. 8004. Section 30308(a) of title 49, United States Code, is amended by striking "and 1996" and inserting ", 1996, and 1997".

CHAPTER 9

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount under the heading "Departmental Offices, Salaries and Expenses", $1,950,000: Provided, That the Secretary of Treasury may utilize the law enforcement services, personnel, equipment, and facilities of the State of Colorado, the County of Denver, and the City of Denver, with their consent, and shall reimburse the State of Colorado, the County of Denver, and the City of Denver for the utilization of such law enforcement services, personnel (for salaries, overtime, and benefits), equipment, and facilities for security arrangements for the Denver Summit of Eight being held June 20 through June 22, 1997, in Denver, Colorado subject to verification of appropriate costs.

COUNTER-TERRORISM AND DRUG LAW ENFORCEMENT

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 104–208, $16,000,000 shall be available until September 30, 1998 to develop further the Automated Targeting System.

U.S. POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsection (d) of section 2401 of title 39, United States Code, $5,383,000.

GENERAL PROVISIONS, CHAPTER 9

SEC. 9001. The Administrator of General Services is authorized to obligate the funds appropriated in Public Law 104–208 for construction of the Montgomery, Alabama courthouse.

SEC. 9002. None of the funds appropriated or made available in this Act or any other Act may be used by the General Services Administration to implement Section 1555 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355) prior to the date of adjournment of the first session of the 105th Congress.

SEC. 9003. (a) The Bureau of Engraving and Printing and the Department of the Treasury shall not award a contract for Solicitation No. BEP–97–13(TN) or Solicitation No. BEP–96–13(TN) until the General Accounting Office (GAO) has completed a comprehensive analysis of the optimum circumstances for government procurement of distinctive currency paper. The GAO shall report its findings to the House and Senate Committees on Appropriations no later than August 1, 1998.

(b) The contractual term of the distinctive currency paper "bridge" contract shall not exceed 24 months, and the contract shall not be effective until the Secretary of the Department of the Treasury certifies that the price under the terms of any "bridge" contract is fair and reasonable and that the terms of any "bridge" contract are customary and appropriate according to Federal procurement regulations. In addition, the Secretary of the Treasury shall report to the Committees on Appropriations on the price and profit levels of any "bridge" contract at the time of certification.

SEC. 9004. (a) Chapter 63 of title 5, United States Code, is amended by adding after subchapter V the following:

"SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

"§6391. Authority for leave transfer program in disasters and emergencies

"(a) For the purpose of this section—

"(1) 'employee' means an employee as defined in section 6331(1); and

"(2) 'agency' means an Executive agency.

"(b) In the event of a major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees, the President may direct the Office of Personnel Management to establish an emergency leave transfer program under which any employee in any agency may donate unused annual leave for transfer to employees of the same or other agencies who are adversely affected by such disaster or emergency.

"(c) The Office shall establish appropriate requirements for the operation of the emergency leave transfer program under subsection (b), including appropriate limitations on the donation and use of annual leave under the program. An employee may receive and use leave under the program without regard to any requirement that any annual leave and sick leave to a leave recipient's credit must be exhausted before any transferred annual leave may be used.

"(d) A leave bank established under subchapter IV may, to the extent provided in regulations prescribed by the Office, donate annual leave to the emergency leave transfer program established under subsection (b).

"(e) Except to the extent that the Office may prescribe by regulation, nothing in section 7351 shall apply to any solicitation, donation, or acceptance of leave under this section.

"(f) The Office shall prescribe regulations necessary for the administration of this section.".

(b) The analysis for chapter 63 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

"6391. Authority for leave transfer program in disasters and emergencies.".

CHAPTER 10

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $928,000,000, to remain available until expended.

ADMINISTRATIVE PROVISION

The Secretary of Veterans Affairs may carry out the construction of a multi-story parking garage at the Department of Veterans Affairs medical center in Cleveland, Ohio, in the amount of $12,300,000, and there is authorized to be appropriated for fiscal year 1997 for the Parking Revolving Fund account, a total of $12,300,000 for this project.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

Notwithstanding any other provision of law, of the $1,000,000 appropriated for special purpose grants in Public Law 102–139, for a parking garage in Ashland, Kentucky, $500,000 shall be made available instead for use in acquiring parking in Ashland, Kentucky and $500,000 shall be made available instead for the restoration of the Paramount Theater in Ashland, Kentucky.

PRESERVING EXISTING HOUSING INVESTMENT

For an additional amount for "Preserving existing housing investment", to be made available for use in conjunction with properties that are eligible for assistance under the Low-Income Housing Preservation and Resident Homeownership Act of 1990 or the Emergency Low Income Housing Preservation Act of 1987, $3,500,000, to remain available until expended: Provided, That up to such amount shall be for a project in Syracuse, New York, the processing for which was suspended, deferred or interrupted for a period of nine months or more because of differing interpretations, by the Secretary of Housing and Urban Development and an owner, concerning the timing of the ability of an uninsured section 236 property to prepay, or by the Secretary and a State rent regulatory agency concerning the effect of a presumptively applicable State rent control law or regulation on the determination of preservation value under section 213 of such Act, if the owner of such project filed a notice of intent to extend the low-income affordability restrictions of the housing on or before August 23, 1993, and the Secretary approved the plan of action on or before July 25, 1996.

CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING

(TRANSFER OF FUNDS)

For "Capacity building for community development and affordable housing", as authorized by section 4 of the HUD Demonstration Act of 1993 (Public Law 103–120), $30,200,000, to remain available until expended, and to be derived by transfer from the Homeownership and Opportunity for People Everywhere Grants account: Provided, That at least $10,000,000 of the funding under this head be used in rural areas, including tribal areas.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS FUND

For an additional amount for "Community development block grants fund", as authorized under title I of the Housing and Community Development Act of 1974, $500,000,000, of which $250,000,000 shall become available for obligation on October 1, 1997, all of which shall remain available until September 30, 2000, for use only for buyouts, relocation, long-term recovery, and mitigation in communities affected by the flooding in the upper Midwest and other disasters in fiscal year 1997 and such natural disasters designated 30 days prior to the start of fiscal year 1997, except those activities reimbursable or for which funds are made available by the Federal Emergency Management Agency, the Small Business Administration, or the Army Corps of Engineers: Provided, That in administering these amounts, the Secretary may waive, or

specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds, except for statutory requirements related to civil rights, fair housing and nondiscrimination, the environment, and labor standards, upon a finding that such waiver is required to facilitate the use of such funds, and would not be inconsistent with the overall purpose of the statute: Provided further, That the Secretary of Housing and Urban Development shall publish a notice in the Federal Register governing the use of community development block grants 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, That 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 disbursements and uses of funds for or associated with buyouts: Provided further, That for purposes of disasters eligible under this head the Secretary of Housing and Urban Development may waive, on a case-by-case basis and upon such other terms as the Secretary may specify, in whole or in part, the requirements that activities benefit persons of low- and moderate-income pursuant to section 122 of the Housing and Community Development Act of 1974, and may waive, in whole or in part, the requirements that housing qualify as affordable housing pursuant to section 290 of the HOME Investment Partnerships Act: Provided further, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the 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.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

Of the funds appropriated under this head in Public Law 104–204, the Secretary of Housing and Urban Development shall enter into a contract with the National Academy of Public Administration not to exceed $1,000,000 no later than one month after enactment of this Act for an evaluation of the Department of Housing and Urban Development's management systems.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

BUILDINGS AND FACILITIES

From the amounts appropriated under this heading in prior appropriation Acts for the Center for Ecology Research and Training (CERT), the Environmental Protection Agency (EPA) shall, after the closing of the period for filing CERT-related claims pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.), obligate the maximum amount of funds necessary to settle all outstanding CERT-related claims against the EPA pursuant to such Act. To the extent that unobligated balances then remain from such amounts previously appropriated, the EPA is authorized beginning in fiscal year 1997 to make grants to the City of Bay City, Michigan, for the purpose of EPA-approved environmental remediation and rehabilitation of publicly owned real property included in the boundaries of the CERT project.

STATE AND TRIBAL ASSISTANCE GRANTS

The funds appropriated in Public Law 104–204 to the Environmental Protection Agency under this heading for grants to States and federally recognized tribes for multi-media or single media pollution prevention, control, and abatement and related activities, $674,207,000, may also be used for the direct implementation by the Federal Government of a program required by law in the absence of an acceptable State or tribal program.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster relief", $3,300,000,000, to remain available until expended: Provided, That $2,300,000,000 shall become available for obligation on September 30, 1997, but shall not become available until the Director of the Federal Emergency Management Agency submits to the Congress a legislative proposal to control disaster relief expenditures including the elimination of funding for certain revenue producing facilities: 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 appropriated herein 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: Provided further, That the entire amount appropriated herein 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.

GENERAL PROVISIONS, CHAPTER 10

SEC. 10001. The Secretary shall submit semiannually to the Committees on Appropriations a list of all contracts and task orders issued under such contracts in excess of $250,000 which were entered into during the prior 6-month period by the Secretary, the Government National Mortgage Association, and the Office of Federal Housing Enterprise Oversight (or by any officer of the Department of Housing and Urban Development, the Government National Mortgage Association, or the Office of Federal Housing Enterprise Oversight acting in his or her capacity to represent the Secretary or these entities). Each listing shall identify the parties to the contract, the term and amount of the contract, and the subject matter and responsibilities of the parties to the contract.

SEC. 10002. Section 8(c)(9) of the United States Housing Act of 1937 is amended by striking out "Not less than one year prior to terminating any contract" and inserting in lieu thereof: "Not less than 180 days prior to terminating any contract".

SEC. 10003. The first sentence of section 542(c)(4) of the Housing and Community Development Act of 1992 is amended by striking out "on not more than 12,000 units during fiscal year 1996" and inserting in lieu thereof: "on not more than 12,000 units during fiscal year 1996 and not more than an additional 7,500 units during fiscal year 1997".

SEC. 10004. Section 4(a) and (b)(3) of the HUD Demonstration Act of 1993 is amended by inserting after "National Community Development Initiative": ", Local Initiatives Support Corporation, The Enterprise Foundation, Habitat for Humanity, and Youthbuild USA".

SEC. 10005. Section 234(c) of the National Housing Act is amended by inserting after "203(b)(2)" the following: "or pursuant to section 203(h) under the conditions described in section 203(h)".

SEC. 10006. Section 211(b)(4)(B) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204) is amended by inserting the following at the end: "The term 'owner', as used in this subparagraph, in addition to it having the same meaning as in section 8(f) of the United States Housing Act of 1937, also means an affiliate of the owner. The term 'affiliate of the owner' means any person or entity (including, but not limited to, a general partner or managing member, or an officer of either) that controls an owner, is controlled by an owner, or is under common control with the owner. The term 'control' means the direct or indirect power (under contract, equity ownership, the right to vote or determine a vote, or otherwise) to direct the financial, legal, beneficial, or other interests of the owner.".

CHAPTER 11

OFFSETS AND RESCISSIONS

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

FUND FOR RURAL AMERICA

Of the funds provided on January 1, 1997 for section 793 of Public Law 104–127, Fund for Rural America, not more than $80,000,000 shall be available.

FOOD AND CONSUMER SERVICE

THE EMERGENCY FOOD ASSISTANCE PROGRAM

Notwithstanding section 27(a) of the Food Stamp Act, the amount specified for allocation under such section for fiscal year 1997 shall be $80,000,000.

FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

EXPORT CREDIT

None of the funds made available in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1997, Public Law 104–180, may be used to pay the salaries and expenses of personnel to carry out a combined program for export credit guarantees, supplier credit guarantees, and emerging democracies facilities guarantees at a level which exceeds $3,500,000,000.

EXPORT ENHANCEMENT PROGRAM

None of the funds appropriated or otherwise made available in Public Law 104–180 shall be used to pay the salaries and expenses of personnel to carry out an export enhancement program if the aggregate amount of funds and/or commodities under such program exceeds $10,000,000.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $6,400,000 are rescinded.

LEGAL ACTIVITIES

ASSETS FORFEITURE FUND

(RESCISSION)

Of the amounts made available to the Attorney General on October 1, 1996, from surplus balances declared in prior years pursuant to 28 U.S.C. 524(c), authority to obligate $3,000,000 of such funds in fiscal year 1997 is rescinded.

IMMIGRATION AND NATURALIZATION SERVICE

CONSTRUCTION

(RESCISSION)

Of the unobligated balances under this heading from amounts made available in Public Law 103–317, $1,000,000 are rescinded.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the unobligated balances available under this heading for the Advanced Technology Program, $7,000,000 are rescinded.

RELATED AGENCIES

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $1,000,000 are rescinded.

OUNCE OF PREVENTION COUNCIL

(RESCISSION)

Of the amounts made available under this heading in Public Law 104–208, $1,000,000 are rescinded.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 104–206 and prior years' Energy and Water Development Appropriations Acts, $11,180,000 are rescinded.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 104–206 and prior years' Energy and Water Development Appropriations Acts, $11,352,000 are rescinded.

CLEAN COAL TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading for obligation in fiscal year 1997 or prior years, $17,000,000 are rescinded: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

STRATEGIC PETROLEUM RESERVE

(RESCISSION)

Of the funds made available under this heading in previous appropriations Acts, $11,000,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, there is rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(F) of the Social Security Act (as in effect on October 1, 1996) is amended by adding after the "," the following: "reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,000,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled),".

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under 49 U.S.C. 48103 as amended, $750,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, $13,000,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

TRUST FUND SHARE OF EXPENSES

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, $271,000,000 are rescinded.

DISCRETIONARY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, for fixed guideway modernization and bus activities under 49 U.S.C. 5309(m)(A) and (C), $588,000,000 are rescinded.

INDEPENDENT AGENCY

GENERAL SERVICES ADMINISTRATION

EXPENSES, PRESIDENTIAL TRANSITION

(RESCISSION)

Of the amounts made available under this heading in Public Law 104–208, $5,600,000 are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(INCLUDING RESCISSION)

Of the amounts recaptured under this heading during fiscal year 1997 and prior years, $3,650,000,000 are rescinded: Provided, That the Secretary of Housing and Urban Development shall recapture at least $5,800,000,000 in amounts heretofore maintained as section 8 reserves made available to housing agencies for tenant-based assistance under the section 8 existing housing certificate and housing voucher programs: Provided further, That all additional section 8 reserve funds of an amount not less than $2,150,000,000 and any recaptures (other than funds already designated for other uses) specified in section 214 of Public Law 104–204 shall be preserved under the head "Section 8 Reserve Preservation Account" for use in extending section 8 contracts expiring in fiscal year 1998 and thereafter: Provided further, That the Secretary may recapture less than $5,800,000,000 and reserve less than $2,150,000,000 where the Secretary determines that insufficient section 8 funds are available for current fiscal year contract obligations: Provided further, That the Comptroller General of the United States shall conduct an audit of all accounts of the Department of Housing and Urban Development to determine whether the Department's systems for budgeting and accounting for section 8 rental assistance ensure that unexpended funds do not reach unreasonable levels and that obligations are spent in a timely manner.

INDEPENDENT AGENCY

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NATIONAL AERONAUTICS FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $365,000,000 are rescinded.

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–211 to NASA for "Space flight, control, and data communications", $4,200,000 are rescinded.

TITLE III

GENERAL PROVISIONS—THIS ACT

SEC. 30001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

BUY-AMERICAN REQUIREMENTS

SEC. 30002. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

TITLE IV—COST OF HIGHER EDUCATION REVIEW

SEC. 40001. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "Cost of Higher Education Review Act of 1997".

(b) FINDINGS.—The Congress finds the following:

(1) According to a report issued by the General Accounting Office, tuition at 4-year public colleges and universities increased 234 percent from school year 1980–1981 through school year 1994–1995, while median household income rose 82 percent and the cost of consumer goods as measured by the Consumer Price Index rose 74 percent over the same time period.

(2) A 1995 survey of college freshmen found that concern about college affordability was the highest it has been in the last 30 years.

(3) Paying for a college education now ranks as one of the most costly investments for American families.

SEC. 40002. ESTABLISHMENT OF NATIONAL COMMISSION ON THE COST OF HIGHER EDUCATION.

There is established a Commission to be known as the "National Commission on the Cost of Higher Education" (hereafter in this title referred to as the "Commission").

SEC. 40003. MEMBERSHIP OF COMMISSION.

(a) APPOINTMENT.—The Commission shall be composed of 11 members as follows:

(1) Three individuals shall be appointed by the Speaker of the House.

(2) Two individuals shall be appointed by the Minority Leader of the House.

(3) Three individuals shall be appointed by the Majority Leader of the Senate.

(4) Two individuals shall be appointed by the Minority Leader of the Senate.

(5) One individual shall be appointed by the Secretary of Education.

(b) ADDITIONAL QUALIFICATIONS.—Each of the individuals appointed under subsection (a) shall be an individual with expertise and experience in higher education finance (including the financing of State institutions of higher education), Federal financial aid programs, education economics research, public or private higher education administration, or business executives who have managed successful cost reduction programs.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the Commission shall elect a Chairman and a Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson will assume the duties of the Chairperson.

(d) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(e) APPOINTMENTS.—All appointments under subsection (a) shall be made within 30 days after the date of enactment of this Act. In the event that an officer authorized to make an appointment under subsection (a) has not made such appointment within such 30 days, the appointment may be made for such officer as follows:

(1) the Chairman of the Committee on Education and the Workforce may act under such subsection for the Speaker of the House of Representatives;

(2) the Ranking Minority Member of the Committee on Education and the Workforce may act under such subsection for the Minority Leader of the House of Representatives;

(3) the Chairman of the Committee on Labor and Human Resources may act under such subsection for the Majority Leader of the Senate; and

(4) the Ranking Minority Member of the Committee on Labor and Human Resources may act under such subsection for the Minority Leader of the Senate.

(f) VOTING.—Each member of the Commission shall be entitled to one vote, which shall be equal to the vote of every other member of the Commission.

(g) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(h) PROHIBITION OF ADDITIONAL PAY.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission. Members appointed from among private citizens of the United States may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by law for persons serving intermittently in the government service to the extent funds are available for such expenses.

(i) INITIAL MEETING.—The initial meeting of the Commission shall occur within 40 days after the date of enactment of this Act.

SEC. 40004. FUNCTIONS OF COMMISSION.

(a) SPECIFIC FINDINGS AND RECOMMENDATIONS.—The Commission shall study and make findings and specific recommendations regarding the following:

(1) The increase in tuition compared with other commodities and services.

(2) Innovative methods of reducing or stabilizing tuition.

(3) Trends in college and university administrative costs, including administrative staffing, ratio of administrative staff to instructors, ratio of administrative staff to students, remuneration of administrative staff, and remuneration of college and university presidents or chancellors.

(4) Trends in (A) faculty workload and remuneration (including the use of adjunct faculty), (B) faculty-to-student ratios, (C) number of hours spent in the classroom by faculty, and (D) tenure practices, and the impact of such trends on tuition.

(5) Trends in (A) the construction and renovation of academic and other collegiate facilities, and (B) the modernization of facilities to access and utilize new technologies, and the impact of such trends on tuition.

(6) The extent to which increases in institutional financial aid and tuition discounting have affected tuition increases, including the demographics of students receiving such aid, the extent to which such aid is provided to students with limited need in order to attract such students to particular institutions or major fields of study, and the extent to which Federal financial aid, including loan aid, has been used to offset such increases.

(7) The extent to which Federal, State, and local laws, regulations, or other mandates contribute to increasing tuition, and recommendations on reducing those mandates.

(8) The establishment of a mechanism for a more timely and widespread distribution of data on tuition trends and other costs of operating colleges and universities.

(9) The extent to which student financial aid programs have contributed to changes in tuition.

(10) Trends in State fiscal policies that have affected college costs.

(11) The adequacy of existing Federal and State financial aid programs in meeting the costs of attending colleges and universities.

(12) Other related topics determined to be appropriate by the Commission.

(b) FINAL REPORT.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall submit to the President and to the Congress, not later than 120 days after the date of the first meeting of the Commission, a report which shall contain a detailed statement of the findings and conclusions of the Commission, including the Commission's recommendations for administrative and legislative action that the Commission considers advisable.

(2) MAJORITY VOTE REQUIRED FOR RECOMMENDATIONS.—Any recommendation described in paragraph (1) shall be made by the Commission to the President and to the Congress only if such recommendation is adopted by a majority vote of the members of the Commission who are present and voting.

(3) EVALUATION OF DIFFERENT CIRCUMSTANCES.—In making any findings under subsection (a) of this section, the Commission shall take into account differences between public and private colleges and universities, the length of the academic program, the size of the institution's student population, and the availability of the institution's resources, including the size of the institution's endowment.

SEC. 40005. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this title, hold such hearings and sit and act at such times and places, as the Commission may find advisable.

(b) RULES AND REGULATIONS.—The Commission may adopt such rules and regulations as may be necessary to establish the Commission's procedures and to govern the manner of the Commission's operations, organization, and personnel.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION.—The Commission may request from the head of any Federal agency or instrumentality such information as the Commission may require for the purpose of this title. Each such agency or instrumentality shall, to the extent permitted by law and subject to the exceptions set forth in section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), furnish such information to the Commission, upon request made by the Chairperson of the Commission.

(2) FACILITIES AND SERVICES, PERSONNEL DETAIL AUTHORIZED.—Upon request of the Chairperson of the Commission, the head of any Federal agency or instrumentality shall, to the extent possible and subject to the discretion of such head—

(A) make any of the facilities and services of such agency or instrumentality available to the Commission; and

(B) detail any of the personnel of such agency or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out the Commission's duties under this title.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(e) CONTRACTING.—The Commission, to such extent and in such amounts as are provided in appropriation Acts, may enter into contracts with State agencies, private firms, institutions, and individuals for the purpose of conducting research or surveys necessary to enable the Commission to discharge the Commission's duties under this title.

(f) STAFF.—Subject to such rules and regulations as may be adopted by the Commission, and to such extent and in such amounts as are provided in appropriation Acts, the Chairperson of the Commission shall have the power to appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision, or of any other provision of law, relating to the number, classification, and General Schedule rates) of an Executive Director, and of such additional staff as the Chairperson deems advisable to assist the Commission, at rates not to exceed a rate equal to the maximum rate for level IV of the Executive Schedule under section 5332 of such title.

SEC. 40006. FUNDING OF COMMISSION.

There is authorized to be appropriated for fiscal year 1997 for carrying out this title, $650,000, to remain available until expended, or until one year after the termination of the Commission pursuant to section 40007, whichever occurs first.

SEC. 40007. TERMINATION OF COMMISSION.

The Commission shall cease to exist on the date that is 60 days after the date on which the Commission is required to submit its final report in accordance with section 40004(b).

TITLE V—DEPOSITORY INSTITUTION DISASTER RELIEF

SEC. 50001. SHORT TITLE.

This title may be cited as the "Depository Institutions Disaster Relief Act of 1997".

SEC. 50002. TRUTH IN LENDING ACT; EXPEDITED FUNDS AVAILABILITY ACT.

(a) TRUTH IN LENDING ACT.—During the 240-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Truth in Lending Act for transactions within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after February 28, 1997, 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 the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers, if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(b) EXPEDITED FUNDS AVAILABILITY ACT.—During the 240-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Expedited Funds Availability Act for depository institution offices located within any area referred to in subsection (a) of this section if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(c) TIME LIMIT ON EXCEPTIONS.—Any exception made under this section shall expire not later than September 1, 1998.

(d) PUBLICATION REQUIRED.—The Board of Governors of the Federal Reserve System shall publish in the Federal Register a statement that—

(1) describes any exception made under this section; and

(2) explains how the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

SEC. 50003. DEPOSIT OF INSURANCE PROCEEDS.

(a) IN GENERAL.—The appropriate Federal banking agency may, by order, permit an insured depository institution to subtract from the institution's total assets, in calculating compliance with the leverage limit prescribed under section 38 of the Federal Deposit Insurance Act, an amount not exceeding the qualifying amount attributable to insurance proceeds, if the agency determines that—

(1) the institution—

(A) had its principal place of business within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after February 28, 1997, 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 the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers, on the day before the date of any such determination;

(B) derives more than 60 percent of its total deposits from persons who normally reside within, or whose principal place of business is normally within, areas of intense devastation caused by the major disaster;

(C) was adequately capitalized (as defined in section 38 of the Federal Deposit Insurance Act) before the major disaster; and

(D) has an acceptable plan for managing the increase in its total assets and total deposits; and

(2) the subtraction is consistent with the purpose of section 38 of the Federal Deposit Insurance Act.

(b) TIME LIMIT ON EXCEPTIONS.—Any exception made under this section shall expire not later than February 28, 1999.

(c) DEFINITIONS.—For purposes of this section:

(1) APPROPRIATE FEDERAL BANKING AGENCY.—The term "appropriate Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(2) INSURED DEPOSITORY INSTITUTION.—The term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(3) LEVERAGE LIMIT.—The term "leverage limit" has the same meaning as in section 38 of the Federal Deposit Insurance Act.

(4) QUALIFYING AMOUNT ATTRIBUTABLE TO INSURANCE PROCEEDS.—The term "qualifying amount attributable to insurance proceeds" means the amount (if any) by which the institution's total assets exceed the institution's average total assets during the calendar quarter ending before the date of any determination referred to in subsection (a)(1)(A), because of the deposit of insurance payments or governmental assistance made with respect to damage caused by, or other costs resulting from, the major disaster.

SEC. 50004. BANKING AGENCY PUBLICATION REQUIREMENTS.

(a) IN GENERAL.—A qualifying regulatory agency may take any of the following actions with respect to depository institutions or other regulated entities whose principal place of business is within, or with respect to transactions or activities within, an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after February 28, 1997, 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 the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers, if the agency determines that the action would facilitate recovery from the major disaster:

(1) PROCEDURE.—Exercising the agency's authority under provisions of law other than this section without complying with—

(A) any requirement of section 553 of title 5, United States Code; or

(B) any provision of law that requires notice or opportunity for hearing or sets maximum or minimum time limits with respect to agency action.

(2) PUBLICATION REQUIREMENTS.—Making exceptions, with respect to institutions or other entities for which the agency is the primary Federal regulator, to—

(A) any publication requirement with respect to establishing branches or other deposit-taking facilities; or

(B) any similar publication requirement.

(b) PUBLICATION REQUIRED.—A qualifying regulatory agency shall publish in the Federal Register a statement that—

(1) describes any action taken under this section; and

(2) explains the need for the action.

(c) QUALIFYING REGULATORY AGENCY DEFINED.—For purposes of this section, the term "qualifying regulatory agency" means—

(1) the Board of Governors of the Federal Reserve System;

(2) the Comptroller of the Currency;

(3) the Director of the Office of Thrift Supervision;

(4) the Federal Deposit Insurance Corporation;

(5) the Financial Institutions Examination Council;

(6) the National Credit Union Administration; and

(7) with respect to chapter 53 of title 31, United States Code, the Secretary of the Treasury.

(d) EXPIRATION.—Any exception made under this section shall expire not later than February 28, 1998.

SEC. 50005. SENSE OF THE CONGRESS.

(a) FINANCIAL SERVICES.—It is the sense of the Congress that the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the National Credit Union Administration should encourage depository institutions to meet the financial services needs of their communities and customers located in areas affected by the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers.

(b) APPRAISAL STANDARDS.—It is the sense of the Congress that each Federal financial institutions regulatory agency should, by regulation or order, make exceptions to the appraisal standards prescribed by title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.) for transactions involving institutions for which the agency is the primary Federal regulator with respect to real property located within a disaster area pursuant to section 1123 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3352), if the agency determines that the exceptions can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

SEC. 50006. OTHER AUTHORITY NOT AFFECTED.

No provision of this title shall be construed as limiting the authority of any department or agency under any other provision of law.

TITLE VI—TECHNICAL AMENDMENTS WITH RESPECT TO EDUCATION

SEC. 60001. TECHNICAL AMENDMENTS RELATING TO DISCLOSURES REQUIRED WITH RESPECT TO GRADUATION RATES.

(a) AMENDMENTS.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) in subsection (a)(3)(B), by striking "June 30" and inserting "August 31"; and

(2) in subsection (e)(9), by striking "August 30" and inserting "August 31".

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) are effective upon enactment.

(2) INFORMATION DISSEMINATION.—No institution shall be required to comply with the amendment made by subsection (a)(1) before July 1, 1998.

SEC. 60002. DATE EXTENSION.

Section 1501(a)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491(a)(4)) is amended by striking "January 1, 1998" and inserting "January 1, 1999".

SEC. 60003. TIMELY FILING OF NOTICE.

Notwithstanding any other provision of law, the Secretary of Education shall deem Kansas and New Mexico to have timely submitted under section 8009(c)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7709(c)(1)) the States' written notices of intent to consider payments described in section 8009(b)(1) of the Act (20 U.S.C. 7709(b)(1)) in providing State aid to local educational agencies for school year 1997-1998, except that the Secretary may require the States to submit such additional information as the Secretary may require, which information shall be considered part of the notices.

SEC. 60004. HOLD HARMLESS PAYMENTS.

Section 8002(h)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(h)(1)) is amended—

(1) in subparagraph (A), by striking "or" after the semicolon;

(2) in subparagraph (B), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) for fiscal year 1997 and each succeeding fiscal year through fiscal year 2000 shall not be less than 85 percent of the amount such agency received for fiscal year 1996 under subsection (b).".

SEC. 60005. DATA.

(a) IN GENERAL.—Section 8003(f)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)(4)) is amended—

(1) in subparagraph (A)—

(A) by inserting "expenditure," after "revenue,"; and

(B) by striking the semicolon and inserting a period;

(2) by striking "the Secretary" and all that follows through "shall use" and inserting "the Secretary shall use"; and

(3) by striking subparagraph (B).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to fiscal years after fiscal year 1997.

SEC. 60006. PAYMENTS RELATING TO FEDERAL PROPERTY.

Section 8002(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(i)) is amended to read as follows:

"(i) PRIORITY PAYMENTS.—

"(1) IN GENERAL.—Notwithstanding subsection (b)(1)(B), and for any fiscal year beginning with fiscal year 1997 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996—

"(A) the Secretary shall first use the excess amount (not to exceed the amount equal to the difference of (i) the amount appropriated to carry out this section for fiscal year 1997, and (ii) the amount appropriated to carry out this section for fiscal year 1996) to increase the payment that would otherwise be made under this section to not more than 50 percent of the maximum amount determined under subsection (b) for any local educational agency described in paragraph (2); and

"(B) the Secretary shall use the remainder of the excess amount to increase the payments to each eligible local educational agency under this section.

"(2) LOCAL EDUCATIONAL AGENCY DESCRIBED.—A local educational agency described in this paragraph is a local educational agency that—

"(A) received a payment under this section for fiscal year 1996;

"(B) serves a school district that contains all or a portion of a United States military academy;

"(C) serves a school district in which the local tax assessor has certified that at least 60 percent of the real property is federally owned; and

"(D) demonstrates to the satisfaction of the Secretary that such agency's per-pupil revenue derived from local sources for current expenditures is not less than that revenue for the preceding fiscal year.".

SEC. 60007. TIMELY FILING UNDER SECTION 8003.

The Secretary of Education shall treat as timely filed, and shall process for payment, an amendment to an application for a fiscal year 1997 payment from a local educational agency under section 8003 of the Elementary and Secondary Education Act of 1965 if—

(1) that agency is described in subsection (a)(3) of that section, as amended by section 376 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201);

(2) that agency was not described in that subsection prior to that amendment; and

(3) the Secretary received the amendment to the agency's application prior to the enactment of this Act.

TITLE VII—FOOD STAMP PROGRAM

STATE OPTION TO ISSUE FOOD STAMP BENEFITS TO CERTAIN INDIVIDUALS MADE INELIGIBLE BY WELFARE REFORM

(a) IN GENERAL.—Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended—

(1) in subsection (a), by inserting after "necessary, and" the following: "(except as provided in subsection (j))"; and

(2) by adding at the end the following:

"(j) STATE OPTION TO ISSUE BENEFITS TO CERTAIN INDIVIDUALS MADE INELIGIBLE BY WELFARE REFORM.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a State agency may, with the approval of the Secretary, issue benefits under this Act to an individual who is ineligible to participate in the food stamp program solely as a result of section 6(o)(2) of this Act or section 402 or 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612 or 1613).

"(2) STATE PAYMENTS TO SECRETARY.—

"(A) IN GENERAL.—Not later than the date the State agency issues benefits to individuals under this subsection, the State agency shall pay the Secretary, in accordance with procedures established by the Secretary, an amount that is equal to—

"(i) the value of the benefits; and

"(ii) the costs of printing, shipping, and redeeming coupons, and other Federal costs, incurred in providing the benefits, as determined by the Secretary.

"(B) CREDITING.—Notwithstanding section 3302(b) of title 31, United States Code, payments received under subparagraph (A) shall be credited to the food stamp program appropriation account or the account from which the costs were drawn, as appropriate, for the fiscal year in which the payment is received.

"(3) REPORTING.—To be eligible to issue benefits under this subsection, a State agency shall comply with reporting requirements established by the Secretary to carry out this subsection.

"(4) PLAN.—To be eligible to issue benefits under this subsection, a State agency shall—

"(A) submit a plan to the Secretary that describes the conditions and procedures under which the benefits will be issued, including eligibility standards, benefit levels, and the methodology the State agency will use to determine amounts due the Secretary under paragraph (2); and

"(B) obtain the approval of the Secretary for the plan.

"(5) VIOLATIONS.—A sanction, disqualification, fine, or other penalty prescribed under Federal law (including sections 12 and 15) shall apply to a violation committed in connection with a coupon issued under this subsection.

"(6) INELIGIBILITY FOR ADMINISTRATIVE REIMBURSEMENT.—Administrative and other costs incurred in issuing a benefit under this subsection shall not be eligible for Federal funding under this Act.

"(7) EXCLUSION FROM ENHANCED PAYMENT ACCURACY SYSTEMS.—Section 16(c) shall not apply to benefits issued under this subsection.".

(b) CONFORMING AMENDMENTS.—Section 17(b)(1)(B)(iv) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(1)(B)(iv)) is amended—

(1) in subclause (V), by striking "or" at the end;

(2) in subclause (VI), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(VII) waives a provision of section 7(j).".

TITLE VIII—2000 DECENNIAL CENSUS

(a) The Congress finds that—

(1) the decennial enumeration of the population is one of the most critical constitutional functions our government performs;

(2) it is the goal that the decennial enumeration of the population be as accurate as possible, consistent with the Constitution;

(3) the Constitution clearly states that the census is to be an "actual enumeration" of the population, and section 195 of title 13, United States Code, states that sampling cannot be used for purposes of the apportionment of Representatives in Congress among the several States;

(4) the proposed use of statistical sampling by the Bureau of the Census exposes taxpayers to the unacceptable risk of an inaccurate, invalid and unconstitutional census; and

(5) Congress is committed to providing the level of funding that is required to perform the entire range of constitutional census activities, with a particular emphasis on accurately enumerating all individuals that have historically been undercounted, and toward this end, the Congress is eager to see aggressive and innovative promotion and outreach campaigns in hard-to-count communities, the hiring of enumerators within those localities, continued cooperation with local government on address list development, and maximizing census employment opportunities for individuals seeking to make the transition from welfare to work.

(b)(1) Section 141(a) of title 13, United States Code, is amended by adding at the end the following: "Notwithstanding any other provision of law, no sampling or any other statistical procedure, including any statistical adjustment, may be used in any determination of population for purposes of the apportionment of Representatives in Congress among the several States.".

(2) The amendment made by this subsection shall take effect on the date of the enactment of this Act.

(c) None of the funds made available in this or any other Act for any fiscal year may be used by the Department of Commerce to plan or otherwise prepare for the use of sampling or any other statistical procedure, including any statistical adjustment, in any determination of population for purposes of the apportionment of Representatives in Congress among the several States.

TITLE IX—GOVERNMENT SHUTDOWN PREVENTION ACT

SEC. 90001. SHORT TITLE.

This title may be cited as the "Government Shutdown Prevention Act".

SEC. 90002. CONTINUING FUNDING.

(a) IN GENERAL.—If any regular appropriation bill for fiscal year 1998 does not become law prior to the beginning of fiscal year 1998 or a joint resolution making continuing appropriations is not in effect, there is appropriated, out of any moneys in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any program, project, or activity for which funds were provided in fiscal year 1997.

(b) LEVEL OF FUNDING.—Appropriations and funds made available, and authority granted, for a program, project, or activity for fiscal year 1998 pursuant to this title shall be at 100 per cent of the rate of operations that was provided for the program, project, or activity in fiscal year 1997 in the corresponding regular appropriation Act for fiscal year 1997.

(c) PERIOD OF AVAILABILITY.—Appropriations and funds made available, and authority granted, for fiscal year 1998 pursuant to this title for a program, project, or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

(1) the date on which the applicable regular appropriation bill for fiscal year 1998 becomes law (whether or not that law provides for that program, project, or activity) or a continuing resolution making appropriations becomes law, as the case may be; or

(2) the last day of fiscal year 1998.

SEC. 90003. TERMS AND CONDITIONS.

(a) IN GENERAL.—An appropriation of funds made available, or authority granted, for a program, project, or activity for fiscal year 1998 pursuant to this title shall be made available to the extent and in the manner which would be provided by the pertinent appropriations Act for fiscal year 1997, including all of the terms and conditions and the apportionment schedule imposed with respect to the appropriation made or funds made available for fiscal year 1997 or authority granted for the program, project, or activity under current law.

(b) EXTENT AND MANNER.—Appropriations made by this title shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 90004. COVERAGE.

Appropriations and funds made available, and authority granted, for any program, project, or activity for fiscal year 1998 pursuant to this title shall cover all obligations or expenditures incurred for that program, project, or activity during the portion of fiscal year 1998 for which this title applies to that program, project, or activity.

SEC. 90005. EXPENDITURES.

Expenditures made for a program, project, or activity for fiscal year 1998 pursuant to this title shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of fiscal year 1998 providing for that program, project, or activity for that period becomes law.

SEC. 90006. INITIATING OR RESUMING A PROGRAM, PROJECT, OR ACTIVITY.

No appropriation or funds made available or authority granted pursuant to this title shall be used to initiate or resume any program, project, or activity for which appropriations, funds, or other authority were not available during fiscal year 1997.

SEC. 90007. PROTECTION OF OTHER OBLIGATIONS.

Nothing in this title shall be construed to effect Government obligations mandated by other law, including obligations with respect to Social Security, Medicare, Medicaid, and veterans benefits.

SEC. 90008. DEFINITION.

In this title, the term "regular appropriation bill" means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of programs, projects, and activities:

(1) Agriculture, rural development, and related agencies programs.

(2) The Departments of Commerce, Justice, and State, the judiciary, and related agencies.

(3) The Department of Defense.

(4) The government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the District.

(5) The Departments of Labor, Health and Human Services, and Education, and related agencies.

(6) The Departments of Veterans and Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.

(7) Energy and water development.

(8) Foreign assistance and related programs.

(9) The Department of the Interior and related agencies.

(10) Military construction.

(11) The Department of Transportation and related agencies.

(12) The Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

(13) The legislative branch.

This Act may be cited as the "1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia".

And the Senate agree to the same.

BOB LIVINGSTON,
JOSEPH M. MCDADE,
BILL YOUNG,
RALPH REGULA,
JERRY LEWIS,
JOHN EDWARD PORTER,
HAROLD ROGERS,
JOE SKEEN,
FRANK R. WOLF,
JIM KOLBE,
RON PACKARD,
SONNY CALLAHAN,
JAMES T. WALSH,
CHARLES H. TAYLOR,
Managers on the Part of the House.

TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE V. DOMENICI,
CHRISTOPHER S. BOND,
SLADE GORTON,
MITCH MCCONNELL,
CONRAD BURNS,
RICHARD C. SHELBY,
JUDD GREGG,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
LARRY CRAIG,
LAUCH FAIRCLOTH,
KAY BAILEY HUTCHISON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included by the House in the report accompanying H.R. 1469 (H. Rept. 105–83) which is not changed by the Senate in the report accompanying S. 672 (S. Rept. 105–16), and Senate Report language which is not changed by the conference are approved by the committee of conference. The statement of the managers while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

TITLE I

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

Title I of the conference agreement recommends a total of $1,929,480,000 in new budget authority for the Department of Defense, instead of $2,039,880,000 as proposed by the House and $1,805,480,000 as proposed by the Senate. This level is $168,734,000 less than the amount requested by the President. The new budget authority in this title is totally offset by rescissions of previously appropriated defense funds totaling $1,929,632,000 in chapter 2 of this title.

Of the amounts in this title, $1,774,200,000 is provided for contingency operations in Bosnia and Southwest Asia, instead of $1,910,400,000 as proposed by the House and $1,657,000,000 as proposed by the Senate. This recommendation is $232,014,000 below the amount requested by the President.

The following table provides details of the supplemental appropriations in Title I, Chapter 1 of the conference agreement:

TITLE I—SUPPLEMENTAL APPROPRIATIONS, DEPARTMENT OF DEFENSE

[In millions of dollars]

	Budget request	House	Senate	Conference
Military personnel:				
Military personnel, Army	322.8	306.8	306.8	306.8
Military personnel, Navy	7.9	7.9	7.9	7.9
Military personnel, Marine Corps	0.3	0.3	0.3	0.3
Military personnel, Air Force	29.1	29.1	29.1	29.1
Total, Military personnel	360.1	344.1	344.1	344.1
Operation and maintenance:				
Overseas contingency operations transfer fund	1646.1	1,566.3	1,312.9	1,430.1
Bosnia:				
Army LOGCAP/Other Support		(−262.8)	(−146.0)	(−262.8)
Army OPTEMPO		(138.0)	(21.0)	(138.0)
Navy OPTEMPO Reduction		(−10.0)	(−10.0)	(−10.0)
NIMA			(−2.6)	(−2.6)
Overocean costs reimbursement to DBOF-T			(−62.0)	(−62.0)
SOCOM OPTEMPO Reduction		(−9.0)	(−9.0)	(−9.0)
Projected OPTEMPO and force reductions			(−66.0)	
Subtotal		(−143.8)	(−274.6)	(−208.4)
Southwest Asia:				
Navy-Enhanced Southern Watch OPTEMPO		(20.0)		(15.0)
Air Force-Enhanced Southern Watch OPTEMPO		(8.0)		(15.0)
Air Force-Desert Focus (Force Protection)		(37.0)		(37.0)
OSIA Reduced Monitoring Activity		(−1.0)		(−1.0)
Projected OPTEMPO and force reductions			(−34.0)	(−34.0)
Subtotal		(64.0)	(−34.0)	(17.0)
Other Adjustments:				
Drawdown Recovery Costs			(−24.6)	(−24.6)
Total, Operation and Maintenance		(−79.8)	(−333.2)	(−216.0)
Total, Contingency Operations Funding	2,006.2	1,910.4	1,657.0	1,774.2
Operation and Maintenance, General:				
OPLAN 34A/35 P.O.W. Payments	20.0	20.0	20.0	20.0
Revolving and management funds:				
Reserve Mobilization Income Insurance Fund	72.0	72.0	72.0	72.0
Total, Supplemental Request	2,098.2	2,002.4	1,749.0	1,866.2

TITLE I—SUPPLEMENTAL APPROPRIATIONS, DEPARTMENT OF DEFENSE—Continued

[In millions of dollars]

	Budget request	House	Senate	Conference
Other adjustments:				
Defense Health Program	.....	21.0	.....	21.0
O&M, Defense-Wide (Force Protection)	.....	10.0	.....	10.0
Overseas Humanitarian, Disaster and Civic Aid	.....	.....	50.0	25.8
Family Housing, Navy and Marine Corps	.....	6.5	6.5	6.5
Total, Title I	2,098.2	2,039.9	1,805.5	1,929.5

BOSNIA OPERATIONS

The conferees agree with the concerns raised in the House report regarding the Bosnia deployment, and also concur with the position taken by the Secretary of Defense that the American ground force deployment to Bosnia should be ended by not later than June 1998. The conferees believe that should the President determine that events require U.S. participation in the Stabilization Force or any successor force in Bosnia beyond this date, the President should and must seek the approval of the Congress.

The conferees direct the President to provide the quarterly reports regarding the Bosnia deployment as described in the House report. The conference agreement also includes a general provision (Section 105) requiring the President to provide a report within sixty days of enactment regarding cumulative costs stemming from various U.S. efforts associated with Bosnia.

CONTINGENCY OPERATIONS COST CONTROLS

The conferees agree with language in the Senate report directing the Department of Defense to identify costs by individual contingency operation; to notify Congress 30 days in advance if the Department expects to exceed the budgeted amount for a contingency; and to continue to meet the quarterly reporting requirement for the use of funds provided in the "Overseas Contingency Operations Transfer Fund".

GENERAL PROVISIONS, CHAPTER 1

The conferees agree to retain Section 101, as proposed by the Senate, which allows the Secretary of the Navy to transfer up to $23,000,000 to reimburse accounts which have been depleted to repair Marine Corps facilities damaged by hurricanes, flooding, and other natural disasters during 1996 and 1997.

The conferees agree to restore Section 102, as proposed by the House, which provides $21,000,000 to the "Defense Health Program", only for direct patient care at military treatment facilities. These funds are to be used only to improve the level of direct care of military service members and their dependents at military treatment facilities. The conferees direct the Department of Defense to report to the Committees on Appropriations by July 1, 1997 on the use of these funds showing amounts, location, and justification for each project or activity.

The conferees agree to restore Section 103, as proposed by the House, which provides $10,000,000 to "Operation and Maintenance, Defense-Wide", only for additional force protection and counter-terrorism initiatives as directed in the House report language. Prior to obligation of these funds, the Vice Chairman of the Joint Chiefs of Staff shall provide to the Appropriations Committees a detailed plan for utilization of these funds.

The conferees agree to delete language proposed by the Senate which would have provided up to $100,000,000 of additional transfer authority for costs associated with ongoing operations in Bosnia and Southwest Asia.

The conferees agree to amend Section 104, as proposed by the Senate, to provide an additional $25,800,000 to the "Overseas Humanitarian, Disaster and Civic Aid" program, for a grant to the American Red Cross for armed forces emergency services.

The conferees agree to amend Section 105, as proposed by the Senate, requiring the President to submit to Congress 60 days after enactment of this Act a cost report which outlines all U.S. government expenditures in Bosnia since December 1, 1995.

MARINE CORPS FAMILY HOUSING

In section 106, the conferees agree to appropriate $6,480,000, as provided in both the House and the Senate bills, to partially reimburse the Family Housing, Navy and Marine Corps account for hurricane repair Operation and Maintenance costs that have been absorbed. This appropriation is offset fully by a rescission of $6,480,000 (in Title, Chapter 2, section 202).

In addition, if any foreign currency fluctuation savings are realized within the Family Housing, Navy and Marine Corps account, the conferees direct the Navy to further reimburse the Marine Corps for hurricane repair costs that have been absorbed.

CHAPTER 2

RESCISSIONS

The conference agreement rescinds a total of $1,929,632,000 from funds previously provided in Department of Defense and Military Construction Appropriations Acts, instead of $2,040,347,000 as proposed by the House and $1,905,943,000 as proposed by the Senate.

These rescissions include: $299,250,000 in various accounts resulting from revised inflation estimates, $420,000,000 due to revised foreign currency fluctuation requirements, $232,263,000 in unobligated balances in various accounts that are expected to expire at the end of the current fiscal year (based on estimates provided by the Department of Defense), and $782,639,000 in specific program reductions, all from previously enacted Department of Defense Appropriations Acts; and $195,480,000 from previously enacted Military Construction Acts.

The conference agreement specifically denies the $10,000,000 rescission in "Operation and Maintenance, Defense-Wide", as proposed by the President (R97–4), and the $62,000,000 rescission in "National Guard and Reserve Equipment", as proposed by the President (R97–5). The conferees agree with the direct in the Senate report regarding the release of National Guard and Reserve Equipment funds to the National Guard Bureau for obligation.

A summary of the rescissions from previously enacted Department of Defense Appropriations Act found in Title I, Chapter 2 is shown in the following table:

	House	Senate	Conference
Department of Defense—Military			
Fiscal year 1993:			
Shipbuilding and Conversion, Navy: Unobligated Balances	−$10,000,000	−$10,000,000	−$10,000,000
Fiscal year 1994:			
Shipbuilding and Conversion, Navy: Service Craft	−$28,700,000	$0	−$18,700,000
Fiscal year 1995:			
Aircraft Procurement, Army: Unobligated Balances	−$1,085,000	−$1,085,000	−$1,085,000
Missile Procurement, Army: Unobligated Balances	−$2,707,000	−$2,707,000	−$2,707,000
Procurement of Weapons and Tracked Combat Vehicles, Army: Unobligated Balances	−$2,296,000	−$2,296,000	−$2,296,000
Procurement of Ammunition, Army: Unobligated Balances	−$3,236,000	−$3,236,000	−$3,236,000
Other Procurement, Army: Unobligated Balances	−$2,502,000	−$2,502,000	−$2,502,000
Aircraft Procurement, Navy: Unobligated Balances	−$34,000,000	−$34,000,000	−$34,000,000
Weapons Procurement, Navy: Unobligated Balances	−$16,000,000	−$16,000,000	−$16,000,000
Procurement of Ammunition, Navy and Marine Corps: Unobligated Balances	−$812,000	−$812,000	−$812,000
Other Procurement, Navy: Unobligated Balances	−$4,237,000	−$4,237,000	−$4,237,000
Procurement, Marine Corps: Unobligated Balances	−$1,207,000	−$1,207,000	−$1,207,000
Aircraft Procurement, Air Force:			
JSTARS, Advanced Procurement	−$14,400,000	$0	−$14,400,000
Unobligated Balances	−$33,650,000	−$33,650,000	−$34,976,000
Missile Procurement, Air Force:			
Missile Replacement Equipment	−$4,000,000	$0	−$4,000,000
Unobligated Balances	−$7,195,000	−$7,195,000	−$12,020,000
Other Procurement, Air Force: Unobligated Balances	−$3,659,000	−$3,659,000	−$3,659,000
Procurement, Defense-Wide: Unobligated Balances	−$12,881,000	−$4,860,000	−$8,860,000
National Guard and Reserve Equipment: Unobligated Balances	−$5,029,000	−$5,029,000	−$5,029,000
Chemical Agents and Munitions Destruction, Defense: Unobligated Balances	−$456,000	−$456,000	−$456,000
Fiscal year 1996:			
Aircraft Procurement, Army:			
Blackhawk, Advanced Procurement	−$5,000,000	$0	$0
Spares	−$8,000,000	$0	$0
Avionics Support Equipment	−$5,000,000	$0	−$5,000,000
Procurement of Weapons and Tracked Combat Vehicles, Army:			
Carrier Mods	−$3,000,000	$0	−$2,000,000
Bradley Fighting Vehicle System	−$10,000,000	$0	−$5,400,000
Weapons/Combat Vehicle (Tank Carryover)	−$13,000,000	$0	−$8,000,000
Procurement of Ammunition, Army:			
Provision of Industrial Facilities	−$8,000,000	−$8,000,000	−$8,000,000
Layaway Industrial Facilities	−$6,000,000	−$6,000,000	−$6,000,000
Ammunition Base (Conventional Ammunition Demil)	−$20,000,000	$0	−$4,000,000
Procurement of Ammunition, Navy and Marine Corps: Unobligated Balances	$0	−$4,000,000	$0
Other Procurement, Navy: Shipboard Tactical Communications	−$3,000,000	−$3,000,000	−$3,000,000

	House	Senate	Conference
Procurement, Marine Corps: Unobligated Balances	$0	−$4,000,000	$0
Aircraft Procurement, Air Force:			
JSTARS	−$25,000,000	−$25,000,000	−$25,000,000
F–16	−$12,000,000	$0	$0
F–16 Post Production Support	−$15,000,000	−$15,000,000	−$15,000,000
Procurement of Ammunition, Air Force: CBU–87	−$21,100,000	$0	−$7,700,000
Other Procurement, Air Force: Strategic C2	−$10,000,000	−$10,000,000	−$10,000,000
Procurement, Defense-Wide:			
DISA	−$12,000,000	$0	−$8,000,000
Major Equipment	−$10,700,000	$0	−$8,113,000
SDIO Major Equipment	−$12,100,000	$0	$0
Research, Development, Test and Evaluation, Army: Unobligated Balances	−$4,366,000	−$4,366,000	−$4,366,000
Research, Development, Test and Evaluation, Navy:			
MK–48 ADCAP (CBASS—New Start)	−$4,000,000	$0	−$1,900,000
Standard Missile Improvements (LASM–New Start)	−$500,000	$0	$0
Unobligated Balances	−$14,978,000	−$14,978,000	−$14,978,000
Research, Development, Test and Evaluation, Air Force:			
Night Precision Attack	−$2,000,000	$0	−$2,000,000
Unobligated Balances	−$28,396,000	−$28,396,000	−$22,245,000
Research, Development, Test and Evaluation, Defense-Wide:			
University Research	−$9,200,000	$0	$0
Defense Reinvestment	−$6,200,000	−$6,200,000	−$6,200,000
Medical Electron Laser	−$3,300,000	$0	$0
High Performance Computer	−$1,600,000	$0	$0
Theater High Altitude Area Defense	−$40,000,000	−$40,000,000	−$40,000,000
NATO Research and Development	−$5,200,000	$0	$0
Office of Secretary of Defense Studies	−$5,700,000	$0	−$3,624,000
Unobligated Balances	−$55,973,000	−$34,890,000	−$45,890,000
Developmental Test and Evaluation, Defense:			
Central Test and Evaluation	−$2,200,000	$0	−$601,000
Foreign Cooperative Testing	−$6,200,000	$0	−$2,449,000
Test and Evaluation	−$3,800,000	$0	−$2,752,000
Unobligated Balances	−$890,000	−$890,000	−$890,000
Operatonal Test and Evaluation, Defense: Unobligated Balances	−$160,000	−$160,000	−$160,000
Chemical Agents and Munitions Destruction, Defense:			
Unobligated Balances	−$652,000	−$652,000	−$652,000
Procurement	−$22,000,000	−$20,000,000	−$20,000,000
Fiscal year 1997:			
Military Personnel, Army: Foreign Currency Savings	−$37,000,000	−$46,000,000	−$57,000,000
Military Personnel, Navy: Foreign Currency Savings	−$9,000,000	−$11,000,000	−$18,000,000
Military Personnel, Marine Corps: Foreign Currency Savings	$0	−$5,000,000	−$5,000,000
Military Personnel, Air Force: Foreign Currency Savings	−$12,000,000	−$15,000,000	−$23,000,000
National Guard Personnel, Air Force: Endstrength Pricing	−$7,600,000	$0	$0
Operation and Maintenance, Army:			
Capital Fund Transfer	−$17,000,000	$0	−$17,000,000
Inflation Adjustment	−$19,000,000	−$19,000,000	−$19,000,000
Foreign Currency Savings	−$124,000,000	−$155,000,000	−$160,000,000
Operation and Maintenance, Navy:			
Inflation Adjustment	−$24,000,000	−$24,000,000	−$24,000,000
Foreign Currency Savings	−$22,000,000	−$27,000,000	−$27,000,000
Operation and Maintenance, Marine Corps:			
Inflation Adjustment	$0	−$3,000,000	$0
Foreign Currency Savings	$0	−$14,000,000	−$3,000,000
Operation and Maintenance, Air Force:			
Inflation Adjustment	−$18,000,000	−$18,000,000	−$18,000,000
Foreign Currency Savings	−$79,000,000	−$99,000,000	−$99,000,000
Operation and Maintenance, Defense-Wide:			
Office of the Secretary of Defense	−$10,000,000	$0	$0
Inflation Adjustment	−$8,000,000	−$8,000,000	−$8,000,000
Foreign Currency Savings	−$14,000,000	−$17,000,000	−$17,000,000
Operation and Maintenance, Army Reserve: Inflation Adjustment	−$1,000,000	$0	$0
Operation and Maintenance, Navy Reserve: Inflation Adjustment	−$1,000,000	$0	$0
Operation and Maintenance, Air Force Reserve: Inflation Adjustment	−$1,000,000	$0	$0
Operation and Maintenance, Army National Guard: Inflation Adjustment	−$2,000,000	$0	$0
Operational and Maintenance, Air Natinal Guard: Inflation Adjustment	−$3,000,000	$0	$0
Environmental Restoration, Army: Inflation Adjustment	−$250,000	−$250,000	−$250,000
Environmental Restoration, Navy: Inflation Adjustment	−$250,000	−$250,000	−$250,000
Environmental Restoration, Air Force: Inflation Adjustment	−$250,000	−$250,000	−$250,000
Environmental Restoration, Defense-wide: Inflation Adjustment	$0	−$250,000	−$250,000
Environmental Restoration, Formerly Used Defense Sites: Inflation Adjustment	−$250,000	$0	−$250,000
Former Soviet Union Threat Reduction: Inflation Adjustment	−$2,000,000	−$2,000,000	−$2,000,000
Aircraft Procurement Army:			
Inflation Adjustment	−$8,000,000	−$8,000,000	−$8,000,000
Black Hawk, Advanced Procurement	$0	$0	−$5,000,000
Missile Procurement, Army:			
Inflation Adjustment	−$2,000,000	−$2,000,000	−$2,000,000
ATACMS (AP)	$0	−$69,000,000	−$22,000,000
Procurement of Weapons and Tracked Combat Vehicles, Army: Inflation Adjustment	−$5,000,000	−$5,000,000	−$5,000,000
Procurement of Ammunition, Army:			
Armament Retooling and Manufacutring Support	−$10,000,000	−$10,000,000	−$10,000,000
Inflation Adjustment	−$1,000,000	−$1,000,000	−$1,000,000
Other Procurement, Army:			
Family of Medium Tactical Vehicles	−$6,000,000	−$6,000,000	−$6,000,000
Inflation Adjustment	−$15,000,000	−$15,000,000	−$15,000,000
Aircraft Procurement, Navy:			
F–18 E/F, Advanced Procurement	−$48,000,000	$0	−$24,000,000
Inflation Adjustment	−$28,000,000	−$28,000,000	−$28,000,000
Weapons Procurement, Navy: Inflation Adjustment	−$6,000,000	−$6,000,000	−$6,000,000
Shipbuilding and Conversion, Navy: Inflation Adjustment	−$33,000,000	−$33,000,000	−$33,000,000
Other Procurement, Navy: Inflation Adjustment	−$8,000,000	−$8,000,000	−$8,000,000
Aircraft Procurement, Air Force:			
F–15	−$35,000,000	−$21,000,000	−$21,000,000
Inflation Adjustment	−$20,000,000	−$20,000,000	−$20,000,000
Missile Procurement, Air Force:			
Medium Launch Vehicles	−$5,000,000	$0	−$5,000,000
Titan IV	−$115,000,000	−$150,000,000	−$122,000,000
Inertial Upper Stage	$0	−$25,000,000	−$25,000,000
Inflation Adjustment	−$11,000,000	−$11,000,000	−$11,000,000
Other Procurement, Air Force:			
Inflation Adjustment	−$7,000,000	−$7,000,000	−$7,000,000
NIMA	$0	$0	−$13,000,000
Procurement, Defense-Wide: Inflation Adjustment	−$5,000,000	−$5,000,000	−$5,000,000
National Guard and Reserve Equipment: Inflation Adjustment	−$8,000,000	$0	−$8,000,000
Research, Development, Test and Evaluation, Army:			
C–3 Advanced Technology	−$7,000,000	$0	$0
Night Vision Systems	−$5,000,000	$0	−$5,000,000
155 mm Light Weight Howitzer	−$3,000,000	$0	−$3,000,000
Inflation Adjustment	−$10,000,000	−$10,000,000	−$10,000,000
Research, Development, Test and Evaluation Navy:			
Submarine Technology	−$12,000,000	$0	$0

	House	Senate	Conference
Advanced Submarine Combat Systems Development	$0	−$12,000,000	$0
Tomahawk	−$10,000,000	$0	$0
MK–48 ADCAP (CBASS-New Start	−$1,000,000	$0	−$600,000
Standard Missile Improvements (LASM-New Start)	−$5,500,000	$0	$0
Inflation Adjustment	−$9,000,000	−$9,000,000	−$9,000,000
Research, Development, Test and Evaluation, Air Force:			
AWACs	−$25,000,000	$0	−$12,500,000
Threat Simulator Development	−$5,000,000	$0	$0
Classified	−$200,000,000	−$100,000,000	−$130,000,000
WCMD	−$3,500,000	$0	−$3,500,000
JDAM	−$4,000,000	$0	−$4,000,000
Inflation Adjustment	−$22,000,000	−$22,000,000	−$22,000,000
Research, Development, Test and Evaluation, Defense-Wide:			
NIMA	$0	−$80,000,000	−$22,000,000
Dual-Use Funds (COSSI)	−$100,000,000	$0	−$50,000,000
Dual-Use Funds	$0	−$100,000,000	$0
Inflation Adjustment	−$15,000,000	−$15,000,000	−$15,000,000
National Defense Sealift Fund:.			
LMSR	$0	−$35,000,000	−$25,200,000
Defense Health Program:			
Inflation Adjustment	−$10,000,000	$0	−$10,000,000
Foreign Currency Savings	−$11,000,000	$0	−$11,000,000
Chemical Agents and Munitions Destruction, Defense:			
Inflation Adjustment	−$2,000,000	−$2,000,000	−$2,000,000
Operation and Maintenance	$0	−$5,000,000	−$5,000,000
Procurement	$0	−$20,000,000	−$20,000,000
Drug Interdiction and Counter-Drug Activities, Defense:.			
Inflation Adjustment	−$2,000,000	−$2,000,000	−$2,000,000
Total	−$1,853,867,000	−$1,664,463,000	−$1,734,152,000

APPLICATION OF RESCISSIONS

The conferees agree to the detailed instructions in the House report specifying the manner in which rescissions made to updated inflation estimates are to be applied to each budget activity, activity group, and subactivity group.

SERVICE CRAFT

The conferees agree to rescind $18,700,000 of fiscal year 1994 "Shipbuilding and Conversion, Navy" funds for service craft, rather than $28,700,000 as proposed by the House. The rescinded funds are for a barracks craft for which the Navy does not plan to obligate funds until fiscal year 1998. The conferees note there are additional funds in the 1998 budget for this purpose. This action is solely due to the three year delay in program execution, and does not preclude the Navy from reinstating these funds in future fiscal years if appropriate. None of the rescission is to be applied to the YDT 17 Diving Tender program.

ATACMS

The conferees agree to rescind $22,000,000 of fiscal year 1997 funds appropriated for economic order quantity (EOQ) purchases associated with a proposed ATACMS Block IA multiyear program, rather than the $69,000,000 proposed by the Senate. The conferees note that changing circumstances in the program have led the Army to defer its plans for a multiyear acquisition strategy for the ATACMS Block IA missile. However, the conferees note that there are outstanding requirements in the ATACMS program and therefore direct the Army to: (1) reprogram $3,200,000 to the Research, Development, Test and Evaluation, Army account to cover requirements associated with the extended ATACMS Block IA development program; and (2) with the remaining $43,800,000, procure additional Block I missiles in fiscal year 1997 and/or procure Block IA missiles as part of the fiscal year 1998 Block IA full rate production contract. The Army is directed to provide the Appropriations Committees within 30 days a detailed plan outlining its planned use of these funds.

CBASS TORPEDO PROGRAM

The conference agreement rescinds $2,500,000 from the CBASS torpedo program, rather than $5,000,000 as proposed by the House. The conferees direct that none of the rescission may be applied to ongoing torpedo test and evaluation support activities.

TOMAHAWK

The conferees do not agree to rescind $10,000,000 in fiscal year 1997 Tomahawk research and development funding, as proposed by the House. However, the conferees are aware the Navy is considering several alternatives with regard to the future direction of the Tomahawk program which could affect the Navy's use of these fiscal year 1997 funds as well as the fiscal year 1998 Tomahawk program. The conferees direct that the Secretary of the Navy submit a report to the Appropriations Committees detailing the Navy's plans to obligate these fiscal year 1997 funds, and further direct that none of these funds may be obligated until 30 days after submission of this report.

CLASSIFIED ACTIVITIES

The conference agreement includes rescissions against certain classified activities. The conferees direct these rescissions be carried out in conformance with the classified annex accompanying this conference report.

GENERAL PROVISIONS, CHAPTER 2

The conferees agree to delete specific general provisions, as proposed by the House, which rescinded funds to reflect savings from revised economic assumptions, revised foreign currency exchange rates, amounts associated with unobligated balances, and amounts associated with prior year appropriations that were expected to expire at the end of fiscal year 1997. Rescissions in these categories approved by the conferees are included in Title 1, Chapter 2 of the conference agreement.

The conferees agree to delete language, as proposed by the Senate, which recommended repealing Section 5803 of Public Law 104–208.

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

(RESCISSIONS)

In section 201, the conferees agree to rescissions of fiscal year 1996 appropriated amounts totaling $180,000,000 to offset unbudgeted costs associated with contingency operations, which is identical to the amounts in both the House and the Senate bills, with a technical correction to one account. In addition, the conferees agree to rescissions of fiscal year 1997 appropriated amounts totaling $9,000,000 to further offset unbudgeted costs associated with contingency operations, rather than $55,000,000 as proposed by the Senate. The House bill contained no rescission of fiscal year 1997 funds. These amounts are rescinded to reflect savings from revised economic assumptions, as follows:

Military Construction, Army	1,000,000
Military Construction, Navy	2,000,000
Military Construction, Air Force	3,000,000
Military Construction, Defense-wide	3,000,000
	9,000,000

The conferees direct that these rescissions reflecting savings from revised economic assumptions and program execution, totaling $189,000,000, shall not result in the delay or reduction in scope of any project for which funds have been appropriated.

In section 202, the conferees also agree to project cancellation and rescission of $6,480,000 from funds appropriated in fiscal year 1995 for a bachelor enlisted quarters project at Norfolk, Virginia, as provided in both the House and the Senate bills, to offset fully funds appropriated (in Title I, Chapter 1, section 106) for repair of hurricane-damaged family housing units.

GENERAL PROVISIONS, CHAPTER 3

The conferees agree to delete language proposed by the House limiting the obligation of funds to the current fiscal year unless otherwise specified. This language has been included in Title III which will apply to the entire Act.

The conferees agree to delete, without prejudice, language proposed by the House which placed certain administrative requirements on the Office of the Assistant Secretary of the Navy (Financial Management and Comptroller). The conferees share the concerns expressed in the House report, but do not believe that legislation is warranted at this time. The conferees commend the leadership of the Navy for its prompt attention to the concerns expressed by the House, as evidenced by recent written assurances from the Secretary of the Navy that Navy financial management procedures and processes are being reassessed and revised. The conferees expect the Navy to fully address the concerns expressed in the House report, advise the Appropriations Committees on its progress in developing a plan to strengthen its financial management procedures, and continue a dialogue with the Committees with the goal of attaining efficient program

execution of appropriated funds. The conferees will monitor the Navy's progress in strengthening its financial management procedures.

The conferees agree to amend Section 301, as proposed by the Senate. The conferees understand that the Ballistic Missile Defense Organization (BMDO) has no plans to transfer management, development, and acquisition authority over the National Missile Defense Program from the military services until the contract for a Lead System Integrator (LSI) for the National Missile Defense Program is awarded. Section 301 of the conference agreement directs the Department of Defense to provide a report to the congressional defense committees 30 days prior to taking any action to transfer management, development, and acquisition authority over the National Missile Defense Program from the military services. The conferees further direct that BMDO provide a report to the congressional defense committees on the specific plans for transferring management responsibility under the LSI acquisition strategy within 30 days of enactment of this Act. Section 301 also directs an analysis by the Joint Requirements Oversight Council (JROC) regarding recommended roles of the military services in regards to National Missile Defense, with the results of said analysis to be provided to the congressional defense committees within 60 days of enactment, and directs that no actions shall be taken to delay or defer planned activities under the National Missile Defense Program based solely on the conduct of this JROC analysis.

The conferees agree to retain Section 302, as proposed by the Senate, which allows the Secretary of Defense discretionary authority to allow his designee on the Board of the Panama Canal Commission to continue service.

The conferees agree to amend Section 303, as proposed by the Senate, allowing the Secretary of Defense to enter into a lease agreement in support of the Defense Finance and Accounting Service at Lexington Blue Grass Station, Kentucky.

The conferees agree to amend Section 304, as proposed by the Senate, with regard to the MK-50 torpedo program.

The conferees agree to retain Section 305, as proposed by the Senate, which limits manpower for the National Missile Defense Joint Program Office in the National Capital Region.

The conferees agree to amend Section 306, as proposed by the Senate, which provides the Air Force the authority to accept funds transferred by NASA in reimbursement of expenses incurred by the Air Force in support of the Cassini mission.

The conferees agree to include Section 307, which makes a technical correction requested by the Department of Defense regarding eligibility for the Defense Experimental Program to Stimulate Competitive Research.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

AIRBORNE MINE COUNTERMEASURES

The conferees support the intent of language in the House report regarding the need to acquire airborne mine countermeasures capability as soon as practicable. Therefore, they direct the Navy to complete the competitive flyoff directed in the report accompanying the conference agreement on the fiscal year 1997 Department of Defense Appropriations Act by September 30, 1997. The conferees note that the fiscal year 1997 Department of Defense Appropriations Act provided $12,000,000 for this flyoff, but stipulated that all concepts were to be given an opportunity to compete in this effort. The conferees further explained that they are aware of a system which uses hyperspectral data in meeting this requirement and strongly recommend that the Navy include this technology in its competitive flyoff.

ADVANCED SPACECRAFT TECHNOLOGY

The conferees direct that the Department of Defense proceed expeditiously with a thorough review of hyperspectral technology, existing hyperspectral sensors, planned sensors, and Warfighter-1. The review shall include representation from the Air Force Phillips Lab as well as experts outside the government. Based on this review, the Office of the Undersecretary of Defense for Acquisition and Technology shall make a decision whether to proceed with the current Warfighter program or a restructured hyperspectral program no later than June 30, 1997. The conferees further direct that none of the funds appropriated for Warfighter-1 shall be reallocated or reprogrammed until 15 days after the Congress is informed of the Department of Defense's plans.

U.S. FORCES KOREA POINT OBSTACLE BREACHING CAPABILITY

The conferees are aware of Army proposals to shift the point obstacle breaching mission in Korea from outdated and expensive Combat Engineer Vehicles mounted with 165mm guns to M1 Abrams tanks using special tank munitions (XM98). The Army is directed to report on the status of this plan to the Appropriations Committees no later than July 1, 1997. Such report shall describe the results of the XM908 test program, the status of changing the demolition mission in Korea, and the estimated future procurement requirement and cost for the XM908 round by fiscal year.

NEW START PROGRAMS

The conferees agree with the House position with regard to the Navy's initiation of new programs without the prior approval of the Office of the Secretary of Defense (OSD) and Congress. Advance Congressional review and approval is a fundamental requirement for proper use of appropriated funds. Therefore, the conferees fully expect the Navy to comply with the longstanding OSD reprogramming procedures on all proposed new start programs.

TITLE II

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RECOVERY FROM NATURAL DISASTERS

CHAPTER 1

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

The conference agreement provides a subsidy level of $18,000,000 for emergency insured loans, as proposed by the Senate. This allows for a program loan level of approximately $59,000,000. The agreement also includes a subsidy level of $5,000,000 for guaranteed subsidized operating loans, instead of $10,000,000 as proposed by the Senate. This allows for a loan level of approximately $55,000,000. In addition, the conference agreement provides $6,300,000 for direct farm operating loans, instead of $12,600,000 as proposed by the Senate. This will fund approximately $50,000,000 in additional loans. The House had no similar provisions.

EMERGENCY CONSERVATION PROGRAM

The conference agreement provides $70,000,000 for the emergency conservation program instead of $65,000,000 as proposed by the House and $77,000,000 as proposed by the Senate.

TREE ASSISTANCE PROGRAM

The conference agreement provides $9,000,000 for emergency assistance to small orchardists to replace or rehabilitate trees and vineyards damaged by natural disasters as proposed by the House instead of $9,500,000 as proposed by the Senate. These funds are available for all states affected by natural disasters. The agreement also deletes the use of $500,000 of this amount for the Forestry Incentives Program as proposed by the Senate. The House bill contained no similar provision.

COMMODITY CREDIT CORPORATION FUND

DISASTER RESERVE ASSISTANCE PROGRAM

The conference agreement provides for a livestock indemnity program of up to $50,000,000 to be derived from proceeds from the sale of grain in the disaster reserve as proposed by the Senate. The House bill contained no similar provision.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement provides $166,000,000 for emergency watershed and flood prevention operations, instead of $150,700,000 as proposed by the House and $171,000,000 as proposed by the Senate. These funds are available for all states affected by natural disasters. The agreement allows up to $15,000,000 of the total to be used for floodplain easements, instead of $10,000,000 as proposed by the House and $20,000,000 as proposed by the Senate. The agreement prohibits the use of these funds for the salmon memorandum of understanding as proposed by the House.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

RURAL HOUSING ASSISTANCE PROGRAM

The conference agreement deletes $250,000 in funding for Section 515 Rural Housing loans and $4,000,000 for the Rural Housing Assistance Program, as proposed by the Senate. The House bill had no similar provisions. The conference agreement retains Senate bill language providing that unexpended emergency funds from prior year disaster assistance acts may be used for Sections 502 and 515 rural housing loans, very low-income housing repair loans and grants, and domestic farm labor grants. The House bill had no similar provisions. The conference agreement includes bill language making the College Station area of Pulaski County, Arkansas, eligible for loans and grants from the Rural Housing Service, as proposed by the House and as referenced in the Senate report. The conference agreement also provides that the same eligibility criteria for community facility loans be used to determine eligibility for community facility grants to disaster-affected areas as proposed by the Senate. The House bill contained no similar provision.

The conferees support the continuation of New York State's Section 515 Rural Rental Housing Leveraged Loan Program. This pilot program would provide the Rural Housing Service with the flexibility to consider community based needs assessment criteria in its designation of new loans.

RURAL UTILITIES SERVICE

RURAL UTILITIES ASSISTANCE PROGRAM

The conference agreement provides $4,000,000 for the Rural Utilities Assistance

Program instead of $6,500,000 as provided in the Senate bill. These funds are available for all States affected by natural disasters. The House bill had no similar provision.

FOOD AND CONSUMER SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

The conference agreement provides $76,000,000 for the special supplemental nutrition program for women, infants, and children (WIC) as proposed by the House instead of $58,000,000 as proposed by the Senate.

The Administration has stated that $76,000,000 in WIC supplemental funding is needed to maintain the fiscal year 1996 year-end participation level of 7,408,981. The conference agreement includes language as proposed by both the House and Senate which allows the Secretary to waive the regulatory funding formula when allocating the $76 million provided by this Act. It is the intent of the conferees that the Secretary use this authority to distribute these additional funds to prevent caseload reductions in state programs facing funding shortfalls. These funds are not intended to be used to expand enrollment beyond the fiscal year 1996 year-end participation level.

COMMODITY FUTURES TRADING COMMISSION

The conferees are aware of the Chicago Board of Trade's proposal relating to delivery specifications for corn and soybean futures contracts and the importance of this proposal to individuals and firms in proximity to current delivery points, such as Toledo, Ohio. The conferees urge the Commission to act promptly on the pending proposal for corn and soybean delivery specifications using the appropriate criteria under the Commodity Exchange Act, meeting the standards set forth in section 5a(a)(10) of the Act, which require delivery points that "will tend to prevent or diminish price manipulation, market congestion, or the abnormal movement of such commodity in interstate commerce." The conferees expect that the Commission will take all reasonable steps to solicit public comment on the proposal and will give due regard to the views of the full range or market users and others having an interest in its decision of the pending proposal for corn and soybean delivery specifications. The conferees also believe that a study by the General Accounting Office, provided to the Commission and to the appropriate Congressional committees, may be helpful to address issues relating to corn and soybean futures contract delivery specifications.

GENERAL PROVISION, CHAPTER 1

BULK CHEESE PRICE SURVEY

The conference agreement retains Senate bill language requiring the Department of Agriculture to provide a weekly report on prices and terms of trade involving the production of bulk cheese. The House bill had no similar provision.

CHAPTER 2

COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

COUNTERTERRORISM

The conferees direct the Attorney General to provide $6,361,000 to the Federal Bureau of Investigation (FBI) from resources currently available in the Counterterrorism Fund to reimburse the State of New York and certain local jurisdictions in New York for their assistance in the investigation of the crash of TWA Flight 800, instead of providing $12,420,000 to the FBI from this Fund for this purpose, as proposed in the House report. The Senate bill included $12,420,000 under the Department of Transportation, Federal Aviation Administration for reimbursement of these expenses.

The amount included in the conference agreement represents costs for extraordinary expenses incurred by these jurisdictions in support of the FBI's investigation that the Department of Justice has verified to the Committee are appropriate for reimbursement from this Fund. The conference agreement also includes funding for other expenses related to the recovery operation, which are not covered by the Counterterrorism Fund, under the National Transportation Safety Board. In addition, the conferees expect the Attorney General to work closely with the Secretary of Transportation with respect to voluntary payment from the involved airlines and the airline carrier's insurance underwriter for these costs.

The conferees have provided $1,950,000 in Chapter 9 of this Act to help meet the security needs related to the Summit of Eight meeting in Denver, Colorado, making the House report language under this heading unnecessary.

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes $52,200,000 for emergency disaster assistance activities, instead of $54,700,000 as proposed in the Senate bill, $49,700,000 included in the House bill, and $1,200,000 proposed by the Administration to be derived by transfer from the Economic Development Revolving Loan Fund. The conference agreement makes funds available for emergency infrastructure expenses and capitalization of revolving loan funds for assistance related to recent flooding, as proposed in the House bill. The conference agreement does not allow $6,800,000 of the funds available to be used for planning and technical assistance grants, as included in the Senate bill. The conferees note that the EDA has already provided additional planning and technical assistance grants from regular fiscal year 1997 funds to those areas most severely impacted by recent natural disasters. The conference agreement designates up to $2,000,000 to be available for administrative expenses as proposed in the House bill, instead of $2,900,000 included in the Senate bill. In addition, these amounts are allowed to be transferred to and merged with the EDA "Salaries and Expenses" account, as included in the House bill. Finally, the conferees expect the EDA to submit a plan on the expenditure of these funds in accordance with the guidance included in the House report.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement includes language proposed in the House bill, and not included in the Senate bill, designating that not to exceed $35,000,000 of the amount provided under this account in Public Law 104–208 is available for new grant awards under the Advanced Technology Program. When combined with $27,000,000 in unobligated balances available from prior year appropriations, a total of $62,000,000 is available for new grant awards in fiscal year 1997, in addition to $6,000,000 previously awarded with fiscal year 1996 funds. In addition, $155,000,000 is available in fiscal year 1997 to pay the continuation costs of grants made in prior fiscal years, and $37,000,000 is available for administration, small business innovative research, and lab support. The conferees direct that any additional funds that become available through recoveries or any other means may be spent only after notification to the Committees on Appropriations of the House and Senate under standard reprogramming procedures.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

The conference agreement includes $7,000,000 for disaster assistance for fisheries impacted by recent flooding and red tide as authorized by section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act. Of this amount, $3,500,000 is provided for the Pacific Northwest, and $3,500,000 is provided for the Gulf Coast region for impacts resulting from the opening of the Bonnet Carre Spillway and from red tide. The Senate bill proposed $7,000,000 for disaster assistance pursuant to the Magnuson-Stevens Act to continue a salmon fishing buyback program. The conferees are aware that recent flooding has impacted certain regions of the country and intends that this funding be used for activities which directly assist the fishermen in these areas. The conferees do not intend that any of these funds be used by NOAA to begin a new land acquisition program. Further, the conferees direct that NOAA submit an implementation plan to the Committees on Appropriations of the House and Senate in accordance with the reprogramming procedures set forth in section 605 of Public Law 104–208 prior to the expenditure of these funds. In addition, the conference agreement includes $2,000,000 for implementation of the provisions of the Magnuson-Stevens act in the North Pacific fisheries. The conference agreement includes language, similar to the Senate bill, making the entire amount contingent upon the President submitting a budget request designating the entire amount as an emergency requirement.

The conferees understand that there are concerns about National Weather Service plans for its regional headquarters and expect the Department to continue to work with those Members who have expressed concerns in order to resolve them, and to take into account any forthcoming GAO report and recommendations concerning this issue while remaining within the existing financial plan for the current and succeeding fiscal years.

CONSTRUCTION

The conference agreement includes $10,800,000, requested by the Administration, and included in both the House and Senate bills, to provide for repair of fish hatcheries along the Columbia River damaged by recent severe flooding.

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement does not include supplemental funding of $100,000,000 for payment of United States arrearages to the United Nations, subject to authorization, as proposed in the Senate bill. The House bill provided no funding for this purpose. Recent developments related to the Balanced Budget Agreement negotiations indicate that the time frame for addressing the issue of arrearages is not intended to begin until fiscal year 1998.

RELATED AGENCIES

COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW ENFORCEMENT

The conference agreement includes $2,000,000 for the Commission on the Advancement of Federal Law Enforcement as proposed in the House bill, instead of no funding as proposed in the Senate bill.

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

The conferees direct the Small Business Administration to provide loan amounts under the disaster loan program sufficient to meet building code requirements for energy efficiency in accordance with the Senate report.

GENERAL PROVISIONS, CHAPTER 2

Section 2001. The conference agreement includes a provision that specifies that $3,000,000 currently available in the Department of Justice Counterterrorism Fund, be allocated to the appropriate unit of local government in Ogden, Utah, to upgrade security and communications infrastructure to counter any potential terrorism threat related to the 2002 Winter Olympic games, as proposed in the Senate bill as Section 302. The House bill did not include this provision.

Section 2002. The conference agreement includes a provision to extend the Small Business Competitiveness Demonstration Program for dredging through September 30, 1997, as proposed in the Senate bill as Section 329. The House bill did not address this matter.

Section 2003. The conference agreement includes a provision, as proposed in the Senate bill as Section 334, to provide for a good Samaritan exemption to the Marine Mammal Protection Act for the taking of a marine mammal if such taking results from an attempt to rescue a marine mammal entangled in fishing gear or debris. The House bill did not address this matter.

Section 2004. The conferees are aware that policy changes recently adopted by the National Aeronautics and Space Administration have resulted in reductions in fiscal year 1997 requirements within the National Oceanic and Atmospheric Administration's Satellite Observing Systems programs. The conferees are aware that the Department of Commerce is in the process of developing reprogramming proposals to reallocate these funds from this program to meet other operational requirements which the Committees will consider under standard reprogramming procedures. In addition, in consultation with the Committees, the Department is directed to develop a plan for the expenditure of the balance of these funds together with a reprogramming to be submitted to the Committees within 15 days of the enactment of this Act.

CHAPTER 2—A

DISTRICT OF COLUMBIA

The conference action deletes the Senate chapter which included the appropriation of an additional Federal payment of $31,150,000 to the District of Columbia for police pay raises and emergency school repairs. The House bill did not contain a similar chapter.

CHAPTER 3

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

The conference agreement includes $20,000,000 for extraordinary maintenance needs on the Mississippi River and Tributaries project resulting from flooding in the lower Mississippi River valley as proposed by the House and the Senate. The entire amount has been designated by the 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.

The conferees are in agreement with the language in the Senate report regarding Yazoo basin projects.

OPERATION AND MAINTENANCE, GENERAL

The conference agreement includes $150,000,000 for the Corps of Engineers to undertake repairs and extraordinary maintenance of projects impacted by flooding and other natural disasters throughout the nation as proposed by the House instead of $137,000,000 as proposed by the Senate. The entire amount has been designated by the 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.

The conferees are aware that a decision by the Administration to terminate the use of the existing ocean disposal site for material dredged from the Ports of New York and New Jersey has created an immediate need for additional funds in order for critical work to be accomplished prior to the closure of the disposal site. The conferees are concerned that the Administration did not anticipate the resource needs associated with the decisions related to dredged material disposal. The conferees urge the Corps of Engineers to reassess its maintenance dredging needs in an effort to make available additional funds for dredging during the current year.

The conference agreement deletes bill language proposed by the Senate directing the Secretary of the Army to use available funds to perform dredging and snagging and clearing of the Truckee River in Nevada, the San Joaquin River in California, and the Chena River in Alaska. The Secretary of the Army is directed, within existing authorities, to use available funds to perform emergency dredging and snagging and clearing of the Truckee River, Nevada, and the San Joaquin River and Sacramento River channels, California; and to dredge shoaling which has occurred downstream from the Federal Chena River flood control facility.

The conferees are aware of the compacts between the States of Alabama, Florida, and Georgia for interstate cooperation, planning, and development of the Alabama-Coosa-Tallapoosa and Apalachicola-Chattahoochee-Flint River Basins and have provided $5,000,000 for planning and studies related to consensus-based proposals for the allocation of water in these basins. The conferees direct the Corps of Engineers and other Federal agencies to limit those studies to issues agreed to by the States of Alabama, Florida, and Georgia until such time as the two compacts have been ratified by the Congress.

FLOOD CONTROL AND COASTAL EMERGENCIES

The conference agreement includes $415,000,000 for Flood Control and Coastal Emergencies as proposed by the House instead of $390,000,000 as proposed by the Senate. The entire amount has been designated by the 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.

The conferees are aware of the prolonged heavy rains, high surf, flooding, and land and mud slides which impacted Hawaii, including the area of the Lualualei Naval Magazine, last November. In light of this emergency, the conferees agree to consider solutions to this problem as the appropriations process continues for fiscal year 1998.

The conferees urge the Corps of Engineers to use available funds to assess the need for a flood preparedness and warning plan for the Reno, Nevada, area and to advise the House and Senate Committees on Appropriations on the need for such a plan in time for it to be addressed during the fiscal year 1998 appropriations process.

The conferees recognize the serious nature of the ongoing flooding at Devils Lake in North Dakota. In response to that situation, the conferees have provided $5,000,000 for the Corps of Engineers to initiate and complete preconstruction engineering and design for an emergency outlet from Devils Lake to the Sheyenne River as proposed by the Senate with an amendment which deletes the requirement that preconstruction engineering and design be at full Federal expense. However, given the emergency situation, the conferees direct the Secretary of the Army to incorporate as part of any cost-sharing agreement for the emergency outlet a provision which permits the non-Federal sponsor to use other available Federal funding sources to satisfy the non-Federal share of the preconstruction engineering and design costs. Further, the conferees direct that the policy requiring concurrent non-Federal financing of preconstruction engineering and design shall not apply. It is the intent of the conferees that none of the funds made available in this Act shall be used to initiate any project which would divert water from the Missouri River to Devils Lake.

The conferees concur with the Senate direction to the Corps of Engineers to expedite action to raise the emergency levees at Devils Lake, as appropriate, beyond 1445 feet using funding appropriated herein. The conferees have not waived the cost-share requirements for that work. However, the conferees support the use of other, Federal funding sources to satisfy the non-Federal share of that work.

The conference agreement includes language which provides $5,000,000 for channel restoration and improvements on the James River in South Dakota if the Secretary of the Army determines that the need for such restoration and improvements constitutes an emergency instead of $10,000,000 as proposed by the Senate.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

The conference agreement includes $7,355,000 for the Bureau of Reclamation to undertake repairs to facilities, including damages to archeological collections and recently identified damages to fish handling and water release structures, impacted by flooding in the western states and the upper Midwest as proposed by the House and the Senate. The entire amount has been designated by the 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.

GENERAL PROVISIONS, CHAPTER 3

RIVER BASIN COMMISSIONS

The conference agreement includes language proposed by the House requiring that the United States members and alternate members of the Susquehanna and Delaware River Basin Commission be officers of the Army Corps of Engineers who shall serve without additional compensation, instead of language proposed by the Senate requiring

that the Secretary of the Interior or his designee serve as the alternate members of the Susquehanna and Delaware River Basin Commission.

The conference agreement includes language proposed by the House and the Senate establishing that the Federal representative on the Delaware River Basin Commission shall serve at the pleasure of the President.

The conference agreement includes technical and conforming language repealing reservations of the Susquehanna and Delaware River Basin Compacts.

WILLOW CREEK DAM, MONTANA

The conference agreement includes language which would increase from $750,000 to $1,200,00 the authority of the Secretary of the Interior to obligate funds for safety of dams construction work at the Willow Creek Dam, Sun River Project, Montana, without transmitting a modification report to Congress as required by section 5 of the Reclamation Safety of Dams Act of 1978, as amended. This new level of authority is necessary to permit completion of essential safety modifications at the Willow Creek Dam.

COMPLIANCE WITH THE ENDANGERED SPECIES ACT

The conference agreement includes a provision proposed by the Senate related to the application of the Endangered Species Act in emergency situations. The bill reported by the House Appropriations Committee contained a similar provision.

RED ROCK DAM, IOWA

The conference agreement deletes a provision proposed by the Senate providing relief to agricultural producers for flooding losses related to operation of Red Rock Dam in Iowa.

CHAPTER 4

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

ASSISTANCE TO UKRAINE

Section 3002 of the House bill allowed the President to waive any of the earmarks in subsections (k) and (l) under the heading "Assistance for the New Independent States of the Former Soviet Union" contained in Public Law 104–208, if he determined, and so reported to the Committees on Appropriations, that the Government of Ukraine—

(1) is not making significant progress toward economic reform and the elimination of corruption;

(2) is not permitting American firms and individuals to operate in Ukraine according to generally accepted business principles; or

(3) is not effectively assisting American firms and individuals in their efforts to enforce commercial contracts and resist extortion and other corrupt demands.

The Senate amendment contained no comparable provision.

The conference agreement, section 4001, allows the President to waive the minimum funding levels in subsection (k) only, for activities for the government of Ukraine funded in that subsection, if he determines, and so reports to the Committees on Appropriations, that the government of Ukraine—

(1) has not made progress toward implementation of comprehensive economic reform;

(2) is not taking steps to ensure that United States businesses and individuals are able to operate according to generally accepted business principles; or

(3) is not taking steps to cease the illegal dumping of steel plate.

URUGUAY

The House bill did not contain any provision relating to Uruguay.

Section 328 of the Senate amendment prohibited funds made available in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, from being made available for assistance to Uruguay unless the Secretary of State certified to the Committees on Appropriations that all cases involving seizure of United States business assets have been resolved.

The conference agreement deletes the Senate language. The managers are concerned that trade and relations with Uruguay may be affected by the recent seizure of private American assets and urge the Administration to take all necessary actions to remedy this problem. The managers will review progress on this issue and may consider appropriate action in subsequent legislation.

CHAPTER 5

INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $4,796,000 for construction as proposed by the House and the Senate, of which $4,403,000 is to be derived by transfer from the Oregon and California grant lands account as proposed by the Senate instead of $3,003,000 by transfer as proposed by the House.

OREGON AND CALIFORNIA GRANT LANDS

The conference agreement provides $2,694,000 for Oregon and California grant lands, using unobligated balances of funds made available as supplemental appropriations in Public Law 104–134, as proposed by the House and the Senate.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

The conference agreement provides $5,300,000 for resource management instead of $2,250,000 as proposed by the House and $8,350,000 as proposed by the Senate. Increases from the House proposed level include $550,000 for fire restoration at the Bosque Del Apache National Wildlife Refuge and $2,500,000 to pay private landowners for the voluntary use of private lands to store water in restored wetlands. The funds for use of private lands to store water are not provided for any specific region and should be allocated on a competitive basis taking into account the level of non-Federal cost sharing, associated benefits to fish and wildlife, and the degree to which future flood damage will be mitigated.

The conference agreement also provides for these resource management funds to remain available until expended instead of two-year funds as proposed by the House and a combination of two-year and three-year funds as proposed by the Senate.

CONSTRUCTION

The conference agreement provides $88,000,000 for construction instead of $81,000,000 as proposed by the House and $91,000,000 as proposed by the Senate. The managers agree to the following distribution of funds:

Region: States	*Amount*
1: California, Idaho, Nevada, Oregon, Washington	$52,915,000
2: Oklahoma, Texas	7,310,000
3: Illinois, Indiana, Iowa, Minnesota, Wisconsin	5,474,000
4: Alabama, Arkansas, Louisiana, Mississippi, Tennessee	5,097,000
5: Maine, Massachusetts, West Virginia	1,662,000
6: Montana, North Dakota, South Dakota, Utah	15,542,000
Total	88,000,000

LAND ACQUISITION

The conference agreement provides $10,000,000 for land acquisition instead of $15,000,000 as proposed by the House and $5,000,000 as proposed by the Senate.

NATIONAL PARK SERVICE

CONSTRUCTION

The conference agreement provides $187,321,000 for construction to address emergency requirements as proposed by the Senate instead of $186,912,000 as proposed by the House. The conference agreement also provides $10,000,000 in non-emergency funding, as proposed by the House and the Senate. The managers agree to the following distribution of funds.

Site	*Amount*
Yosemite National Park, CA (emergency)	$176,053,000
transportation (non-emergency)	10,000,000
Devils Postpile National Monument, CA	74,000
Lassen Volcanic National Park, CA	171,000
Lava Beds National Monument, CA	49,000
Redwood National Park, CA	8,955,000
Sequoia/Kings Canyon National Parks, CA	331,000
Whiskeytown National Recreation Area, CA	216,000
Oregon Caves National Monument, OR	83,000
North Cascades National Park, WA	41,000
Mount Rainier National Park, WA	13,000
Olympic National Park, WA	130,000
Mammoth Cave National Park, KY	542,000
North Dakota group	210,000
Cape Cod National Seashore, MA	60,000
Fire Island National Seashore, NY	125,000
Minute Man National Historical Park, MA	79,000
Roosvelt/Vanderbilt sites, NY	189,000
Total	197,321,000

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides $4,650,000 for surveys, investigations, and research as proposed by the Senate instead of $4,290,000 as proposed by the House. No funds are provided for post-flood data collection or risk assessment.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

The conference agreement provides $14,317,000 for operation of Indian programs as proposed by the Senate instead of $11,100,000 as proposed by the House.

CONSTRUCTION

The conference agreement provides $6,249,000 for construction as proposed by the Senate instead of $5,554,000 as proposed by the House.

Bill language also is included, as proposed by the Senate, requiring that funds appropriated for fiscal year 1997 for repair of the

Wapato irrigation project are made available on a non-reimbursable basis. The House had no similar provision.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

The conference agreement provides $39,677,000 for the National forest system as proposed by the Senate instead of $37,107,000 as proposed by the House. The managers agree to the following distribution of funds:

Region: States:	*Amount*
1: Idaho, Montana	$1,361,000
4: Idaho, Nevada, California	5,596,000
5: California	14,816,000
6: Oregon, Washington, California, Idaho	14,362,000
9: Illinois, Indiana, Ohio	3,542,000
Total	39,677,000

RECONSTRUCTION AND CONSTRUCTION

The conference agreement provides $27,685,000 for reconstruction and construction as proposed by the Senate instead of $32,334,000 as proposed by the House. The managers agree to the following distribution of funds:

Region: States:	*Amount*
1: Idaho, Montana	$165,000
4: Idaho, Nevada, California	1,636,000
5: California	8,945,000
6: Oregon, Washington, California, Idaho	15,375,000
9: Illinois, Indiana, Ohio	1,564,000
Total	27,685,000

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

The conference agreement provides $1,000,000 for Indian health services as proposed by the House and the Senate.

INDIAN HEALTH FACILITIES

The conference agreement provides $2,000,000 for Indian health facilities as proposed by the House and the Senate.

GENERAL PROVISIONS, CHAPTER 5

Section 5001.—The conference agreement includes language in section 5001 that amends the recreation fee demonstration program to permit the collecting agencies to keep 100% of the funds in excess of the amount collected for fiscal year 1994 as proposed by the House and by the Senate.

Section 5002.—The conference agreement includes language in section 5002, as proposed by the Senate, that permits the Indian Health Service to receive and retain reimbursements from tribes or tribal organizations in exchange for goods and services. The House had no similar provision.

Section 5003.—The conference agreement includes language in section 5003, modifies language proposed by the House which amends the San Carlos Apache Tribe Water Rights Settlement Act of 1992 to extend the expiration date of the Act and to ratify the agreement between the San Carlos Apache Tribe, the Phelps Dodge Corporation and the Secretary of the Interior. The Senate had no similar provision. The conference agreement amends the House language to establish the final terms of the water lease, between the Phelps Dodge Corporation and the San Carlos Apache Tribe, under which the Corporation will pay the Tribe for water.

Section 5004.—The conference agreement includes language in section 5004 that amends the Marine Mammal Protection Act Amendments of 1994 to allow the import of polar bear trophies legally taken in Canada before April 30, 1994. This amendment will not affect the authority of the Fish and Wildlife Service to require that all polar bear trophies be imported through a designated port. This is important to ensure that there is no stimulation of illegal import or illegal trade in the United States in polar bear parts. The language also does not interfere with the Service's authority to collect a $1,000 fee for each polar bear trophy imported. The additional fees generated as a result of this amendment will provide increased benefits for polar bear conservation.

Section 5005.—The conference agreement includes language in section 5005 that modifies a Senate provision relating to rights-of-way established pursuant to section 2477 of the Revised Statutes (43 U.S.C. 932). The new language establishes a commission to recommend to the Secretary of the Interior and the Congress changes in law to provide for an expeditious resolution of all outstanding claims regarding R.S. 2477 rights-of-way. The commission is required to make its recommendations by March 1, 1998. The Secretary of the Interior must approve or disapprove the commission's recommendations in their entirety by March 31, 1998. If the Secretary of the Interior approves the commission's recommendations, a "fast track" procedure is provided for Congressional consideration of the recommendations. Subsection (b)(5)(A) has been included to make it clear that this section does not provide the express authorization required by Public Law 104–208 for the issuance of final rules or regulations regarding R.S. 2477 right-of-way. The House had no similar provision.

CHAPTER 6

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

The conference agreement includes a Senate provision to allow the use of up to $499,000 in Health Education Assistance Loan (HEAL) premiums to support the Office of HEAL Default Reduction. The House bill contains no similar provision.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

The conferees are concerned by the high disease burden and mortality of hepatitis C, estimated to afflict 3.9 million Americans. This disease is under-recognized by health care provider and the public health community. Given these and other concerns recently defined by the National Institutes of Health Consensus Conference on Hepatitis C, the conferees encourage the Centers for Disease Control and Prevention to enhance efforts to define the burden of acute and chronic hepatitis C in the United States and risk factors for its acquisition. Better chronic liver disease surveillance will enhance determination of disease trends and provide a means to evaluate the effectiveness of various prevention or treatment strategies.

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

The conference agreement includes a Senate provision making a technical change to the fiscal year 1997 appropriations act for this account by inserting a legal citation to section 1110 of the Social Security Act. The House bill included no similar provision.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The conference agreement modifies language proposed by the Senate which would have appropriated $15,000,000 to the Public Health and Social Services Emergency Fund within the Office of the Secretary for competitively awarded research on the environmental links to breast cancer. The Senate language designated the funding as an emergency appropriation. The House bill had no similar provision.

The conferees agree that $15,000,000 is appropriated to support high priority biomedical research. These funds will be made available on a competitive basis and through mechanisms to be determined by the Secretary, in consultation with the Directors of the National Institutes of Health and the Centers for Disease Control and Prevention, and the Deputy Assistant Secretary for Women's Health. The conferees request that the Secretary provide a report to both Committees on the research plan and allocation methodology accompanying these additional funds by July 1, 1997. Among the priorities the conferees encourage the Secretary to consider is cancer research, especially research investigating the environmental factors that may be associated with breast cancer in communities with high incidence of the disease. The conferees have removed the emergency designation for these funds, offsetting the cost elsewhere within the bill.

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

The Conference agreement includes $101,133,000 in additional funding for title I, Grants to Local Education Agencies, instead of $198,176,000 as proposed by the Senate. Included in the agreement is $78,362,000 for basic grants and $22,771,000 for concentration grants. The House bill contained no similar provision.

The agreement provides additional title I funds to States that would have received a reduction in funds as a result of the Department of Education's decision to use a blend of 1990 and 1994 child poverty data. The 1994 reauthorization of the Elementary and Secondary Education Act required the National Academy of Sciences to study and recommend a safeguard against using census data if it was unreliable or inappropriate. The Academy recommended that the title I funds be distributed based on the blended rate which resulted in some of the poorest States in the Nation losing title I funds.

The conference agreement provides each state that would lose funds as a result of the use of new census data with one-half of the difference between what the state would have received had the 1990 data been used and then added the supplemental funds to the blended rate.

The agreement also provides authority to the Secretary of Education to distribute the additional funds to counties that would lose funds as a result of the shift in the population data; and, prorate payments, if necessary. Also included is a provision excluding these additional funds from the formula used to determine State allocations under any other education programs.

Finally, the agreement makes these additional funds available on July 1, 1997, instead of October 1, 1997 as proposed by the Senate.

The conference agreement does not include a provision in the Senate amendment reducing the advance appropriation for title I from $1,298,386,000 to $713,386,000.

RELATED AGENCY

NATIONAL COMMISSION ON THE COST OF HIGHER EDUCATION

SALARIES AND EXPENSES

The conference agreement provides $650,000 as proposed by the House and as authorized in Title IV of this Act for the National Commission on the Cost of Higher Education. The Senate bill did not contain a similar provision.

GENERAL PROVISIONS, CHAPTER 6

EDUCATION FUNDING FLEXIBILITY IN DISASTER AREAS

The conference agreement includes provisions proposed by the Senate in section 311 that (1) extend the availability of fiscal year 1995 funds awarded under state-administered programs of the Department of Education and fiscal year 1996 Rehabilitation Act state programs until September 30, 1998 for obligation by areas that are Presidentially-declared areas; and (2) extend the waiver authority under section 14401 of the Elementary and Secondary Education Act to all state-administered programs of the Department for funds awarded for fiscal years 1995, 1996 and 1997. The agreement adds language specifying that the disaster areas must have been declared as such during fiscal year 1997. The House bill contained no similar provisions.

WAIVERS OF STUDENT AID STATUTE AND REGULATIONS

The conference agreement modifies section 312 of the Senate bill to permit the Secretary of Education to waive or modify regulatory or statutory provisions of title IV of the Higher Education Act (student aid) for funds awarded in school years 1996–1997 and 1997–1998 to individuals or institutions affected by natural disasters in areas declared to be such by the President. The provision specifically includes those who were operating, attending or residing in an institution of higher education or employed in a disaster area at the time of the disaster. The House bill did not contain a similar provision.

DENVER MEDICARE DEMONSTRATION

The conference agreement includes a provision (section 313 in the Senate bill) prohibiting the use of any fiscal year 1997 funds to implement a Medicare Competitive Pricing/Open Enrollment Demonstration Project in Denver, Colorado. The House bill contains no similar provision.

LOW INCOME HOME ENERGY ASSISTANCE

The conference agreement deletes without prejudice a provision of the Senate bill directing the Secretary of Health and Human Services to obligate from previously appropriated funds $45,000,000 in emergency funding under the Low Income Home Energy Assistance Program (LIHEAP) to victims of flooding and other natural disasters in fiscal year 1997. The conferees note that of the LIHEAP emergency funds previously appropriated by Congress, $205,000,000 remain available and could be released by the President at any time. The conferees further note that the LIHEAP authorizing legislation permits these funds to be expended to meet the needs of one or more States arising from a natural disaster or other emergency. Therefore, additional appropriations are not necessary at this time, since the President has sufficient funding and authority to meet existing emergency conditions.

EMERGENCY USE OF CHILD CARE FUNDS

The conference agreement includes a provision to allow the use of previously appropriated Federal child care funds for victims of major disasters who are involved in unpaid work activities resulting from the recent flood emergency, including the cleaning, repair, restoration and rebuilding of homes, businesses and schools. The provision is operational only during the period April 30, 1997 to July 30, 1997. The Senate bill included a similar provision; the House bill contained no provision.

SUPPLEMENTAL SECURITY INCOME

The conference agreement includes a provision similar to those included in both the House and Senate bills amending the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to extend the availability of Supplemental Security Income benefits for legal non-citizens who are current beneficiaries from August 22, 1997, through September 30, 1997. This provision reconciles several technical differences in citation and drafting between the House and Senate bills.

CHAPTER 7

CONGRESSIONAL OPERATIONS

SENATE

CONTINGENT EXPENSES OF THE SENATE

SECRETARY OF THE SENATE

(TRANSFER OF FUNDS)

A transfer of $5,000,000 is provided from funds available under the heading "Senate" to the Secretary of the Senate, to be available through September 30, 2000, for development and implementation of a comprehensive, Senatewide legislative information system [LIS]. The accounts from which the transfers occur are contingent upon the approval of the Committee on Appropriations of the Senate. Pursuant to section 8 of the Legislative Branch Appropriations Act, 1997, the Secretary is required to develop and implement LIS under the oversight of the Committee on Rules and Administration.

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

Funds are provided for the customary death gratuity for children of Frank Tejeda, late a Representative from the State of Texas.

OTHER AGENCY

BOTANIC GARDEN

SALARIES AND EXPENSES

The bill provides $33.5 million, a reduction of $1.5 million under the amount estimated, for the emergency repair and renovation of the U.S. Botanic Garden Conservatory. The Architect of the Capitol has notified the Committees on Appropriations and the Joint Committee on the Library that the Conservatory must be closed for safety and accessibility reasons, due to the unacceptable risk of potential injury to the public and staff resulting from hazardous conditions in the Conservatory. By fully funding the necessary emergency repair and renovation, the Architect will be able to perform the necessary work over a two-year period instead of a phased four-year schedule, which had been estimated to cost $35 million.

GENERAL PROVISIONS, CHAPTER 7

SEC. 7001. This provision allows for the establishment of a no-pay status for the Capitol Police appointed by the Senate. The provision is necessary to allow the Secretary of the Senate to transfer the payroll functions for the Senate Capitol Police to the National Finance Center pursuant to the requirement of a unified payroll under title 40 U.S.C. 207a. This provision does not alter any of the prerogatives of the Senate. The intention is to provide the Secretary of the Senate with the ability to outsource the payroll function for the Senate Capitol Police.

SEC. 7002. This provision provides the Sergeant at Arms and Doorkeeper of the Senate, with the approval of the Senate Rules and Administration Committee, the authority to provide temporary home State facilities, equipment, and office space to a Senator when there has been a disaster or emergency declared by the President. This provision is intended to provide the additional facilities, equipment, and office space consistent with those already provided to a Senator under current authority and regulation.

SEC. 7003. Authority is provided to transfer up to $10,000 within the funds available to the Office of the Secretary of the Senate, subject to approval.

SEC. 7004. This provision has been requested by the General Accounting Office (GAO) and extends to the agency the same flexibility in contracting that is currently available to executive branch agencies in the Federal Property and Administrative Services Act and the Federal Acquisition Regulation (FAR). Although not technically subject to the Property Act and FAR, GAO conforms to those provisions as a matter of policy. Providing this authority will yield savings due to flexibility in contracting. The Committees on Appropriations of the House and Senate expect that GAO will continue adhering to the requirements of the Property Act and FAR, in keeping with sound procurement policies.

CHAPTER 8

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

Appropriates $1,600,000 for incremental operating expenses of the Coast Guard related to support activities in the TWA Flight 800 crash investigation and recovery efforts instead of $6,473,000 as proposed by the Senate. The House bill contained no similar appropriation.

RETIRED PAY

The conference agreement provides a mandatory appropriation of $9,200,000 for the retired pay of Coast Guard military personnel. The House and Senate bills each included $4,200,000 for this purpose, as requested by the administration. However, more recent information from Coast Guard officials and the Office of Management and Budget has indicated that an additional $5,000,000 will be required during fiscal year 1997.

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement deletes the appropriation of $40,000,000 proposed by the House to maintain the production line for certified explosives detection systems. The conferees believe that recent foreign orders of this equipment combined with Federal Aviation Administration actions designed to slow down the delivery rate now make it likely that this production line can be maintained well into fiscal year 1998, making additional funds in this urgent supplemental bill unnecessary. Should additional funds be necessary next year, the conferees agree to consider such funding during the regular appropriations process for fiscal year 1998. The

Senate bill contained no similar appropriation.

GRANTS-IN-AID FOR AIRPORTS

The conference agreement deletes the appropriation of $15,520,000 proposed by the Senate to reimburse state and local agencies for unanticipated costs associated with support activities related to the TWA Flight 800 and ValuJet Flight 592 tragedies. The House bill contained no similar appropriation.

The conference agreement provides funds for reimbursement to state and local agencies related to the TWA Flight 800 and ValuJet Flight 592 tragedies from funds appropriated to the National Transportation Safety Board. The conference agreement also directs that funds be made available from the Department of Justice's counterterrorism fund to reimburse state and local agencies for the TWA Flight 800 tragedy.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

Provides $650,000,000 for emergency relief activities of the Federal Highway Administration as proposed by both the House and Senate. The conference agreement deletes a provision proposed by the House that makes eligible for emergency relief funding a project to repair or reconstruct any portion of a federal-aid primary route in California which was destroyed as a result of storms in the winter of 1982–1983. The Senate bill contained a similar provision under "Federal-aid highways, limitation on obligations".

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement increases obligation authority for Federal-aid highways by $694,810,534, of which $139,733,491 is distributed to those states that had their fiscal year obligation authority reduced as a result of a clerical error made by the Department of Treasury in recording the Highway Trust Fund receipts in December 1994; $318,077,043 is distributed to those States who had their fiscal year 1997 obligation authority reduced as a result of the Treasury error; and $237,000,000 is distributed to those states whose fiscal year 1997 obligation authority is less than they received in fiscal year 1996.

The additional obligation authority of $694,810,534 is estimated to be distributed as follows:

	New Obligation Authority
Alabama	$20,931,160
Alaska	8,163,962
Arizona	12,007,562
Arkansas	6,506,921
California	50,711,555
Colorado	6,577,269
Connecticut	11,495,143
Delaware	2,503,194
Dist of Columbia	1,603,800
Florida	51,658,920
Georgia	56,862,527
Hawaii	3,845,863
Idaho	2,082,397
Illinois	21,890,066
Indiana	11,574,082
Iowa	6,556,907
Kansas	6,690,815
Kentucky	29,879,840
Louisiana	7,240,399
Maine	3,098,969
Maryland	13,390,159
Massachusetts	27,424,798
Michigan	14,747,139
Minnesota	12,888,358
Mississippi	5,314,543
Missouri	9,678,737
Montana	8,643,559
Nebraska	4,518,489
Nevada	3,483,013
New Hampshire	2,788,867
New Jersey	15,930,195
New Mexico	7,057,801
New York	34,185,699
North Carolina	15,054,880
North Dakota	3,373,984
Ohio	7,201,580
Oklahoma	7,096,552
Oregon	6,433,609
Pennsylvania	16,916,047
Rhode Island	5,465,112
South Carolina	18,202,593
South Dakota	3,671,957
Tennessee	9,427,283
Texas	64,694,961
Utah	5,215,722
Vermont	2,553,396
Virginia	13,986,103
Washington	11,971,851
West Virginia	5,353,926
Wisconsin	10,167,297
Wyoming	3,639,211
Puerto Rico	2,451,761

The House bill provided $318,077,043 in additional obligation authority to those states that had their fiscal year 1997 obligation authority reduced as a result of a recent correction of a clerical error made by the Department of the Treasury in recording Highway Trust Fund receipts in 1994. The Senate bill provided $933,193,000 in additional obligation authority, of which $318,077,043 would be provided to those states as proposed in the House bill; $139,733,491 would be provided to those states that had their fiscal year 1996 obligation authority reduced as result of the Treasury clerical, error; and $475,382,466 would be provided to hold harmless all states at their fiscal year 1996 obligation level. The conference agreement also deletes the projects specified in the Senate bill.

FEDERAL RAILROAD ADMINISTRATION

EMERGENCY RAILROAD REHABILITATION AND REPAIR

Appropriates $18,900,000 for emergency expenses to repair and rebuild railroad bridges, rights-of-way, and other facilities of the regional and short line railroad system as a result of floods in September 1996 and March and April 1997 instead of $24,000,000 as proposed by the Senate and $10,000,000 as proposed by the House. the conference agreement provides that up to $900,000 shall be solely for damage incurred in West Virginia in September 1996 and $18,000,000 shall be for damage incurred in floods in the northern plains states in March and April 1997. Funds shall be available only to the extent an official budget request designating the funds provided as an emergency is transmitted by the President. The House bill provided funds to repair and rebuild rail lines resulting from the floods in the northern plains states in the spring of 1997.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

Appropriates $29,859,000 for salaries and expenses of the National Transportation Safety Board (NTSB) instead of $23,300,000 as proposed by the House and $14,100,000 as proposed by the Senate. The conference agreement provides funds for aviation accident investigation costs, NTSB travel and overtime, and for assistance to families of aviation accident victims as authorized by the Federal Aviation Reauthorization Act of 1996. Of the total provided, no more than $6,059,000 shall be available to reimburse the State of New York and local counties for the costs they incurred while assisting in the TWA Flight 800 accident investigation; no more than $3,100,000 shall be available to reimburse Metropolitan Dade county, Florida for costs it incurred as a result of the crash of ValuJet Flight 592; and no more than $300,000 shall be available to reimburse Monroe County, Michigan for the costs it incurred as a result of the crash of Comair Flight 3272. Before distributing these funds, NTSB shall verify the appropriateness of individual reimbursement requests to assure that these funds compensate local and state entities for the extraordinary, incremental costs related to the investigations. Funds shall be available only to the extent an official budget request designating the funds provided as an emergency is transmitted by the President. Of the total provided, $4,877,000 shall remain available until expended.

Although the conferees recognize that the recovery and accident-related costs of the TWA, ValuJet, and Comair tragedies have been significant and have provided sufficient funding to compensate the affected parties for these costs, the conferees agree that these reimbursements shall be a one-time occurrence. The NTSB has heretofore not been responsible for nor has it reimbursed local entities for wreckage and victim recovery or victim identification costs. As a general rule, the carrier's insurance underwriter has paid for wreckage recovery unless the aircraft crashed into water. Insurance coverage for victim recovery is a rare exception. In the past, such recovery activities have been the responsibility of state and local governments. However, following the passage of the Aviation Disaster Family Assistance Act of 1996, the carriers' underwriters have assumed that the NTSB is responsible for these expenses. The conferees believe that this is not the intent of the Aviation Disaster Family Assistance Act. The conferees further believe that the Chairman of the NTSB, the Secretary of Transportation, and the appropriate authorizing committees of Congress should take necessary action to address this situation so that a long-term approach that fairly allocates these costs to the aviation industry and the carriers' underwriters can be instituted. The Chairman of the NTSB and the Secretary of Transportation shall report to the House and Senate Committees on Appropriations and the appropriate authorizing committees of Congress not later than August 1, 1997, on their recommendations. Further, the Chairman of the NTSB and the Secretary of Transportation shall work to secure voluntary payment for any costs reimbursed under this provision from the involved airlines and the carriers' underwriters.

The conference agreement also requires that the NTSB reimburse the Department of the Navy no more than $10,330,000 from the total appropriation for the costs it incurred in connection with the TWA Flight 800 investigation.

GENERAL PROVISIONS, CHAPTER 8

Section 8001. The conference agreement modifies language proposed by the House that corrects an enrolling error in the Department of Transportation and Related Agencies Appropriations Act, 1997, relating to federal transit funds made available to DeKalb County, Georgia, as proposed by the Senate.

Section 8002. The conference agreement modifies language proposed by the House that corrects an enrolling error in the Department of Transportation and Related Agencies Appropriations Act, 1997, relating to user fees of the Bureau of Transportation Statistics as proposed by the Senate.

Section 8003. the conference agreement includes language proposed by both the House and Senate that makes available $500,000 in additional contract authority for Section 410 alcohol-impaired driving prevention incentive grants.

Section 8004. The conference agreement includes language proposed by the House that authorizes the National Driver Register for fiscal year 1997. The Senate bill contained no similar provision.

The conference agreement deletes language proposed by the Senate that would have exempted general aviation operations and Canada-to-Canada and Mexico-to-Mexico overflights from the overflight user fee if those two countries do not impose similar charges on flights operated by U.S. citizens. However, the conferees are concerned that the Federal Aviation Administration (FAA) would collect user fees under the interim final rule from general aviation users before certifying to the Congress that the anticipated fees from general aviation sources exceed the cost of administering the international overflight fee on general aviation users and other costs to the government of implementing the interim final rule on the general aviation community. The conferees are also concerned about the implications of the proposed Canada-to-Canada and Mexico-to-Mexico overflight fees in light of the objections of the Canadian Government and the international community. The FAA should work with the international community to ensure that the international obligations of the United States are adhered to. The House bill contained no similar provision.

The conference agreement also deletes, without prejudice, language proposed by the Senate that would authorize at least $50,000,000 in overflight user fees in fiscal year 1998 and each year thereafter. The FAA has assured the conferees that the anticipated revenues from international overflight user fees under the interim final rule for a full year are estimated to be in excess of $50,000,000. The House bill contained no similar provision.

CHAPTER 9

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

The Senate provided a supplemental of $1,950,000 and directed that the amount be used to compensate the city and county of Denver and the State of Colorado law enforcement agencies for costs associated with continuing to provide security support to Federal agencies for the Oklahoma City bombing trial while concurrently hosting the Summit of Eight. The House did not address this issue. The conferees have agreed to make these funds available, as proposed by the Senate.

The conferees are concerned that the State of Colorado, the County of Denver, and the City of Denver law enforcement agencies are facing extraordinary burdens associated with the security requirements of the Oklahoma City bombing trial while concurrently hosting an international event the magnitude of the Summit of Eight scheduled for June of 1997. The conferees recognize that hosting an event that includes eight heads of states and their accompanying delegations while simultaneously providing security surrounding a domestic terrorism trial is both extraordinary and unprecedented. The conferees have therefore included up to $1,950,000 to reimburse the State of Colorado, the County of Denver, and the City of Denver law enforcement agencies for costs associated with these events. The conferees have made this one time expenditure subject to verification by the Secretary of Treasury and expect that reimbursement will be made for only those expenses that are determined to be appropriate.

UNITED STATES CUSTOMS SERVICE

The House included a provision making $16,000,000 of fiscal year 1997 funds appropriated for Counter-Terrorism and Drug Law Enforcement available until September 30, 1998. The Senate did not include this provision. The conferees agree to make these funds available until September 30, 1998, as proposed by the House.

U.S. POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

The House provided a $5,300,000 supplemental for payments to the Postal Service Fund for the revenue forgone program. The Senate provided $5,383,000, the amount requested by the Administration. The conferees agree to provide $5,383,000, as proposed by the Senate.

GENERAL PROVISIONS, CHAPTER 9

MONTGOMERY, ALABAMA COURTHOUSE

The Senate included a provision which authorizes the General Services Administration to proceed with the construction of the U.S. Courthouse in Montgomery, Alabama. The House did not address this issue. The conferees agree to authorize the GSA to proceed with the construction of this project, as proposed by the Senate.

RESTRICTION ON FUNDS USED TO ENFORCE ELECTRONIC FUNDS TAX TRANSFER SYSTEM

The Senate included a provision which places a six month prohibition on the use of funds to impose or collect any Internal Revenue Service (IRS) penalty on small businesses which have failed to comply with the electronic funds transfer program. The House did not address this issue. The conferees agree to the House position and do not include this provision.

REPEAL OF SECTION 1555 OF THE FEDERAL ACQUISITION STREAMLINING ACT (FASA)

The Senate included a provision repealing Section 1555 of the Federal Acquisition Streamlining Act of 1994 (P.L. 103-355). The House did not address this issue. The conferees agree to modify the Senate provision by extending the current moratorium until the date of adjournment of the 1st session of the 105th Congress.

The conferees received a great deal of input on this issue from a variety of interest groups, the Office of Management and Budget, and various Congressional committees. This input was often conflicting. Therefore, the conferees agree that the most prudent course of action is to allow the authorizing committees of jurisdiction to conduct hearings on this issue and to address any required remedy in separate legislation.

The conferees are distressed that those with conflicting interests and concerns could not aid in coming to a compromise on this issue. The potential cost savings which could be realized by state and local governments through the purchase of supplies and equipment, especially in the area of medical supplies and equipment, is considerable. However, there is great concern that cost savings currently experienced by the Federal government could be reduced if these schedules were opened up to other large government organizations.

The conferees are especially distressed that this compromise means that drugs used to treat HIV and HIV-related illnesses will not be offered to state and local governments and Public Health Hospitals. However, the conferees agree that, at this time, this issue, as well as issues involving the impact on state and local governments and small businesses, must be addressed by the appropriate Congressional oversight committees.

PROCUREMENT OF DISTINCTIVE CURRENCY PAPER

The House included a provision to clarify Congressional intent respecting procurement of distinctive currency paper. The Senate did not include this provision. The conferees agree to modify the House provision by prohibiting the award of a new contract for the production of distinctive currency paper until certain requirements are met, limiting the "bridge" contract to 24 months, and requiring the Secretary of the Department of the Treasury to certify that the price under the terms of any "bridge" contract is fair and reasonable and that the terms of any "bridge" contract are customary and appropriate according to Federal procurement regulations. The Secretary is also required to report to the Committees on Appropriations on the price and profit levels of any "bridge" contract at the time of certification.

The Bureau of Engraving and Printing (BEP) and the Department of the Treasury have had a 117-year virtual sole-source supplier of distinctive currency paper. The result is that the federal government has a single supplier of distinctive currency paper. The conferees believe the Congress should have a neutral-party assessment of the potential for disruption of currency paper production with a sole-source supplier and the optimum circumstances for government procurement of distinctive currency paper, including the benefits and costs and the advantages and disadvantages which might accrue from competition in the procurement of distinctive currency paper.

The Department of the Treasury prohibited the BEP from furnishing capital to contractors to induce competition, which was contained in Solicitation No. BEP-96-13 (TN). The Department of the Treasury directed the BEP to issue Solicitation No. BEP-97-13 (TN) which does not furnish capital to contractors to induce competition. Solicitation No. BEP-97-13 (TN) seeks bidders for a four-year, multi-hundred-million dollar contract, which commences on October 1, 1998.

The conferees agree that before the contract for this solicitation can be awarded, additional information and the opportunity for Congressional oversight is required. Therefore, the conferees have modified the House bill to prohibit the BEP and the Department of the Treasury from awarding the contract for the current solicitation until the General Accounting Office (GAO) has conducted a comprehensive analysis of the optimum circumstances for government procurement of distinctive currency paper and has reported its findings to the House and Senate Committees on Appropriations. The conference provision also limits the "bridge" contract to 24 months, and requires the Secretary of the Department of the Treasury to certify that the price under the terms of any "bridge" contract is fair and reasonable and

that the terms of any "bridge" contract are customary and appropriate according to Federal procurement regulations. The "bridge" contract is necessary to ensure the supply of currency paper until such time as the aforementioned restrictions are removed.

The conferees direct the GAO to report on the current limitations on competition in currency paper procurement; the fairness and reasonableness of prices paid for currency paper and passport paper; possible alternatives to the current procurement situation, including the impact of Federal acquisition guidelines on supply competition; the potential for disruption of U.S. currency paper and passport paper supplies by the inability of the single government supplier to meet contract requirements and the adequacy of contingency supply arrangements made by the single government supplier, the impact of security requirements, especially the need for Federal law enforcement agencies to monitor paper production and security features, on any contract arrangements; the role of the Bureau of Engraving and Printing and the Department of the Treasury in the development of competitive proposals for the production of currency paper; and the impact of capitalization requirements on distinctive currency paper contracts.

EMERGENCY LEAVE TRANSFER FOR FEDERAL EMPLOYEES

The House bill includes a provision which establishes an emergency leave transfer program for Federal employees who are adversely affected by disasters and emergencies. The Senate did not include this provision. The conferees agree to include this provision, as proposed by the House.

PROHIBITION ON THE USE OF FUNDS TO STUDY OF THE MEDICINAL USE OF MARIJUANA

The House bill includes a provision which prohibits the use of funds in this Act for the study of the medicinal use of marijuana. The Senate did not include this provision. The conferees agree to the Senate position.

CHAPTER 10

VA, HUD, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

Inserts language appropriating $928,000,000 for compensation and pensions, instead of language appropriating $753,000,000 as proposed by the House and the Senate. The increase of $175,000,000 above the original supplemental estimate of $753,000,000 was recently requested by the Department of Veterans Affairs due to higher than expected payment costs. The VA indicates the additional funds will ensure adequate funding for compensation and pensions payments through the remainder of this fiscal year.

ADMINISTRATIVE PROVISIONS

Inserts language proposed by the Senate authorizing $12,300,000 for the parking facility component of the ambulatory care addition project at the Cleveland VA Medical Center.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

Inserts language proposed by the Senate to reallocate $1,000,000 from a special purpose grant provided in P.L. 102–139 for Ashland, Kentucky.

PRESERVING EXISTING HOUSING INVESTMENT

Provides $3,500,000 as proposed by the House to correct a technical error which resulted in excluding inadvertently the Valley Vista Property in Syracuse, New York, from inclusion in the statutory standard for preservation carve-out properties. Without this correction, this 124-unit property would convert to elderly apartments or to a congregate care facility, increasing the chance that the current low-income residents, all of whom are elderly, could be displaced.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

Deletes language proposed by the House to provide $30,200,000 for Drug Elimination Grants for Low-Income Housing by transfer from the Homeownership and Opportunity for People Everywhere Grants (HOPE) account.

CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING

(TRANSFER OF FUNDS)

Transfers $30,200,000 as proposed by the Senate, with modifications, from the Homeownership and Opportunity for People Everywhere Grants (HOPE) account to the National Community Development Initiative (NCD) for capacity building activities. This issue is further addressed under general provisions, section 10004.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS FUND

Amends language proposed by the House and the Senate by providing $500,000,000 for community development block grants (CDBG) funds, of which $250,000,000 shall become available in fiscal year 1998. These funds are limited to buyouts, relocation, long-term recovery, and mitigation in communities affected by disasters occurring during fiscal year 1997 and other disasters that were designated 30 days prior to the start of fiscal year 1997. While the immediacy of reacting to a disaster event is often the focus of attention, the conferees are well aware that long-term recovery efforts are necessary to truly remedy the social and economic impacts of natural disasters. Whether relocating an upper Midwest town ravaged by floods, helping to rebuild a small Southern town ripped by a tornado, or replacing farm worker dwellings destroyed by flooding in the West, the conferees understand the importance that a community places in providing emergency funds to meet these challenges. The Department is thus urged to give full consideration to all appropriate applications for assistance.

In addition, the conferees make clear that these CDBG funds may be used for activities that are reimbursable by or for which funds are made available by the Federal Emergency Management Agency (FEMA), the Small Business Administration, or the Army Corps of Engineers. Finally, the amount is available only if the President transmits a budget request that meets the emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985.

The conferees recommend retaining language suggested by the House and the Senate (1) to allow the Secretary to waive certain statutes or regulations if necessary; (2) to require the Secretary to publish a notice of the Federal Register if CDBG funds are used in conjunction with any program administered by FEMA for buyouts in disaster areas; (3) to require the submission of a plan if a State or local government receives funds used for buyouts; and (4) to require HUD and FEMA to submit quarterly reports in the event any funds are used for buyouts.

Finally, to ensure the speedy distribution of CDBG funds, the language provides the Secretary with authority to waive provisions requiring that activities be limited to low- and moderate-income families. This authority is granted only on a case-by-case basis.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

Directs HUD to provide $1,000,000 from its Salaries and Expenses account to fund a review of Departmental management systems. While the conferees are pleased that the Secretary has stated that improving HUD's management deficiencies is one of his priorities, it is impossible to overlook the fact that the Department remains designated "high risk" by the General Accounting Office. Therefore, HUD is directed to enter into a contract with the National Academy of Public Administration (NAPA) no later than one month after this legislation is enacted to review HUD's contracting procedures, basic administrative organization, and the development of personnel needs based on meaningful measures. The conferees expect NAPA to submit their report to the House and Senate Committees on Appropriations by March 1, 1998.

The Senate had proposed $1,500,000 for this purpose, the House had no comparable provision.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

BUILDINGS AND FACILITIES

Inserts language proposed by the House regarding EPA's Center for Ecology Research and Training instead of similar language proposed by the Senate.

HAZARDOUS SUBSTANCE SUPERFUND

The conferees have deleted language included in section 333 of the Senate bill which required that the Agency for Toxic Substances and Disease Registry (ATSDR) conduct certain studies regarding childhood cancer in Dover Township, New Jersey, authorized grants to the State of New Jersey, and authorized a specific appropriation for these purposes. The conferees agree that this provision is unnecessary because additional statutory authority is not needed for ATSDR to conduct such studies, provide grants, or for the Congress to provide appropriations. The conferees have in fact already appropriated some $1,200,000 for ATSDR to conduct various studies in this regard, and fully expect to provide the future resources necessary for EPA, ATSDR, and the State of New Jersey to investigate fully and completely this situation and provide appropriate remedies and restoration activities.

STATE AND TRIBAL ASSISTANCE GRANTS

Inserts language proposed by the Senate which permits EPA to use funds appropriated for State or tribal grants to implement certain grant programs in the absence of an acceptable State or tribal program.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

Provides $3,300,000,000 for disaster relief instead of $3,100,000,000 as proposed by the Senate and $3,067,677,000 as proposed by the House. Of the approved amount, $2,300,000,000 will become available on September 30, 1997, but only after the Director of FEMA submits to the Congress a legislative proposal to control disaster relief costs. The conferees have also included language proposed by the Senate which provides authority to FEMA to transfer up to $20,000,000 from the Disaster Relief Fund to the Disaster Assistance Direct Loan Program for emergency education operations assistance. Any such transfer of funds to the Community Disaster Loan Program shall be solely for loans to municipal

governments in communities stricken by federally-declared disasters in which school districts have incurred unanticipated requirements because of the displacement of students whose schools were damaged or destroyed by the disaster. The Committees on Appropriations are to be notified by FEMA of any transfer of funds for this purpose.

SALARIES AND EXPENSES

Deletes language proposed by the House to provide additional funds for salaries and expenses and deletes language proposed by the Senate to rescind salary and expense funds provided in Public Law 102–368.

The conferees understand that there may be a need for full-time Federal Coordinating Officers (FCO) to manage disaster response and recovery activities in the ten regions. At present, FEMA does not employ individuals with sole responsibility for federal coordinating officer activities. Individuals tapped to act as FCOs are detailed away from their normal day-to-day responsibilities, sometimes for months at a time, and often must abandon routine duties entailed in their official job. This has been disruptive and counterproductive at times. FEMA has been considering how to address this issue, including the possibility of hiring full-time FCOs, and the conferees are not necessarily opposed to this option. The conferees therefore direct FEMA to submit its plan for addressing the need for full-time FCOs to the Committees on Appropriations prior to mark-up of the fiscal year 1998 appropriations bill. The conferees expect to be fully apprised of any changes in policy or procedure, such as using disaster relief funds for full-time employees, with respect to this issue.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

The conferees note that recent floods in Northern California have highlighted the lack of critical information relating to the levees and topography of the Sacramento and San Joaquin valleys. In this regard, the conferees are aware that new technologies which have previously been available only in a military context may prove particularly useful and cost-effective in providing this critical information in California as well as in other ares of the nation where flooding has been a recurring problem. One such technology is the so-called IFSAR–E digital mapping service.

Because of the potential benefits of the use of this technology, the conferees direct FEMA to review fully the matter and report back to the Committees on Appropriations within 30 days of enactment of this Act on the viability of using this and/or other technologies to assist in these important mapping requirements. Should FEMA determine that the IFSAR–E technology is in fact useful and appropriate, the conferees expect FEMA to use such Mitigation Program funds as are appropriate and which can be charged to the National Flood Insurance Fund in a manner consistent with FEMA's other flood mapping programs to enter into, within 60 days of enactment of this Act, a collaborative demonstration project with the Defense Advanced Research Projects Agency, the State of California Department of Conservation's GeoSAR Project, and Army TEC for the creation of a geographical information system for the collection, maintenance and analysis of data relevant to flood threats in the Sacramento and San Joaquin valleys.

Such a project should serve to assess potential improvements in accuracy and cost effectiveness of applying this technology broadly in the flood mapping program.

NATIONAL FLOOD INSURANCE FUND

Deletes language proposed by the House which reduced from 30 to 15 the number of days a purchaser of a flood insurance policy must wait before the policy goes into effect.

GENERAL PROVISIONS, CHAPTER 10

Amends language proposed by the Senate by directing the Secretary of HUD to provide twice annually a list of all contracts and task orders in excess of $250,000 entered into by the Secretary, GNMA, OFHEO, or any officer of HUD or these offices to the Committees on Appropriations (Sec. 10001).

Amends language proposed by the Senate. The new language reduces from one year to 180 days the notice period for tenants when a section 8 contract may not be renewed (Sec. 10002).

Inserts language proposed by the Senate authorizing the Secretary to increase commitments by 7,500 units under the Multifamily Risk Sharing Program (Sec. 10003).

Amends language proposed by the Senate providing $30,200,000 by transfer from the Homeownership and Opportunity for People Everywhere Grants (HOPE) account to the National Community Development Initiative (NCDI) for the purpose of capacity building and technical support for community development organizations. The language makes a technical change to include certain participating intermediary organizations and to conform section 4 of the HUD Demonstration Act of 1993 to action taken in this supplemental. It is the intent of the conferees that funds available shall be equally divided among participating intermediary organizations (Sec. 10004).

Inserts language authorizing HUD to insure a condominium mortgage in an amount up to 100 percent of the appraised value of an FHA-approved property, where the mortgagor establishes that his or her home was destroyed or extensively damaged by a major disaster (Sec. 10005).

Inserts language amending section 211(b)(4)(B) of HUD's fiscal year 1997 Appropriations Act to clarify that the definition of "owner" includes not only the actual person or entity that owns the project, but includes persons or entities that control the owner, are controlled by the owners, or are under common control with the owner. This provision will ensure that HUD is able to opt against renewing contracts with an owner who has demonstrated a pattern of mismanagement (See. 10006).

CHAPTER 11

OFFSETS AND RESCISSIONS

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

FUND FOR RURAL AMERICA

In order to provide assistance to natural disaster victims and for other high priority needs, savings had to be achieved which have included a reduction of $20,000,000 in the Fund for Rural America as proposed in the House bill. The Senate bill had no similar provision. The conferees are aware that while a portion of the Fund has been identified for obligation and, in some cases, announced as obligated, funds do remain in many of those accounts for which the Fund was used to supplement. The conferees are also aware of the recent closing date for research grants to be made available under the Fund and note the importance this effort will play in furthering a competitive applied research science base to complement the more basic research conducted under the NRI. In view of the importance of the Fund for Rural America, the conferees urge the Secretary to review all areas he has previously identified and make adjustments accordingly best to absorb this reduction in funding so as to minimize the impact on rural America and best to avoid duplication of research and other activities for which funds were provided in P.L. 104–108.

The conference agreement deletes House bill language permitting the use of the Fund for Rural America for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

NATURAL RESOURCES CONSERVATION SERVICE

WETLANDS RESERVE PROGRAM

The conference agreement deletes the House provision to reduce the unobligated balance remaining from the fiscal year 1996 wetlands reserve program by $19,000,000. The Senate bill contained no similar provision.

FOOD AND CONSUMER SERVICE

THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

The Administration proposed a reduction for TEFAP commodity purchases through the food stamp program as an offset for supplemental requests. The conference agreement reduces the amount available through the food stamp program for TEFAP commodity purchases to $80 million as proposed by both the House and Senate.

FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

EXPORT CREDIT

The conference agreement reduces the total amount available for the export credit guarantee program to $3,500,000,000 as proposed by both the House and Senate.

EXPORT ENHANCEMENT PROGRAM

The conference agreement retains House bill language limiting spending for the Export Enhancement Program to $10 million in fiscal year 1997. The Senate bill had a spending limit of $50 million.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

The conference agreement includes a rescission of $6,400,000,000 of unobligated balances in the Department of Justice Working Capital Fund, as proposed in both the House and Senate bills.

LEGAL ACTIVITIES

ASSETS FORFEITURE FUND

(RESCISSION)

The conference agreement includes a rescission of $3,000,000 from surplus balances available in the Assets Forfeiture Fund, as proposed in the House bill, instead of no rescission as proposed in the Senate bill.

IMMIGRATION AND NATURALIZATION SERVICE

CONSTRUCTION

(RESCISSION)

The conference agreement includes a rescission of $1,000,000 from unobligated balances from fiscal year 1995 appropriations in the Immigration and Naturalization Service (INS) Construction account related to the construction of a permanent checkpoint on Interstate 19, as proposed in the House bill, instead of no rescission as proposed in the Senate bill.

In addition, the conferees direct the INS to use $20,000 of funds made available from appropriations or fee accounts in fiscal year 1997 to install videophones in time for the 1997 boating season in the communities of Morristown, Ogdensbury, Waddington, and

Clayton, New York, in order to provide a means of inspection conducive to the boating traffic along the United States-Canada border in the St. Lawrence River. In addition, the conferees direct INS to use up to $100,000 of funds made available from appropriations or fee accounts in fiscal year 1997 for both an additional automated permit port on the United States-Canada border at Pittsburg, New Hampshire and an additional enrollment center at a site to be determined.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

The conference agreement includes a rescission of $7,000,000 from the unobligated balances under this account for the Advanced Technology Program, as proposed in the House bill, instead of no rescission, as proposed in the Senate bill. This amount has been identified as in excess of requirements for existing award commitments due to unanticipated awards changes and project cancellations during the first quarter of fiscal year 1997.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

(RESCISSION)

The conference agreement does not include a rescission of $2,000,000 from this account that was proposed in the House bill. The Senate bill did not include a rescission from this account.

RELATED AGENCIES

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

The conference agreement includes a rescission of $1,000,000 from the unobligated balances available in this account, as proposed in the House bill, instead of no rescission, as proposed in the Senate bill. These funds are available for rescission due to lower-than-expected staffing levels and higher-than-anticipated fee recoveries during fiscal years 1996 and 1997.

OUNCE OF PREVENTION COUNCIL

(RESCISSION)

The conference agreement includes a rescission of $1,000,000 from the Ounce of Prevention Council, as proposed in the House bill, instead of no rescission, as proposed in the Senate bill.

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

The conference agreement deletes the rescission of $30,000,000 in Construction, General, funds proposed by the Senate.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSION)

The conference agreement rescinds $11,180,000 instead of $22,532,000 as proposed by the House. This rescission reflects one-half of the level of unobligated carryover balances available for programs on October 1, 1996. The Department is directed to reduce programs in accordance with each program's share of the $11,180,000 as detailed in the following table:

Energy Supply, Research and Development	
Solar and Renewable Energy:	
Solar energy:	
Solar building technology research	−193,000
Photovoltaic energy systems	−79,000
Solar thermal energy systems	−63,000
Biomass/biofuels energy systems	−325,000
Wind energy systems	−14,000
International solar energy program	−89,000
Resource assessment	−5,000
Geothermal technology development	−18,000
Hydrogen research	−13,000
Hydropower development	−16,000
Program direction	−1,374,000
Prior year projects, solar and renewable energy	−1,419,000
Nuclear energy:	
Nuclear energy R&D:	
Light water reactor	−8,000
Advanced reactor R&D	−4,000
Space reactor power systems	−22,000
Advanced radioisotope power system	−548,000
Oak Ridge landlord	−36,000
Advanced test reactor fusion irradiation	−23,000
Termination costs	−11,000
Soviet design reactor safety program	−644,000
Program direction	−1,298,000
Prior year projects, nuclear energy	−12,000
Civilian waste research and development	−238,000
Environment, Safety and Health:	
Environment, safety and health	−1,497,000
Energy Research:	
Fusion energy	−64,000
Basic energy sciences:	
Materials sciences	−9,000
Chemical sciences	−269,000
Applied mathematical sciences	−39,000
Engineering and geosciences	−25,000
Energy biosciences	−24,000
Other energy research:	
Advanced neutron source	−2,000
Energy research analyses	−166,000
Laboratory technology transfer	−19,000
SBIR	−38,000
Program direction	−2,100,000
Multiprogram energy labs—facility support	
Multiprogram general purpose facilities	−1,000
Energy Support Activities:	
University and science education programs:	
Laboratory cooperative science centers	−9,000
University programs	−1,000
Technical information management program	−100,000
In-house energy management	−187,000
Environmental Restoration & Waste Mgmt. (Non-defense)	
Waste management	−132,000
Energy Supply, Research and Development—Continued	
Nuclear materials and facilities stabilization	−46,000
Total, Energy Supply, Research and Development	−11,180,000

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(RESCISSION)

The conference agreement rescinds $11,352,000 from this account. The rescission reflects funds that are available and would otherwise be carried forward to supplement funds appropriated in fiscal year 1998.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(RESCISSION)

The conference agreement includes a rescission of $17,000,000 in clean coal technology funding as proposed by the House and the Senate.

STRATEGIC PETROLEUM RESERVE

(RESCISSION)

The conference agreement includes a rescission of $11,000,000 in strategic petroleum reserve funding as proposed by the House and Senate.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

The conference agreement includes a provision contained in both the House and Senate bills rescinding unused fiscal year 1997 funds under the Job Opportunities and Basic Skills (JOBS) program.

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Rescinds $750,000,000 in contract authority instead of $778,000,000 as proposed by the Senate. The House bill contained no similar rescission. The conference agreement rescinds contract authority that is not available for obligation due to annual limits on obligations.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

RESCISSION OF CONTRACT AUTHORIZATION)

Rescinds $13,000,000 in contract authority instead of $10,600,000 as proposed by the Senate. The House bill contained no similar rescission. The conference agreement rescinds contract authority that is not available for obligation due to annual limits on obligations.

FEDERAL TRANSIT ADMINISTRATION

TRUST FUND SHARE OF EXPENSES

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Rescinds $271,000,000 in contract authority as proposed by the Senate. The House bill contained no similar rescission. The conference agreement rescinds contract authority that is not available for obligation due to annual limits on obligations.

DISCRETIONARY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Rescinds $588,000,000 in contract authority as proposed by the Senate. The House bill contained no similar rescission. The conference agreement rescinds contract authority that is not available for obligation due to annual limits on obligations.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND—REPAIRS AND ALTERATIONS

(RESCISSION)

(LIMITATION ON EXPENSES)

AGRICULTURAL RESEARCH SERVICE LABORATORY

The House included a rescission of $1,400,000 from funds made available in fiscal year 1997 for renovation of the Agricultural Research Service Laboratory in Ames, Iowa. The Senate did not include this rescission. The conferees agree with the Senate position. However, the conferees wish to restate the original Congressional position that the $8,000,000 provided in fiscal year 1997 shall be available only for the purpose for which it was appropriated: the renovation of an existing Agricultural Research Service (ARS) Laboratory. These funds may not be used for the construction of a new facility for use by any part of the Department of Agriculture. The Department of Agriculture is responsible for the construction of any such facilities.

The Administrator of the General Services shall provide a renovation status report on the ARS Laboratory to the House and Senate Committees on Appropriations within 60 days of enactment of this Act.

PRESIDENTIAL TRANSITION

(RESCISSION)

Both the House and the Senate included a rescission of $5,600,000 from the amount appropriated in fiscal year 1997 for Presidential Transition. The conferees agree to include this rescission.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(INCLUDING RESCISSION)

Rescinds $3,650,000,000 from excess section 8 reserve funds as proposed by the Senate instead of $3,823,440,000 as proposed by the House. The conferees have provided a Section 8 Reserve Preservation Account to ensure that adequate funding resources are present to cover a $5,600,000,000 budget authority shortfall expected in fiscal year 1998. Additionally, HUD must be able to account for the funds appropriated for the section 8 rental assistance programs. Therefore, the conferees recommend that GAO conduct an audit of HUD's budgeting and accounting systems for the section 8 rental assistance programs to ensure that unexpended funds do not reach unreasonable levels and that appropriated amounts are spent in a timely manner.

FEDERAL HOUSING ADMINISTRATION

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

Deletes language proposed by the Senate to rescind $85,000,000 from available negative credit subsidy funds resulting from the sale of mortgage notes.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NATIONAL AERONAUTICAL FACILITIES

(RESCISSION)

Rescinds $365,000,000 as proposed by the Senate instead of $38,000,000 as proposed by the House. The funds are available because NASA has decided to pursue improvements in the Nation's testing capability using lower cost technologies and computational methods which do not require construction of new facilities at this time.

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

(RESCISSION)

Rescinds $4,200,000 as proposed by the Senate. The House did not have a rescission proposal for this account. The funds are available for rescission because the cost of repair of contractor facilities as a result of the Northridge, CA earthquake was less that anticipated.

TITLE III

GENERAL PROVISIONS—THIS ACT

BUY AMERICA

The conference agreement includes a House provision on "Buy America." This provision is substantially the same as ones included in recent regular appropriations acts.

UNIVERSITIES AFFECTED BY FLOODS

The conferees have directed the Office of Management and Budget to work with Federal agencies to support the extension and revision of Federal grants, contracts, and cooperative agreements with universities, or which flow to the universities through other entities, in designated Federal disaster areas where work was suspended due to severe flooding. It is the conferees understanding that these floods have severely damaged university buildings, research equipment, supplies, and documents, and it may be some time before work can recommence on their Federal grants, contracts, or cooperative agreements. Therefore, OMB is directed to ensure that the relevant Federal agencies work closely with university officials to assess and to compensate for the full impact of the flood disaster on all aspects of the grants, contracts, and cooperative agreements, including the revision of such agreements and the extension of time required to complete the tasks, redefining the scope of the tasks, payment of salaries and benefits, and other assistance, as appropriate, to reactivate university research laboratories and facilities as quickly as possible.

TITLE IV

COST OF HIGHER EDUCATION REVIEW

The conference agreement modifies a provision proposed by the House which authorizes $650,000 for the National Commission on the Cost of Higher Education which is funded in Title II, Chapter 6 of this Act. The agreement expands the membership of the Commission from seven as proposed in the House bill to eleven as follows: three each appointed by the Speaker of the House and the Majority Leader of the Senate, two each appointed by the Minority Leaders of the House and Senate, and one by the Secretary of Education. The agreement also deletes a provision proposed by the House to offset the cost of the Commission by rescinding $849,000 from Federal Family Education Loan administrative appropriations. The Senate bill did not contain similar provisions.

TITLE V

DEPOSITORY INSTITUTION DISASTER RELIEF

Both the House and Senate passed bills contain similar language providing regulatory flexibility for banks and other depository institutions to meet better the unique credit and banking needs of communities affected by the flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers. The conference report inserts the House version of this legislation amended by a Sense of the Congress that regulators should waive certain appraisal requirements for loans on real property located within the disaster areas as proposed by the Senate.

TITLE VI

TECHNICAL AMENDMENTS WITH RESPECT TO EDUCATION

The conference agreement includes several technical provisions with respect to education. The conference agreement amends the Elementary and Secondary Education Act to (1) extend by one year the date by which the Title I evaluation must be completed, (2) deem Kansas and New Mexico to have made timely submission required by section 8009 of the Act, (3) extend hold harmless payments under section 2 of the Impact Aid program, (4) change the year for which data shall be used to calculate payments under section 8003(f) of the Act, (5) amend the formula for making certain payments under section 8002 of the Act, and (6) deem as timely filed the submission of certain applications filed under section 8003 of the Act. The conference agreement also amends the Higher Education Act to change the period for which certain institutions must report graduation rates.

The Senate bill contained the same provisions except those relating to the formula for making certain payments under section 8002 of the Elementary and Secondary Education Act and the timely submission of certain applications made under section 8003 of the Act. The House bill did not contain any similar provisions.

TITLE VII

FOOD STAMP PROGRAM

The conference agreement amends the language proposed by the Senate that would allow States to reimburse USDA for all costs related to the purchase and distribution of food stamps to continue benefits to legal immigrants. The House bill contained no similar provision.

TITLE VIII

2000 DECENNIAL CENSUS

The conference agreement includes a provision amending Section 141 of Title 13 of the United States Code to prohibit the use of sampling or any other statistical procedure, including any statistical adjustment, in any determination of population for the purposes of apportionment, and to prohibit the expenditure of any funds to plan or otherwise prepare for the use of sampling or any other statistical procedure, including statistical adjustment, for such purposes.

The Senate bill proposed a provision in Section 302 prohibiting any fiscal year 1997 funds available to the Department of Commerce from being used to make irreversible plans or preparations for the use of sampling or any other statistical method, including statistical adjustment, in taking the 2000 decennial census for the purposes of apportionment. The House bill did not address this matter.

TITLE IX

GOVERNMENT SHUTDOWN PREVENTION ACT

The conference agreement includes a provision contained in both the House and Senate versions of the bill that would provide automatic spending authority for those functions of government funded through regular appropriations bills in the event any of those bills are not enacted by the beginning of the fiscal year.

The total new budget (obligational) authority for the fiscal year 1997 recommended by the Committee of Conference, with comparisons to the fiscal year 1997 budget estimates, and the House and Senate bills for 1997 follow:

Budget estimates of new (obligational) authority, fiscal year 1997	975,324,000
House bill, fiscal year 1997	1,678,834,000
Senate bill, fiscal year 1997	136,035,000
Conference agreement, fiscal year 1997	561,670,600
Conference agreement compared with:	
Budet estimates of new (obligational) authority, fiscal year 1997	−413,653,400
House bill, fiscal year 1997	−1,117,163,400
Senate bill, fiscal year 1997	+425,635,600

BOB LIVINGSTON,
JOSEPH M. MCDADE,
BILL YOUNG, of Florida
RALPH RUGULA,
JERRY LEWIS, OF CALIFORNIA,
JOHN EDWARD PORTER,
HAROLD ROGERS,
JOE SKEEN,
FRANK R. WOLF,
JIM KOLBE,
RON PACKARD,
SONNY CALLAHAN,
JAMES T. WALSH,
CHARLES H. TAYLOR, of North Carolina
Managers on the Part of the House.

TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE V. DOMENICI,
CHRISTOPER S. BOND,
SLADE GORTON,
MITCH MCCONNELL,
CONRAD BURNS,
RICHARD C. SHELBY,
JUDD GREGG,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
LARRY CRAIG,
LAUCH FAIRCLOTH,
KAY BAILEY HUTCHISON,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FARR of California (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of a family illness.

Mr. JEFFERSON (at the request of Mr. GEPHARDT) for today after 12:30 p.m. and Thursday, June 5, on account of personal business.

Mr. GOODE (at the request of Mr. GEPHARDT) for today after 5:30 p.m. and the balance of the week, on account of a death in the family.

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. SESSIONS) to revise and extend their remarks and include extraneous material:)

Mr. DREIER, for 5 minutes each day, on June 4, 5, 6, 9, 10, and 11.

Mr. BOB SCHAFFER of Colorado, for 5 minutes, on June 11.

Mrs. CHENOWETH, for 5 minutes, today.

Mr. JONES, for 5 minutes, today and on June 5.

Mr. SESSIONS, for 5 minutes, today.

(The following Members (at the request of Mr. CAPPS) to revise and extend their remarks and include extraneous material:)

Mr. JACKSON of Illinois, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BRADY, 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. SESSIONS) to revise and extend their remarks and include extraneous material:)

Mr. NORTHUP.
Mr. DAVIS of Virginia.
Mr. BALLENGER.
Mr. FORBES.
Mr. GILMAN.
Mr. GOODLING.
Mr. EHRLICH.
Mr. BASS.
Mr. SMITH of New Jersey.
Mr. HOUGHTON.
Mr. FAWELL.
Mrs. CHENOWETH.
Mr. COMBEST.

(The following Members (at the request of Mr. CAPPS) to revise and extend their remarks and include extraneous material:)

Mr. KUCINICH.
Mr. FRANK of Massachusetts.
Mr. HAMILTON.
Mr. SHERMAN.
Mrs. MALONEY of New York.
Mr. PAYNE.
Mr. VISCLOSKY.
Mr. TOWNS.
Mr. DEUTSCH.
Mr. SANDERS.
Mr. ACKERMAN.
Ms. EDDIE BERNICE JOHNSON of Texas.
Mr. LAMPSON.
Ms. SLAUGHTER.
Mr. UNDERWOOD.

ADJOURNMENT

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Thursday, June 5, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3609. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Apples; Grade Standards [Docket Number FV-97-301] received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3610. A letter from the Under Secretary of Defense (Comptroller), Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Air Force violation, case number 95-15, which totaled $400,000, occurred at the Electronic Systems Center, located at Hanscom Air Force Base, Massachusetts, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3611. A letter from the Secretary of Defense, transmitting the Cooperative Threat Reduction (CTR) Multi-Year Program Plan for Fiscal Years 1998-2003, pursuant to section 1205 of the National Defense Authorization Act for Fiscal Year 1995; to the Committee on National Security.

3612. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Argentina, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

3613. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of S. 305, pursuant to Public Law 101—508, section 13101(a) (104 Stat. 1388—582); to the Committee on the Budget.

3614. A letter from the Assistant Secretary for Postsecondary Education, Department of Education, transmitting Final Regulations—William D. Ford Federal Direct Loan Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

3615. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the William D. Ford Federal Direct Loan Program, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

3616. A letter from the AMD—Performance Evaluation and Record Management, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation [MM Docket No. 92-266] received May 29,1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3617. A letter from the AMD—Performance Evaluation and Record Management, Federal Communications Commission, transmitting the Commission's final rule—Access Charge Reform [CC Docket No. 96-262] received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3618. A letter from the AMD—Peformance Evaluation and Record Management, Federal

Communications Commission, transmitting the Commission's final rule—Price Cap Performance Review for Local Exchange Carriers; Access Charge Reform [CC Docket No. 94-1; CC Docket No. 96-262] received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3619. A letter from the Director, Defense Security Assistance Agency, transmitting the quarterly reports in accordance with sections 36(a) and 26(b) of the Arms Export Control Act, the 24 March 1979 report by the Committee on Foreign Affairs, and the Seventh Report by the Committee on Government Operations for the second quarter of Fiscal Year 1997, 1 January 1997—31 March 1997, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

3620. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Turkey (Transmittal No. 07-97), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3621. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Venezuela (Transmittal No. 17-97), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3622. 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 Algeria (Transmittal No. DTC-70-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3623. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

3624. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule—Amendments to the International Traffic in Arms Regulations (Bureau of Political-Military Affairs) [Public Notice 2539] received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3625. A letter from the Secretary of the Interior, transmitting the semiannual report of the Inspector General for the period October 1, 1996 through March 31, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3626. A letter from the Secretary of Labor, transmitting the Semiannual Report of the Department's Inspector General and the Department of Labor's Semiannual Management report to Congress covering the period October 1, 1996 through March 31, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3627. A letter from the Administrator, Agency for International Development, transmitting the semiannual report of the Agency's Inspector General for the period October 1, 1996, through March 31, 1997, and the semiannual report on audit management and resolution, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3628. A letter from the Chairman, Consumer Product Safety Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3629. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3630. A letter from the Chairman, National Endowment for the Arts, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3631. A letter from the Chairman, National Science Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3632. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3633. A letter from the Chairman, United States International Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3634. A letter from the Acting Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Pennsylvania Regulatory Program [PA-117-FOR] received May 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3635. A letter from Tate & Tyron, Certified Public Accountants, U.S. Capitol Historical Society, transmitting the audited financial statements of the United States Capitol Historical Society for its fiscal year ended January 31, 1996, pursuant to 36 U.S.C. 1103, 1213, and 40 U.S.C. 193m-1; to the Committee on the Judiciary.

3636. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to reauthorize the National Railroad Passenger Corporation (AMTRAK) for inclusion as part of the National Economic Crossroads Transportation Efficiency Act of 1997 (NEXTEA), pursuant to 31 U.S.C. 1110; to the Committee on Transportation and Infrastructure.

3637. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Guidelines for Furnishing Sensori-neural Aids (i.e., eyeglasses, contact lenses, hearing aids) (RIN: 2900-AI60) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3638. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Schedule for Rating Disabilities; Muscle Injuries (RIN: 2900-AE89) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3639. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and Determination Letters [Rev. Proc. 97-29] received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3640. A letter from the Chairman, Prospective Payment Assessment Commission, transmitting a copy of a report entitled "Medicare and the American Health Care System," pursuant to 42 U.S.C. 1886(e)(2)(C); to the Committee on Ways and Means.

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. KASICH: Committee of Conference. Conference report on House Concurrent Resolution 84. Resolution establishing the congressional budget for the U.S. Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002 (Rept. 105-116). Ordered to be printed.

Mr. SOLOMON: Committee on Rules. House Resolution 160. Resolution waiving points of order against the conference report to accompany the concurrent resolution (H. Con. Res. 84) establishing the congressional budget for the U.S. Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002 (Rept. 105-117). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 161. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 105-118). Referred to the House Calendar.

Mr. LIVINGSTON: Committee of Conference. Conference report on H.R. 1469. A bill making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes (Rept. 105-119). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GOSS:

H.R. 1775. A bill to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. SHAYS (for himself, Mr. MEEHAN, Mr. WAMP, Mr. MORAN of Virginia, Mrs. ROUKEMA, Mr. MCHALE, Mr. HORN, Mr. BARRETT of Wisconsin, Mr. CASTLE, Mr. MINGE, Mr. LEACH,

Mr. BILBRAY, Mr. CAMPBELL, Mr. DUNCAN, Mrs. MORELLA, Mr. GREENWOOD, Mr. FRANKS of New Jersey, and Mr. METCALF):

H.R. 1776. A bill to amend the Federal Election Campaign Act of 1971 to restrict the use of soft money in political campaigns, to improve the enforcement of campaign laws, to promote the disclosure of information on campaign spending, and for other purposes; to the Committee on House Oversight.

By Mr. MEEHAN (for himself, Mr. SHAYS, Mr. WAMP, Mr. MORAN of Virginia, Mrs. ROUKEMA, Mr. MCHALE, Mr. HORN, Mr. BARRETT of Wisconsin, Mr. CASTLE, Mr. MINGE, Mr. LEACH, Mr. BILBRAY, Mr. CAMPBELL, Mr. DUNCAN, Mrs. MORELLA, Mr. GREENWOOD, Mr. FRANKS of New Jersey, and Mr. METCALF):

H.R. 1777. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of Federal elections, and for other purposes; to the Committee on House Oversight, and in addition to the Committees on Commerce, 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. SPENCE (for himself and Mr. DELLUMS (by request)):

H.R. 1778. A bill to reform the Department of Defense; to the Committee on National Security.

By Mr. BLUNT:

H.R. 1779. A bill to make a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest, MO, to exclude a small parcel of land containing improvements; to the Committee on Agriculture, and in addition to the Committee on Resources, 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. DREIER:

H.R. 1780. A bill to amend the Federal Election Campaign Act of 1971 to expand the types of information on campaign spending required to be reported to the Federal Election Commission, to transfer responsibility for the enforcement of Federal laws governing the financing of campaigns for election for Federal office from the Commission to the Attorney General, and for other purposes; to the Committee on House Oversight, 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 Mr. FORBES:

H.R. 1781. A bill to clarify the application of a certain transitional rule; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself and Ms. PELOSI):

H.R. 1782. A bill to provide for the medical use of marijuana; to the Committee on Commerce.

By Mr. HOUGHTON (for himself, Mr. LEVIN, Mr. CRANE, Mr. MATSUI, Mr. ENGLISH of Pennsylvania, Mr. HERGER, and Mr. SAM JOHNSON):

H.R. 1783. A bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the taxation of U.S. business operating abroad, and for other purposes; to the Committee on Ways and Means.

By Mr. HYDE:

H.R. 1784. A bill to amend the Internal Revenue Code of 1986 to modify the pension plan rules applicable to State judicial retirement plans; to the Committee on Ways and Means.

By Mr. KLECZKA:

H.R. 1785. A bill to amend title 31, United States Code, to provide an automatic continuing appropriation for the U.S. Government; to the Committee on Appropriations.

By Mr. PAYNE (for himself, Mr. HOUGHTON, Mr. CHABOT, Ms. MCKINNEY, Mr. SMITH of New Jersey, Mr. FALEOMAVAEGA, Mr. LANTOS, Mr. ACKERMAN, Ms. NORTON, Mr. PORTER, Ms. PELOSI, Ms. WATERS, Mr. BROWN of Ohio, Mr. OLVER, Mr. MANTON, Mr. SHAYS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. DELAURO, Mr. FILNER, and Mr. CLAY):

H.R. 1786. A bill to impose sanctions against Nigeria, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Banking and Financial Services, Transportation and Infrastructure, 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 Mr. SAXTON (for himself, Mr. ABERCROMBIE, Mr. YOUNG of Alaska, Mr. MILLER of California, Mr. BOEHLERT, Mr. COOK, Mr. CUNNINGHAM, Mr. EHLERS, Mr. FALEOMAVAEGA, Mr. FRANKS of New Jersey, Mr. GILCHREST, Mr. GREENWOOD, Mr. HINCHEY, Mrs. KELLY, Mrs. MORELLA, Mr. OLVER, Mr. PALLONE, Mr. UPTON, and Mr. TRAFICANT):

H.R. 1787. A bill to assist in the conservation of Asian elephants by supporting and providing financial resources of the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants; to the Committee on Resources, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mrs. MINK of Hawaii, Ms. CHRISTIAN-GREEN, Mr. LAFALCE, Mr. KANJORSKI, Mrs. MALONEY of New York, Mrs. MORELLA, Mr. NADLER, Ms. NORTON, Ms. PELOSI, Mr. STARK, Mr. TOWNS, Ms. WATERS, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 1788. A bill to amend the Public Health Service Act to ensure adequate research and education regarding the drug DES; to the Committee on Commerce.

By Mr. STENHOLM:

H.R. 1789. A bill to reauthorize the dairy indemnity program; to the Committee on Agriculture.

By Mr. TAUZIN:

H.R. 1790. A bill to amend title 28, United States Code, to create two divisions in the Eastern Judicial District of Louisiana; to the Committee on the Judiciary.

By Mr. WEYGAND:

H.R. 1791. A bill to amend the Internal Revenue Code of 1986 to expand the opportunity to deduct expenses with respect to home offices at which administrative and managerial functions are carried out on a consistent basis; to the Committee on Ways and Means.

H.R. 1792. A bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct the full cost of their health insurance; to the Committee on Ways and Means.

By Mr. WISE:

H.R. 1793. A bill to suspend temporarily the duty on Pyrithiobac Sodium; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SHERMAN introduced a bill (H.R. 1794) for the relief of Mai Hoa "Jasmine" Salehi; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. PASCRELL.

H.R. 68: Mr. TALENT.

H.R. 96: Mr. DEFAZIO, Mr. WISE, and Ms. BROWN of Florida.

H.R. 122: Mr. TAYLOR of Mississippi, Mr. NEUMANN, and Mr. WELDON of Florida.

H.R. 127: Mr. ETHERIDGE, Ms. DEGETTE, and Mr. ALLEN.

H.R. 135: Mr. BECERRA, Mr. COOKSEY, Mr. LANTOS, and Mr. HORN.

H.R. 145: Ms. LOFGREN, Mr. ROEMER, Mr. WEYGAND, Mr. HASTINGS of Florida, Mr. TOWNS, Mr. OLVER, Mr. TURNER, Mr. SABO, Mrs. JOHNSON of Connecticut, Mr. CLAY, Mr. MARTINEZ, and Ms. PELOSI.

H.R. 165: Mr. SCARBOROUGH.

H.R. 168: Ms. WOOLSEY.

H.R. 169: Mr. SHUSTER.

H.R. 216: Mrs. MCCARTHY of New York.

H.R. 304: Mrs. KENNELLY of Connecticut, Mr. MCNULTY, and Ms. LOFGREN.

H.R. 306: Mr. MILLER of California and Mr. CLAY.

H.R. 320: Mr. SMITH of New Jersey.

H.R. 367: Mr. COBLE.

H.R. 399: Ms. NORTON.

H.R. 411: Ms. HOOLEY of Oregon.

H.R. 446: Mr. CANADY of Florida and Mr. BLILEY.

H.R. 475: Mr. HAMILTON, Mr. CHAMBLISS, Mr. CLYBURN, Mr. GOODLING, Ms. JACKSON-LEE, and Mr. SCHUMER.

H.R. 479: Mrs. NORTHUP.

H.R. 521: Mr. KLECZKA, Mr. MEEHAN, Mr. DICKEY, Ms. DEGETTE, and Mr. BOYD.

H.R. 530: Mrs. MYRICK.

H.R. 532: Mr. FROST and Mr. CALVERT.

H.R. 622: Mr. SHADEGG and Mr. SPENCE.

H.R. 641: Mr. HALL of Texas.

H.R. 659: Mrs. CUBIN, Mr. RAMSTAD, Mr. FOX of Pennsylvania, Mr. EHRLICH, Mr. POMBO, and Mr. SHIMKUS.

H.R. 695: Ms. DUNN of Washington and Ms. CHRISTIAN-GREEN.

H.R. 712: Mr. OLVER, Mr. RUSH, Ms. CHRISTIAN-GREEN, Mr. FROST, and Mr. GUTIERREZ.

H.R. 725: Mr. BONILLA.

H.R. 754: Mr. SANDERS.

H.R. 774: Mr. JOHNSON of Wisconsin.

H.R. 789: Mr. FRELINGHUYSEN.

H.R. 815: Mr. BLAGOJEVICH, Mr. BARCIA of Michigan, Mr. SABO, Mr. ALLEN, MR. BROWN of California, and Mr. PORTER.

H.R. 816: Mr. TAYLOR of Mississippi.

H.R. 849: Mr. MILLER of Florida, Mr. BAKER, and Mr. WATTS of Oklahoma.

H.R. 859: Mr. CALLAHAN.

H.R. 869: Mr. WALSH.

H.R. 885: Mr. CLAY.

H.R. 887: Mr. CLAY.

H.R. 915: Mr. CAPPS, Ms. DEGETTE, Mr. NADLER, Mr. PASCRELL, Mr. FRANK of Massachusetts, Mr. WISE, Mr. SKAGGS, Mr. HOLDEN,

Mr. TIERNEY, Mr. GEJDENSON, Ms. FURSE, Mrs. MCCARTHY of New York, Mr. SANDERS, Mr. KLINK, and Mr. RIGGS.

H.R. 921: Mr. TAYLOR of Mississippi, Mrs. KELLY, Mr. BEREUTER, Mr. CANADY of Florida, Ms. STABENOW, Mr. FROST, Ms. SLAUGHTER, and Ms. LOFGREN.

H.R. 953: Mr. MILLER of California.

H.R. 955: Mr. BOB SCHAFFER and Mr. FROST.

H.R. 961: Mr. KOLBE, Mr. HAYWORTH, Mr. MORAN of Kansas, Mr. SHADEGG, Mr. STUMP, Mr. WATKINS, and Mr. WATTS of Oklahoma.

H.R. 986: Mr. PAUL, Mr. NORWOOD, Mr. HAYWORTH, and Mr. BALLENGER.

H.R. 992: Mr. BARCIA of Michigan, Mr. HALL of Texas, Mr. PICKETT, Mr. CANADY of Florida, and Mr. TURNER.

H.R. 1010: Mr. BOEHLERT.

H.R. 1025: Mr. ADAM SMITH of Washington.

H.R. 1026: Ms. LOFGREN.

H.R. 1031: Mr. MANTON, Mr. BURTON of Indiana, Mr. HANSEN, and Mr. KOLBE.

H.R. 1037: Mr. COLLINS.

H.R. 1054: Ms. DUNN of Washington, Mr. CANNON, and Mr. GILLMOR.

H.R. 1060: Mr. BACHUS, Mr. SANDLIN, Mr. NUSSLE, Mr. MCGOVERN, Mr. PAUL, Ms. LOFGREN, and Mr. RAHALL.

H.R. 1114: Ms. LOFGREN and Mr. GUTIERREZ.

H.R. 1115: Ms. SLAUGHTER, Mr. WATT of North Carolina, and Mr. RUSH.

H.R. 1124: Mr. FORBES.

H.R. 1134: Mrs. FOWLER and Mr. CRAPO.

H.R. 1140: Mr. GOODE.

H.R. 1168: Mr. HILLEARY, Ms. DANNER, Mr. HERGER, and Mr. HASTINGS of Washington.

H.R. 1175: Mr. CONDIT and Mr. DREIER.

H.R. 1203: Mr. BONILLA.

H.R. 1206: Ms. KAPTUR.

H.R. 1246: Mrs. EMERSON, Mr. METCALF, and Ms. SLAUGHTER.

H.R. 1248: Mr. MURTHA.

H.R. 1260: Ms. WATERS, Mr. STRICKLAND, Mr. DOOLITTLE, Mr. STOKES, Mr. TURNER, Mr. LUCAS of Oklahoma, Mr. CLAY, and Ms. JACKSON-LEE.

H.R. 1270: Mr. KINGSTON, Mr. JONES, Mr. HILLIARD, Mr. DAVIS of Virginia, and Mr. OXLEY.

H.R. 1283: Mr. BLUNT, Mr. MORAN of Virginia, Mr. BILBRAY, Mrs. MYRICK, and Mr. HAYWORTH.

H.R. 1296: Mr. NADLER and Mr. SMITH of New Jersey.

H.R. 1311: Mr. RUSH and Mr. TOWNS.

H.R. 1315: Mr. HILLEARY, Mr. WAMP, Mr. GORDON, and Mr. FORD.

H.R. 1323: Mrs. MORELLA.

H.R. 1327: Mr. RYUN and Mr. BACHUS.

H.R. 1329: Mr. HALL of Texas and Mr. MARTINEZ.

H.R. 1334: Ms. CARSON, Ms. JACKSON-LEE, and Ms. CHRISTIAN-GREEN.

H.R. 1335: Mr. BECERRA and Mr. ROTHMAN.

H.R. 1348: Mr. DIAZ-BALART, Mr. UNDERWOOD, Mr. BAKER, Mr. ROHRABACHER, and Mr. SISISKY.

H.R. 1356: Mrs. EMERSON, Mr. WATKINS, Mr. FROST, and Mr. LUCAS of Oklahoma.

H.R. 1357: Mrs. EMERSON, Mr. WATKINS, Mr. GOODE, Mr. FROST, and Mr. LUCAS of Oklahoma.

H.R. 1373: Mr. WEYGAND, Mr. GEJDENSON, Ms. LOFGREN, Mr. FROST, Mr. FILNER, Mr. FORD, Mrs. CLAYTON, Mr. TIERNEY, Mr. DELLUMS, Ms. PELOSI, and Ms. SLAUGHTER.

H.R. 1379: Mr. TALENT.

H.R. 1382: Mr. FILNER and Mr. GEJDENSON.

H.R. 1398: Mr. LINDER.

H.R. 1401: Mr. DAN SCHAEFER of Colorado.

H.R. 1425: Mr. YATES.

H.R. 1434: Mr. CUNNINGHAM and Ms. CHRISTIAN-GREEN.

H.R. 1462: Ms. KAPTUR.

H.R. 1532: Mr. WALSH, Mr. FAZIO of California, and Mr. GALLEGLY.

H.R. 1559: Mr. BAKER, Mr. GILMAN, and Mr. TALENT.

H.R. 1573: Mr. SHAYS, Mr. GORDON, Mr. RUSH, Mr. TOWNS, Mr. DELAHUNT, Mr. HILLIARD, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. CLYBURN.

H.R. 1576: Mr. HORN.

H.R. 1591: Mr. DAN SCHAEFER of Colorado and Mr. CAMPBELL.

H.R. 1609: Mr. MASCARA, Mr. HOLDEN, Mr. KANJORSKI, Mr. KLINK, Mr. DOYLE, Mr. FATTAH, Mr. MCHALE, Mr. MURTHA, Mr. COYNE, and Mr. FOGLIETTA.

H.R. 1683: Mrs. JOHNSON of Connecticut.

H.R. 1689: Mr. SHIMKUS.

H.R. 1696: Mr. POMBO.

H.R. 1712: Mr. HASTERT.

H.R. 1715: Mr. PARKER, Mr. COMBEST, Mr. SMITH of Texas, and Mr. BROWN of Ohio.

H.R. 1716: Mr. ROTHMAN and Mr. BENTSEN.

H.R. 1743: Mr. RIGGS, Mr. BONO, Mrs. NORTHUP, and Mr. CALVERT.

H.J. Res. 54: Mr. REDMOND.

H.J. Res. 78: Mr. HASTERT, Mr. HULSHOF, Mr. EHLERS, Mr. HEFNER, Mr. SOUDER, Mr. BOEHNER, and Mr. MANZULLO.

H.J. Res. 79: Mr. FORBES, Mr. KENNEDY of Rhode Island, and Mr. KASICH.

H. Con. Res. 54: Mr. PORTER.

H. Con. Res. 65: Mr. HOUGHTON and Ms. MOLINARI.

H. Con. Res. 81: Mr. GEKAS, Ms. ROS-LEHTINEN, Mr. PAPPAS, Mrs. MORELLA, Mr. OBEY, Mrs. LOWEY, Mr. PALLONE, Mr. WAMP, Mr. KENNEDY of Rhode Island, Mr. TORRES, Mr. ACKERMAN, Mr. MCNULTY, Mr. SHERMAN, Mr. BONIOR, Mr. BROWN of Ohio, Ms. PELOSI, and Ms. FURSE.

H. Con. Res. 88: Mr. GALLEGLY.

H. Res. 37: Mr. MCDERMOTT.

H. Res. 131: Mr. WYNN, Mr. STARK, Mr. UNDERWOOD, and Ms. WATERS.

H. Res. 138: Mr. ADAM SMITH of Washington.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1757

OFFERED BY: MS. BROWN OF FLORIDA

AMENDMENT NO. 5: At the end of title XVII insert the following new section:

"SEC. 1717. SENSE OF CONGRESS CONCERNING THE RIGHTS OF PRISONERS IN ANDEAN COUNTRIES.

"(a) FINDINGS.—The Congress makes the following findings:

"(1) Several American prisoners have spent years in Ecuadorian prisons on drug-related offenses without having received a trial.

"(2) The prisoners include James Williams, a United States citizen who has been held for 9 months without any findings, and Sandra Chase, who has been held for more than 18 months and has never seen a judge.

"(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Governments of the Andean countries of Peru, Ecuador, Bolivia, Columbia, and Venezuela, should respect the rights of prisoners, including United States citizens, to timely legal procedures and abide by international standards of due process."

H.R. 1757

OFFERED BY: MR. PALLONE

AMENDMENT NO. 6: At the end of title XVII (relating to foreign policy provisions) insert the following new section:

"SEC. 1717. SENSE OF CONGRESS REGARDING THE NAGORNO-KARABAGH CONFLICT.

"(a) SENSE OF CONGRESS.—It is the sense of Congress that—

"(1) the United States should take a greater leadership role in working for a negotiated settlement of the Nagorno-Karabagh conflict; and

"(2) the Secretary of State should consider the participation of the United States as a co-chair of the OSCE's Minsk Group a priority of the Department of State; and

"(3) the United States reaffirms its neutrality in the conflict.

"(b) CONGRESSIONAL STATEMENT.—The Congress urges the President and the Secretary of State to encourage direct talks between the parties to the Nagorno-Karabagh conflict."

EXTENSIONS OF REMARKS

AMERICA'S HONG KONG

HON. MICHAEL P. FORBES
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. FORBES. Mr. Speaker, I would like to encourage my colleagues to read an article entitled "America's Hong Kong" in the current edition of the American Enterprise, the journal of the pestigious American Enterprise Institute. In the May/June edition, Ronald Bailey provides an indepth analysis of his recent fact-finding trip to the Commonwealth of the Northern Mariana Islands [CNMI].

Bailey recounts the history of the islands, which were the scene of some of the heaviest fighting during World War II. As he explains, it took more than 25 days of fierce fighting for the United States to secure the islands from Japan at a cost of more than 3,000 American casualties and more than 30,000 Japanese defenders.

He explains that after the war, the poor and underdeveloped islands were administered by the U.S. military until 1975 when a covenant was negotiated with the United States that established CNMI as a "self-governing entity under the sovereignty of the United States."

Until the covenant, Bailey points out that the islands "were an impoverished ward living off meager Federal handouts." By the mid-1980's, a series of factors "converged to create a remarkable economic boom."

Bailey refers to the Marianas as "a true free-market success story."

He details the growth of the economy, increases in per capita GDP, and the drop in unemployment from 15 to 4 percent. The economic growth enabled the government to reduce tax rates.

We can learn from their example. It is worth stressing that even though tax rates were cut, CNMI government revenue increased from $5 million in 1978 to $220 million in 1996. As a result, U.S. contributions to their government operation ended in 1992.

Bailey also addresses the charges of labor abuses and concedes that these existed, but that local officials were working to improve conditions. He cities Gov. Froilan Tenorio to the effect those who abuse workers "are being investigated, prosecuted and convicted of crimes or administrative violations."

Mr. Speaker, there are some in this body and this administration who believe that they can manage the islands better from Washington. Bailey responds by quoting the Governor's simple plea: "Don't permit Washington to micromanage us or impose its policies and theories on us. Don't send us back to the old cycle of dependency on Federal handouts."

I agree with this approach and hope that this article will serve to shed new light on how this American commonwealth has prospered and reduced its dependence upon the Federal bureaucracy.

AMERICA'S HONG KONG

The Commonwealth of the Northern Mariana Islands (CNMI) is a chain of 14 tiny islands directly north of Guam in the western Pacific. The island of Saipan is home to 90 percent of the commonwealth's population. For centuries, Spain administered the islands as colonial possessions; then they were sold to Germany and eventually handed over to Japan after World War I.

As the Second World War approached, the Japanese fortified the islands. U.S. troops invaded Saipan on June 15, 1944. It took 25 days of fierce fighting to secure the island at a cost of more than 3,000 dead American soldiers and more than 30,000 dead Japanese defenders. The islands are still littered with the debris of the battles: rotting gun emplacements, Japanese command posts and bunkers, rusting armored vehicles. Of the many war memorials that dot Saipan, the most sobering is at Suicide Cliff. From that precipice, hundreds of Japanese men, women, and children jumped several hundred feet to their deaths rather than surrender to the American invaders.

After the war, the poor and undeveloped islands were administered by the U.S. military, which closed them to outsiders because of a very elaborate, secret CIA covert operations base on Saipan. In the 1970s, this sleepy tropical backwater began to negotiate a new status with the United States. This eventually resulted in a 1975 covenant that established the Commonwealth of the Northern Mariana Islands as a self-governing entity under the sovereignty of the United States. The relationship is made clear on island license plates, which proudly read "CNMI USA."

Essentially, the locals became U.S. citizens, but without the right to vote in presidential elections, and without federal income taxes. Although most federal laws apply, the covenant reserved some crucial areas to the control of the CNMI government, including minimum wage rates, immigration rules, and customs. In 1978, the islands established a democratically elected bicameral legislature with a Senate and a House of Representatives, an executive branch headed by a governor, and an independent judiciary.

Until the covenant, the Mariana Islands were an impoverished ward living off meager federal government handouts. In 1970, the 1,000 or so indigenous people who were employed had annual wages totaling $1.5 million, and the largest employer was the Trust Territory government. In 1970, the total number of hotel rooms in the islands was 83.

Even after the covenant, full economic takeoff had to wait for the conferring of American citizenship on CNMI residents to be finalized by various bureaucrats. But by 1986, three factors—the stability assured by affiliation with the United States; the opening of air service to Japan; and the abandonment of restrictions on foreign investment—converged to create a remarkable economic boom. A tourist flood resulted—the number of hotel rooms rose from 740 accommodating 117,000 visitors who spent $59 million in 1980, to 3,600 rooms for 650,000 tourists who spent $522 million in 1995. The second pillar of the CNMI economic miracle in the garment industry. It rose from essentially nothing in 1985 to a $419 million business in 1995. Total gross commercial revenue in the islands has grown from $244 million in 1985 to $1.5 billion in 1994.

What I found on a recent fact-finding trip to the Marianas was a true free-market success story. The economy grew at 13 percent per year from 1980 to '90, and per-capita GDP quadrupled from $2,400 to $10,000. Unemployment dropped from 15 percent to 4 percent. In addition, the Commonwealth slashed income taxes by 90 percent, cut capital gains taxes to half the U.S. rate, reduced excise taxes, and eliminated import duties. There are no inheritance, property, or sales taxes on the islands. Meanwhile, CNMI government revenues have increased from $5 million in 1978 to $220 million in 1996, and the U.S. contribution to government operations ended entirely in 1992.

The flood of private investment in the Marianas soon ran up against a dilemma. There were not enough local people to fill the new jobs being created. The solution was hiring thousands of temporary "guestworkers."

Under the covenant, the CNMI has complete control over immigration. The hotels, garment factories, and construction firms currently employ 29,000 guestworkers, and guestworkers make up nearly half of the islands' population of 60,000. Some 20,000 of the nonresident workers are Filipinos, while 7,000 are from mainland China.

"If you look at a map, you will see that we are the first tropical beach immediately south of Japan, Korea, Taiwan, and the China coast. 'This means that we have enormous potential to reap the benefits of our geographic location. But we cannot achieve that potential with our tiny local population alone," says CNMI Governor Froilan Tenorio, "What kind of investment climate do you think we will have if I have to tell a prospective investor, 'Sorry, we can't supply enough local manpower, and the federal government won't let us bring in any more foreign workers?'"

The Government's question is not merely a rhetorical one. Pushed by U.S. labor unions—who are upset by the prospect of a laissez-faire, loose wage, low-tax economic model blossoming under American sponsorship—and emboldened by instances of guestworkers being cheated and mistreated, the Clinton administration is threatening to clamp down on this mini-Hong Kong.

Allen Stayman, Director of the Office of Insular Affairs in the U.S. Department of the Interior, has threatened to rake control of immigration and wage policy away from the CNMI government. Clinton officials "are firmly convinced that a gradual increase in the CNMI wage rate and the eventual full application of the Fair Labor Standards Act would benefit the economy," testified Stayman this past February in support of a bill that would force up CNMI minimum wages, Governor Tenorio, on the other hand, argued in his own House testimony that all such federal intervention will do "is ruin our economy. . .and assure that our Commonwealth will remain permanently dependent on federal assistance."

The irony is that these interventions are being proposed just when other Pacific territories are jealously eyeing the CNMI's humming economy. One hundred twenty miles to the south, Guam is trying to negotiate a covenant with the U.S. similar to the one the CNMI has, in which Guam would gain control over immigration and labor regulations. And even as Clinton administration officials attack the CNMI, they have had a change of heart that leaves them looking favorably at Guam's request. Why? In February, the Washington Post reported that Guam got the attention of the Clintonites after Governor Carl Gurierrez raised and delivered nearly $900,000 in combined contributions to the Clinton-Gore re-election campaign and the Democratic National Committee. These handsome campaign contributions made the citizens of Guam, who cannot vote in U.S. elections, the biggest donors to the Democratic Party per capita of any part of the U.S. Governor Gutierrez has met with President Clinton in person twice since making the contributions.

Maybe the CNMI missed a bet. If Governor Tenorio had hosted a fundraiser for Clinton, and then flown to the White House for a coffee date, he might not be facing today's threat to the common-wealth's right to direct it own economy.

Certainly there are problems in the CNMI. One is a large local bureaucracy. The 1997 budget shows that nearly 4,600 of the 27,500 U.S. citizens on the islands work for the government. The islands' long period of federal dependency fed cultural attitudes that are found all too often in poor countries around the world today. "Our people were enticed out of the fields and fishing boats and into desk jobs where they were taught that working for the government was the road to riches and that other people would do the dirty work," Governor Tenorio testified at a recent Congressional hearing. "Worse, we were inculcated with a welfare mentality. Uncle Sam paid the bills and cleaned up the messes, and we came to rely on that."

When I suggested to one government official on my recent visit that too many locals were working for the government, he answered: "Well, they're not trained for anything else. If we didn't pay them to work for the government, they'd be on welfare." A tourist boat captain joked to me that the traditional Marianas' greeting, "Hafa Adai," really means "half a day," which is all that an islander wants to work. Several other locals proudly cited the claim that islanders consume more Budweiser per capita than any other people in the world. Anheuser-Busch has twice sent out a vice-president to see what is going on.

There is also little question but that some guestworkers have been mistreated. Government officials do not deny this, and say they are making new officers to enforce contracts and apply existing labor standards. "Employers and others who abuse our guestworkers are no better than common criminals," testified Tenorio on Capitol Hill. "They are being investigated, prosecuted, and convicted of crimes or administrative violations."

The Governor argues "It would be impossible to understand how [federal agencies] could possibly do a better job in the CNMI than we are now doing." Taking over Immigration control and raising minimum wages would only destroy economic opportunities and hurt employees and employers alike. The current minimum in CNMI garment factories, $2.90 per hour, is already more than ten times the average wage in mainland China, which the *New York Times* has recently reported to be 28 cents per hour. The overwhelming majority of CNMI guest workers request that their labor contracts be renewed upon expiration. Governor Tenorio's summary plea to Congress is a simple one: "Don't permit Washington to micro-manage us or impose its policies and theories on us. Don't send us back to the old cycle of dependency on federal handouts."

IN HONOR OF RETIRING TEACHERS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. KUCINICH. Mr. Speaker, teaching our children is one of the Nation's most important tasks. The professionals who devote their career to it are worthy of our highest praise.

Let us commemorate the careers of two fine teachers from Cleveland's public schools: Carolyn Harrison and Artha Mae Vincent.

Carolyn Harrison devoted 30 years of service to the Cleveland public schools where she taught social studies to hundreds of students and taught elementary school to many children. A mother, grandmother and great grandmother, Carolyn also found time to be active in her church and to serve on the mayor's parent involvement committee.

Artha Mae Vincent served Cleveland's parents and children for 30 years as a science teacher. She also served as the department chairperson at Wilbur Wright Middle School and was a winner of the Martha Holden Jennings Scholar. She was also active in her church, volunteered her time generously, and raised a family.

Thirty years of service to the cause of instructing America's youth is a landmark achievement. Mr. Speaker, we honor its attainment by two fine teachers from Cleveland. They retire with our unending gratitude and appreciation.

EXPERTS NOTE IMPORTANCE OF BURDEN SHARING

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, rollcall recently put out a very useful supplement on the question of America's defense. One of the articles, written by two very well informed defense specialists, Michael O'Hanlon and William Durch, makes an important point which is often left out of discussions of how much America should be spending on the military. Much of what America spends on the military is essential for our national security. But a significant part—tens of billions per year I believe—is spent as an active international charity. That is, the United States continues to subsidize our wealthy European and East Asian allies, in a pattern which made sense when it began in the late 1940's after World War II, but no longer has any real justification. In the closing paragraphs of their report, the authors note that "those who argue for greater international burden sharing have a point: The United States does do more than its fair share today." And they go on to state, in what should be the central point of our defense budget debates, "it is time to start asking our major allies, especially the wealthy and well established democracies of Western Europe, to do their fair share."

These authors fully understand the importance of a strong national defense, and the point they make is that we could make considerable savings for the U.S. taxpayers in ways that would have no negative effect whatsoever on our national security or international objectives, simply by ending the unjustified policy of subsidy of the wealthy which is an unfortunate continuing part of our military spending. I am inserting the relevant part of their article here:

BEYOND QDR

At a more general level, those who argue for greater international burdensharing have a point: The United States does do more than its fair share today.

Not only in backstopping difficult peace operations, but in maintaining its forces from Korea to the Taiwan Straits to the Persian Gulf to Bosnia, the United States undertakes activities and maintains stability in a way that no other state can rival. It also spends a considerably higher share of its GDP doing so than most allies devote to their militaries—roughly 3.5 percent of the GDP in this country, versus an average of just more than 2 percent among the NATO allies and just over one percent in Japan.

Some of these costs and risks ought to be reallocated. For starters, US dues for U.N. peacekeeping should be reduced through negotiation with other countries. But that is not enough. Perhaps the most serious flaw of the QDR is that it lets the major allies off the hook. They have no role in US war plans under the Bottom-Up Review, and apparently will have no role under the QDR's assumptions either. That is partly because we cannot dictate political decisions to our allies about when to fight. But it is also because they have not done enough to equip their forces for the types of wars that are most likely in this post-Cold War era.

It is time to start asking our major allies, especially the wealthy and well-established democracies of Western Europe, to do their fair share. They should buy military airlift and sealift, more logistics capabilities like trucks, and other assets that would help them help us fight the next war in a place like Southwest Asia.

Though depending heavily on imported oil, they provided only one-tenth as many forces to Desert Storm as the United States—and could probably not do even that well today.

Overall, the Pentagon, has done a passable job with the defense review. Give the generals and Cohen a solid B. But rough spots remain—and plenty of defense challenges await lawmakers on Capitol Hill in the months and years ahead.

High on the list are implementing the recommendations of the ODR, further scrutinizing weapons modernization programs, finding money for unforeseeable needs like peace operations, and pressing our wealthy allies to reshape their policies and force structures for the post-Cold War world.

IN HONOR OF MR. AND MRS. CACCIAPAGLIA

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to and congratulate Frank and Kitty Cacciapaglia, a couple who have been helping to build and improve our community for many years. June 14, 1997, marks the 50th wedding anniversary for Frank and Kitty Cacciapaglia. The couple were married in Staunton, VA, before moving to northern Virginia, where they raised their five children.

During the couples first years of marriage, Frank was a chemist at the Food and Drug Administration. In 1955, he started at the Patent Office and served in numerous special assignments, including Primary Examiner of the Patent Drug Division, an Administrative Assistant to the President's Commission on the Patent System, Director of the Patent Office Speaker's Bureau, Executive Secretary of the Commerce Technical Advisory Board, and the Chairman of the Com-Sci Fellowship. Frank is also an active member of the Phi Alpha Delta Law Fraternity.

During the 50 years of their marriage, Frank and Kitty have witnessed the growth of northern Virginia from a sleepy bedroom community of the early 1950's to the large urban metropolis it is today. As a successful realtor, Kitty has watched and participated in the growth of our region. She has been an active member of her community by participating in many clubs and activities. She was a member of the Northern Virginia Board of Realtors for 17 years. Kitty has also been active in politics, serving as a member of the local Republican Women's Club.

Today, Frank and Kitty are the proud parents of 5 children and 10 grandchildren. They are enjoying their retirement years by wintering in Indialantic, FL, while maintaining their residence in Ravenwood Park, near Seven Corners in Fairfax County. They also spend a great deal of their time traveling and visiting with their children and grandchildren.

Mr. Speaker, I know my colleagues join me, their neighbors, family and friends in wishing Frank and Kitty Cacciapaglia, Jr., a happy 50th anniversary as the Cacciapaglias celebrates their special day on June 14, 1997.

TRIBUTE TO ELINOR AND RANDOLPH GUGGENHEIMER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a respectful tribute to Elinor and Randolph Guggenheimer on the occasion of their 65th wedding anniversary. The Guggenheimers are graciously sharing their milestone this evening at a reception hosted by the Council of Senior Centers and Services of New York City, Inc. [CSCS]. Elly and Randolph have both devoted their lives to helping others and making New York City a better place to live.

Elly has spent most of her life volunteering her services to people of all ages and walks of life. She has played a significant role in improving many teenage girl's educations through her work with the Educational Alliance. Women have benefited from the organizations Elly has founded, including the National Women's Political Caucus, the New York Women's Forum, the National Women's Forum, the International Forum, and the New York Women's Agenda. Families have been afforded more options because of the Day Care Council of New York, the Day Care and Child Development Council of America, and the Child Care Action Campaign, all of which Elly founded.

Elly has also been a vocal advocate for the Jewish and elderly communities through her trustee position at the Federation of Jewish Philanthropies, her founding of the Jewish Association for Services for the Aged and through CSCS, as founder and former executive director. Among her many other achievements, Elly has been commissioner of consumer affairs of New York City, a television anchor, and a member of the City Planning Commission.

Randolph's contributions are equally impressive. He was almost solely responsible for the creation of the North General Hospital. Later, as chairman of the hospital's board, Randolph fought to save the troubled hospital from financial ruin. He has remained chairman of the board of the hospital, helping it survive and provide essential health care to the Harlem community. His leadership at the hospital also enabled the construction of a much-needed new medical facility at North General.

Randolph has dedicated his time to a variety of other philanthropic organizations and led a distinguished legal and military career. He is also the former chairman of the board of Mills College of Education and the Westchester Symphony Orchestra.

Mr. Speaker, I ask that my colleagues rise and join me in paying tribute to Elinor and Randolph Guggenheimer on their 65th wedding anniversary. The Guggenheimers are a couple whose dedication to each other and to the organizations they have founded and supported over the years should serve as a model of commitment to us all.

INTRODUCTION OF THE INTERNATIONAL TAX SIMPLICATION FOR AMERICAN COMPETITIVENESS ACT

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. HOUGHTON. Mr. Speaker, I am joined by my colleague, Mr. LEVIN in introducing legislation to simplify and reform our current international tax laws. As all of you know, we are in a period of fundamental re-examination of the Internal Revenue Code. One of the most complicated and impenetrable areas of the Code and most in need of change is the foreign area. Our international trade laws have gotten ahead of our tax laws for this area. We consider our bill to be a down payment on needed changes in this area.

The focus of the legislation is to put some rationalization to the international tax area. In general, the bill seeks in modest but important ways to: (1) simplify this overly complex area, especially the foreign tax credit and the various antideferral mechanism; (2) encourage exports; (3) provide incentives for performance of R&D in the U.S.; (4) enhance U.S. competitiveness in other industrialized countries. And it seeks to achieve these objectives in a revenue-conscious manner.

For some period of time, the Committee on Ways and Means has been considering issues relating to international competitiveness and proper taxation of U.S. based multinational corporations. In 1991, the committee held 10 days of public hearings on the issues: international competitiveness including tax, trade, education, technology and other important issues affecting the nation's ability to compete internationally.

In 1992, two former members of the Ways and Means Committee, Messrs. Rostenkowski and Gradison, introduced H.R. 5270. It attempted to address many of the same issues included in our bill. More recently, the Department of Treasury introduced a new tax simplification package which included provisions similar to those contained in our legislation.

Now as we begin the process of re-examining in fundamental ways our income tax system, we believe it imperative to address the area of international taxation. In an Internal Revenue Code stuffed with eye-glazing complexity, there is probably no area that contains as many difficult and complicated rules as international taxation.

Neither one of us is under any illusion that the measure which we introduced removes all complexity or breaks bold new conceptual ground. We believe, however, that the enactment of this legislation would be a significant step in the right direction. The legislation would enhance the ability of America to continue to be the preeminent economic force in the world. If our economy is to continue to create jobs for its citizens, we must ensure that the foreign provisions of the U.S. income tax law do not stand in the way.

The law as now constituted frustrates the legitimate goals and objectives of American business and erects artificial and unnecessary barriers to U.S. competitiveness. In addition, the law stands as a monument to the fact that the conceptual complexity of man as applied to the Internal Revenue Code knows no limits. Neither the largest U.S. based multinational companies nor the Internal Revenue Service is in a position to administer and interpret the mind numbing complexity of many of the foreign provisions. Why not then move toward creating a set of international tax rules which taxpayers can understand, and the government can administer?

In summary, therefore the proposed changes we believe represent a creditable package and a down payment on further reform in the international tax area. We ask you to join us, in this bipartisan effort, by supporting our legislation.

A TRIBUTE TO MEADOWS ELEMENTARY SCHOOL

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to recognize excellence in education and to congratulate Meadows Elementary School as a U.S. Department of Education Blue Ribbon School.

The Blue Ribbon Schools Program is an outstanding program which challenges schools across the Nation to rise up and meet the educational goals of the 21st century. In order to qualify, schools must demonstrate clear leadership, high quality teaching, a solid commitment to parental involvement, and finally, evidence that the school helps all students to achieve high standards.

Meadows Elementary has not only achieved but has surpassed these goals. At Meadows teachers and students view themselves as a community of learners taking every opportunity to turn a problem into a chance to excel. It is this dedication to the true ideals of learning that I honor Meadows Elementary School.

Meadows Elementary is successful today largely because of the dedication of its parents and teachers. Every day teachers begin the school day before any other school in the district so that they can, have time to share ideas and train one another. Parents provide additional support in whatever form that they can, be it at home or school. One weekend several parents and teachers volunteered their time to help wire the school so that every classroom could have internet access. It is that extra effort to strive for scholastic achievement which has made Meadows a Blue Ribbon School.

I join the parents, teachers, staff, and students of Meadows Elementary and the city of Thousand Oaks in recognizing Meadows Elementary for its contributions toward teaching and the development of future leaders for our Nation. As a Blue Ribbon School, Meadows Elementary stands as an example for other schools in our community and our Nation.

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. BALLENGER. Mr. Speaker, had I been present for rollcall votes 137 and 138 on May 16, 1997, I would have voted "no" on rollcall vote 137, an amendment to separate the Summer Youth Employment Program from the Disadvantaged Youth Block Grant Program included in the bill. I would have voted "yea" on rollcall vote 138, a vote on final passage of the Employment, Training, and Literacy Enhancement Act of 1997. As a cosponsor of this legislation, I support this program consolidation measure.

IN MEMORY OF BRIDGET SWEENEY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor the memory of Bridget Sweeney, an active citizen and participant in the political process, wife and mother.

Bridget was born in Carrickmacross, County Monaghan, Ireland. She came to the United States after graduating from high school in 1930. She worked as a domestic servant during the Depression. Later, she worked as a customer service representative for the Cleveland Division of Water.

Bridget was active in Cleveland's civic life. She made countless telephone calls, handed out reams of leaflets, and spoke with scores of her peers to promote a better community.

She raised three children and worked to elect her son, State Senator Patrick Sweeney of Cleveland.

She also volunteered with her church, St. Ignatius. She was a member of the Altar and Rosary Society, as well as the St. Ignatius Citizens Group.

Bridget leaves behind eight grandchildren and three great-grandchildren. We will all miss her.

THE PRESIDENT'S GRADUATION REMARKS AT WEST POINT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. GILMAN. Mr. Speaker, last weekend I had the honor and privilege of welcoming the President of the United States to the graduation ceremony at our Nation's military academy at West Point, NY, just outside of my congressional district.

The President's graduation remarks to the 896 graduates of the West Point class of 1997 was an inspirational and encouraging clarion call to our Nation's military leaders of tomorrow.

Many of us especially welcomed the President's underscoring the importance of NATO expansion, an issue which I have championed for many years because it will help ensure not only our Nation's own security, but also that of our allies and those nations struggling to achieve democracy.

Mr. Speaker, I welcome this opportunity to insert the President's remarks in full at this point in the RECORD:

REMARKS BY THE PRESIDENT AT THE U.S. MILITARY ACADEMY COMMENCEMENT

The President: Thank you very much. Please be seated, relax. Thank you, General Christman, for those kind introductory remarks and for your truly extraordinary service to your nation throughout your military career. Here at West Point, and before, when we had more opportunities to work together on a daily basis, I have constantly admired your dedication and your ability.

General Reimer, Secretary West, Senator Reed, Chairman Gilman, Congressman Shimkus, Congresswoman Kelly, Congressman Sessions, former Congressman Bilbray, parents and families and friends of the cadets, and especially, to the Class of 1997, I extend my heartfelt congratulations.

This has been a truly remarkable class. As General Christman said, you wrote an unparalleled record of academic achievement in the classroom. I congratulate you all, and particularly your number one honor graduate and valedictorian, Adam Ake. Congratulations to all of you on your accomplishments. (Applause.)

Now, General Christman also outlined the extraordinary accomplishments of your athletic teams, and he mentioned that I had the privilege of seeing Army win its first 10-win season in football and reclaim the Commander in Chiefs Trophy in Philadelphia. And he thanked me for that. But, actually, as a lifelong football fan, I deserve no thanks. It was a terrific game, and I'm quite sure it was the first time in the field of any endeavor of conflict where the Army defeated the navy not on land, but on water. (Laughter and applause.)

I know that in spite of all of your achievements as a class and in teams, a few of you also upheld West Point's enduring tradition of independence. It began in 1796 when President Adams' War Department ordered the first classes in fortification. And the troops here thought they already knew all about that, so they burned the classroom to the ground, postponing the start of instruction by five years. (Laughter.)

Today, I am reliably informed that though your spirits are equably high, your infractions are more modest. Therefore, I hereby exercise my prerogative to grant amnesty for minor offenses to the Corps of Cadets. (Applause.) The cheering was a little disconcerting—now, the operative word there was "minor." (Laughter.)

Men and women of the Class of '97, today you join the Long Gray Line, the Long Gray Line that stretches across two centuries of unstinting devotion to America and the freedom that is our greatest treasure. From the defense of Fort Erie in the War of 1812 to the fury of Antietam, from the trenches of Argonne to the Anzio in Okinawa, to Heartbreak Ridge, the Mekong Delta, the fiery dessert of the Gulf War, the officers of West Point have served and sacrificed for our nation.

In just the four years since I last spoke here, your graduates have helped to restore democracy to Haiti, to save hundreds of thousands of lives from genocide and famine in Rwanda, to end the bloodshed in Bosnia. Throughout our history, whenever duty called, the men and women of West Point have never failed us. And I speak for all Americans when I say, I know you never will.

I'd like to say a special word of appreciation to West Point and a special word of congratulations to the students in this class from other countries. We welcome you here; we are proud to have you as a part of our military service tradition. And we wish you well as you go back home. We hope you, too, can advance freedom's cause, for in the 21st century that is something we must do together.

Two days ago I returned from Europe on a mission to look back to one of the proudest chapters in America's history and to look forward to the history we all will seek to shape for our children and grandchildren. This week is the 50th anniversary of the Marshall Plan, what Winston Churchill described as the most unsordid act in all history.

In 1947, Americans, exhausted by war and anxious to get on with their lives at home, were summoned to embrace another leadership role by a generation of remarkable leaders—General George Marshall, Senator Arthur Vandenberg, President Harry Truman—leaders who knew there could be no lasting peace and security for an America that withdrew behind its borders and withdrew from the world and its responsibilities. They provided the indispensable leadership to create the Marshall Plan, NATO, and the first global financial institutions. They, in effect, organized America and our allies to meet the challenges of their time—to build unparalleled prosperity, to stand firm against Soviet expansionism until the light of freedom shown all across Europe.

The second purpose of my journey was inextricably tied to the first. It was to look to the future, to the possibility of achieving what Marshall's generation could only dream of—a democratic, peaceful and undivided Europe for the first time in all of history; and to the necessity of America and its allies once again organizing ourselves to meet the challenges of our time, to secure peace and prosperity for the next 50 years and beyond.

To build and secure a new Europe, peaceful, democratic and undivided at last, there must be a new NATO, with new missions, new members and new partners. We have been building that kind of NATO for the last three years with new partners in the Partnership for Peace and NATO's first out-of-area mission in Bosnia. In Paris last week, we took another giant stride forward when Russia entered a new partnership with NATO, choosing cooperation over confrontation, as both sides affirmed that the world is different now. European security is no longer a zero-sum contest between Russia and NATO; but a cherished, common goal.

In a little more than a month, I will join with other NATO leaders in Madrid to invite the first of Europe's new democracies in Central Europe to join our Alliance, with the consent of the Senate, by 1999—the 50th anniversary of NATO's founding.

I firmly believe NATO enlargement is in our national interests. But because it is not without cost and risk, it is appropriate to have an open, full, national discussion before proceeding. I want to further that discussion here today in no small measure because it is especially important to those of you in this class. For, after all, as the sentinels of our security in the years ahead, your work will be easier and safer if we do the right thing—and riskier and much more difficult if we do not.

Europe's fate and America's future are joined. Twice in half a century, Americans have given their lives to defend liberty and peace in world wars that began in Europe. And we have stayed in Europe in very large numbers for a long time throughout the Cold War. Taking wise steps now to strengthen our common security when we have the opportunity to do so will help to build a future without the mistakes and the divisions of the past, and will enable us to organize ourselves to meet the new security challenges of the new century. In this task, NATO should be our sharpest sword and strongest shield.

Some say we no longer need NATO because there is no powerful threat to our security now. I say there is no powerful threat in part because NATO is there. And enlargement will help make it stronger.

I believe we should take in new members to NATO for four reasons. First, it will strengthen our Alliance in meeting the security challenges of the 21st century, addressing conflicts that threaten the common peace of all.

Consider Bosnia—already the Czech Republic, Poland, Romania, the Baltic nations and other Central European countries are contributing troops and bases to NATO's peacekeeping mission in Bosnia. We in the United Sates could not have deployed our troops to Bosnia as safely, smoothly and swiftly as we did without the help of Hungary and our staging ground at Taszar, which I personally visited. The new democracies we invite to join NATO are ready and able to share the burdens of defending freedom in no small measure because they know the cost of losing freedom.

Second, NATO enlargement will help to secure the historic gains of democracy in Europe. NATO can do for Europe's East what it did for Europe's West at the end of World War II—provide a secure climate where freedom, democracy and prosperity can flourish. Joining NATO once helped Italy, Germany and Spain to consolidate their democracies. Now the opening of NATO's doors has led the Central European nations already—already—to deepen democratic reform, to strengthen civilian control of their military, to open their economies. Membership and its future prospect will give them the confidence to stay the course.

Third, enlarging NATO will encourage prospective members to resolve their differences peacefully. We see all over the world the terrible curse of people who are imprisoned by their own ethnic, regional and nationalist hatreds, who rob themselves and their children of the lives they might have because of their primitive, destructive impulses that they cannot control.

When he signed the NATO Treaty in 1949, President Truman said that if NATO had simply existed in 1914 or 1939, it would have prevented the world wars that tore the world apart. The experience of the last 50 years supports that view. NATO helped to reconcile age-old adversaries like France and Germany, how fast friends and allies; and clearly has reduced tensions between Greece and Turkey over all these decades. Already the very prospect of NATO membership has helped to convince countries in Central Europe to settle more than half a dozen border and ethnic disputes, any one of which could have led to future conflicts. That, in turn, makes it less likely that you will ever be called to fight in another war across the Atlantic. (Applause.)

Fourth, enlarging NATO, along with its Partnership for Peace with many other nations and its special agreement with Russia and its soon-to-be-signed partnership with Ukraine, will erase the artificial line in Europe that Stalin drew, and bring Europe together in security, not keep it apart in instability.

NATO expansion does not mean a differently divided Europe. It is part of unifying Europe. NATO's first members should not be its last. NATO's doors will remain open to all those willing and able to shoulder the responsibilities of membership, and we must continue to strengthen our partnerships with non-members.

Now, let me be clear to all of you, these benefits are not cost- or risk-free. Enlargement will require the United States to pay an estimated $200 million a year for the next decade. Our allies in Canada and Western Europe are prepared to do their part; so are NATO's new members. So must we.

More important, enlargement requires that we extend to new members our Alliance's most solemn security pledge, to treat an attack against one as an attack against all. We have always made the pledge credible through the deployment of our troops and the deterrence of our nuclear weapons. In the years ahead, it means that you could be asked to put your lives on the line for a new NATO member, just as today you can be called upon to defend the freedom of our allies in Western Europe.

In leading NATO over the past three years to open its doors to Europe's new democracies, I weighed these costs very carefully. I concluded that the benefits of enlargement, strengthening NATO for the future, locking in democracy's gains in Central Europe, building stability across the Atlantic, uniting Europe, not dividing it—these gains decisively outweigh the burdens. The bottom line to me is clear: Expanding NATO will enhance our security. It is the right thing to do. We must not fail history's challenge at this moment to build a Europe peaceful, democratic, and undivided, allied with us to face the new security threats of the new century. A Europe that will avoid repeating the darkest moments of the 20th century and fulfill the brilliant possibilities of the 21st.

This vision for a new Europe is central to our larger security strategy, which you will be called upon to implement and enforce. But our agenda must go beyond it because, with all of our power and wealth, we are living in a world in which increasingly our influence depends upon our recognizing that our future is interdependent with other nations, and we must work with them all across the globe; because we see the threats we face tomorrow will cross national boundaries. They are amplified by modern technology, communication, and travel. They must be faced by like-minded nations, working together. Whether we're talking about terrorism, the proliferation of weapons of mass destruction, or environmental degradation.

Therefore, we must pursue five other objectives. First, we must build a community of Asia Pacific nations bound by a common commitment to stability and prosperity. We fought three wars in Asia in half a century; Asia's stability affects our peace, and Asia's explosive growth affects our prosperity. That's why we've strengthened our security ties to Japan and Korea, why we now meet every year with the Asian Pacific leaders, why we must work with and not isolate ourselves from China.

One of the great questions that will define the future for your generation of Americans is how China will define its own greatness as a nation. We have worked with China because we believe it is important to cooperate in ways that will shape the definition of that great nation in positive, not negative, ways. We need not agree with China on all issues to maintain normal trade relations, but we do need normal trade relations to have a chance of eventually reaching agreement with China on matters of vital importance to America and the world.

Second, we are building coalitions across the world to confront these new security threats that know no borders: weapons proliferation, terrorism, drug trafficking, environmental degradation. We have to lead in constructing global arrangements that provide us the tools to deal with these common threats: the Chemical Weapons Convention, the Nonproliferation Treaty, the Comprehensive Test Ban Treaty, and our efforts to further reduce nuclear weapons with Russia.

Now our great task is also to build these kinds of arrangements fighting terrorism, drug traffickers and organized crime. Three

weeks from now in Denver I will use the summit of the eight leading nations to press this agenda.

The third thing we have to do is to build an open trading system. Our security is tied to the stake other nations have in the prosperity of staying free and open and working with others, not working against them. In no small measure because of the trade agreements we have negotiated, we have not only regained our position as the world's number one exporter, we have increased our influence in ways that are good for our security. To continue that progress it is important that I have the authority to conclude smart, new market-opening agreements that every President in 20 years has had.

Some of our fellow Americans do not believe that the President should have this authority anymore; they believe that somehow the global economy presents a threat to us—but I believe it's here to say, and I think the evidence is that Americans, just as we can have the world's strongest and best military, we have the strongest and best economy in the world—the American people can outwork and out-compete anyone given a free and fair chance. (Applause.)

Not only that, but this is about more than money and jobs. This is about security. The world, especially our democratic neighbors to the south of us, are looking to us. if we don't build economic bridges to them, someone else will. We must make it clear that America supports free people and fair, open trade.

Fourth, we have to embrace our role as the decisive force for peace. You cannot and you should not go everywhere. But when our values and interests are at stake, our mission is crystal clear and achievable—America should stand with our allies around the world who seek to bring peace and prevent slaughter. From the Middle East to Bosnia, from Haiti to Northern Ireland, we have worked to contain conflict, to support peace, to give children a brighter future, and it has enhanced our security.

Finally, we have to have the tools to do these jobs. Those are the most powerful and best-trained military in the world and a fully funded diplomacy to minimize the chances that military force will be necessary.

The long-term defense plan we have just completed will increase your readiness, capabilities, and technological edge. In a world of persistent dangers, you must and you will be able to dominate the conflicts of the future as you did the battlefields of the past.

Fifty-five years ago, in the early days of World War II, General George Marshall, the man we honored this week, spoke here at your commencement about the need to organize our nation for the ordeal of war. He said, we are determined that before the sun sets on this terrible struggle, our flag will be recognized as a symbol of freedom on the one hand and of overwhelming power on the other.

Today, our flag of freedom and power flies higher than ever, but because our nation stands at the pinnacle of its power, it also stands at the pinnacle of its responsibility. Therefore, as you carry our flag into this new era, we must organize ourselves to meet the challenges of the next 50 years. We must shape the peace for a new and better century about to dawn so that you can give your children and your grandchildren the America and the world they deserve.

God bless you and God bless America. (Applause.)

TRIBUTE TO GIRL SCOUT JUNIOR/CADETTE TROOP 659

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. BASS. Mr. Speaker, I rise today to pay tribute to Girl Scout Junior/Cadette Troop 659 of Lebanon, NH. On April 23, 1997, as part of their trip to our Nation's Capital, the girls of Troop 659 performed their Girl Scout American Flag Ceremony for me in my office in the Cannon House Office Building. These girls and their leaders, Suzi Madison and Mary Ames, represented their town, State, and country with the respect and class that the Girl Scout laws strive to uphold. Hence, I respectfully request that the copy of their ceremony, with the girls' names, be placed into the CONGRESSIONAL RECORD.

GIRL SCOUT AMERICAN FLAG CEREMONY

Anne Friedman: Red for Valor—For the courage of all women who, with a dream in their hearts, crossed the ocean to begin life anew in a free land. For the bravery of women who, with hope and faith, crossed the prairie and mountains of our vast land. For the steadfastness of these women who, through all adversities, shouldered the country's burdens to emerge as strong individuals. (Places red stripes into pot)

Sarah Ames: White for Purity—For the integrity of all women whose fortitude wove the strands of diverse cultures into an integral national heritage. For the piety of all women whose faith formed the foundation upon which our country was built and continues to grow. (Places white stripes into pot)

Kate Polito: Blue for Justice—For the foresight of all those women who created an atmosphere in which each of their children would develop to their fullest potential. For the perseverance of all those women who contributed their talents to further the development of our country. (Places blue rectangle into pot)

Elaine Morlock: Stars for Dreams—For the dreams of the future so that the generations of tomorrow may fulfill the promise of the past 200 plus years; so that the visions of our forebears will be revitalized and the future will hold hope and promise for all generations to come. (Places white stars into pot)

Lea McBain: Stirring are the stories of my stars and stripes. I symbolize the soul of America, typifying her ideals and aspirations, her institutions and traditions. (Stirs pot with spoon)

Christie Wentworth: (Pulls flag out from pot) This flag, which we honor and under which we serve, is the emblem of our unity, our power, thought and purpose as a nation. Please join us in saying the Pledge of Allegiance.

Holding pot: Crissa Owen.

Humming "America, the Beautiful" in the background were: Nicole Dolloph, Jessi Madison, and Nia Perkins.

FAITH AND LOVE MINISTRIES

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. PACKARD. Mr. Speaker, in March, I became a member of the Renewal Alliance, a group of 28 Congressmen and Senators committed to promoting local volunteer-driven, faith-based solutions to problems associated with poverty and cultural decline. While at home in California for Memorial Day recess, I was able to further my efforts with the Renewal Alliance by joining forces with Faith and Love Ministries, a volunteer group that networks with several churches in my district to feed impoverished families while helping them regain self-sufficiency.

I served meals to needy families in the community because I believe that there are no limits to what a caring community can do to touch lives. Faith and Love Ministries in Vista, CA, is a wonderful example of what can result from a compassionate heart and a helping hand.

Mr. Speaker, Washington simply never had an answer or replacement for the family, community, or church. For 30 years, we have watched poverty rates rise and the quality of life decline, despite billions of Federal dollars and hundreds of programs. We must now refocus and empower families, churches, and community groups to heal broken spirits and restore hope.

Faith and Love Ministries is powered by volunteers from several local religious organizations and depends entirely on donated surplus foods and other items to meet the needs of the community. Last year, the group provided over 36,000 hot meals, as well as job-assistance, laundry service, haircuts, and showers to several hundred. This year, their food pantry is experiencing severe shortages which threaten the operation.

Mr. Speaker, many of us think of can-drives and other charitable causes only around the holidays. Unfortunately, hunger is a yearlong problem. Most groups that serve the needy, including Faith and Love Ministries, find themselves short on donations and volunteers through the long summer months. If we are going to heed Gen. Colin Powell's call in Philadelphia to become active in volunteering and serving others, this is where it must begin.

CONGRATULATIONS ON AN OUTSTANDING JOB BY LOUISVILLE MALE HIGH SCHOOL IN THE WE THE PEOPLE CONTEST

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mrs. NORTHUP. Mr. Speaker, on April 26–28, 1997 the We the People . . . The Citizen and the Constitution national finals were held here in Washington. More than 50 classes were represented by high schools around the Nation, and I would like to take this time to congratulate Louisville's Male High School on their outstanding job. These students showed a remarkable understanding of fundamental ideas and values of American constitutional government. The recognition of Male High School's accomplishments is a vital one, because it is important we encourage constitutional understanding in our Nation's schools.

Louisville Male High School teacher Sandy Hoover, brought to Washington the amazing

talent of students: Alexander Cherise, Jessika Berry, Ryan Bigg, Matt Blanford, Christine Bowman, Carrie Cahill, Yvette Clay, Samantha Cline, Amy Elzy, Candice Faulkner, Crystal Haynes, Lisa Knight, Tia Mitchell, Trivis Newman, Katherine O'Niel, Emily Pittard, Tyra Redus, Dara Shirley, John Sponcil, Zach Storer, Kieth Thomson, Joyce Walker, Scott Walker, and Angie Wielage.

They are to be congratulated on a job well done.

IN HONOR OF DAVID LYNCH

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to one of northern Virginia's outstanding citizens, David Lynch. David is retiring after 50 years of Federal service to the U.S. Marine Corps and the Postal Service.

David Joined the U.S. Marine Corps in January 1947 and served 21 years in posts throughout the world including China, Korea, Vietnam, the Mediterranean region, and Puerto Rico. He served in the Korean war at Inchon where he was awarded the Navy Commendation Medal with Combat V recognition. Dave's entire military career was with the Fleet Marine Force except for his one tour of duty at Marine Corps Headquarters. He retired from the Marines in December 1967 and settled in the Woodbridge area.

Dave is a longtime resident of Dale City and has been very active in his community. In 1968 Dave joined the U.S. Postal Service as a letter carrier. He took this position because it allowed him to keep in close contact with the people in his community. The greatest testimony to his friendliness is exemplified by the children of Dale City. When Dave appears on his route, children rush to greet him with, "Hi, Mr. Sunshine." During his time as a letter carrier Dave has helped rescue small puppies from storm drains, helped lost children find their way home, and has fortunately not been bitten by a dog.

One of Dave's most spectacular achievements is the Safety Program. As the Safety Chairman, Dave transformed the program to one of the best working offices in Virginia. He spent much of his own personal time bringing the program to the local elementary schools where he demonstrated the importance of safety in our community by inviting fire marshals and police in for safety lectures, as well as providing helpful literature to the elementary schoolchildren.

Dave has been an active member in many veteran organizations such as the American Legion Post, Veterans of Foreign Wars, and the Marine Corps League. In 1977, he was appointed the National Deputy Chief of Staff of the Veterans of Foreign Wars. During the past 3 years, he conducted a highly successful Santa Letter Writing Program that won a national award from the Veterans of Foreign Wars. The program has grown to such proportions that it was turned over to the Salvation Army this past year. Dave is the founder of the Potomac Region Veteran's Council and was chairman for 2 years. He was instrumental in having a county park and road, the Veterans Memorial Park and Drive in Woodbridge, VA, named after veterans to honor their service to this Nation. In 1975, Dave was awarded the George Dalby Trophy as the outstanding veteran for the Commonwealth of Virginia.

Dave's two most outstanding accomplishments were his State and district support of the new National Cemetery at Quantico, VA, and his efforts for the continued support of funding to the Rehabilitation Center for Alcoholics at Lorton.

Dave has been instrumental in the growth of the Woodbridge community. He was influential in the planning and construction of the Dale City Recreation Center, a $1.2 million project dedicated to the youth of Dale City. Dave was also a key player in planning the successful preservation of the old court house site, Brentsville, Cedar Run, Grayson's Monument, and Lee Monument.

David Lynch is a remarkable man whose contributions to his community and his country as a leader and volunteer have made a great difference. I know my colleagues join me in honoring this outstanding man.

IN MEMORY OF "DR. JOHN" ELEFTERAKIS, M.D.

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. SCHUMER. Mr. Speaker, I rise today, with a heavy heart, to ask my colleagues to join me in honoring the memory of Dr. John Elefterakis, a father, friend, and healer.

"Dr. John," as he was known to family, friends, and patients, was much too young when he was taken from our midst. However, I do not wish to stand here today and be sad for his passing; instead I would like to celebrate a life so richly lived and shared with others.

Dr. John came from humble beginnings, a son of immigrants, he quickly learned to work hard for a good life. He excelled in school, played sports and participated in a variety of clubs and other extracurricular activities in his academic days. As always, Dr. John quickly rose to the top.

Following his interest in science, he attended City College Center for Biomedical Education. He later went on to New York Medical School in Valhalla and graduated in 1982. He completed his rotations in local hospitals such as Lincoln, St. Vincent's, Metropolitan, Cabrini, and Lenox Hill. That next year he was accepted into the Lutheran Medical Center, completed his internship and became a permanent resident physician. Five years later, he opened his own medical offices, the Gerritsen Beach Medical Plaza on Gerritsen Avenue.

His commitment to the well-being of others extended well beyond the examination room. He was known to have generously donated of his time and his services to school football teams, religious groups, and scout troops; he worked with youngsters through the DARE organization. For 12 years he was the medical director of the Gerritsen Beach Volunteer Fire Department. And, he had a healthy passion for the Knicks which he shared with many of his patients.

He was the classic small-town doctor, who still made house calls. To borrow the words of another, he was a caring, straight forward, and down-to-earth individual. He knew the importance of a few kind words, a tender touch, and loving understanding. Sometimes that was all that was needed.

I ask my colleagues to join me today to posthumously honor Dr. John for living a rich, rewarding, and full life. For his generosity and bedside manner made him a favored son in the community. I, too, will miss you, Dr. John; thank you for showing us how to make use of our time here on earth wisely. Your legacy will live on in the hearts and minds of those fortunate individuals who had the chance to know you.

COMMEMORATING THE EIGHTH ANNIVERSARY OF THE TIANANMEN SQUARE MASSACRE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. SMITH of New Jersey. Mr. Speaker, today we commemorate the eighth anniversary of the massacre in Tiananmen Square, and the task of people who believe in truth and justice is more difficult than ever before.

Eight years ago, the world watched in horror as the Chinese military, under the direction of General Chi Haotian, rolled into Tiananmen Square and gunned down thousands of people—young and old—who had gathered in the Square, the heart of China, to peacefully seek reform and greater freedoms from their government. In minutes, the hopes and dreams of people the world over united in solidarity with the Tiananmen Square protesters were destroyed, and millions stood in disbelief that any government could unleash such terror on its people while the world watched.

I am sure that Chinese Government officials believed that, in time, the world would forget what happened in the early hours of June 4, 1989. But the spirit of those thousands who died there lives on. Their blood cries out so that we will not forget. Our hearts still ache for the dead, the injured, the arrested. Mr. Speaker, the world has not forgotten the martyrs of Tiananmen Square.

But there is something going on now that would be even more tragic than forgetting the Tiananmen Square Massacre and those who gave their lives on that day 8 years ago.

Now, the Chinese Government does not want us to forget this event happened, it wants us to believe that it never happened—that thousands of peaceful young people were not shot down in cold blood, that hundreds more were not injured. The Chinese Government wants us to believe that what we witnessed, what has been reported by observers, is a fabrication. A big lie. That instead of innocent students who were attacked, it was the People's Liberation Army which was under attack and on the defense.

The Butcher of Beijing, Gen. Chi Haotian, who ordered the troops into Tiananmen Square, and who is ultimately responsible for every death, every injury, every arrest, is now the Defense Minister of China. Just 6 months ago, this man was the honored guest of the Clinton administration—meeting with the President, given full military honors, and addressing top U.S. military officials.

The civilized world was stunned during his visit when General Chi told us that "not a single person lost his life in Tiananmen Square" and that the People's Liberation Army did nothing more violent than the "pushing" of "hooligans."

But, Mr. Speaker, we know the truth. We know that thousands died and more were injured. Witnesses have told of the horrors as people died standing up for freedom, democratic reform, and human rights.

Mr. Speaker, today is not enough for us to just remember. We must raise our voices so that the lives and deaths of those martyred in Tiananmen Square will not be erased.

The memory of those who died 8 years ago must burn in our hearts not just today but every day. We must not allow their deaths to be in vain. We must not allow the deeds of evil people to be rewarded and their lies to go unchallenged.

Mr. Speaker, today, we stand as one, to remember the courage of those who gave their lives in Tiananmen Square, and to commit ourselves to continue working together to carry on their dreams to bring about a free and democratic China.

STATEMENTS BY TIM BLAIS, JOSEPH BOUSQUET, AND KEITH McMANIS, MONTPELIER HIGH SCHOOL REGARDING DOMESTIC AFFAIRS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by high school students from Montpelier High School in Vermont, who were speaking at my recent town meeting on issues facing young people.

Mr. BLAIS: Congressman SANDERS, in the early days of the Government, debt was considered to be a last resort. The only justification for debt of any kind was by war. In 1849, the Government had $70 million in the bank; after the Civil War we were down to about negative $3 billion. Ever since then it has gone down.

Debt is not really serious compared to the total assets of the country. That is from Congressman PETER STARKE.

Mr. BOUSQUET: Good afternoon, Congressman SANDERS. The remark by Congressman STARKE is not true. $5,403,449,382,255.58 is a problem. This country knows it just as well as I do that this country is in trouble. Although the national debt has gone down in the 1990's, it is still very, very high.

Some of the facts: There are 267,204,471 people roughly in America. The debt increases $722 million everyday. At this rate each citizen's contribution to the debt to make it go away is $222,000.15, and that means a baby, a child and a man, and infant, whatever.

Mr. BLAIS: What we are asking is why is it our responsibility to pay for Government debts and what is Congress doing honestly to bring us out of debt and what is the future for our kids going to be like? From what I have gathered there has been a lot of—I do not how to explain it but there have been many attempts to bring the debt down, and yes, it has gone down some by cutting budgets and whatnot, but in the last roughly 55 years there hasn't been any major decrease in the debt that we have.

Mr. BOUSQUET: It is obviously going down, and I see that. Why cannot we keep on going down and try to get it to a reasonable $50 million or a reasonable $25 million. The debt is still going up but it is not increasing as rapidly. The only possible solution that I can come up with is cutting back on something and it could be a number of things. The budget is divided up into sections, right? One of the highest is armed forces. We need defense, granted, but it is too high, I think, and that is my personal opinion. I do not know the background behind it.

Mr. BLAIS: Well I have to say like Government funding for—I mean, I cannot give you exactly but I know a lot of things that are Government-funded aren't going anywhere and haven't been going anywhere in the last I do not know how many years, and I would take a deep look at what everything is producing and how much money you are giving them and look at it from there.

THE BUDGET

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 28, 1997 into the CONGRESSIONAL RECORD.

THE BALANCED BUDGET: AGREEMENT AND LONG-TERM CHALLENGES

Last week, with my support, Congress approved a budget resolution for fiscal year 1998 which provides a blueprint for how Congress and the President intend to balance the federal budget over the next five fiscal years. The budget resolution reflects the recent budget agreement worked out between the White House and congressional leaders, and marks the first concrete step in enacting a balanced budget. Congress will work over the next several months to make specific changes in law, including spending cuts, tax changes, and entitlement reforms, which will aim to bring the budget into balance by fiscal year 2002.

The budget resolution proposes to balance the budget over five years, while providing a net tax cut of $85 billion. The highlights of the budget plan include $139 billion in cuts in discretionary spending, $170 billion in entitlement spending cutbacks, and $13.2 billion in interest savings. Changes in the Medicare program will ensure the solvency of the hospital fund over the next 10 years. Defense and education spending will rise slightly. The resolution also assumes that $16 billion would be spent over five years to provide health insurance for up to 5 million children who are currently uninsured.

Congress must now work out the details of a balanced budget on several different tracks: discretionary spending, through the 13 annual appropriations bills; entitlement spending, including spending on Medicare and Medicaid; and a separate measure to make changes in tax law. The expectation is that the tax package will include a reduction in the capital gains tax and estate taxes, as well as a child tax credit and a deduction for higher education expenses.

GENERAL ASSESSMENT

I voted for the budget resolution because it provides a reasonable plan for balancing the federal budget in the next five years. A strong economy and two budget agreements in 1990 and 1993 have helped reduce the deficit from a high of $290 billion in the early 1990s to the current level of $70 billion. The recent agreement worked out between the President and Congress will close that gap, provided, of course, that the economy continues to grow.

The plan endorsed by Congress last week provides for an historically modest level of deficit reduction. This year's agreement is expected to reduce the deficit by a total of $204 billion over the next five years. The 1990 agreement, in contrast, produced $593 billion in deficit reduction and the 1993 accord $487 billion.

I do have some concerns with the current plan. First, it does not provide adequate funding for infrastructure. I voted for a substitute measure which would have increased highway and transit funding by $12 billion over five years and provided additional resources to Indiana and other states which receive less than they pay out in federal gas taxes. Unfortunately, the House defeated the amendment by a two vote margin. Second, the budget plan could have achieved balance more quickly if we had deferred or limited the scope of tax changes. Third, the package did not include enforcement mechanisms to ensure that we hit deficit reduction targets each year until the budget is in balance.

LONG-TERM BUDGET CHALLENGES

Most importantly, the budget agreement does not address long-term challenges to the federal budget. There is little in this agreement to avert the spending problems caused by our aging population. Once the Baby Boomers (i.e. those born between 1946 and 1964) start to retire early in the 21st Century, huge demands will be placed on Medicare, Social Security, Medicaid and other entitlement programs, but the budget agreement is silent on these issues. The Medicare reforms in the agreement, for example, would provide a ten-year fix to the Part A (hospital) trust fund. The budget plan makes no changes in the Social Security program, and only minimal changes to Medicaid, the program which pays for much long-term care for the elderly.

The demographic changes facing this country in the next century are staggering. First, the number of elderly Americans will increase very rapidly as Baby Boomers reach retirement age. The Social Security Administration estimates that over the next 35 years the number of people age 65 and older will double. This population change, combined with the fact that people will be living longer, will place strains on federal retirement and health care programs. Federal spending on Social Security and Medicare now constitutes almost 7% of national income. By 2030 those two programs will consume almost 14% of national income.

Second, the growth in the labor force will slow dramatically as the Baby Boomers retire. The Social Security Administration projects that, because of a declining birth rate and other factors, the average rate of

growth of the labor force will slow from the current rate of 1% annually to 0.2% in 2010. This trend is significant because, under the current Medicare and Social Security systems, workers help pay for retiree benefits through payroll and income taxes. With more retirees and fewer workers, the average worker would have to pay significantly more in taxes to maintain the current level of benefits for the average retiree.

The challenge for Congress is to address these problems in the nearterm before they overwhelm the federal budget. There are numerous proposals for reforming entitlement programs. Some have called for raising the retirement age, reducing or means-testing benefits, of limiting cost-of-living adjustments. Others have called for privatizing the Social Security system so that government exposure to future costs is limited. Still others have proposed converting Medicare and Medicaid into managed care systems in an effort to curb costs and limit services.

CONCLUSION

Balancing the federal budget will be an important accomplishment. As the 1990 and 1993 deficit reduction agreements have shown, smaller deficits mean greater private investment, stronger economic growth, and more job creation. The real test will be keeping the budget in balance into the next century. This year's agreement, while providing a short-term fix, does not address the long-term problems associated with an aging population and shrinking workforce. We must now begin to find solutions to these challenges.

TRIBUTE TO KEY LARGO ELEMENTARY AND MIDDLE SCHOOL

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. DEUTSCH. Mr. Speaker, I rise today to congratulate the Key Largo Elementary and Middle School for being selected by the U.S. Department of Education as a 1996–97 Blue Ribbon School Award winner. The Key Largo School was given this prestigious award because of its excellence in preparing our young people for the challenges of the next century. Through the school's strong leadership, ingenuity in teaching, and commitment to the community, the Key Largo School is a model for all elementary and middle schools throughout the State and the Nation.

Located in the Upper Florida Keys, 105 miles from district services in the Lower Keys, the Key Largo School has used their geographical challenges as a way to enhance educational opportunities for the students as well as the community. For more than 20 years, the school has successfully practiced school based management which has encouraged risk taking, accountability, and the management of the entire school budget at the school level.

Today, the school educates 1,293 students from 3 years old to 15 years old providing them with an educational environment that is conducive for productive learning. Among their scholastic accomplishments, this past year Key Largo School scored above average on the Stanford Achievement Test in Reading and Math, scored an average of 3.9 on the Florida Writes Exam with 96 percent of the eighth grade students scoring three or above, and, since 1972, has received consecutive accreditation by the Southern Association of Colleges and Schools. In addition, the school has written and received many large and small grants including a Customer Focused School Grant, Retrofit Grant, Home School Connection Grant, and Learn and Serve Grant. The grants have helped to make the school a model technology school for the district and the State; initiate the research, development and implementation of a block scheduling program; develop a theme based alternative education program for at risk students from grade 4 through 8; and service more than 300 exceptional students ranging with disabilities from pre-school handicapped to severely emotionally disturbed to gifted. The support of the community, business partners, teachers, and parents has been instrumental to the successful learning behaviors of the students at Key Largo Elementary and Middle School.

I commend Key Largo Elementary and Middle School on receiving the distinguished 1996–97 Blue Ribbon School Award. I know that the students and faculty will continue to exceed beyond their scholastic abilities and continue to be a model for schools throughout the country.

IN MEMORY OF HENRIETTA LACKS

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. EHRLICH. Mr. Speaker, I rise today to pay tribute to Henrietta Lacks, a woman whose contributions to medical science and research have gone relatively unnoticed for the past 46 years. Ms. Lacks provided a crucial sample of cells that has furthered our knowledge of medical science and disease prevention, and for this contribution, we are all grateful.

Henrietta Lacks was born in 1920 in Clover, VA. At the age of 23 she moved to Turner's Station, near Baltimore, MD, joining her husband David. She had five children, four of whom—Deborah, David Jr., Lawrence, and Zakariyya—still survive. Ms. Lacks was known as pleasant and smiling, and always willing to lend a helping hand.

After the birth of her fifth child, Ms. Lacks was admitted to the hospital at Johns Hopkins University where she was found to have cervical cancer. Before her death, she donated a tumor biopsy section which became the first human cell line to survive outside the body. This cell line has proven instrumental to medical research.

Due to traditional patient confidentiality requirements, Ms. Lacks was not acknowledged as the donor of the cells. Instead, the donor remained anonymous, and the cell line was known only as the HeLa cells. Under the care of Dr. George O. Gey, the cells flourished due to his innovative methods of preserving them. Dr. Gey went on to cultivate more cells which could be used for a variety of medical research. These cells proved instrumental in polio research, and they helped establish the fields of molecular biology and virology. Henrietta Lacks' cells are still used in research today, more than four decades after her death.

Henrietta Lacks' selfless contribution to the field of medicine has gone without acknowledgment for too long. Her cells made her immortal: through her death, countless others have been saved by the research that was made possible through her cell line. It is for this reason that I extend my deepest thanks to Henrietta Lacks and her family. I sincerely hope her name will also be immortalized as one of courage, hope, and strength, and that due recognition will be given to her role in medicine and science.

THE CELEBRATION OF THE 50TH ANNIVERSARY OF THE PILOT CLUB OF YORK, INC.

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. GOODLING. Mr. Speaker, I would like to congratulate the Pilot Club of York on their 50th anniversary. This international organization, comprised of executive, business, and professional leaders, has worked for many years to improve the quality of life in local communities.

I am proud to say that the York Chapter, chartered on May 2, 1947, has one of the largest memberships. Since 1947, it has truly upheld its motto of "Friendship and Service" through extraordinary service to the York community. The organization has received many local and national awards for their volunteer activities which include sponsoring highway rest stops during the holiday season, financial contributions to the York Hospital, the York County Historical Society, Access York, the Moul Home and the Atkins Halfway House, and the establishment of a scholarship program. Their financial support and commitment to education has enabled 35 young people to attend college and pursue their dreams in fields such as medicine, engineering, and teaching.

On behalf of the residents of the 19th Congressional District, I want to thank each member of the Pilot Club for their years of service toward improving our community and enabling so many individuals access to the American dream. I hope the next 50 years are as fruitful as the past 50.

STATEMENTS BY TOM DOUTHAT AND KEVIN BELANGER, MONTPELIER HIGH SCHOOL REGARDING INTERNATIONAL RELATIONS.

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by high school students from Montpelier High School in Vermont, who were speaking at my recent town meeting on issues facing young people:

Mr. DOUTHAT. I would like to thank you for coming to our school, Congressman Sanders, and we are going to be talking about some of the U.S. drug policies in South America.

Clinton proposed to spend $16 billion this year on the War on Drugs. This figure is up from $10 billion spent during the 1980s over the entire decade. 70 percent of the money spent on drugs is spent on actual prevention and keeping it out of the country, whether that be through South American programs or Border Patrol and 30 percent is spent on drug rehabilitation.

During the Bush Administration he proposed a five-year, $2.2 billion program for Bolivia, Colombia, Ecuador and Peru, and in 1993 he granted $716 million to the South American nations and Mexico as long as they committed themselves to reducing their product production and respect for human rights.

The U.S. also helped to train local police forces in these countries, to dispute drug trafficking and the destroying of cocoa. Also we sponsored their rates in any of these countries.

Although this policy has been in effect for a long time it really hasn't worked in curbing the influx of drugs into this country or the use of them once they are in here, and during this period of time spending has ballooned and the amount of drugs hasn't gone down. Basically, the only thing that this has affected now is there are 400,000 Americans in the jail on drug possession charges and trafficking charges.

Our question is do you think this policy could be used more effectively in the zero tolerance policy or do you think there is a better philosophy in and attacks at curbing drug production and use in the United States if you think that is a significant problem?

Mr. BELANGER. Well we basically got together and when we were talking, actually it was a little bit ago, we were thinking of proposals in which in order to cut the spending that the government could possibly use, so we thought of—we think it might be actually in the process the government is considering this, but we are thinking like what happens, instead of spending like the $16 million—billion I mean, fighting like the so-called War on Drugs and like cutting off the supply from the drugs coming up, maybe the government controlled as in they would—how would you say?

Mr. DOUTHAT. They would sell—the government would be sort of the handler of drugs, sort like methadone clinics but modified more than that, not quite suppliers but something near to that. And we think that is a good idea because really the only thing that our drug policy has affected in the last ten years, it is really gotten a lot of South American drug dealers and drug producers and drug traffickers in this country quite wealthy.

Mr. BELANGER. What we were thinking is if the government was basically like the pharmacist, like if you had any addiction whatsoever, you would go to them and like the government could actually make—I do not know if they would make money off this, so that is one aspect, but they also would lower the street value so that the drug dealers couldn't make a business.

Mr. DOUTHAT. It wouldn't be quite like methadone clinics and it wouldn't be completely medical. If they did also supply drugs to non-addicts it would virtually—for one thing, it would take away the AIDS threat from IV drug users and also it would make it—drugs have been in cultures for as long as humanity has existed, so I really do not think it is realistic to completely curb recreational drug use and it has been shown through prohibition of alcohol and marijuana and other drugs that it just doesn't work.

So I think that the government sponsoring it would make it clean, would make the drugs safer and it would make people who are occasional users, they wouldn't have to be criminals, they would be living much more normal lives.

Mr. BELANGER. Legalize drugs in the form where the government would be your supplier, so it is in a more controlled area, cleaner drugs.

Mr. DOUTHAT. And I think some drugs would have to be treated differently and I think cocaine and crack and heroine especially are the ones that are really addictive would have to be treated differently than the drugs like marijuana.

Mr. BELANGER. And maybe as a suggestion to you and the people you work with, treat like the U.K. and I think it is Denmark hashish bars, stuff like that and Holland has basically testers and like as examples like to see how things have gone over there, and if things have worked well.

EDUCATION STANDARDS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 4, 1997, into the CONGRESSIONAL RECORD.

NATIONAL EDUCATION STANDARDS

Contrary to the grim portrait often painted of American education, I believe we do a reasonably good job of educating our students and preparing them for work. But I also believe we can do better, and so I have had an interest in the debate now building in the country as to whether there should be national education standards for U.S. schoolchildren. Central to this debate is the desire to ensure that our children have the base of knowledge they need to lead productive lives in a competitive workplace.

NATURE OF STANDARDS

Education standards set out what students should be expected to know at certain grade levels. For example, standards for math might say that by the 4th grade students should know how to work with fractions and decimals and by the 8th grade they should know how to apply algebra and geometry to real-world situations.

Most industrialized nations have stringent national academic standards and tests for core academic subjects. The U.S. does not. The U.S. has created some voluntary national education standards, most notably in math. Some states have used them as guidance for setting their own standards. Some 46 states have developed or are in the process of developing challenging standards in the core academic areas. In Indiana, for example, Hoosier students in grades 3, 6, and 10 must take tests measuring their mastery of essential math and English skills. But the standards and testing vary considerably across the country.

CONTROVERSY

To be sure, national standards are a controversial topic. Supporters see them as a way of giving content to national education goals and holding students and teachers accountable. They believe national standards provide a benchmark against which state and local curricula may be judged. They stress that students in every state need to know the same math and English and develop strong reading and problem-solving skills. They point out that U.S. students often score lower on achievement tests than students in other countries, and see standards as a way of encouraging equal opportunity and excellence in education.

Opponents think the national standards would do more harm than good. They think the likely result would not be better schools, but a shallow national curriculum and too large a federal presence in what has been an area of state and local control. They worry about what happens when students or schools fail to meet the standards, and think the states and localities can do a good job in determining what their students should know.

Most of the experts have endorsed the idea of national standards generally, pointing out that the new math standards have shown that standards can be done at the national level without federalizing the educational system. At the same time, the experts are cautious, saying that the standards should steer clear of too many specifics.

My view is that it would probably be useful to have more national standards of what students should be expected to know at given points along the educational path. Student advancement ought to be more or less the same thing in California or Indiana or Mississippi. It is difficult for me to see how we achieve both equity and excellence in education without high standards.

PROCESS

Yet I also realize that the prospect of national education standards makes a lot of people nervous, even if they are voluntary standards. That is why it is critically important that the standards be developed through a credible public process, one that relies heavily on consensus-building.

The standards should be national standards, not standards developed by the federal government. Developing credible national standards is going to take some time. The formulation of the standards should involve not just teachers and educators but members of the public. These standards should be reasonably precise and not too lengthy. They should cover both content and performance, and focus on what students should know so that they are well prepared for subsequent education and careers. They should be scrutinized in public forums and be widely distributed for comment. They will clearly have to be tested and revised as experience with them grows. The success or failure of national standards, quite simply, depends on how they are developed.

In addition, whatever is done, I think state and local officials should be free to adopt these standards as they please, as they set concrete, rigorous standards of what students must learn in basic areas such as math, science, and English. In addition, teachers and schools must remain free to use their own educational methods and their own judgment on how best to achieve the standards. That's the way it ought to be in a country as large and diverse as ours.

LINGERING QUESTIONS

Setting the standards does not by any means resolve all the tough questions, such as whether high standards alone will really increase achievement or whether high standards alone will really increase achievement

or whether in the end states and communities will be committed to sanctions such as holding students back. One question that lingers in any discussion of national standards is how to measure whether the students are meeting the standards. Assessment is a very complex topic, posing questions of cost, equity, and political control. These questions have not all been worked out. But they should not deter us from proceeding with national standards, and I do think the debate over what we expect from our schools is healthy.

CONCLUSION

It will certainly take some time before voluntary national standards are available in every subject area, and it will also take some time before the standards are broadly accepted by school officials, teachers, and parents. But we must push ahead. Such standards clearly have the potential to improve the quality and equity of American education. They can represent a vision of what can be accomplished and can challenge a community or state to create circumstances in every classroom to achieve those standards. They should not be a national curriculum, nor should they imply a standardized education. They should be a goal that permits local administrators and teachers to find ways to achieve the standards. Excellence in education and equal opportunity will not be achieved without high standards.

TRIBUTE TO ARTHUR SOHIKIAN

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. DIXON. Mr. Speaker, I rise today to extend my congratulations and best wishes to Arthur Sohikian, assistant director for government relations for the Los Angeles County Metropolitan Transportation Authority, as he prepares to leave his position to enter the private sector. Many of my colleagues in the House and Senate have had the opportunity to work with Arthur, and know of his intelligence, commitment, and effectiveness.

Arthur has contributed over 10 years of public service to the citizens of Los Angeles County. After working for California Assembly Speaker pro tempore Mike Roos from 1987 through 1991 in both Los Angeles and Sacramento, he began his career in transportation policy with the Southern California Rapid Transit District in Los Angeles. Since 1993, he has been the primary Los Angeles County MTA contact with the administration and Congress, developing legislative strategies and overseeing one of the most ambitious transportation policy and funding programs in the country.

It has been a pleasure to work with Arthur over the past 4 years as he has used his talent, energy, and persistence in advocating for the LACMTA and the residents of Los Angeles County. His knowledge of transportation policy, the political intricacies of transportation decisionmaking, and his commitment in pursuing short-term and long-range legislative objectives in Washington have served the MTA very well. Even in the most difficult circumstances, he has sought to keep Washington informed with an attention to detail and candor that is deeply appreciated. I have no doubt that the qualities that have served Arthur and the MTA so well, will lead to great success.

As he begins this next stage of his professional life, I want to extend my warmest wishes to Arthur, his wife Annee, and his daughter Audrey, as well as my congratulations on last week's birth of their son, Andrew Charles. In recognition of his service to Los Angeles County, I ask my colleagues to join me in commending him for his role in moving the region's transportation priorities forward and wishing him the best in his future endeavors.

RACE UNITY DAY

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. DEUTSCH. Mr. Speaker, there can be no greater cause in the United States of America today than the promotion of unity among the races. Recognition of unity in diversity is the foundation for true and lasting peace in our great country. Race unity is the most challenging issue facing our Nation. Only by achieving it can we aspire to exert moral leadership for peace among Nations.

June 8, 1977 marks the 38th annual observance of Race Unity Day, inaugurated by the National Spiritual Assembly of the Baha'is of the United States. The purpose of Race Unity Day is to focus our attention on the oneness of humankind and to celebrate our unity amidst our diversity. With its diverse ethnic and racial make up, the State of Florida is an excellent location for a state-wide celebration of this day.

The Honorable Lawton Chiles, Governor of the State of Florida, has proclaimed Sunday, June 8, 1977 as Race Unity Day in Florida. Many county commissioners and mayors are signing similar proclamations across the Sunshine State.

We commend the National Spiritual Assembly of the Baha'is of the United States for inaugurating Race Unity Day 38 years ago. We also commend Baha'i communities, throughout Florida and other groups like NAACP in Key West, and Multi-Ethnic Advisory Board of Broward County for initiating and cosponsoring State-wide celebrations of Race Unity Day.

The text of the Proclamation of the Honorable Governor:

Whereas, the United States was founded and peopled by individuals of many different ethnic and racial origins; and

Whereas, our nation's Declaration of Independence articulates the credo upon which our nation was built, that all men and women are created equal; and

Whereas, we live in a world that makes universal peace our first priority if civilization is to survive and advance; and

Whereas, the United States of America has sought to serve as an example to other nations of the world; and

Whereas, the state of Florida has a population which represents highly diverse racial and ethnic backgrounds; and

Whereas, a free people must remain vigilant and mindful of the goals of achieving peace and unity among all peoples; and

Whereas, every individual is like a flower in the garden of humanity:

Now, therefore, I, Lawton Chiles, by virtue of the authority vested in me as Governor of the state of Florida, do hereby proclaim June 8, 1997, as Race Unity Day in Florida with the fervent hope that Americans everywhere will take this time to accept and wholeheartedly celebrate unity in diversity.

IN RECOGNITION OF THE SEVENTH ANNUAL HALL OF FAME DINNER DANCE OF THE PORT WASHINGTON YOUTH ACTIVITIES

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents and the residents of Port Washington as they gather with the members of the Port Washington Youth Activities [PYA] in celebration of their Seventh Annual Hall of Fame Dinner Dance.

The PYA is a volunteer youth organization dedicated to supporting sports programs for youngsters between the ages of 6 and 14. The goal of the organization is to teach children the valuable lessons of leadership and good sportsmanship. Induction into the PYA's Hall of Fame is reserved for those unique and caring individuals who have given so much to the support to the program over the years.

Three most unique and dedicated individuals, Bob Busby, Jack Eaton, and Vinnie Sombrotto will be so honored by induction into the Port Washington Youth Activities Hall of Fame. Bob Busby has been a significant contributor through his service as wrestling coach, commissioner, and director for over 10 years. Jack Eaton has greatly distinguished himself in the role of officer, commissioner, and coach of the baseball and basketball teams. Vinnie Sombrotto is being cited for his athletic achievements in lacrosse at the collegiate and professional levels. Many of his skills and dedication were developed in his active days as a youth in PYA football and lacrosse programs.

Mr. Speaker, I ask my colleagues in the House to join with me and rise to honor these community members for their individual and collective contributions to youth sports and all they embody. They are an excellent reflection upon themselves, their families, their community, and the volunteer spirit of American volunteer groups. They are most deserving of this great honor.

STATEMENT BY KAILEAH CHRISTIE, GAILER SCHOOL, MIDDLEBURY, VT REGARDING DEMOCRACY AND STUDENT PARTICIPATION

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed

in the RECORD this statement by a high school student from Gailer School in Vermont, who was speaking at my recent town meeting on issues facing young people:

Ms. CHRISTIE. Good afternoon, Mr. Sanders. There are many high school students in Vermont between the ages of 14 and 17 who are not receiving the leadership skills they require to become like insightful world citizens in our society. It is required that governments and communities do as much as they possibly can to enhance these skills so that when we do become adults we can be productive.

Our school is the Gailer School in Middlebury and we are a small private school. We have been a member of a group called the Coalition of essential Schools since 1994 and we are the only school in Vermont that is a member. This coalition encourages student leadership. In December I started writing grants on trying to send a group of students from Gailer out to the coalition because they value the student leadership and we have been working with others or we are attempting contacts to work with other schools, but we have not found other schools in Vermont.

Vermont has—I have not noticed in other schools major leadership opportunities available for students. The most leadership I have seen, I was in public school in 7th grade and there was a school government, but majority of the talk was about having more dances or like pizza on Fridays.

And I realize that the Student Congressional Town Meeting is a very good start, it is giving students a chance to come and voice their opinions and make sure they are heard and we need to include more, and I thank you for having this.

An option that I have thought of is there would be one student from each county who could stay in steady contact with you, and that student would talk to other students in their county about issues that are in-house, that affect students, like year-round schooling or drug legalization, any of those issues, and they would report back to you what students think of those issues so that way you would have a better idea of how to represent the issues that deal with students more than parents or more than adults, or so that you can know how to deal with issues that really only affect whomever they affect, as long as they affect students. And I would be willing to develop this idea further and put it into a formal proposal if it is something in which you are interested.

I realize that for many people 14 is a young age, but I am almost 15 and I will soon be an adult, I will be the age of 18. And when those adults are older and retired they are depending on me to be a productive citizen and how can I be a productive citizen if you try and restrain my abilities to succeed as much as I can no matter what my age is.

Our school has a decision-making body called the school forum. In our school forum there are six students, one from each grade, grades 7 through 9, and all of the teachers and faculty. In the forum students have an equal say as the teachers and in a sense we are running the school and it has worked out very well. Whenever there is basically curriculum change, a suggestion as to how we should deal with the disciplinary process to how we should make decisions in the forum, those students in that room at that time have the same say or power as the teachers and they are valued just as much.

I think if you encourage and help students develop those leadership skills then they can run the school with adults, not by themselves.

TRIBUTE TO DR. LESLIE SINGER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. VISCLOSKY. Mr. Speaker, It gives me great pleasure to congratulate Dr. Leslie Singer on receiving the 1997 Indiana University-Northwest Chancellor's Distinguished Service Award. This award was presented to Dr. Singer earlier this spring in recognition of his lifetime of service to Indiana University-Northwest.

An economics professor at Indiana University-Northwest for 43 years, Dr. Singer has made numerous contributions to the fields of financial economics, regional and industrial economics, economic forecasting, and economics of art markets. His ground-breaking scholarly publications in the area of fine arts, for instance, have received world wide recognition and have been cited by numerous scholars. Such publications as The Wall Street Journal and Business News often quote Dr. Singer's opinions and forecast on the prices of fine art. In addition, Dr. Singer has written two economics text books, and has been published in several distinguished journals, including "The American Economic Review," "The Social Science Quarterly," "The Journal of Business Forecasting Systems and Methods," and "The Journal of Cultural Economics."

Through his extensive studies, Dr. Singer has also served to aid Northwest Indiana businesses, as well as Indiana governing bodies, in a variety of capacities. Throughout his career, he has written numerous articles pertaining to the local economy, with a specific emphasis on Northwest Indiana's steel industry. In addition, Dr. Singer participates in the Indiana Economic Outlook panel, which presents a forecast for the Northwest Indiana regional economy each year. Dr. Singer also served as an advisor to the budget committee of the Indiana General Assembly, as well as to the late U.S. Senator, Paul Douglass. Several major corporations and hundreds of local businesses have grown to rely upon Dr. Singer's expertise for location and market analysis.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending Dr. Leslie Singer on his receipt of the 1997 Indiana University-Northwest Chancellor's Distinguished Service Award. His notable achievements in the field of economics have proven to be valuable assets to businesses within Indiana's First Congressional District and across the Nation.

TRIBUTE TO MRS. VATICE WALKER

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. PAYNE. Mr. Speaker, today I would like my colleagues here in the House of Representatives to join me in honoring the accomplishments of an exceptional person, Mrs. Vatice Walker, on the occasion of her retirement.

Mrs. Vatice Walker began her teaching career in Somerset County, MD in September 1959, serving the Maryland school system for 11 years.

Mrs. Walker continued to teach in Maryland until June 1970, at which time she moved to New Jersey. In the ensuing years she was employed as a teacher in New Brunswick and, in recognition of her outstanding ability, received tenure after her first year. Mrs. Walker served the New Brunswick school system for 2 more years, continuing her trend of noteworthy teaching.

Upon leaving New Brunswick, Mrs. Walker became employed by the East Orange School District, where she gave 24 years of dedicated service to the children of East Orange. Mrs. Walker has been involved in a wealth of activities pertaining to staff development and the training of future teachers. Her efforts include, but are certainly not limited to, the demonstration of teaching lessons, peer coaching, and facilitating workshops in classroom management and conflict mediation. In addition, Mrs. Walker has served as mentor for student teachers.

Mrs. Walker has received many accolades during her career as result of her innovative teaching techniques. For 2 consecutive years she was voted Teacher of the Year by her colleagues.

Her love and dedication to the East Orange school system has, undoubtedly, touched the lives of many children. Mrs. Walker is a distinguished professional. I know my colleagues join me in offering our appreciation to Mrs. Walker for her exemplary public service and offer her our best wishes in the coming years.

INTRODUCTION OF THE VOTER EMPOWERMENT ACT

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. DREIER. Mr. Speaker, exactly 1 month from today is the deadline imposed by President Clinton in his State of the Union address for Congress to vote on a campaign finance reform bill. But the reality is that the deadline will come and go with no action taken because the most widely debated proposals, which violate our constitutional right to free speech and protect incumbents by imposing campaign spending limits, are rapidly losing support with each passing day.

It is time to consider new ideas that will enhance, rather than undermine, voter participation in our Federal elections process, and restore public accountability in the campaign process. That is why I have introduced H.R. 1780, the Voter Empowerment Act. It takes a different approach to addressing the problems of our campaign finance system. It will enable voters to make more informed voting decisions by giving them greater access to more campaign information. To this end, the legislation requires all disclosure information to be made available on the Internet, and establishes a disclosure limit for issue advocacy and soft money expenditures.

It also requires the Federal Election Commission [FEC] to facilitate disclosure by mandating electronic filing for individual Federal

candidates, PAC's and national parties within the next 2 years. After the implementation of electronic filing, the FEC would publish an expansive Internet site on the World Wide Web which would contain a separate page for every congressional and Presidential candidate, each PAC, and every national party. A congressional candidate's page, for example, would contain the aggregate contribution and expenditure amounts for the previous and current election cycle. If a candidate received money from a PAC, a link would be available to the PAC's page so that the public could learn more about their goals and beliefs. With the disclosure information freely available in an understandable format on the Internet, Americans will no longer need to rely on special interests and the media to interpret the FEC data for them. And most important, the new information will allow voters to make more informed choices at the polls.

The Voter Empowerment Act will further increase the amount of information that is made available to the public by requiring persons or groups that spend more than $100,000 on specific advertisement to disclose to the FEC within 24 hours the amount of money spent, the type of communication and where it was broadcast or distributed. In 1996, issue advocacy communications inundated the voting public through voter guides and radio/television advertisements. Regrettably, the public had no idea who paid for or published these communications.

During the 1996 election, many of the issue advocacy communications were paid for with soft money contributions, which are not subject to Federal disclosure regulations. Recognizing the need to facilitate disclosure without impeding the free speech rights of contributors, the Voter Empowerment Act contains a disclosure provision for individuals who contribute $250,000 in soft money to national parties. The bill requires individuals who contribute more than a quarter of a million dollars to inform the FEC of that amount, and it requires national parties to disclose to the FEC where the soft money was spent or distributed.

Some of my colleagues, Mr. Speaker, may criticize these two disclosure provisions for either doing too much or too little. Some claim that increased disclosure provisions regarding soft money and issue advocacy communications will restrict an individual's free speech rights. However, . the Supreme Court has upheld reasonable disclosure limitations on campaign expenditures. Furthermore, the limits have been set extraordinarily high so only the largest donors, not grassroots activists or small contributors, would be required to file with the FEC. On the other hand, some may argue that the advent of soft money marks the ruin of our campaign system, so it should be banned. According to the Supreme Court, independent expenditures and soft money must be considered as political speech and deserve to be protected under the first amendment. Therefore, efforts to ban soft money are blatantly unconstitutional.

In addition to facilitating disclosure, the Voter Empowerment Act encourages more individual participation in campaigns by indexing all Federal contribution limits to 1974 dollars. Established in the Federal Election Campaign Act of 1974, the current contribution limits were meant to lower the cost of campaigns and eliminate the advantages of incumbency. However, the opposite has occurred. Between 1974 and 1994, total campaign spending, in constant dollars, by House candidates has nearly tripled, and reelection rates for House incumbents hit an all time high in 1988. By raising the contribution limits, individuals will be able to exercise their right of free speech more effectively and candidates will not be forced to spend a large amount of their time raising campaign funds.

To further encourage increased participation by individuals, the Voter Empowerment Act reinstates the tax credit for individual contributions. Similar to the credit repealed in 1986, individuals would be able to claim a 50-percent tax credit up to $200—$400 for joint filers—if they contribute to a Federal candidate, PAC or national party. The credit would apply to the total contributions for the year.

Encouraging individual contributions to Federal candidates is one of the best ways to eliminate the advantages of incumbency. In a recent study, Dr. Gary Jacobsen, a political science professor who specializes in the American campaign system at the University of California, San Diego, found that the positive effect of increased expenditures on behalf of incumbents was low to nonexistent, while the positive effect of increased challenger spending was enormous. It was no coincidence that, in the last election, all of the incumbent Senators who spent less than the limits set in the so-called McCain-Feingold bill won their races, and the challengers who spent less than the limits lost. Incumbents have free mail privileges, paid staff and the ability to generate press coverage. For challengers, additional campaign contributions are the only equalizer to those inherent advantages.

I would also note, Mr. Speaker, that the FEC has become ineffective in its responsibilities to enforce our campaign finance laws. Frequently, the FEC takes an excessively long time to file a complaint against candidates or parties who violate campaign finance laws.

For example, last month the FEC filed suit against the California Democratic Party for violations of election laws in the 1992 election. Five years after the alleged violations, the FEC is finally getting around to prosecuting those who broke the law. The American public cannot rely on the FEC to prosecute violations 5 years after the fact. Certainly, the FEC cannot turn back the clock and redo the 1992 elections. The FEC can only ask for a monetary fine, which would be a small price to pay for winning the Presidency and two Senate seats.

Many other experts in campaign finance reform have suggested that the FEC is not capable of handling its enforcement authorities. In a 1989 report, common cause suggested, "the best * * * remedy may be to abolish the FEC altogether." While the Voter Empowerment Act does not pursue that goal, it does transfer the FEC's enforcement authority to the Department of Justice. The Attorney General would have the latitude to design and develop the campaign finance enforcement division. The task of establishing a new office to enforce campaign finance laws would not be impossible for the Justice Department. In the past, the Attorney General has been given the responsibility to create new offices within the Department of Justice. Three years ago, she formed a new office comprised of lawyers from different departments to compensate citizens who wwere exposed to nuclear testing.

Without its enforcement powers, the new FEC would be free to focus exclusively on those duties for which it was originally created. That is to facilitate disclosure and providing contribution and expenditure information to voters. With this limited responsibility, my legislation reduces the number of Commissioners from 6 to 2, with their terms staggered and limited to two full terms. In addition, the FEC would be required to work with the Justice Department in the development of new regulations, and would have to publish a compilation of advisory opinions with an index and publish names of candidates and committees who have accepted illegal contributions.

Finally, my legislation eliminates the Presidential Election Campaign Fund and tax checkoff. Thomas Jefferson wrote, "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical." The Presidential Election Campaign Fund forces Americans to give their tax dollars to campaigns which they may not agree, and most Americans have not been supportive of the tax checkoff and campaign fund. Since 1981, the participation in the tax checkoff program has declined quite steadily. The repeal of taxpayer subsidies for Presidential candidates is what the American people want and it is long overdue.

Mr. Speaker, over 50 bills have been introduced to change the campaign finance system in this country. While we all agree that change is necessary and improvements are possible, I believe the Voter Empowerment Act offers a more reasonable approach to improving our campaign finance system without undermining public participation in our electoral process. I urge my colleagues to join with me in cosponsoring this legislation.

DESECRATION OF GOLDEN TEMPLE SHOWS INDIAN DEMOCRACY IS A FRAUD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. TOWNS. Mr. Speaker, I rise today to remember a tragic chapter in history, India's 1984 desecration of the Golden Temple in Amritsar, the highest shrine of the Sikh Nation. From June 3 through June 6 of that year, the Golden Temple and 38 other Sikh temples were subjected to the kind of military assault which would have stirred the world's outrage if it had occurred at the Vatican or Mecca. More than 20,000 Sikhs died at the hands of the Indian regime in these attacks. Yet the world hardly noticed.

On this sad anniversary, the Indian regime maintains police surveillance at the Golden Temple for no purpose other than to harass Sikhs who seek to worship at their holiest

shrine. The newly elected Chief Minister of Punjab, Parkash Singh Badal, promised during his campaign that he would remove this intrusive, authoritarian presence. That pledge has not been carried out. There could be no more appropriate way to observe the anniversary of the Golden Temple massacre than for Chief Minister Badal to reiterate his order to remove the security forces and fire any officials who defy this order. If he cannot or will not do so, then we will be forced to conclude that the Punjab elections were a sham and the new government has no power. This will show that India's repression of the Sikhs in Punjab, Khalistan is just as tight as it ever was.

In this context, the Sikh Nation's demand for freedom is more urgent than ever. As many of us have pointed out, the Sikh Nation declared its independence on October 7, 1987. They called their new country Khalistan. The United States should go on record in support of freedom for Khalistan. If India is truly the democracy it claims to be, it should hold a plebiscite in occupied Khalistan to let the Sikh Nation decide its own political future. It should also end its campaign of ethnic cleansing against the Sikhs and other peoples of South Asia, such as the Muslims of Kashmir, the Christians of Nagaland, the Assamese, Manipuris, Tamils, and the aboriginal people of South Asia, the Dalits—also known as the untouchables.

If India is unwilling to do these few, simple things then it will prove once and for all that all of India's claims that it is the world's largest democracy are a cruel hoax. It will show the world that in reality, India is one of the world's most tyrannical police states.

The United States can and should encourage India to take these steps for freedom in the subcontinent. We can raise our voice on behalf of freedom by declaring our support for an independent Khalistan, cutting off U.S. aid to India, and hitting this repressive regime with an embargo similar to the one that helped bring down apartheid in South Africa. By these modest measures, we can help end the repression in South Asia so that the subcontinent can have a new birth of freedom. That is the best way to ensure peace, prosperity, and stability in this unhappy region. Let us honor the struggle of the Sikh Nation on this terrible anniversary by initiating these policies today.

LET'S HELP AND NOT HINDER SMALL BUSINESS

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. PITTS. Mr. Speaker, during Small Business Week, I stand here to pay tribute to the engines of our economy—those small businesses across the country which provide goods and services—and most importantly jobs—to the American people.

I am here today to implore my colleagues to recognize how small businesses are improving our economy.

And I implore my colleagues to recognize that these job creators are being hassled and regulated by a Federal Government which has no regard for how much small businesses drive this Nation.

Mr. Speaker, small businesses account for 99.7 percent of the Nation's employers.

They employ 53 percent of the private work force, and they contribute 47 percent of all sales in the country.

In fact, small businesses are responsible for 50 percent of the private GDP of this country.

Yet, the small business owners of this Nation face a tax system and regulatory burdens which limit growth and discourage development.

If Government is meant to be the servant of the people, our current tax and regulatory systems are certainly not assisting our Nation's small businesses.

Even with the legislation Congress has passed to help small business get out from under the thumb of the Federal Government, more assaults are now being urged by the Clinton administration.

With such economic and growth potential within small businesses across this country, we should be doing all we can to assist them.

We must act as their servants—instead of hindering their progress.

They need relief from encumbering taxes and from job-killing regulation.

For starters—we could repeal an unfair estate tax which targets the very families and small businesses which are creating employment in their communities.

Because of this tax, millions of small business owners are in jeopardy of losing the businesses which they have spent their entire lives building.

Under this oppressive IRS Code, someone can work a lifetime—and the moment they die, so could all the jobs of the people who work for them.

Mr. Speaker, Ron Hill of Lancaster, PA is an entrepreneur.

He has spent a lifetime building a healthy business and generating jobs.

The state of his company has a direct effect on 35 families.

Is it justifiable that individuals like Ron Hill must worry that when he dies—his family won't be able to pay the hefty estate tax—and so the jobs of his employees will be in jeopardy.

For too long, the estate tax—in order to raise just 1 percent of total Federal revenues—has been burdening the people of this country with the increased cost of capital and stifled economic growth and higher interest rates.

Even though our budget agreement takes a step in the right direction by raising the ceiling on the taxed amount—we should not end there.

If the tax were repealed this year, the Nation's economy would increase by as much as $100 billion over the next 9 years.

This extra capital would also allow an average of 145,000 additional new jobs per year to be created.

Personal income would rise above current projections by an average of $8 billion per year.

Most importantly, small business owners in this country would be encouraged, and not discouraged, as they work hard to pass on an enterprise of value to their children.

We must not stop until this tax is repealed.

Another effort that the Federal Government can undertake to assist small businesses is to keep damaging and unnecessary regulations off their backs.

In November of last year, the Environmental Protection Agency proposed harsh new national Air Quality Standards.

Since then, there has been significant outcry over these regulations.

While the EPA is required to review standards every 5 years, they are not required to change them without sufficient proof of the benefit to public health.

It would be extremely difficult for the EPA to justify an additional $10 billion plus annual price tag for the American people if these new regulations go into effect.

This costly unfunded mandate will force many small businesses to close their doors—small businesses like dry cleaners, bakeries, and printers.

Mr. Speaker, I recently held a forum for small business leaders of the 16th Congressional District.

Small business representatives such as Carol Hess of Lancaster Labs, Andy Cuiffetelli of Custom Casings, and Howard Winey of Martin Limestone—each can tell a story of hardship caused to their growing businesses because of these regulations.

Not only do these companies deal with multiple permits from the Pennsylvania and the Federal Environmental Departments, but expanded regulations mean businesses spend time trying to bend over backwards to comply with Federal regulations.

This translates into an entire year's worth of capital spending which would otherwise go to improving quality and making businesses more competitive.

In the words of Howard Winey of Martin Limestone, "ours is a progressive area and one of the only areas of Pennsylvania that has sustained growth. If our growth is inhibited, everyone suffers."

We cannot afford to do this to our communities.

Yes, we must all support enhancing the quality of life—but this regulation solves no legitimate public health hazard.

These EPA regulations are bad science and bad for business.

Another important workplace issue to small businesses is allowing small business owners to deduct 100 percent of their health insurance costs when they fill out their tax returns.

Start-up and maintenance costs are far and above some of the toughest costs to overcome.

It is patently unfair that large corporations can deduct 100 percent of their share of employees' health-care costs while the self-employed farmer or home business owner can only deduct 40. Even though last year's bill increased the deductibility to 80 percent by 2006, that is not good enough.

Small business owners need a level playing field to assist their growth.

Additionally Mr. Speaker, 14 million Americans now operate home-based businesses.

Because of corporate downsizing, improvements in technology, and a desire to be close to family—individuals choose to work from home.

Tax equity between those who work from home and those who rent office space—and can deduct the costs of renting—is a reasonable request and should be allowed.

Mr. Speaker, I have listed just a few of the regulatory and tax relief measures which could go a long way in helping small businesses of this country to grow even faster and stronger than they are today.

It is these businesses which carry a large portion of the load for our Nation's economy.

We, here in Congress, have a responsibility to lighten their load—and help them along the road to economic prosperity—for their businesses and for our communities.

I salute the small business owners of America.

We must pledge to work to ease their burden.

I now yield back the balance of my time.

STATEMENT BY SPENCER CRISPE, BRATTLEBORO HIGH SCHOOL, REGARDING EDUCATION FUNDING AND TAX REFORM

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by a high school student from Brattleboro High School in Vermont, who was speaking at my recent town meeting on issues facing young people.

Mr. CRISPE. Hello, Congressman Sanders. On February 6th the state Supreme Court ruled on the Brigham vs State of Vermont case claiming there is a statistically significant relationship between the wealth of a school district and its spending per student. They decided that there is a great disparity in the quality of education that a student in Vermont receives. It depends on where he or she resides; thus they ruled the current property tax for funding education is unconstitutional and it is up to the legislature to overhaul this unjust system.

The House Ways and Means Committee set to work and on March 19th of this year the legislature passed the controversial House Bill, 527 for property tax reform. I am a concerned Vermonter and so I want to see this new bill equalize educational opportunity.

The bill which the Senate is currently reviewing I believe to be better. I also understand that property tax reform is a tedious, confusing, and almost insurmountable task that legislatures have faced, and for me to try to understand how to make the bill better is even more difficult. However, I do believe there are some important additions that could be made.

There is a large, non-residential tax rate for second homeowners and large businesses of $1.32 per $100 value of property. Under this progressive tax formula people will pay based on their ability. Places like ski areas and second homowners in Vermont will pay more while residential property taxes will be cut by two-thirds. I believe the higher income earners should pay more; however, in Vermont the highest income earners are already paying the highest rates in the country.

The high non-residential tax could drive out businesses and hurt Vermont's largest industry, tourism. For a hypothetical example, Mt. Snow Ski Area has lots of money, but if it is taxed a lot more the ticket prices could go up and tourists refusing to pay the exorbitant amount will to Maine or New Hampshire to ski. All in all, it could create a cyclical domino effect that would end up hurting Vermont's economy and stunt its growth.

Furthermore, second homeowners in Vermont will be hit hard under the non-residential tax. I feel they should pay more, but we should keep in mind that many of them are already paying for their own children's education in their respective states. We should not place a burden so high that they move away or our state is less attractive to stay in. It is important that income earners at all levels pay their fair share, but the non-residential range should not be so high as to end up damaging Vermont's economy by making it unreachable to outsiders.

Also in the bill is the net residential tax of two acres of land. Basically any resident will pay the residential rate of 39 cents per $100 property value on up to two acres of land. After that two acres, they pay the large non-residential rate of $1.32 per hundred dollar value. This is unfair to Vermonters because two acres is a meager amount of land to only be able to afford. If people have to get rid of their land over two acres because they cannot afford the non-residential rate, we will not be using our land effectively and it is simply unfair.

Another last thing to think about is the local income tax. This would be the third tax Vermonters pay: State, federal, local. We want to equalize education but we are doing it at the local level with the presumption that the towns are going to tax themselves to raise money above the state block grant. This may be a poor presumption because honestly people care about education but gag when they hear anything about more taxes. If this presumption fails and the towns do not tax themselves as planned, we could end up with the same educational disparities as the present system.

House Bill 537 is generally good, but some of the aforementioned taxes could be eased by a couple of things: I propose to fix some of the problems of the bill by taxing heavily products totally unnecessary to Vermonters. We could put a larger tax on tobacco products, all lottery tickets and games, alcoholic beverages and even candy. I understand that in 537 there is going to be broad-based taxes on things like rooms, meals and gasoline, but a heavy tax on the mentioned products ought to generate a lot of additional revenue to ease the other taxes.

Also for revenue a higher tax should be put on inheritances and trust funds, but not for inherited agricultural land. With the revenue from these taxes we could put forth the money to fixing some of the problems with the bill. We could allow a residential tax for maybe up to six acres of land and reduce the monetary need for the local income tax by pouring some of the revenue into the state pool for block grants.

Other revenue could go to reducing the non-residential tax so businesses and non-residents won't move out or be discouraged from coming here. This can make our state attractive to prospective businesses which if they moved in could stimulate our economy.

Lawmakers need to move slowly and do this reform correctly. We definitely do not want as equally a poor system that will just have to be overhauled again in another couple of years. We should run statistic tests and implement the reform gradually to see how it evolves and works—I know the revenue from alcohol, tobacco and other products fluctuates—to examine the amount of the income the proposed taxes do indeed generate.

Lastly, politics should be left out of this bill. It is important to remember that the bill is for the kids and justice in funding education and remember that a good education makes for the best economic climate.

I think that everyone has made this bill so complicated, I didn't touch on a lot of the nitty-gritty complications of it and I think they get lost in all those complications, so if you just think about it sensibly and make it simple. As I mentioned in my presentation that people who earn more should pay more. The progressive tax format I believe works for property but I think and I do like House 527, I just think there are things that might be made better partly because they made it so complicated.

You can get into a whole other topic because sure, the federal government subsidizes or whatever education and you get into issues like how much—I mean if you look at the pie chart of what they spend each year, they spend five to ten percent on education and then you get into issues of how much they spend on defense and the military as opposed to education.

The present system basically there was a lawsuit that stemmed out of this whole thing and it is actually been a problem for a number of years. Matter of fact, in 1987 Madaline Kunin said years ago that the quality of education that a child in Vermont receives depends on where he or she resides, she just said it straight out, and people all the way back to the 70's and before. The problem—but it is being forced that the legislature has to do something and something has to be done because of the Supreme Court decision stemming from a lawsuit or whatever, the case of Amanda Brigham, and they ruled last February that it was unconstitutional and that they should totally—that it is going to be totally overhauled and the legislature should do it as fast as they can.

Some property-rich towns were spending twice as much, say between eight and $11,000 for people for education while other property-poor towns under the present and all funding systems were paying half that, 3,000, 4,000, $5,000 for people.

Thank you for your time, Congressman Sanders.

RECOGNITION OF TEACHERS OF THE YEAR

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. COMBEST. Mr. Speaker, I am delighted to bring to the attention of my colleagues several distinguished teachers from the 19th Congressional District of Texas. My home district extends from the Panhandle of Texas through the South Plains to the Permian Basin, and encompasses various cultures, personalities, and dreams. I am pleased to recognize these recipients of the Teacher of the Year Award who enable our students to understand and learn from each other, and strive to achieve their goals.

Good teachers nurture our country's best hope for tomorrow, her children. Their perseverance and dedication challenge and shape

students to dream, and to work hard to make those dreams come true. Unfortunately, educators toil with little public thanks or appreciation, even though their efforts are essential to a strong future. These teachers, in particular, go beyond the call of duty and wholeheartedly devote themselves to this important mission.

It is my pleasure to present to you the 19th District of Texas' Teachers of the Year: Ms. Dee Ann Liles and Ms. Kathleen McDowell, Sunray ISD; Ms. Candace Dyer, Farwell ISD; Mr. W.W. "Bear" Mills and Ms. Rebecca T. Watson, Midland ISD; Ms. Narelle Horton, Bushland ISD; Ms. Ann Green, Hartley ISD; Ms. Julie Harris and Ms. Laura Landes, Amarillo ISD; Ms. Pam Perrin, Vega ISD; Ms. Connie Gilbert and Ms. Janie Rendon, Hereford ISD; Ms. Clarice Andres, Slaton ISD; Ms. Sonya Wilson and Dr. David LeMaster, Odessa ISD; and Ms. Jan Morris and Ms. Shelli Stegall, Odessa ISD.

As a former teacher, I know firsthand the importance of a quality education; however, it is outstanding teachers like these who strive for excellence, knowing the worth of this goal. I thank these educators for all they do for our children and our Nation.

THE PROMISE OF CONSERVATISM

HON. HELEN CHENOWETH

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mrs. CHENOWETH. Mr. Speaker, in these trying times when many of our leaders appear to be second guessing our moral and political underpinnings, I commend to my colleagues' reading an address by former U.S. Senator Malcolm Wallop of Wyoming entitled, "The Promise of Conservatism." It is one of the best descriptions of the crossroads at which we find ourselves:

THE PROMISE OF CONSERVATISM, AN ADDRESS BY MALCOLM WALLOP

Before this audience of conservatives, most of whom are Republicans, I would enjoy setting forth a conservative agenda for the Republican Party. I would like to think that you could then put whatever insights I might give you to work for the Republican Party. But I'm afraid that the most useful insight I can give you is that the Republican Party seems well on the way to denying its conservative birthright, and that with every passing day you and I are becoming strangers to it.

The party's leadership seems determined to follow the disastrous example of the Canadian conservative party, which became afraid to challenge the socialists except with empty rhetoric, and which was entirely wiped out at the polls. But that's all right. Parties are born when they take up important tasks, and die when they let them drop. We cannot control the destiny of the Republican Party. We can control the destiny of the American conservative movement—and conservatism is a permanent fixture of American life, because the American people always need some shield against overweening government.

But I want to impress upon you that the character of conservatism is not written in the stars. It is subject to change for the better or the worse. It could just as easily come to resemble more the small and mean minded thing we see nowadays in Europe than the conservatism of Reagan, Goldwater, Coolidge, Lincoln, Clay, the Adamses, and Washington. My task here today is to help clarify the difference between the kind of conservatism that made this country great and a Republican Party so fearful of the shadow of principle that it is cowering before Bill Clinton. I suggest to you that Bill Clinton and all his works are examples of the difference between government as it has been practiced since the New Deal and the way of life established by the Founding Fathers. The exposure of President Clinton's conversion of power into money is giving the conservative movement a historic opportunity to instruct itself and the country about the consequences of discretionary government power. The conservative movement dare not let it pass because it makes our point: Big government is corrupting America. It deprives us of freedom, makes us poorer, sows strife among us, undermines our families, and debases our souls.

Let's first address the Republican default, then turn to the practical, everyday mission of American conservatism: to cut back the extent and power of government.

From the time of Abraham Lincoln, the Republican Party has been a party of principle. The Democratic Party lives now as it has lived for most of its history as a brokerage house for government favors. Lots of people make a living out of being Democrats. The teachers' unions, the government workers' unions, the abortion industry, and a host of well connected businesses, the kind who get the U.S. government to set up deals for them abroad or to tailor regulations for them—they make a living out of being Democrats. Very few people make a living out of being Republicans. Today, many of our party's leaders envy the Democrats' vast network of patronage, and they have begun using Republican presidential victories in the '80s and congressional victories in the '90s to try to set up shop like the Democrats.

In front of us all during the last campaign and now with the new Congress, Republican leaders are running away from the issues.

Nowhere was this clearer than in California, where the California Civil Rights Initiative, a reaffirmation of equality before the law, withstood a titanic campaign against it. It won by ten points, yet our Republican candidate, down by double digits, waited till the final week to associate himself with the issue, and then weakly. The Republican leadership's unwillingness to ride a horse that was obviously heading for victory, a horse that was so rightly its own, indicts its elementary political competence, as well as its commitment to conservative principles. Adding symbolic insult to injury, the Speaker decided to have as his guest to the State of the Union, not Ward Connerly, but Jesse Jackson—someone who stands for group rights over individual rights, who heads a federally financed patronage network, and who is supporting the proposition that the judiciary can overturn the result of the California referendum.

Our leaders seem tacitly to accept the liberals' premise that the voters disapprove of the conservative vision of American society, that piety, propriety, responsibility, standing for the rights of citizens and families against bureaucratic encroachment amount to extremism. So the Republican leadership now presses upon us an agenda best characterized as Rockefeller Republicanism—fiscal stringency combined with claims of superior competence in management, and guilty protestations of moderation.

On top of this, they timidly set a veneer of procedural, contentless conservatism: The balanced budget amendment instead of a commitment to cut taxes; the line item veto instead of commitments to cut entitlements and de-fund leftist advocacy groups; propping up a ponzi scheme going broke instead of real efforts to privatize Social Security; a declaratory Defend America Act instead of a bill to build real missile defenses; touchy-feely talk about concern for the environment instead of reforming environmental laws so that they don't steal people's property. And then they wonder why Republican voters have lost their enthusiasm and why Bill Clinton, that thinly veiled blob of fraud, was able to cast himself as the defender of families, religion, indeed of "our values" and was able to cast the Republicans as dark forces threatening America.

On Election Day, according to exit polls, some 25% of self-described conservatives and a big majority of self-described moderates, most of whom share the cultural premises of conservatism, voted for Clinton. I stress that Clinton was able to occupy this conservative ground only because the Republicans vacated it. The cynically counterfeit character of Clinton's appeal to cultural conservatism could have been blasted away by a single picture of a partial birth abortion, or by a pointed reference to Romer v. Evans, or by a real commitment to tax reduction. But the Republican candidate and party seemed afraid of their own issues. The reason why our leaders flock to contentless issues is precisely that they spare them the trouble of taking on real interests and changing real habits.

The American conservative tradition, which began with Washington and Adams, is founded on human dignity and a concern for character. No phrase came from Washington more often than "We have a national character to establish." Following Aristotle, Cato the elder, and others, George Washington repeated that the Republic could only be built on the firm foundations of private morality. John Adams surveyed the world's peoples and found that only in America were there the same habits that under-girded freedom in a few ancient republics. In crafting our institutions, the Founding Fathers limited the power of government because only under limited government can we encourage those habits. The government established by the Founders did not make us moral. But it took pains to be on the right side of the great moral questions.

Now let me say a few words about our historic opportunity to make clear which way of life we want to foster and which way of life we abhor.

Republicans did themselves and the country a disservice in 1996 by talking about the "Character Issue" without ever mentioning Bill Clinton's specific misdeeds and above all without explaining what about them is wrong. They failed to make the essential political point: The conversion of power into money, or sex is corruption and is the inevitable result of big government. Corruption can be fought only by restricting the opportunities to profit from it. The late Christopher Lasch wrote that whereas the American dream once was that any person, no matter his circumstances, could make his way without having to curry anyone's favor, now that dream consists of the opportunity to rise out of the class of the ruled, into the class of the rulers. We conservatives want to do away with Bill Clinton's America, where people must wheedle and pay for privileges as well as to stay out of trouble with the

government. We want to bring back the Founders' America of freedom, responsibility, and, yes, virtue.

Today government at all levels taxes, spends, and regulates roughly twice as much as when I grew up. It touches every aspect of our lives, and harms just about everything it touches. It will fine you for not wearing a seat belt, but will not protect your life from criminals. It will deliver contraceptives to your children, but cannot deliver the mail. It prohibits a Jewish community in New York from having a school district—who knows what politically incorrect things their kids might learn from reading the Bible—but it forces others to accept the normality of two moms. In the name of racial equality, the government forces us to discriminate on the basis of race. Once upon a time our government was a bulwark against domestic enemies. Now big government has become our chief domestic enemy.

That is why there is really only one issue. Who will stand on the side of the American people against their government gone bad? Make no mistake: America is rapidly dividing into two sets of people with two distinctive ways of life. One set has behind it the full power of Bill Clinton's corrupt state of clients and patrons. The other set, that tries to live virtuously and by their own hard work, is looking for political leadership. It is up to us to protect the vast majority of the American people against a government that is undermining our capacity for self government, our prosperity, our families, our spiritual lives, and even our capacity for self defense.

With each passing year, America resembles less and less what the Founders bequeathed us and looks more and more like the countries our immigrant forefathers tried to get away from. This is happening in large part because the ruling classes who run our government, the universities, the media, the entertainment industry, the arts, have gathered unto themselves enormously powerful means of governance.

They detest our patriotism. They dislike our people's prosperity. It is their policy that we consume too much of the world's resources.

But whether the excuse is environmentalism or poverty or crime, the recipe is always the same. Take money away from independent working people and give it to the favorites of the ruling class.

Of course, this is a recipe for economic decline. Nowhere in the writings of the Founding Fathers is there anything about managing the economy. Our Founders wanted to promote prosperity, not manage it. They set about ensuring that government would be small, frugal, impartial, and moral. We became rich because government, in Jefferson's words, would not "take from the mouth of labor the bread it had earned." If we abandon the Founders' mores, no economic policy can keep us out of the poorhouse.

The ruling class dislikes our tradition of self-government. They equate local control of crime with brutality and racism. Local zoning is racism. Local control of schools is racist. We are all racists—except they. They have turned laws that prohibit racial discrimination into mandates for racial preferences in everything from school admissions to hiring and firing. A whole industry has grown up to administer this American form of apartheid.

The ruling class does not care about public safety. Having made it very difficult for States and localities to police themselves, having left ordinary citizens with no choice but to protect themselves as best they can, they now try to take our guns away. In fact they blame us and our guns for crime. This is so wrong that it cannot be an honest mistake.

The ruling class does not care that our children are being diseducated, that schools are becoming factories of ignorance and decay. Every proposal regarding education that has come out of the establishment calls for more money and more union control.

Above all, the people who run this country have deep contempt for the culture on which it rests. They tell us we are zealots if we talk about social issues like abortion, education, homosexuality, race relations, and the role of religion in public life. Because liberals have failed the country on these issues, they would rather we not talk about them—I say we must.

In this period of capitulation and bewilderment, it would be easy to wring our hands and say that it's difficult to know what to do. But it isn't. It's easy. The tools and policies are right in front of us.

We can and should end welfare—not "as we know it." Just end it, period. Charity for those who deserve it is something with a long and honorable history in America.

We can and should privatize Social Security—obviously people who are already retired should get every penny already promised. But just imagine if every penny deducted from us henceforth went into individual retirement accounts of our choosing and to our families. We could all look forward to a lot more money, and the government would have a lot less to spend from day to day.

For the monsters of Medicare and Medicaid, we can and should substitute individual medical savings accounts, backed up by vouchers.

We can and should be rid of the monstrous educational establishment by giving parents vouchers for whatever amount any level of government taxes them to educate their children.

We can and should re-establish the line between what is individual property and what is the government's property by replacing the failed Endangered Species Act with conservation programs that really work because they do not pit the interests of wildlife against those of landowners.

We can be rid of the terrible bureaucracy of the IRS, and of all the distortive inequities of the current system just by instituting a flat tax.

We can restore self-government by reducing the power of the federal courts to review the acts of state courts and the enactments of citizens. The Founding Fathers wrote Article 3, Section 2 of the Constitution precisely to make sure that the judiciary would be, in Alexander Hamilton's words, "the least dangerous branch." Now that the courts have become a clear and present danger to our democracy, it is time to use the Founders' remedy.

We can and we should thwart the administration's devilish and dangerous Chemical Weapons Convention and just say no to dishonest diplomacy that makes our citizens feel secure while their danger increases.

Shrinking the government would yield many specific benefits. But these are not the main reasons why we should cut government.

We want to cut taxes not primarily because doing so will put more money in our pockets, but because it will put the means of freedom in our hands. We want to cut the government's power to grant privilege not primarily because privilege is economically inefficient, but because we don't want to be a nation of favor-seekers. We want to keep and bear our guns not because we want to shoot somebody, but because we have a right and duty to take care of ourselves. Moral leadership, today as in 1789, does not mean that the President of the United States forces anyone to go to church or synagogue. But it does mean that by word and deed he leads the country in giving unto God the things that are God's.

The dignity of citizenship has been co-opted by laws and rules. These confine and direct the lives of Americans away from liberty, faith, and prosperity, into behavior defined by the ruling classes as acceptable to them. Thus denied the gifts endowed by our Creator, we become sheep to be shepherded.

My friends and colleagues, we cannot succeed by proposing to take over management of the redistributionist state from the Democrats and pat ourselves on the back for doing it more efficiently. We must attack it root and branch. We cannot prevail by continuing to hand out the favors and the goodies, only fewer than the Democrats.

At this time when all too many Republican leaders have lost their way and don't know what to do except capitulate to forces of big government, it is up to conservative activities in this room to provide the nerve and backbone that the leadership so noticeably lacks.

I do not say this casually. The organization I founded when I retired from the Senate in 1995, Frontiers of Freedom, supported any number of conservative initiatives in the last Congress. But when the Republican leadership strayed, we did not hesitate in crossing swords, even with the Speaker of the House.

And so I say to you, where does the strength come from to be a vigilant conservative? From:

The dignity of citizenship
the passion of patriotism
the honor of freedom
the security of property
the joy of opportunity in a free society
the nurture of family
and the love of God.

These things belong to tomorrow no less than the past. Rise up my friends and demand that if Newt and Jack and the others will not lead us there . . . then by golly, get out of the way because that is our destination. That is the promise of conservatism.

A MESSAGE FROM THE ROMANIAN PARLIAMENT TO THE CONGRESS OF THE UNITED STATES

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to discuss the United States' relationship with the Republic of Romania. Among the countries that were within the sphere of influence of the former Soviet Union, Romania stands out as a country that has made a rapid transition from an authoritarian form of government to a democratic nation and from a centrally planned economy to a free market economy. The road that Romania has traveled to arrive at a point where they now have a democratically elected government and a growing free market economy has

not been an easy one; however, the Romanian people have been steadfast in their determination to keep traveling down that road.

Today, Romania is seeking to join the ranks of countries that are members of NATO. Significantly, among Central and Eastern European countries, Romania was the first country to join the Partnership for Peace program. The Government of Romania has also reached out to its neighbors to insure regional peace as illustrated by their concluding a political bilateral treaty with Hungary and initialing a similar document with Ukraine. Romania should also be commended for its participation in the peace-keeping missions in Angola and Bosnia.

Membership in NATO is a primary goal of the Romanian Government and people. In April 1997, the Romanian Parliament, in a joint session of the Chamber of Deputies and Senate, unanimously passed an "Appeal of the Parliament of Romania to the United States House of Representatives." The Parliament's appeal to us was that the House support Romania in its efforts to gain NATO membership. I would ask my colleagues read this appeal by the Romanian Parliament so that they can gain a fuller appreciation of this friend of the United States that desires to join NATO so that they can more fully participate in the promotion of peace and stability in Europe:

APPEAL OF THE PARLIAMENT OF ROMANIA TO THE UNITED STATES HOUSE OF REPRESENTATIVES

Now, at a time of crucial importance for Romania's destiny, we are writing, in hope and trust, to the members of the United States House of Representatives, having the profound conviction that the Romanian people will enjoy your help to build its future. Our country's choice for integration into NATO is a fundamental priority of the Romanian foreign policy, based on the natural and legitimate aspirations of the Romanian people to become a part of the Euro-Atlantic community of the states with which it shares the same values and principles of freedom and democracy.

Ours are strong arguments for having Romania included among the very first group of candidates—a democratic state governed by the rule of law, its internal stability, geostrategic position, economic and military potential, the political consensus and massive popular support for NATO, the interethnic harmony, a full civilian control over the army as well as over the institutions dealing with public order and national security, a high degree of interoperability with the armed forces of the Alliance.

The change of government following the November 1996 elections has demonstrated the consolidation and proper functioning of all institutions under the rule of law in Romania. Our new Executive has proved its commitment to a market economy and far-reaching economic reforms, all of which are oriented towards this objective—to accelerate privatization, to restructure economy, to facilitate foreign investment—and has succeeded to conduct an active and coherent foreign policy. Romania has established a solid partnership with Hungary, with the other applicant countries, and is now perfecting its framework of relations with Ukraine whose stability and independence we regard as being essential for the security of this region. In this context, we will foster a dynamic dialogue and cooperation with the Russian Federation, in line with the new political relations existing on the European continent.

Romania is an active member of the various regional cooperation agreements, while its participation in the Partnership for Peace, in the peace-keeping missions in Angola and Bosnia and, more recently, in the protection force in Albania has shown its capability to make a contribution to strengthening the security and stability in this area as well as on the continent, to be a security builder and an important factor within the Euro-Atlantic security system.

We can assure you that we will undertake the costs of Romania's joining the Alliance structures. In response to the economic difficulties during transition, we have developed an ambitious and pragmatic economic program that has support from the International Monetary Fund and the World Bank, and gives prospects for a sustainable economic growth that will allow us to take the accession costs upon ourselves. Considering that Romania is, at present, one of the countries which is best prepared from the viewpoint of the criteria set for admission to the North Atlantic Alliance structures, we are submitting to you, before the Summit meeting in Madrid, our request to support Romania's application to be accepted as a member in the first round of NATO enlargement process.

Strongly believing that our appeal will find the desired interest and reception, we would like to assure you of our high consideration and extent our thanks for every action you may decide upon in order to back up our démarche.

This Appeal has been adopted by unanimous vote today, the 24th of April 1997, in a joint session of the Chamber of Deputies and the Senate.

IN MEMORY OF FRANCES MARIE QUINN

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. LAMPSON. Mr. Speaker, I rise today to honor the memory of Frances Marie Quinn, who recently left us. Like many women of her generation, she began her family during World War II. While her husband, Coridon John Quinn II served his Nation across the world as a pilot, Frances gave birth to her first child. The Quinns had eight children and two of their sons carried on the family tradition of military service. That proud family tradition is now carried on by two of Frances' grandchildren.

After a full life marked by a strong family and care for her community, Frances passed away at the age of 76. Her family and friends will miss her greatly.

DES EDUCATION AND RESEARCH AMENDMENTS OF 1997

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Ms. SLAUGHTER. Mr. Speaker, I am proud to introduce today the DES Education and Research Amendments of 1997.

Between 1938 and 1971, approximately 5 million pregnant American women took the drug diethylstilbestrol, or DES, in the belief it would prevent miscarriage. Tragically, DES failed to impact miscarriage rates and instead caused severe health consequences for many of the children exposed in utero.

DES is now known to damage the reproductive systems of those exposed in utero and to increase the risk for cancer, infertility, and a wide range of other serious reproductive tract disorders. These include a fivefold increased risk of ectopic pregnancy for DES daughters and a threefold increased risk for miscarriage and preterm labor. One in one thousand DES daughters will develop clear cell cancer of the vagina or cervix. If diagnosed early, survival rates for this cancer are around 80 percent. However, there is still no effective treatment for recurrence of this cancer.

DES sons experience adverse health consequences as well, including an increased incidence of undescended testicles and fertility problems. Studies also indicate a higher incidence of breast cancer among mothers who took DES during pregnancy.

In the 102d Congress, Senator TOM HARKIN and I sponsored the DES Education and Research Amendments of 1992. This legislation, signed into law by President Bush, established the first Federal DES research and education efforts. Since that time, DES research has yielded important insights into the impact of synthetic estrogens on the human body. The associated education program has helped to identify people who did not previously know they were exposed to DES and educate them about their special health needs.

Our understanding of DES is still evolving and incomplete. Two of the most pressing research concerns at present are whether estrogen replacement therapy is advisable for DES-exposed women and whether DES may have a genetic impact on the third generation—the children of parents exposed to DES in utero. In addition, many thousands of affected Americans and their health professionals do not have adequate information about steps they should take to deal with the effects of DES.

The DES Education and Research Amendments of 1997 would extend authorization for DES research at the National Institutes of Health. It would also instruct the Secretary of Health and Human Services to establish a national DES education program, based on the pilot projects conducted pursuant to the 1992 law.

The Federal commitment to DES education and research must continue. I urge my colleagues to support the DES Education and Research Amendments of 1997.

THE IMPORTANCE OF GUAM'S CORAL REEFS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. UNDERWOOD. Mr. Speaker, I was pleased that last month the House adopted House Concurrent Resolution 8, a resolution declaring the importance of maintaining the health and stability of coral reef ecosystems. On Guam, and throughout the Western Pacific, the importance of coral reefs is woven

into almost every aspect of our lives. Healthy coral reefs are vital to our economy which is largely driven by our tourist industry, but they are also an important part of our island culture. Our reefs also serve as natural protection to our coastline from high waves, storm surges, and coastal erosion especially during typhoons and tsunamis. As is the case with most of the coral reef ecosystems in the world, Guam reefs are being threatened by a variety of enemies. Guam's reefs are being especially threatened by sewage outfalls, runoff, sediment, silt, and environmental stress from an increasing number of visitors.

Governor Gutierrez recently took action to preserve and protect this fragile ecosystem so central to both our culture and economy through the enactment of the Guam Coral Reef Initiative and signing the island's first marine life restoration bill passed by the Twenty-Fourth Guam Legislature. This new law will also have a significant impact on the life of our coral reef by setting aside designated reef preserves to allow various marine species to repopulate. Limits on the harvesting of fish and restrictions on fishing methods will also create a more healthy environment in which our reef can thrive.

The Guam Coral Reef Initiative ordered by the Governor is a comprehensive conservation and management plan for Guam's coral reef ecosystem including our mangroves and seagrass beds. This initiative seeks to bring together all of the stakeholders in Guam's coral reefs to coordinate solutions which take into account the wide variety of direct and indirect threats to our reefs. Education will also be a strong component of this initiative. Residents and especially visitors need to be educated about the importance of the reefs as well as how to take proper care of this fragile ecosystem.

In addition to establishing a process to improve the health of Guam's coral reefs, this initiative includes a monitoring and research element. In fact, the University of Guam's Marine Lab and the Guam Department of Agriculture held training sessions last week to teach the public how to help conduct reef surveys. These surveys will serve as a baseline from which researchers can compare future reef health.

The people of Guam have traditionally been exceptional stewards of our environment. These two actions again prove that the people of Guam, not the Federal Government, are the best stewards of our environment. Through this effort, Guam continues to stand as an example of local solutions to local problems.

A TRIBUTE TO THE MENORAH HOUSING FOUNDATION

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to commend the excellent work of the Menorah Housing Foundation and to congratulate them for 20 years of superior service to our senior community.

The Menorah Housing Foundation is a management company subsidized by the Housing and Urban Development program. Menorah manages 613 units in nine locations around the Los Angeles area and has received funding for four more projects because of its success in improving the quality of life for thousands of individuals.

Those at the Menorah Foundation go beyond the call of duty in order to provide more than just safe, sanitary and affordable housing. The staff involves its residents in a vast array of social, recreational and educational activities, particularly reaching out to minorities. The foundation also cooperates with outreach programs including those of the Jewish Family Service and other Federal programs which provide nutritional assistance. In order to truly serve the residents each worker makes personal contact with each and every person in order to ensure that all tenants maintain the highest quality of life possible.

The success of the Menorah Housing Foundation is due largely in part to the leadership of Shirley Srery and her staff. I join the Los Angeles Community in recognizing the Menorah Housing Foundation for providing quality care combined with compassion and commitment to our senior community. The Menorah Housing Foundation stands as a model for all housing programs around the Nation.

CNA CELEBRATES ITS 100TH ANNIVERSARY

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. FAWELL. Mr. Speaker, this year marks the 100th anniversary of CNA, the third largest property/casualty insurer in the United States and the leading provider of commercial insurance.

Founded in Detroit by Collins Hubbard with 15 employees, CNA moved to Chicago in 1900. It employs over 6,000 people in Illinois—many of whom reside in my congressional district—and 20,000 throughout the country.

During its 100 years of providing security to Americans, CNA has been a pioneer in developing insurance products to respond to rapidly changing lifestyles in the 20th century.

Its first product, accident and health insurance, was offered at a time when most insurance companies provided only coverage for accidents. Responding to the needs of farmers as agricultural production grew, CNA developed special accident and health insurance. In 1910 CNA moved into auto insurance and burglary insurance. The next year life insurance was added to CNA's products. During World War I, as factories dramatically increased output to meet war needs, CNA offered workers' compensation coverage.

At this point, I ask unanimous consent to insert in the RECORD a more complete history of CNA which was prepared by the company in anticipation of this important anniversary. I congratulate CNA for its remarkable achievements and for its service to all Americans:

A TRIBUTE TO CNA IN CELEBRATION OF ITS CENTENNIAL, CNA STANDS FOR COMMITMENT, 1897–1997

INTRODUCTION

CNA, one of the country's largest commercial insurance groups, is celebrating one hundred years of commitment and service to the American people both at home and abroad. Since 1897, whenever America has sought a sense of security, CNA has been there, anticipating that need and forging its reputation as an industry innovator. Railroad workers, teachers, movie stars, athletes, even U.S. Presidents have depended on CNA's protection against both expected risks and unforeseen dangers.

Since its modest beginnings in Detroit, Michigan, with $100,000 in capital stock and a $60,000 surplus, CNA has become one of the largest property/casualty insurers in the nation, with over $60 billion in assets. Originally operating out of a two-room office with 15 employees, CNA today occupies some 400 office sites in over 100 cities and employs over 20,000 people nationwide. Now headquartered in Chicago, CNA directly employs more than 6,000 people in Illinois alone. Almost 80,000 agents currently represent CNA throughout the United States, testament to the company's successful alliance with independent agents.

CNA's exemplary accomplishment—a century culminating in financial stability and preeminence in the industry—attests to its history of astute leadership, integrity and commitment to quality service.

THE FOUNDING

Collins Hubbard, CNA's founder, set the course of perceptive leadership that has guided CNA to the top of the insurance industry. Calling together several of his colleagues, Hubbard proposed a company that would insure America's working class against unexpected disasters. The Continental Assurance Company of North America, as CNA was then known, provided coverage with an innovative twist: both accident and health insurance, at a time when most of its contemporaries offered only accident coverage.

Focusing on railroad workers as its initial customer base, CNA became the largest insurer in Michigan within two years of its founding. Despite its rapid growth, the fledgling company faced intense competition from other insurance companies. In light of this, the company underwent two major changes. First, it changed its name to the more forceful and representative, Continental Casualty Company. Then, in September 1900, the company merged with Metropolitan Accident Company, a Chicago insurer, and moved its headquarters to Chicago. This strategy catapulted the combined companies to fifth among the nation's accident insurers.

CNA BECOMES AN INDUSTRY LEADER

Early in the 20th century, CNA distinguished itself as a leader in the insurance industry by demonstrating the capacity for discerning new markets and developing innovative products. When women began to enter the work force, CNA was among the first to provide them with accident and health coverage. As agricultural production expanded, CNA devised new products specifically geared to farmers' accident and health concerns.

CNA reinforced its position at the forefront of the industry in 1910 by expanding beyond accident and health into different lines of insurance such as liability, auto insurance and burglary. In 1911, the company entered

the life insurance field by forming the Continental Assurance Company. In 1915, CNA began offering workers' compensation coverage as factories employed more people to increase output for the World War I effort.

Policies combining multiple lines of insurance proved successful, particularly as automobiles—and accidents involving automobiles—became commonplace. Motorist coverage insured both the driver and any persons injured or property damaged.

The growth of an affluent American middle-class meant increased incidents of theft. Property owners' concerns were met by CNA's wide range of burglary insurance—protecting against bank robberies, home break-ins and safe deposit box theft.

GROUPS AND ASSOCIATIONS

By the early 1920s, the flourishing company was operating in every state and territory of the United States, as well as every province in Canada. That decade also marked the beginning of CNA's pioneering relationship with associations, a relationship that has lasted until the present day and has played a significant role in CNA's rise to the upper echelon of insurance companies.

CNA is credited with the first teachers association group policy, written for the Cleveland Teachers Association in 1921. CNA insured the American Society of Civil Engineers in 1945, becoming the first insurer to successfully install a group plan for a nationwide association. Teaming up with the American Camping Association in the 1950s, CNA initiated an educational campaign to promote camp safety and insure campers. Camp insurance led to the formation of "PONY," Protect Our Nation's Youth, a youth program offering medical expense reimbursement from kindergarten through college.

CNA has also demonstrated unwavering commitment to the nation's retirement-age population. In the 1930s, before compulsory Social Security, the company was among the first to offer retirement income annuities. By 1955, CNA had developed the first group health plan for those over 65. Originally conceived as a group medical insurance plan for retired teachers associations, the plan evolved into "Golden 65", a policy offered directly to the individual. After the implementation of Medicare in the summer of 1965, CNA redesigned Golden 65 to complement the Medicare plan, while other insurers exited the over-65 health insurance field.

DEPENDABILITY IN TIMES OF CRISIS

Dependability in times of crisis is a CNA hallmark. The company refused to exit the field of polio insurance at a time when the nation was literally crippled by the rampant, dreaded disease. CNA introduced its polio coverage the year of the worse polio outbreak in two decades. It continued to provide comprehensive and affordable polio coverage for the duration of the epidemic.

The company's willingness to take on the challenge of even the most unusual coverage request has marked its true American spirit—bold, enterprising and innovative. Where other companies see uninsurable risks, CNA sees possibilities—a company trait that has ensured its success and longevity in the insurance business. CNA has staunchly stood behind Americans in all manner of pursuits and ventures, these past 100 years.

CNA insured presidential hopefuls Adlai Stevenson and Dwight Eisenhower against accidents during their campaign trips in 1952. When John F. Kennedy was inaugurated as the nation's 35th president, CNA provided liability coverage for the ceremonial activities. In 1965, President Lyndon B. Johnson asked CNA to write the bond for the train that stood waiting in case emergency evacuation was necessary during Martin Luther King's civil rights protest march to Montgomery, Alabama. The 1968 Democratic Convention in Chicago was covered by CNA's liability insurance.

A special CNA reinsurance policy covered the cancellation or postponement of the 1965 Shea Stadium performance of the Beatles for the Ed Sullivan show. The Apollo 16 astronauts were insured in case of accidental death on their 1972 flight to the moon.

Little League teams around the country have enjoyed CNA protection since 1948, as have Indianapolis 500 drivers, pit crews and race officials. The American athletes competing in the 1952 Helsinki Olympic games were insured by CNA. Water events at the 1996 Atlanta Olympics were covered by MOAC, CNA's marine insurance unit.

CNA CARES ABOUT COMMUNITY

CNA's commitment to its employees, its clients, and the American people extends far beyond insurance. The company encourages and subsidizes both employees and CNA leadership in community projects. In the 1920's, the company sought to enrich the lives of its employees through its Continental Welfare Association which offered disability pensions, life insurance and retirement pensions.

Later, during World War II, the employees reached out to help in the war effort. CNA employees organized their own chapter of the Red Cross, calling it the Continental Red Cross. By the midpoint of the war, Continental employees had invested $232,418 in war bonds.

Today, in more peaceful times, CNA and its employees have dedicated time and resources toward the education of the nation's youth. In the early 1980's, CNA sponsored Illinois' first math contest. With the Chicago Urban League, the Chicago Board of Education, and the Illinois Council of Teachers of Mathematics, CNA developed MATHCOUNTS, a model math tutorial program. The program quickly garnered nationwide attention. By 1984, MATCHCOUNTS had evolved into the county's first nationwide math contest boasting as cosponsors the National Society of Professional Engineers, the National Council of Teachers of Mathematics, the National Aeronautics and Space Administration, and the U.S. Department of Education.

CNA's investment in the nation's future—its children—is evident in CNA's involvement with the Leadership for Quality Education, a coalition of business and civil leaders working to improve the Chicago school system. Out of this, CNA created Project Participate, providing paid time off, resources and training to employees wishing to run for Chicago's Local School Councils. CNA has also adopted Chicago's Mark Skinner School as part of the Chicago Board of Education's Adopt-A-School Program.

CONCLUSION

CNA stands for a century of commitment, stability and financial strength. Entering the final years of the 20th century, the company prepared for the 21st century in typical CNA fashion—it acquired the Continental Insurance Company in 1995. This merger, the most significant property/casualty insurance merger in the last 25 years, expanded CNA's scope—elevating its presence worldwide, adding new specialty operations and pooling the considerable talent and resources of both companies.

As the new millennium approaches, unfathomable leaps in technology, social transformations and economic upheaval are as much a source of apprehension today as in 1897. CNA saw the birth of a new century that brought with it several wars, a severe economic depression, fantastic advances in modes of travel and communication, social change and natural disasters. It has met the challenges of the past 100 years and stands poised for another century, confident of its continued success based on its core values: commitment, stability and financial strength.

IF MY SON WERE ALIVE

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Ms. PELOSI. Mr. Speaker, today, as we mark the eighth anniversary of the Tiananmen Square massacre, I rise to bring to the attention of my colleagues a moving memorial statement by Ding Zilin, the mother of one of the young men killed by Chinese soldiers. This statement, which is being read at Tiananmen Square memorials in the United States, is an eloquent testament to the courage of Jiang Jielian, a 17-year-old high school student, and his mother, who has struggled to make sense of his tragic loss. I urge my colleagues to read this statement and to remember those who have given their lives and those who continue the struggle to promote democratic reform and basic human rights in China.

IF MY SON WERE ALIVE . . . ON THE 8TH ANNIVERSARY OF THE JUNE 4TH

(By Ding Zilin)

"If my son were alive . . ." For eight years I have been preoccupied with this thought, which cut deeper whenever I saw youths of his age. I would be struck with an empty feeling, a sensation that I was falling into an abyss. If he were alive, he would be 25 years old. At that time he was only 17, yet he stood more than six feet. Now, he would be taller.

On the evening eight years ago, that most sinister moment, he left home, determined. He went to a most dangerous place. He never came home again.

"If you fall, we will take your place!" This was the slogan they held up while marching in support of the college students on the hunger strike. The date was May 17, 1989. Those characters were written in black ink on a white background and were eye-catching. He was marching in the front row, holding the banner of "People's University High School" and followed by all his schoolmates. He did fall, fulfilling his promise with his young life.

I often think: what is a person living for after all? If my son were still alive, I would give him all my love. I would do everything to support him to put him through college, get degrees, and go abroad for further studies, just like many other mothers of my generation. He died, however, taking with him all my love and hope. Does life truly end up in "nothingness"?

But I cannot forget what he said to me on that evening before leaving home: "If all the parents in the world were as selfish as you are now, would our country and our nation have any hope?" Indeed, what we adults dared not or would not take responsibility

for was placed on the shoulders of our young children. Perhaps his was only a momentary passion generated by idealism. However, why don't we adults give something for ideals?

A friend once tried to comfort me. She said: if a person lives just to be alive, his life would be meaningless even if he reached seventies. Although your son lived for only 17 years, he achieved a life full of value. I am not sure if my son's death was meaningful, because so-called meaning can only mean something to the living; some day the living might be talking about the "June 4th" and make only small talk about those who died on that day! But I still believe that people should not sustain a meager life, for such a life can only be sustained by compromising one's dignity.

I know my son. If he had not died during that massacre, if he were alive today, I believe he would not give up his pursuit for liberty. He would be fulfilling his duties to this era by plunging himself into the surging tide of democratization.

Here it suddenly occurs to me: what would I be if my son were still alive? After the "June 4th" disaster, perhaps I would be like a scared hen, to be more careful in protecting my son, to constrain his freedom in both thought and action with all the instinctive love of a mother, "making" him an obedient citizen. It is almost certain that such an attitude would give rise to conflict between mother and son, because he would not tolerate selfishness and cowardice. He would not despise me or sever the ties with me, because he loves his mother deeply, but he would take the road chosen by himself. In the end, I would have to go along.

It is often said that children are the continuation of parents' lives, which has been reversed in our family. I am still alive today. Moreover, I have awakened from ignorance and slumber, and have regained my dignity, but this rebirth has been achieved at the expense of my son's life. My breath, my voice, and my whole being are the continuation of my son's life, forever . . .

PERSONAL EXPLANATION

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. PICKERING. Mr. Speaker, I was unable to return to Washington, DC today due to a death in my family and missed the following votes:

Rollcall vote No. 157, ordering the previous question to H. Res. 159. Had I been present, I would have voted "aye."

Rollcall vote No. 158, passage of the rule on H. Res. 159. Had I been present, I would have voted "aye."

Rollcall vote No. 159, the Skaggs amendment (No. 45) as amended by Mr. DIAZ-BALART to H.R. 1486, to continue funding for TV Marti broadcasts to Cuba. Had I been present, I would have voted "aye."

Rollcall vote No. 160, the Hamilton amendment (No. 65) to H.R. 1486, to authorize the President to implement, in the most efficient and effective manner possible, the President's proposal to consolidate and reinvent the foreign affairs agencies of the U.S. Government. Had I been present, I would have voted "aye."

Rollcall vote No. 161, the Bachus amendment (No. 40) to H.R. 1486, to require the State Department to report to Congress by March 1 of each year a listing of overseas U.S. surplus properties for sale and require the amounts received from such sales to be used for deficit reduction. Had I been present, I would have voted "aye."

Rollcall vote No. 162, the Goss amendment (No. 108) to H.R. 1486, to strike bill provisions which establish new responsibilities for the Office of the Inspector General at the State Department. Had I been present, I would have voted "aye."

Rollcall vote No. 163, the Paul amendment (No. 47) to H.R. 1486, to add new provisions to the bill which repeal the United Nations Headquarters Agreement Act, the United Nations Educational, Scientific, and Cultural Organizations Act, and the United Nations Environmental Protection Act of 1973. Had I been present, I would have voted "no."

Rollcall vote No. 164, the Stearns amendment (No. 6) to H.R. 1486, to allow Congress, instead of the Secretary of State, to decide to withhold 20 percent of the funds appropriated to the United Nations. Had I been present, I would have voted "no."

IN HONOR OF ESSIE COLBERT'S DEDICATED SERVICE TO THE HOUSE OF REPRESENTATIVES

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise to congratulate Ms. Essie Colbert on the occasion of her retirement on June 3, 1997, after 18 years of service to the U.S. House of Representatives. Essie Colbert works tirelessly during late night shifts cleaning congressional offices, including mine, with admirable attention to detail.

Walking into the office each morning, I inevitably notice how much pride Essie Colbert takes in her work. I have never been disappointed in her performance. I am, however, disappointed that she will be leaving us. My staff and I wish her a most relaxing and rewarding retirement.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 5, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 6

9:30 a.m.

Environment and Public Works

Transportation and Infrastructure Subcommittee

To resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act, focusing on the replacement of the Woodrow Wilson Memorial Bridge.

SD–406

Joint Economic

To hold hearings to examine the employment-unemployment situation for May.

1334 Longworth Building

JUNE 9

2:00 p.m.

Armed Services

Readiness Subcommittee

Closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for Fiscal Year 1998.

SR–222

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings on conserving judicial resources, focusing on the appropriate allocations of judgeships in the United States Court of Appeals for the Fifth and Eleventh Circuits.

SD–226

4:00 p.m.

Armed Services

Personnel Subcommittee

Closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for Fiscal Year 1998.

SR–232A

JUNE 10

9:30 a.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on miscellaneous water and power measures, including S. 439, H.R. 651, H.R. 652, S. 725, S. 736, S. 744, and S. 538.

SD–366

Environment and Public Works

To hold oversight hearings on the relationship between the Federal and State governments in the enforcement of environmental laws.

SD–406

Labor and Human Resources

To hold hearings on proposed legislation relating to national labor relations.

SD–430

10:00 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Senate Office of Compliance, and the Offices of the Secretary of the Senate,

Senate Sergeant at Arms, and the Architect of the Capitol.
S-128, Capitol

10:30 a.m.
Armed Services
Airland Forces Subcommittee
Closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for Fiscal Year 1998.
SR-222

2:00 p.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine instances of gambling over the Internet.
SD-226

2:30 p.m.
Armed Services
Strategic Forces Subcommittee
Closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for Fiscal Year 1998.
SR-232A

4:00 p.m.
Armed Services
SeaPower Subcommittee
Closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for Fiscal Year 1998.
SR-222

6:00 p.m.
Armed Services
Acquisition and Technology Subcommittee
Closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for Fiscal Year 1998.
SR-232A

JUNE 11

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the Stateside of the Land and Water Conservation Fund.
SD-366

Labor and Human Resources
Business meeting, to mark up proposed legislation to reform the Food and Drug Administration, and to consider pending nominations.
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD-192

Armed Services
Closed business meeting, to mark up a proposed National Defense Authorization Act for Fiscal Year 1998, and to receive a report from the Senate Select Committee on Intelligence on the Intelligence Authorization Act for Fiscal Year 1998.
SR-222

Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings to examine judicial activism and its impact on the court system.
SD-226

JUNE 12

9:30 a.m.
Energy and Natural Resources
To resume a workshop to examine competitive change in the electric power industry, focusing on the benefits and risks of restructuring to consumers and communities.
SH-216

Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold hearings on recent administrative and judicial changes to Section 404 of the Federal Water Pollution Control Act.
SD-406

Small Business
To hold oversight hearings to review the Small Business Administration's microloan program.
SR-428A

10:00 a.m.
Armed Services
Closed business meeting, to continue to mark up a proposed National Defense Authorization Act for Fiscal Year 1998.
SR-222

Labor and Human Resources
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act, focusing on opportunity programs.
SD-430

JUNE 16

2:00 p.m.
Special on Aging
To hold hearings to examine the problem of pension miscalculations, focusing on methods for educating people on the steps they can take to protect themselves and their pension benefits.
SD-628

JUNE 17

10:00 a.m.
Labor and Human Resources
To hold hearings to examine women's health issues.
SD-430

JUNE 18

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:30 a.m.
Indian Affairs
To hold joint hearings with the House Committee on Resources on S. 569 and H.R. 1082, bills to amend the Indian Child Welfare Act of 1978.
SD-106

JUNE 19

9:30 a.m.
Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings on emergency medical services for children.
SD-430

JUNE 20

10:00 a.m.
Labor and Human Resources
To hold hearings on improving the quality of child care.
SD-430

JUNE 25

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JUNE 26

9:30 a.m.
Labor and Human Resources
Children and Families Subcommittee
To hold oversight hearings on the implementation of the Family and Medical Leave Act.
SD-430

JULY 23

9:00 a.m.
Finance
International Trade Subcommittee
To hold hearings with the Caucus on International Narcotics Control on the threat to U.S. trade and finance from drug trafficking and international organized crime.
SD-215

JULY 30

9:00 a.m.
Finance
International Trade Subcommittee
To resume hearings with the Caucus on International Narcotics Control on the threat to U.S. trade and finance from drug trafficking and international organized crime.
SD-215

CANCELLATIONS

JUNE 5

10:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on NASA's international space station program.
SR-253

Judiciary
Business meeting, to consider pending calendar business.
SD-226