HOUSE OF REPRESENTATIVES—*Tuesday, June 17, 1997*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. COOKSEY].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 17, 1997.

I hereby designate the Honorable JOHN COOKSEY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. DOGGETT] for 5 minutes.

THE SUNSET ACT OF 1997

Mr. DOGGETT. Mr. Speaker, watching the sun rise over this Capitol each morning is a truly beautiful sight. The white marble on this building shines radiantly in the morning, and yet I think the same is also true with the birth of many Federal programs. There is usually great joy at the sunrise of a new Federal law to meet a genuine need across the country. But sometimes an initiative fails to fulfill its promise. Sometimes a new Federal program has unintended consequences either through misinterpretation by the courts or misapplication by the bureaucracy. Somewhere between the Potomac and the Rio Grande, some Federal efforts that began as a bright shining idea get so misdirected that many Americans get only a bad sunburn.

Well, Congress we know is great at creating Federal programs because we have hundreds of them to prove it. But too often after creating a program to address some real need, Congress subsequently fails to conduct proper oversight of its handiwork. It has been said that the nearest thing to immortality in this world is a government bureau, and certainly that is true of too many of the programs that were created in the sunrise in this particular institution. We find the sun coming up on these programs, but seldom seeming to go down.

In my home State of Texas, we found a solution for too much government sun. We forced periodic review of each new governmental initiative through a systematic sunset process. This procedure is authorized by the Texas Sunset Act, which I authored as a Texas State Senator. Through that process we have completed over 200 sunset reviews, performance audits of various State agencies. We have repealed statutes, we have consolidated and abolished governmental agencies, and the Texas Treasury is about $600 million the better for it.

In Texas, we believe that a thorough bottom-to-top review of each of these new laws and programs is healthy. It is good for the programs, it is good for those that are administrating the programs, but most importantly, it is good for the people that have to foot the bill, the taxpayers.

Mr. Speaker, I have found that when it comes to solving problems here in Washington, we could do with a little more Texas thinking of this type. So today I am introducing a bill that will bring this proven Texas concept to the Halls of Congress.

In my judgment, the Congress has an affirmative duty to oversee every program that it creates to ensure accountability, to ensure that over time the program is being retained only if it is necessary and only if it is being run in an efficient way that protects the taxpayer.

The Sunset Act of 1997, which I am introducing here today, would fulfill this duty by requiring Congress to review and reauthorize most programs at least once during every decade, if not sooner. There are Federal programs that are not being reviewed today that have not been formally reauthorized for many years. This is not any way to conduct the Nation's business, for it undoubtedly results in the outright waste of resources that could be better used to reduce the deficit and address our real needs in education, the environment, and health care.

Mr. Speaker, I advanced this sunset concept, I really advanced it during the recent budget debate, in an effort to ensure that this bipartisan agreement achieves its promise and is not just more wishful thinking. Unfortunately, those who control this House rejected the idea of a sunset guarantee to assure that today's political promises actually achieve some reality.

The Sunset Act of 1997 that I am introducing today is another way of accomplishing responsible government that addresses real needs within the restraint of a budget that is balanced and stays balanced. I urge my colleagues to approve the Sunset Act of 1997 as a way to bring about needed oversight to this government and assure that unnecessary programs are terminated and that all parts of our government are operated with true accountability and efficiency.

TRIBUTE TO JONNA LYNNE "J.L." CULLEN, A REMARKABLE WOMAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Michigan (Mr. Upton) is recognized during morning hour debates for 5 minutes.

Mr. UPTON. Mr. Speaker, it is my sad duty today to report the death of a very good friend of this House, Jonna Lynne Cullen. J.L., as we called her, was a special staff member who served this Nation for many, many years as a staff member to TRENT LOTT in the Committee on Rules; she worked this House in many different ways. I got to know her when I began to serve at the Office of Management and Budget under President Reagan, where she was the first director of the Office of Legislative Affairs, the first woman director of that office.

Several weeks ago there were a number of Members on both sides of the aisle that held a special tribute to her. They included, the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations, the gentleman from California [Mr. THOMAS], the gentleman from Massachusetts [Mr. MOAKLEY], the gentleman from Virginia [Mr. WOLF], the gentleman from Texas [Mr. THORNBERRY], the gentlewoman from Connecticut [Mrs. JOHNSON], and myself. A similar tribute was held on the Senate floor. Both Majority Leader LOTT, Senator COCHRAN, Senator SNOWE, and Senator DORGAN were involved, with very kind words for a woman with a very distinguished career.

I would like to announce that there will be a special tribute to her this Friday in the Russell caucus room at 11 o'clock for her friends and family. Saturday there will be a service, a memorial service, at the Presbyterian Church in Georgetown at 2 o'clock.

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I just want to wish her family well. This was a tremendous loss for this country, for a woman that bridged both sides of the aisle. She was one that many Republicans and Democrats held in special love and grace for the work that she did. We wish to send condolences to her family as well.

JONNA LYNNE "J.L." CULLEN—A TRIBUTE TO A REMARKABLE WOMAN

DEAR COLLEAGUE: As many of you have heard, our dear friend Jonna Lynne "J.L." Cullen lost her long and courageous fight with cancer late last week. She served Congress as a prominent and distinguished staffer from 1967 until 1981. Her energy, expertise and acts of kindness blessed many lives, including our own.

Starting her career as a staff assistant on the House Rules Committee for the late Chairman William Colmer (D-Miss), J.L. rose through the ranks to ultimately serve as Associate Minority Counsel for the Republican minority.

In 1981 she served as the first female Director of Congressional Relations at the Office of Management and Budget. She contained to be heavily involved in the political process after leaving the administration, serving on President Reagan's Bipartisan Commission on Central America.

Beyond her many professional accomplishments, J.L. was one of those rare and wonderful individuals who relished being a mentor, role model and always a generous friend.

In her honor, we are pleased to announce two services allowing all who loved her to attend and pay their respects.

First, a special tribute will be held to celebrate J.L.'s life on Friday, June 20, 1997 at 11:00 a.m. in the Senate Caucus Room in room 325, Russell Senate Office Building. A reception with J.L.'s family will be held immediately after.

On Saturday, June 21, 1997 at 2:00 p.m., a Memorial Service will be held at the Georgetown Presbyterian Church, 3115 P Street, northwest Washington. A reception at the church will follow.

Notes of condolences can be sent to her mother, Mrs. Joel Shipp, 5480 Meadow Oaks Park Drive, Jackson, MS 39211 and her stepmother Mrs. John Cullen, 490 Stonewall, Memphis, TN 38112. In lieu of flowers, a contribution in J.L.'s memory can be made to the Hospice of Northern Virginia, 6400 Arlington Boulevard, Suite 1000, Falls Church, VA 22042 or the Cancer Research Foundation of America, 200 Dangerfield Road, Alexandria, VA 22314.

TRENT LOTT,
Senator Majority Leader.
THAD COCHRAN,
Member of the Senate.
FRED UPTON,
Member of the House.
NANCY JOHNSON,
Member of the House.

[From the Washington Post, June 19, 1997]

OBITUARIES

JOANNA LYNN 'J.L.' CULLEN—BUSINESSWOMAN

Joanna Lynn Cullen, 54, founder of a food speciality business and a former director of congressional relations for the Office of Management and Budget, died of breast cancer June 5 at her home in Alexandria.

She also worked as a congressional aide and a government affairs consultant and lobbyist whose clients included the City of Dallas and the Cunard cruise line.

Miss Cullen was a gourmet cook who frequently organized dinners for reporters and for the female members of Congress whose numbers were increasing in the 1980s. She began her firm, J.L. Gourmand, in the late 1980s, making her own flavored pestos, called Pesto Plus. She sold them on her own at the Saturday Farmer's Market in Alexandria and to stores and restaurants.

Miss Cullen was born in Memphis and later lived in Jackson, Miss. She was a graduate of the University of Mississippi.

She moved to Washington in 1967 to be an intern on Capitol Hill. She was a staff assistant on the House Rules Committee and later became associate minority counsel for the Republicans.

She joined the staff of OMB Director David Stockman in 1981 and guided efforts aimed at gaining congressional support for tax cuts and budget plans proposed by the administration of Ronald Reagan. She became an independent lobbyist and consultant in 1984.

Miss Cullen served on Reagan's Bipartisan Commission on Central America and chaired the Commission on Compensation of Career Federal Executives under President George Bush. The compensation commission reported in 1988 that the pay gap between senior federal executives and the private sector had grown to 65 percent.

Miss Cullen was a founder of Charter 100, a women's networking organization. She traveled overseas as a business adviser to female entrepreneurs. She also was a member of Les Dames d'Escoffier International and a volunteer for the American Cancer Society and Cancer Research Foundation.

She also was a watercolorist whose botanical works were exhibited and sold locally.

A tribute to Miss Cullen was held last month on the floor of the House.

Survivors include her mother and stepfather, Louise Shipp and Joel E. Shipp, both of Jackson, Miss.; her stepmother, Harriet Ann Cullen of Memphis; and three brothers.

CULLEN, JONNA LYNNE (J.L.)—On Thursday, June 5, 1997, at her residence in Alexandria, VA, daughter of Mr. and Mrs. Joel E. Shipp of Jackson, MS and Mrs. Harriet Ann Cullen and the late John N. Cullen, Jr., of Memphis, TN. Also survived three brothers, three nieces and one nephew. Memorial service at Georgetown Presbyterian Church, 3115 P St., NW, 2 P.M. Saturday, June 21. In lieu of flowers, memorial contributions may be made to Hospice of Northern Virginia, 6400 Arlington Blvd., Suite 1000, Falls Church, VA 22042, or the Cancer Research Foundation of America, 200 Dangerfield Rd., Alexandria, VA 22314.

BAN LANDMINES NOW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Massachusetts [Mr. MCGOVERN] is recognized during morning hour debates for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, I am not the kind of person who typically monitors the activities of the British royal family, but I would like to bring to the attention of my colleagues that Princess Diana is in Washington today to speak out on behalf of a very important cause.

Last Thursday, Princess Diana joined the international call to ban the production, the export, and the use of anti-personnel landmines. Tonight she is the featured guest at a fundraising event for landmine victims hosted by the American Committee for the Red Cross.

Mr. Speaker, imagine being afraid of where you are because the very next step you take could cost you a foot, both legs, or your life. Every 22 minutes someone is killed or maimed by a landmine, more than 26,000 men, women, and children, mainly civilians, each year and every year. In at least 68 countries there are over 110 million unexploded landmines lying in fields, deserts, roads, along rivers and streams, in forests, and on footpaths.

These deadly weapons do not distinguish between the foot of a soldier and the foot of a child at play. They are designed to kill or badly maim any individual who triggers them, and they keep on killing long after hostilities have ended. The average lifespan of an antipersonnel landmine is 50 to 100 years. The first United States soldiers to die in Vietnam and the first United States soldiers to die in Bosnia were killed by landmines. In Poland, landmines laid during World War II are still killing and wounding people today.

When I traveled to El Salvador in the mid-1980's, I saw lines of teenagers missing legs or arms, victims of tens of thousands of landmines laid by the Salvadoran army and guerrilla forces during the 12 years of civil war in that country. I vowed then that I would work to end the use of these terrible weapons.

The United Nations and others are engaged in a painstakingly slow and dangerous process of removing landmines in places like Bosnia, Cambodia, and El Salvador, and while it takes as little as $3 to $15 to make a landmine, it costs as much as $300 or $1,000 to remove every landmine planted. Currently, 100,000 landmines are removed each year, and at that rate it will take us over 1,000 years to rid the world of all of the landmines that are buried in the ground right now.

That is why we must act now to stop the laying of any more landmines. That is why we must act now to stop the production, the stockpiling, the export, and the use of landmines.

Last Thursday 57 Members of the other body, Democrats and Republicans, introduced legislation that would ban future American use of anti-personnel landmines. Also, last week I was one of 164 Members of this House, Republicans and Democrats alike, who joined in sending a letter to President Clinton urging him to join the conference meeting this December in Ottawa, Canada, where over 75 nations will gather to sign an international treaty to ban landmines. Representatives from over 100 nations will begin meeting in Brussels on June 24 to review the work on a draft version of a treaty.

Mr. Speaker, I report to you and my colleagues that a powerful movement

is growing worldwide to put an end to landmines.

I am very pleased that people like Princess Diana, General Norman Schwarzkopf and Elizabeth Dole have chosen to speak out on this issue. They help to give visibility to the humble heroes and heroines of this extraordinary movement who are urging governments across the world to ban the production and use of these terrible and indiscriminate weapons.

This movement was inspired by civilian survivors of landmine explosions and the veterans of recent wars, such as the members of the Vietnam Veterans of America Foundation, one of the founders of the international campaign. The campaign is made up of doctors and nurses, human rights activists, humanitarian aid workers, and ordinary men, women, and children who heard about this issue through their churches, synagogues, mosques, labor unions, neighborhood groups, and civic organizations and who decided to take action. Over 225 organizations are part of the U.S. Campaign to Ban Landmines, and this same type of citizens' movement is duplicated in scores of countries worldwide.

In January, I nominated the International Campaign to Ban Landmines, one of the broadest grassroots movements of this century, for the Nobel Peace Prize. Because of all of the work and effort of these groups and individuals across the globe, over 75 governments are now planning to come to Ottawa in December to sign an international treaty to ban antipersonnel landmines.

Mr. Speaker, I commend Princess Diana and the millions of individuals around the world who are calling for an end to landmines. I urge the President to join the Ottawa process, and I call on our Government, the United States of America, to become a leader in the international movement to ban landmines today.

REPUBLICANS IGNORE BUDGET AGREEMENT AND FAVOR THE WEALTHY OVER LOW-INCOME SENIORS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, last week the Committee on Commerce voted on Medicare and Medicaid legislation that included the controversial medical savings accounts, or MSA's, which, according to the nonpartisan Congressional Budget Office, will cost the Medicare program over $2 billion over 5 years.

At the same time, Republicans did not include the $1.5 billion for specified low-income beneficiaries, also known as SLMB's, which basically is a fund that assists low-income Medicare beneficiaries in paying their part B premiums.

□ 1245

The Republicans have again, in my opinion, Mr. Speaker, shown their true colors by helping the wealthy at the expense of low-income seniors.

As a result of maintaining the part B premium for senior citizens at 25 percent of program costs and shifting home health to part B, Medicare premiums will rise by as much as $23 per month from 1997 to 2002 over the life of the budget agreement. The budget agreement reached by the President and Republican leaders included moneys to help low-income seniors who would likely see their monthly premiums rise from $43.80 to $66.67 per month. Unfortunately, the Republicans on the Committee on Commerce did not honor that agreement. Instead, the Republicans opted to spend an additional $2.2 million on MSA's which would benefit only wealthy and healthy seniors.

When the Democrats learned of the Republican legislation, Mr. Speaker, we offered an amendment, it was actually offered by the gentleman from California [Mr. WAXMAN] in the subcommittee, and again in the full committee, that would have eliminated the costly MSA provision and used those moneys for SLMB's. But both times, Republicans voted along party lines against low-income seniors.

It is not enough that the Republicans have broken the budget agreement with this and voted against low-income seniors, but that they would try to include the costly MSA's in Medicare reform, again.

I just wanted to point out, Mr. Speaker, why I think Medicare MSA's make no sense. They would only appeal to healthier and wealthier seniors while further eroding the financial integrity of the Medicare Program, to the detriment of older and sicker seniors. Even worse, the Republican proposal would allow senior citizens to spend Medicare dollars, that is, tax dollars intended for health care purposes, for other purposes, basically having it become income to them that they could use to buy a boat or go on a vacation instead of for health care.

Last year, as a result of the passage of the Kennedy–Kassebaum legislation, a pilot program was created to examine the effect of MSA's on the general population. We are not going to know the results of this demonstration program for another 4 years, but it seems to me it would make sense to wait for these results before experimenting with MSA's on the senior citizen population.

Many do not understand that most Medicare beneficiaries only cost the program about $1,400 per year, but that the sickest Medicare beneficiaries cost Medicare over $36,000 per year. If the healthier seniors leave the traditional Medicare program for MSA's, then the Medicare program will increasingly become a health care program for just the older and sicker seniors, which will only exacerbate its solvency problems.

Every senior will eventually get older and sicker, and they thus will have to rely on the Medicare program that will no longer be able to pull money from the healthier seniors. What I think we are going to see with the MSA's ultimately, Mr. Speaker, is a death spiral for Medicare.

In the last Congress, when the Republicans advocated inclusion of MSA's in the Medicare Program, they received strong support from insurance companies, particularly the Golden Rule Insurance Co. It is a well known fact that Golden Rule would receive a financial windfall with the expansion of MSA's into Medicare.

It is also well known that Republicans have been reaping financial benefits from Golden Rule. After all, Golden Rule has contributed as much as $1.6 million to Republicans in the 1992 and 1994 election cycles, and contributed nearly $400,000 to Republicans during 1996.

Many Republicans have been staunch advocates of MSA's and have suggested that MSA's will provide seniors with another health care option. I would argue that MSA's only create options for healthier and wealthier seniors.

Just to give an example, Mr. Speaker, in a letter to an MSA applicant dated the 29th of May this year from Golden Rule, this was the response to this individual named Alan from Virginia. It says, "Thank you for your interest in our company. We do currently market health insurance, including the Medical Savings Account, in your State. However, your medical condition of", and then you could fill in the blank, in this case they said diabetes, "would not be one that falls within our underwriting guidelines. Therefore, we would be unable to consider you for coverage."

What this means, Mr. Speaker, is that Golden Rule's rule is only interested in the bottom line, while this individual, Alan, will remain in the traditional health insurance that will see increasing health care costs because of the further division in the health care pool. MSA's are not going to provide choice, they are just going to break the insurance pool.

The average elderly woman has an income of less than $12,000 a year. MSA's will not benefit her, but part B premium increases will make it more difficult for her to balance her health care needs.

RECESS

The SPEAKER pro tempore (Mr. COOKSEY). Pursuant to clause 12 of rule

I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 50 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. GIBBONS] at 2 p.m.

PRAYER

The Reverend LeeAnn Schray, Georgetown Lutheran Church, Washington, DC, offered the following prayer:

Let us pray.

Gracious God, we give You thanks for this day and for the opportunities and challenges that it holds for us. We thank You for the Members of Congress and their staff. Every one is unique with their own talents and abilities, strengths, and weaknesses, but together they make this body strong. Show each of us, O God, the way we may best serve You this day. Give us wisdom in making decisions, honesty in speech and in action, compassion for those we serve, and courage to do what is right, that we may seek the good of all people and work for justice and peace in our Nation and in our world. In Your holy name we pray. Amen.

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 of rule I, the Journal stands approved.

Mr. SENSENBRENNER. Mr. Speaker, pursuant to clause 1, rule 1, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

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

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

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey [Mr. PALLONE] come forward and lead the House in the Pledge of Allegiance.

Mr. PALLONE 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.

DISPENSING WITH CALL OF THE PRIVATE CALENDAR ON TODAY

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent to dispense with the call of the Private Calendar today.

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

There was no objection.

WELCOME TO THE REVEREND LEEANN SCHRAY

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

Mr. PETRI. Mr. Speaker, we are privileged to have the Rev. LeeAnn Schray of Washington, DC as our guest chaplain today. Pastor Schray is the minister of the church my family and I attend during the weekends we are in the District of Columbia: the Georgetown Lutheran Church. This past year we have enjoyed getting to know LeeAnn and her husband, Bob Tuttle.

Pastor Schray was born in Bethlehem, PA. She received her bachelor of arts degree from St. Olaf College in Northfield, MN, and her master of divinity from the Lutheran School of Theology at Chicago. She moved to Washington, DC in 1991 to take her first call at St. Paul's Lutheran Church, where she served as the assistant pastor. For the past year, she has been serving as the pastor for Georgetown Lutheran Church, and the Lutheran campus pastor for Georgetown and American Universities.

Mr. Speaker, it is a great pleasure and privilege for me to welcome the Reverend LeeAnn Schray to the House lectern and to offer her our heartfelt thanks for serving as our guest chaplain.

GOP FAVOR WEALTHY OVER AVERAGE AMERICANS IN BUDGET AGREEMENT

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

Mr. PALLONE. Mr. Speaker, last month I voted in favor of the balanced budget resolution, but as the details of this budget become known, I am more reluctant to support the final budget product.

The Democratic tax cut plan targets the bulk of the tax cuts to working families and to those who need assistance. The Republican plan does not. Their proposal would actually increase taxes for those with incomes below $15,900, while those making nearly $250,000 and beyond would receive over half of the tax cuts. Not only is this unfair to low-income families, but it also leaves very little tax relief for the average working family.

In addition to the skewed Republican tax scheme, Republicans have also abandoned their agreement to help low-income seniors pay for rising Medicare premiums.

Mr. Speaker, the Republicans are putting the balanced budget agreement at risk by insisting on only helping their wealthy friends.

TAX CUTS FOR WORKING AMERICANS

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

Mr. BALLENGER. Mr. Speaker, what do we call a tax cut for people who do not pay taxes? I call it welfare. And once again, the Democrats want more welfare spending instead of tax cuts for working Americans.

It has been 16 years since working Americans got their taxes cut. We tried in the last Congress to pass tax cuts, but the President vetoed our efforts. This year, with the budget agreement, we seem to have paved our way to lower taxes. But now some folks want to give people who do not pay taxes a tax cut.

It is this kind of logic that drives working Americans crazy about Washington. It is like giving a car to someone who cannot drive or a drowning man a drink of water.

Mr. Speaker, let us give tax cuts to people who pay taxes. America deserves a tax cut now.

THE CASE FOR AFFIRMATIVE ACTION

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

Mr. SCOTT. Mr. Speaker, I rise to address the issue of affirmative action. It is my understanding that a bill is being introduced today which will prevent the Federal Government from taking affirmative steps to remedy the still widespread discrimination that we have in employment, contracting, and education.

Today, discrimination is still rampant. A recent study conducted by the Fair Housing Council found that minorities are discriminated against 40 percent of the times that they seek to rent an apartment. Repealing affirmative action will, therefore, have the practical effect of resegregating America. The repeal of affirmative action programs in both Texas and California gives us a peek at what happens when we eliminate affirmative action.

So we must ask the opponents of affirmative action if they achieve their goals when minority admissions to law schools in Texas and California dropped precipitously in spite of evidence that shows that minorities, when given the opportunity, will perform as well as their majority counterparts.

So, Mr. Speaker, I ask, how far do we have to turn the clocks back to appease those that are disgruntled, because discrimination is being remedied?

IT IS HIGH TIME FOR AN INDEPENDENT COUNSEL

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

Mr. CHABOT. Mr. Speaker, as James McDougal, former business partner of President Clinton, begins his prison sentence today, I think we should take a look back at some of the additions to the American vocabulary in just the last few years: Whitewater, Filegate, Troopergate, Travelgate, Lippogate, Pillowgate, Donorgate, Indo-gate, and who could forget Buddhist Templegate.

Goodness gracious, and Janet Reno says there is no need for an independent counsel? Yeah.

AMERICANS ARE FED UP WITH FEDERAL BUREAUCRATS

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

Mr. TRAFICANT. Mr. Speaker, in Boston for the last 14 days the Sweeney family has literally barricaded their property, fighting the Federal Government who they say is trying to take their home. Now, I do not know who is right or wrong in this case, but one thing is for sure. Many American people are fed up with fat cat government bureaucrats.

Open your eyes, Congress. EPA, IRS, FBI, FDIC, ATF, intimidation, liens and seizures, technicalities, regulations, on and on, and every single day more messages and signals keep coming to Washington; and no one here seems to be listening.

Mr. Speaker, it is not just Texas and Idaho, now it is Michigan, New York, and even the wealthy suburbs of Boston. I say, Mr. Speaker, what is next? Maybe another Tea Party? Do not be surprised when a nation that forgets their history is many times apt to revisit it.

TAX CUTS FOR PEOPLE WHO PAY TAXES

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

Mr. BARTLETT of Maryland. Mr. Speaker, it should be a no-brainer that tax cuts should go to people who are taxpayers. Many Americans might well wonder how anyone could even think of, let alone give, a tax cut to people who do not pay taxes. But remember, this is Washington.

Words mean nothing. That is why tax cuts are still a defining difference between Republicans and Democrats. Republicans are for tax cuts.

Republicans believe that hard-working Americans deserve to keep and spend more of the money that they earn. For too long, Democrats opposed any tax cuts for working Americans as gifts from Washington to the so-called rich.

Now, some Democrats claim they support tax cuts. However, actions speak louder than words. It turns out the Democrats and the President's proposed tax credit for children would transfer more money from the pockets of taxpayers to the pockets of people who pay no taxes.

Americans are wondering, Mr. Speaker, why is the Democrats' child tax credit more like welfare spending than a tax cut?

REPUBLICAN TAX PROPOSAL IS DISAPPOINTING

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

Ms. DELAURO. Mr. Speaker, I rise today to express my disappointment in the Republican tax proposal. Under this plan, the majority of the tax benefits go to the wealthiest Americans, those making over $250,000 a year; almost 58 percent of their tax breaks go to people making over $250,000 a year.

I think that we ought to provide the bulk of tax relief to working, middle-class families in this country, to the families who are trying to figure out how to pay their monthly bills, put food on their table, send their kids to school, and provide for a secure retirement and be able to afford health care. These are the families who could use tax relief in this country today.

Let me just say that this is simply not a Democratic issue. One of my Republican colleagues, in a television appearance with me this morning, stated that providing big tax breaks for families who make over $250,000 a year is not the right way to go. I encourage more of my Republican colleagues, speak out about the need to provide tax relief to those families who really need it: hard-working middle-class Americans.

□ 1415

INTRODUCTION OF THE ELECTRIC UTILITY NITROGEN OXIDE LIMITATION ACT OF 1997

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

Ms. CARSON. Mr. Speaker, today I have introduced a bill, the Electric Utility Nitrogen Oxide Limitation Act of 1997. In the current debate concerning the new EPA rulemaking for clean air, I trust that my bill will pass and provide an alternative for Members who want to vote for clean air.

My bill will reduce by 55 percent the nitrogen oxide levels emitted by fossil fuel-burning electric utility plants by the year 2000. It sets a simple standard of 0.35 pound per million Btu to be met by the electric utility plants by the end of the year 2000.

It will also ensure that electric competition encourages, not discourages, responsible, efficient emission control. It is a bill that is proconsumer and proenvironment. It will ensure competition for utilities, but not at the expense of air quality.

This bill will do all of this without amending the Clean Air Act. While the debate rages on concerning EPA rulemaking and the States debate standards that will not be in place until 10 years from now, I encourage my colleagues to join me.

AN IMMENSE AMBITION FOR POWER

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

Mr. GOSS. Mr. Speaker, "Attention turns to Aristide as the Haitian Government crumbles," says the news report this weekend. "An immense ambition for power" is responsible for insecurity and disorder in the Capital, Port-au-Prince. This is how one-time confidante Paul DeJean describes former President and his former friend, Jean-Bertrand Aristide of Haiti.

In fact, this sentiment is nothing extraordinary. If we peruse the weekend press on Haiti, it appears to be a mainstream opinion as Haiti drifts deeper into misery and despair. Reports from the wire and from Michael Norton of the Washington Post describe a litany of Aristide's increasingly obvious efforts to advance his own personal ambition at the expense of economic recovery and at the expense of democratization in Haiti.

President Clinton's man in Haiti is systematically destroying democracy there. Unfortunately, this comes at the expense of the American taxpayer. Members will remember that $3 billion of democracy building we just provided? What, we have to ask, is the White House going to do about their man in Haiti? Is the Clinton White House backing democracy in Haiti, or is it backing another darling of the left strong man? Is this Papa Doc all over again? We need an answer.

THE REPUBLICANS ARE OUT OF TOUCH WITH REAL PEOPLE IN THIS COUNTRY

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

Ms. VELÁZQUEZ. Mr. Speaker, the Republicans are desperately out of touch with real people in this country. First, they try to hold up disaster relief to flood victims. Then they say that people trying to move from welfare to work are not entitled to the minimum wage or basic workplace protections.

Now the Republicans are trying to push through a tax bill that gives huge tax breaks to millionaires and provides almost no relief to the people who need it the most, middle-income and working families. The bulk of their tax cut will go to those families making over $237,000 a year. That is wrong.

What message are the Republicans sending to hardworking Americans? They want to give a $10,000 tax deduction to upper-income families who can already afford to send their kids to college. Yet they propose a $500-per-child tax credit that penalizes working mothers with children in child care.

Mr. Speaker, right now parents are forced to take two and three jobs just to feed their families. These are the people who need tax relief. Instead, the Republicans have loaded this tax bill down with gifts to their wealthy friends. It is wrong, Mr. Speaker. It is wrong, and we will not allow it.

THE CHOICE IS CLEAR: PASS TAX CUTS AS PART OF A BALANCED BUDGET

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

Ms. DUNN. Mr. Speaker, politics is all about choices. One of the biggest choices facing lawmakers is the direction of the U.S. economy. We can go down the path of higher taxation, more welfare benefits, and more regulation. This is known as the European path. It is also the path chosen by liberal Democrats.

The European path is a lot of fun for politicians. They can play Santa Claus, but it is not so much fun for the people. Just ask the people out of work in Germany or France, where the unemployment rate is twice the jobless rate here in the United States.

The other path is a path in just the opposite direction: lower taxes, less regulation, welfare reform. That is the direction we want for the U.S. economy. That is the direction we want for Americans looking for a job, Americans looking for a better job, Americans looking for higher-paying jobs.

This is the time to choose directions. This time the choice is clear. We must pass the tax cuts as part of a balanced budget. Choices, Mr. Speaker, that is what politics is all about.

THE DEMOCRATIC ALTERNATIVE: TARGETED TAX BREAKS TO THE MIDDLE CLASS, NOT TO THE VERY WEALTHY

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

Mr. WYNN. Mr. Speaker, I rise this afternoon to call for tax fairness, a simple proposition. Democrats have supported balanced budgets and Democrats support reasonable tax cuts, but not tax breaks exclusively for the wealthy.

The American public needs to know that under the Republican approach to tax cuts, the top 35 percent, people making over $247,000 a year, will get two-thirds of the benefit. There is a Democratic alternative. We take a more Robin Hood approach to tax cuts. We suggest that two-thirds of the tax benefits ought to go to the middle class, people who make $40,000 and $50,000, people who make $20,000 and $30,000.

So the proposition is really very simple. It is not a question of whether we want tax cuts. We want tax cuts. What we want are fair tax cuts that benefit most of the Americans in this country. That is the Democratic alternative: Targeted tax breaks to the middle class, not to the very wealthy.

A HISTORIC TAX CUT FOR AMERICANS

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

Mr. COOK. Mr. Speaker, I join the ranks of Republicans who are proud to tell our constituents that this Congress is giving them the first tax cuts they have had in over 16 years. I agree with those who call this budget historic, but it is historic for a lot more than just the $85 billion that we will be returning to the pockets of working families over the next 5 years. History is going to show that 1997 marked the year when American leaders began to redefine what is and is not income.

Through these tax cuts we have taken the first step in announcing to the American people that income is not the money they carefully saved through their lives and left for their children and their grandchildren. Income is not the assets of their family businesses they built with pride and nurtured over the years and just happened to be there when they died. Income is not the increased valuations of their homes.

I believe these tax cuts are the first step toward a simplified tax system that fairly and honestly taxes income, and a move away from a system that punishes savings and investing in our children, in our future, as our current system does.

COMMENDING THE PRESIDENT'S INITIATIVE ON RACE

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

Mr. LEWIS of Georgia. Mr. Speaker, this weekend I traveled with President Clinton to San Diego, CA. There the President announced his initiative on race: One America in the 21st century.

The President has appointed a commission of highly respected Americans to examine this issue and call for a year-long dialog to take place across our Nation. In the address, the President stated, "We must be one American community, based on respect for one another and our shared values."

Mr. Speaker, I could not agree more. There is no issue more important to the future of our country than building the bridge of trust and understanding between people of all religions, all nationalities, and all colors.

Mr. Speaker, I want to commend President Clinton for launching this bold initiative. Not since Lyndon Johnson has a President so directly and sincerely addressed the important issue of race. There are those who have criticized the President's initiative, who would use any opportunity to attack the President. I hope and pray that the President's critics will cease their attacks. This issue is too important to the future of our Nation to be exploited for political gain.

Thank you, Mr. President, for your inspiring words this weekend, and for beginning the process of healing and bringing our Nation together.

LET US PASS THE REPUBLICAN TAX CUT AS PART OF THE BALANCED BUDGET AGREEMENT

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

Mr. ADERHOLT. Mr. Speaker, the more Government taxes, the more it discourages people from doing productive work. The more Government taxes, the more it discourages business from increasing output and creating jobs. The more Government taxes, the more it discourages people from saving and investing. The more Government taxes, the harder it is for families to make ends meet, the harder it is for people to get ahead, the harder it is for individuals to realize their dreams.

Mr. Speaker, these commonsense truisms apply, whether or not the Federal budget is in deficit or surplus. They apply, no matter what part of the business cycle the economy is in. They

apply to those in industries and all sectors of the economy.

Quite simply, taxes are a drag on the economy, and an obstacle to people who are pursuing their dreams. Let us make it easier for people to make ends meet, get ahead, and save for the future, create new jobs, and pursue their dreams. Let us pass the tax cut plan as part of the balanced budget agreement.

GAO CONCLUSION ON PERSIAN GULF WAR ILLNESS NEEDS REASSESSMENT

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

Mr. SANDERS. Mr. Speaker, according to the New York Times, a GAO report to be released later this week "harshly criticized the Pentagon and a special White House panel over their investigation of the illnesses reported by veterans of the 1991 Persian Gulf war, and has found that there is substantial evidence linking nerve gas and other chemical weapons to the sorts of health problems seen among the veterans."

Frankly, as a member of the Subcommittee on Human Resources of the gentleman from Connecticut, Mr. CHRIS SHAYS, which has been studying this issue for several years, the GAO conclusion is no surprise to me. Our committee has heard time and time again from scientists and scholars who believe very strongly that a major cause of Persian Gulf war ills is the synergistic effects of chemicals that our soldiers were exposed to, as well as drugs they were given as preventative measures, such as pyridostigmine bromide.

Mr. Speaker, the Presidential Advisory Committee on Gulf War Illnesses was wrong when it concluded in December 1996 that chemical exposure was not a cause of Persian Gulf illness, and that stress was the major factor. That error has delayed and deflected necessary research and treatment for tens of thousands of veterans who are suffering today.

Mr. Speaker, I am circulating a letter that I hope my colleagues will sign, asking the Presidential Advisory Committee to reassess its findings.

DEMOCRATS WANT THE GOVERNMENT TO TAKE MORE OF TAXPAYERS' MONEY

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

Mr. SCARBOROUGH. Mr. Speaker, in the immortal words of Ronald Wilson Reagan, there you go again. We have been hearing claims of class warfare, of how the rich are somehow going to be soaking the poor, but the fact of the matter is that for 40 years Washington, DC has been soaking everybody, getting more and more tax revenue up to Washington, DC.

It was Democratic Senator BOB KERREY that ran an Independent Entitlements Council, and determined that in 30 years, our children, my 9-year-old boy when he is 39 years old, will be paying Washington 89 percent of every dollar that he makes in Federal taxes.

Yet, we bring tax relief to this floor, and time and time again it is the liberals, and some would say radicals, that are against it. They want Washington to have more and more and more, and what we in the Republican party are saying is government needs to have less and less and less, and let the people keep more and more of their money.

A TAX PLAN WHICH WILL ULTIMATELY BENEFIT ONLY THE RICH

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

Ms. PELOSI. Mr. Speaker, the gift horse of the gentleman from Texas [Mr. ARCHER], his tax cut plan, looks good now, but in the long-term only the rich will benefit. Those are not my words, but the words of the Philadelphia Inquirer, which pointed out the bogus nature of the Republican tax plan. As this chart clearly points out, 57.9 percent of the benefits of the Republican plan will go to the top 5 percent, those making over $247,000 a year.

□ 1430

Average Americans would be the biggest winners, the gentleman from Texas [Mr. ARCHER] says. I do not think so. Again, sounds nice, but it is bogus.

What the Republicans unveiled this week ought to be called Tax Relief for the Monied Class Act. Its focus on people trying to make ends meet lasts only for a few years. Over the long term, most of the tax savings flow to taxpayers whose incomes are much higher than the national average. If the Republican Party wants to stand or fall on that ground, waxing eloquent about a tax code that rewards risk taking, so be it. The elections in 1998 and 2000 could be a referendum on tax efficiency and fairness.

Mr. Speaker, I urge our colleagues to look carefully at who benefits from this tax proposal. Let us have tax fairness. Support the Democratic alternative.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 5 p.m. today.

ANDREW JACOBS, JR. POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1057) to designate the building in Indianapolis, IN, which houses the operations of the Circle City Station Post Office as the "Andrew Jacobs, Jr. Post Office Building," as amended.

The Clerk read as follows:

H.R. 1057

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

SECTION 1. DESIGNATION.

The building in Indianapolis, Indiana, which houses the operations of the Indianapolis Main Post Office shall be known and designated as the "Andrew Jacobs, Jr. Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the "Andrew Jacobs, Jr. Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. MCHUGH] and the gentleman from Pennsylvania [Mr. FATTAH], each will control 20 minutes.

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

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

Mr. Speaker, H.R. 1057 was introduced by the chairman of the full committee, the gentleman from Indiana [Mr. BURTON], and, as required by the committee policy, supported by the entire Indiana delegation.

Mr. Speaker, the original bill designated the Circle City Station Post Office as the "Andrew Jacobs, Jr. Post Office Building." However, the Committee on Government Reform and Oversight approved the amendment proposed by the Subcommittee on Postal Service designating the facility housing the operation of the Indiana Main Post Office as a more appropriate building to bear the name of "Andrew Jacobs, Jr."

Mr. Speaker, as most of our colleagues in this House know full well, Andy Jacobs is and has always been a product of Indianapolis. After finishing high school in 1949 in that city, he entered the U.S. Marine Corps and served in the Korean conflict. He returned thereafter to his home State and received his B.S. degree from Indiana University and his LL.B. from Indiana

University School of Law. He practiced law in that State and in that city, and he was elected to the Indiana State House of Representatives at age 26.

He served in the 89th Congress and was a Member from 1965 to 1973. As he was not reelected to the 93d Congress, he did return to Indianapolis once again to teach and practice law. He was elected again to the 94th Congress and served through the 104th Congress thereafter. During his tenure he chaired the Subcommittee on Social Security of the Committee on Ways and Means.

Mr. Speaker, those of us who remember Andy remember him for his political unorthodoxy. He returned tens of thousands of dollars to the U.S. Treasury from his salary, veterans disability payments, mileage reimbursements and office allowance. In fact, an Indiana newspaper once described him as "refreshingly unpredictable."

He is reported to have said of himself, "I am not the best go along in the House. Frankly, sometimes I do not get along very well."

That may be true in that self-observation, Mr. Speaker, but I am sure all of us agree that Andy Jacobs got along very, very well. He was one of the most respected and certainly one of the most admired Members that this House has seen in many, many years. I certainly think that this naming bill is a very appropriate way in which the Members of this House and the people of this Nation can say gratefully to this gentleman, thank you for all that you have done. I strongly urge passage of this bill.

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

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

I am pleased to support H.R. 1057. This legislation naming a postal facility in Indianapolis, IN, after our former colleague Andy Jacobs. Last year Congressman Jacobs completed a very long and distinguished career in public service. As a young marine he was wounded in combat during the Korean war. He later worked as a police officer, served in the Indiana House of Representatives and was elected to the Congress in 1964. Many of his years here were spent on the House Committee on Ways and Means and as chair of the Subcommittee on Social Security.

He will be remembered most for his efforts to balance the budget and minimize spending on his own reelection campaigns. This legislation bestows a fitting honor upon a Member who served with great distinction in this body for over three decades.

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

Mr. McHUGH. Mr. Speaker, I thank the ranking member for, as always, his input and his support and his assistance on not just this but the other bills that the subcommittee has considered.

Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON], chairman of the full committee, chief sponsor of this bill.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding me the time.

Let me just say that I have served in this body now for 15 years. I have served with no finer Congressman or Congresswoman than Andy Jacobs, Jr. Andy is a dear friend of mine. I know some of my Democrat colleagues might find that interesting, since he comes from the other party, but he is one of the finest people I know. He is a good father, a good husband. And he is a great American. He really cares about this country.

We have heard a lot of the good things about Andy today. He served in this body for 30 years. But he was such a man of integrity that I think everybody who knew him on both sides of the aisle agreed that here was a man who, if he gave you his word, you could bet the house on it because he would not break his word.

I will just say this about Andy. If I could pick one Member that I would trust with everything I own including my family, it would be Andy Jacobs, Jr. He is that kind of a person. And that is about as high a regard as I can hold anyone.

Some other things that a lot of my colleagues may not know is Andy was a marine. He did not talk about this very much. But during the Korean war, one of his buddies was killed. And it was of course the frozen fields of Korea during the war over there that Andy really showed what kind of a man he was. He carried on his back for almost 3 days his dead comrade back to our lines so that he could be properly honored and buried. That is the kind of guy Andy Jacobs is.

If we had 435 Members in this body like Andy Jacobs and 100 Members in the other body like Andy Jacobs, we could solve so many of the country's problems in a very rapid order because he was that kind of a man and is that kind of a man.

The thing I could say that means the most to me is that Andy Jacobs is my friend and I miss him.

Mr. FATTAH. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Indiana [Ms. CARSON], a brave woman who has been sent by the State of Indiana to replace Andy Jacobs here in this body serving the people of her great State.

Ms. CARSON. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. FATTAH] and the gentleman from Indiana [Mr. BURTON] for those very eloquent remarks. Imagine standing here today in support of the House bill, H.R. 1057, as an individual who succeeded Congressman Andy Jacobs out of the 10th Congressional District in the State of Indiana. There is no way that Andy Jacobs can be replaced. As Henry Fonda used to say very profoundly in an advertisement for Andy Jacobs, Andy Jacobs is a Congressman's Congressman. And although I am very proud to have been able to succeed him, as he opened up his seat for election of a new Member to Congress, I say that with a great deal of pride and certainly lament the fact that Congressman Jacobs no longer represents the 10th Congressional District of the State of Indiana.

We have heard that Andy Jacobs was in fact in combat as a marine infantryman in the Korean war and let the Treasury Department hold his disability check as he served as a Member of Congress. And we have certainly heard that Andy Jacobs also was Marion County deputy sheriff and that he graduated from law school. Congressman Jacobs was in fact a member of the Committee on the Judiciary that helped to write the historic 1965 Voting Rights act, and I know a lot of my colleagues in Congress would like to be reminded that Andy Jacobs is the one that sponsored legislation that made Father's Day a legal holiday. So, as my colleagues enjoyed their family a couple of days ago under the banner of Father's Day, please know that it was Congressman Andy Jacobs who authored that legislation.

Andy Jacobs was the only Indianapolis Congressman in the 20th century to serve on the House Committee on Ways and Means where he did chair the Subcommittee on Social Security and the Subcommittee on Health. Andy Jacobs followed in the footsteps of his father, Andy Jacobs, who was also a Member of Congress from the State of Indiana.

Andy Jacobs authored "The Powell Affair: Freedom Minus One," because he sat on the Committee on the Judiciary throughout all of those hearings and he tells the story of the ouster of the Harlem Congressman from the U.S. House of Representatives.

Congressman Jacobs retired from Congress in 1996 to spend more time with his lovely wife, Kim Hood Jacobs, and his sons, Andy, Jr., who is 6 years old, as we speak, and Steven, who is 5 years old at this time.

Mr. Speaker, I encourage my colleagues to support this very worthy and appropriate legislation as a special tribute to the honorable Andy Jacobs who served his country well.

Mr. McHUGH. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I am pleased to cosponsor H.R. 1057 to designate the Main Post Office in Indianapolis, Indiana in honor of Congressman Andy Jacobs. Following in his father's footsteps, Andy Jacobs, Jr. began his congressional career in 1964, after serving 5 years in the Indiana House. For 30 years Indianapolis was

well represented by a real gentleman and a formidable legislator.

As I was waiting here to make these remarks, I happened to listen to the opening segments here of 1-minutes on the House floor. I think Andy was always bothered by what I would refer to coming from his own party as rhetorical political terrorism. Those are inflammatory words that are meant to incite class warfare and paint others as uncaring or callous. That was not Andy Jacobs at all. Andy Jacobs was someone who exemplified the essence of the nobility of life; that is, someone, as a former marine and as a deputy sheriff, who was in touch with the inner sensibilities of life and those tender sensibilities.

Andy Jacobs voted his conscience. He did not go along party lines. There are some Members that will go along party lines, and then some will break from party lines for a particular political purpose. Andy was a gentleman who voted his conscience.

For example in 1989, it was Andy Jacobs that cast the deciding vote on the Committee on Ways and Means in favor of a capital gains tax cut, despite the Democrat majority at the time in opposition of cutting taxes. His tenure on the Committee on Ways and Means provided Indiana with a very powerful presence.

It was truly an honor for me to serve here for 4 years with Andy Jacobs. I wish Andy and his wife Kim and their children all the best as they move into the new phase of their lives.

I applaud the gentleman from Indiana [Mr. BURTON] for having brought this initiative to name the Main Post Office in the honor of my friend, Andy Jacobs.

□ 1445

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume to just suggest that the people of the State of Indiana and the 10th District have sent forth a Representative now, we just heard from her, to speak on their behalf on some of these very important issues of tax policies and the like, and I think that the issues of how Andy Jacobs would have voted on some of the matters that were discussed in the one-minutes are really beyond the point.

What we are here to do is to honor his 30 years of service and, through this legislation, to name a post office after him; and we seek no partisan advantage in that process.

Mr. Speaker, I yield 3 minutes to the gentleman from the State of Indiana [Mr. HAMILTON], a most distinguished Member, to comment on this legislation.

Mr. HAMILTON. Mr. Speaker, I thank the gentleman for yielding me this time, and of course I rise in strong support not only of H.R. 1057, a bill to rename a post office in Indianapolis, IN for former Congressman Andy Jacobs, but I wish also to rise in support of the bill that follows, H.R. 1058, to rename a post office now under construction in Terre Haute, IN for former Congressman John Myers.

I, of course, have known Andy and John for many, many years. I think I served with each of them in this institution for 30 years, for a total of 60 years' association with these two gentlemen. I hold them in highest esteem and regard. They were a true credit to this institution during their many years of service. The House of Representatives misses them, the State of Indiana misses their service, and I miss them as personal friends in this institution.

It was a great personal pleasure for me to work with them over the years. Both of them are individuals of the highest integrity and dedication and professionalism. They have had a tremendous impact on our great State of Indiana and its people as well as the citizens of this country. Each of them, I believe, left a distinctive mark on the U.S. Congress, and everybody in this Chamber, and many people throughout the country, are better for it.

Andy and John are missed for their personal qualities that they brought to this floor. In national politics and in Congress, we often hear now about the decline of civility. Andy and John, in contrast, were models of civility and decency. They certainly had their views on the issues and were never afraid to voice them, but they always respected those with whom they disagreed and they worked tirelessly in this institution to build a consensus on some of the difficult challenges that we had. They understood how Congress works and they worked in a constructive and bipartisan manner to achieve their purposes. Each one of us can learn from their example.

Their work here was a mark of distinction. Andy and John have every right to look back on their service with a full measure of satisfaction. They were wonderful colleagues and they are great friends of mine. They represent the very best that our State of Indiana has to offer.

These bills are fitting tributes to two outstanding Members of Congress. I congratulate the chairman of the subcommittee and the ranking member of the subcommittee for bringing the bills forward and I thank them for it.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume to, very briefly, in closing, say that I think the words spoken here today by the gentlemen from Indiana, Chairman BURTON, Mr. HAMILTON, Mr. BUYER, and others, underscore in what great esteem Mr. Jacobs is held by Members of this House. And I am sure that equal esteem will be forthcoming for the Member who is honored through the next bill. With that, I close by urging all of the Members to support this very worthy and very meritorious piece of legislation.

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

Mr. FATTAH. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Speaker, I rise to pay tribute to Andy Jacobs and in strong support of H.R. 1057 to designate the new postal facility in Indianapolis, IN, in his honor.

I had the pleasure of serving with Andy since I was first elected to join the Indiana's congressional delegation in 1984 and until his retirement last year. In that time, I grew to appreciate him not only as one of the most thoughtful, honorable, and well-spoken legislators to serve in this body, but also as a good friend.

Because Andy's sons, Andy and Steve, and my boys, John and Tim, were born about the same time, we were able to share the mutual joys of fatherhood together. And whether our advice to each other on raising sons would be considered problematic or not, we always took pleasure about talking about Johnko and Bronko.

While I will certainly miss his wisdom and sense of humor in these Halls, I find comfort in the knowledge that Andy is enjoying his retirement with his wife, Kim Hood, and by watching his two boys grow up to be mature young men.

Since Andy was first elected to represent Indiana's 10th Congressional District in 1964, he made his mark as a tremendous legislator. As a new Member of Congress, he helped to write the 1965 Voting Rights Act, and led the House debate to help get the United States out of Vietnam.

A member of the Committee on Ways and Means, Andy quickly developed an expertise in Medicare and Social Security, and he worked tirelessly to help improve the lives of millions of America's senior citizens.

During his tenure in the House, he served as chairman of both the Subcommittee on Health and the Subcommittee on Social Security of the Committee on Ways and Means. In Andy's capacities he was able to strengthen and enhance the Social Security Administration and Medicare programs.

Widely recognized as one of the most fiscally conservative Members of Congress, Andy was an early proponent of a balanced budget constitutional amendment, and took the lead on other efforts to reduce Federal spending. He also was legendary among Members of the House for his own frugality, regularly returning tens of thousands of dollars to the U.S. Treasury from his personal office's funds.

Mr. Speaker, in his own unique way, Andy Jacobs came to epitomize what is good and right about serving his fellow

citizens as a Member of Congress. Indeed, with his interests ranging from poetry to Social Security, the people of Indiana and the rest of the Nation are fortunate to have had Andy Jacobs representing their interests in the United States Congress.

Passage of H.R. 1057 is only a small token of our appreciation, and I urge my colleagues to support it.

Mr. FATTAH. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I want to associate myself with the remarks of the gentleman from Indiana, Chairman BURTON, and I want to commend him for bringing forth the legislation.

Andy Jacobs was as well a friend of mine. There was not a Member ever to serve here with a sharper wit or a nicer attitude. He was a war hero, but one would never know it. He did as much to protect Social Security as anyone in history. One would never know it. Loved his family, Kim and the two boys, and just a super guy.

I also want to rise in support of another great legislator from Indiana, John Myers. I know John is here. I did not see Andy. John is here visiting with Jimmy Quillen from Tennessee. Two of the greatest Members. And I want to rise in support of the naming of the post office for John Myers, for Andy Jacobs, and I personally consider them great friends and I want to thank them for having helped my district and helping the people of all of America.

So I want to associate myself with the remarks of Mr. HAMILTON, Chairman BURTON, and all of those who have spoken here, but I am so very pleased that John Myers and Andy Jacobs are getting their just due here, because there is nothing more fitting than naming these two post offices for these two great Hoosiers.

Mr. Speaker, I will stop with that, because I know others will extol their virtues.

Mr. FATTAH. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I too want to join in thanking the committee for moving this forward.

Let me just say that a number of us here owe a debt of gratitude as well as the American public to Congressman Andy Jacobs, not only for his representation over many years but also personal notes.

As a personal note, as a new Member, he took me under his wing and showed me around and made sure I did not fall too badly in my early years here. Of course, he also introduced me to the woman who was later to become my wife. And so I am very, very grateful to him for that certainly as well, and our two children also thank him greatly.

I want to just note about Andy Jacobs, he was often a study of contrasts, and he was someone we needed to have in Congress and we need to have. He was a combat veteran who understood how awful war could be and always worried about sending, in his words, kids off to fight our wars. So he examined each cause for going to war carefully.

He was someone who, while many might say he was a liberal Democrat because he believed in programs that helped people, he was probably the tightest person with the taxpayers' nickel that I have run across in a long time.

And, finally, Andy was probably someone who, of anyone, would never ask that a post office be named after them and, Mr. Speaker, those are the people that we ought to be naming post offices after and Federal buildings after so the taxpayers and those who will use that building know that they were well represented and that the spirit that they would like to see in government is still memorialized.

So we thank very much the committee for moving this forward.

Mr. FATTAH. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER], the last and final Member with remarks on this bill from our side of the aisle, whom I served with on the House Committee on Education and the Workforce, who has been very close to Congressman Jacobs.

Mr. ROEMER. Mr. Speaker, I thank the gentleman for yielding me this time and for his hard work on this particular bill.

Mr. Speaker, I will submit for the RECORD a formal statement, but Andy Jacobs was anything but formal. Andy Jacobs was somebody that at 12 o'clock at night, when this session was in, and we were working hard doing the people's business, was the first person to say something off-the-cuff and funny to keep his colleagues' sense of humor and comedy and sense of bipartisanship alive.

Whenever we talked to Andy, if we did not get a funny quip out of him first, the first thing on his mind was always his family. His two children and his wife Kim always took priority over everything else. And the latest story about his 5- or 6-year-old was always on the tip of his tongue.

The trappings of this House of Representatives never captured Andy. Not only did he not spend money on things that would keep him in office or were part of the trappings of the facade of office, Andy hardly ever ran a campaign in the State of Indiana that would cost more than $20,000. That, by itself, is a monumental accomplishment.

Finally, when it comes to naming a post office after my good friend Andy Jacobs, I have to say that Andy was a Member of Congress that probably read each and every single one of his constituents' mailings to him, and often would reply in a sentence or two, or in three or four pages. And he had a lot to say to each one of his colleagues, sometimes very funny anecdotal stories, and sometimes things that none of his colleagues would dare write in our responses, but Andy could get away with it because he had such a great rapport with his constituency.

So my heart misses Andy but my hat is off to him and Kim, and we just wish him well in his next career in his lifetime.

Mr. Speaker, our Hoosier colleague, Andy Jacobs, served 15 terms in this House, and he is dearly missed. Andy is missed for his humor, his charm, and his grace. He is also missed for his powerful commitment to those in society who truly deserve and need help: the oldest, the youngest, and the most vulnerable.

Andrew Jacobs, Jr., served Indiana and the country well, but he rejected the trappings of office. His independent thinking and Hoosier common sense endeared him to his constituents, who returned him to office again and again without noisy or expensive campaigns. And then, without fanfare, Andy quietly decided to move on from the House of Representatives.

Mr. Speaker, Andy was a good mentor, and is a good friend. Like our colleague, John Myers, whom we also honor today, Andy put progress before partisanship, and expressed deep concerns about the lack of comity in the House. His gentility was a living rebuke to those whose rhetoric did not support civil discourse. We miss him all the more for his example.

Mr. Speaker, in naming a postal facility for Andy Jacobs, we are conducting a fitting tribute, if a modest one, for a man who served well by hard work, by integrity, and by example. I am pleased to rise in support of H.R. 1057, and to recognize my good friend Andrew Jacobs, Jr., today.

□ 1500

Mr. FATTAH. Mr. Speaker, I yield back all remaining time.

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from New York [Mr. MCHUGH] that the House suspend the rules and pass the bill, H.R. 1057, as amended.

The question was taken.

Mr. MCHUGH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

JOHN T. MYERS POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1058) to designate the facility of the U.S. Postal Service under construction at 150 West Margaret Drive in Terre Haute, IN, as the "John T. Myers Post Office Building."

The Clerk read as follows:

H.R. 1058

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

SECTION 1. DESIGNATION.

The facility of the United States Postal Service under construction at 150 West Margaret Drive in Terre Haute, Indiana, shall be known and designated as the "John T. Myers Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the "John T. Myers Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. MCHUGH] and the gentleman from Pennsylvania [Mr. FATTAH] each will control 20 minutes.

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

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

Mr. Speaker, as in the previous bill, H.R. 1058 was also introduced by the gentleman from Indiana, DAN BURTON, and it too is supported by the entire Indiana delegation pursuant to committee policy. As we have heard, Mr. Speaker, this legislation designates that the facility of the U.S. Postal Service under construction at 150 West Margaret Drive in Terre Haute, IN, be named as the "John T. Myers Post Office Building."

Mr. Speaker, I think it is fair to say that this afternoon is at least in part a Hoosier celebration. It is because John Myers, too, is a true son of that great State. He was born in Covington, IN, in 1927 and received his B.S. degree from Indiana State University in 1951. He joined the Army in 1945 and served in the European Theater during World War II. He remained in the Army Reserve from 1946 through 1967.

John is today a banker and, as I heard him relate personally to his friends just moments ago off the floor, the thing apparently he loves to do most, a farmer. He owns and operates a grain and livestock farm in Fountain County, IN, where he is a member of the Masons, the Elks, and Lions Club.

John Myers was first elected by the Seventh District in Indiana to serve in the 90th Congress and decided to retire after the 104th Congress. During his long congressional career, he served on the Committee on Appropriations and was chairman of the Subcommittee on Energy and Water Development for 2 years. He was ranking member of the Committee on House Ethics in the 1980's. John also served as ranking member of the Committee on Post Office and Civil Service in 1993 and 1994, which makes this designation even more fitting.

Mr. Speaker, as with our previous designee, John Myers is a man who really exemplifies what is good about public service and what is good about this House of Representatives. He is a gentleman to whom we can all look for friendship and all look for kind and guiding words when it was most needed. We, like with Andy Jacobs, miss John Myers' presence dearly.

But certainly I want to join with all of our colleagues in not just helping to bestow this honor but in wishing him the very best for a long, healthy, and productive retirement.

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

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

Mr. Speaker, H.R. 1058 seeks to recognize the contributions of another long-serving Member, John Myers, who retired last year after 30 years in the Congress. As a former ranking member of the old Committee on Post Office and Civil Service, this legislation naming a postal facility after him is especially fitting. I am pleased to support it and urge its favorable consideration by this House.

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

Mr. MCHUGH. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON], the full committee chairman and, as I said, the chief sponsor of both of these very meritorious pieces of legislation.

Mr. BURTON of Indiana. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, John Myers is here with us today, and we are very glad to see him again. John was a leader in Indiana politics for over 30 years. He was active in civic affairs as well as political affairs and contributed mightily to Indiana, as well as the entire country.

John worked very hard on the Committee on Appropriations over the years, not only on energy and water issues, but also on infrastructure issues that dealt with the entire country. People across this Nation that do not know who John Myers is owe him a debt of gratitude for the hard work he put forth on their behalf throughout this country. Colleagues on both sides of the aisle know that when they had a problem that needed to be solved dealing with the Committee on Appropriations or the Committee on Post Office and Civil Service, John was always there and willing to listen and help out.

In addition to that, he is highly regarded by his friends and neighbors, people who have known him all these years. He used to fly home in the wee hours of the morning or late at night to meet with farmers to talk to them about agricultural problems in his district, when a lot of other Congressmen would not take the time and effort to do that. So John went out of his way to do the job that he was assigned to do and he did it extremely well.

He was a fiscal conservative, a person who believed in cutting taxes instead of raising them. He is one of the guys that we really miss around here. John was one of the greats. I wish John and his wife Carol the very best. I hope you have a great retirement, John. Come back and visit us often. It is fitting and appropriate that we name a post office after him since the people in Terre Haute in years to come will know who John Myers was and what he did for his State and community.

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

Mr. Speaker, I spent a lot of time today with people from the State of Indiana, and I have an appointment with the gentleman from Indiana [Mr. BURTON], who just preceded me, at 5 p.m. But John Myers and his service, particularly on the committee that oversaw the work of the Postal Service in our country, through his work and in the work of others, we have the best Postal Service of any nation in the world. And it is actually quite fitting that we name a postal facility after him.

Mr. Speaker, I yield 2½ minutes to the delegate from American Samoa.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman from New York [Mr. MCHUGH], the chairman of the subcommittee, and the gentleman from Pennsylvania [Mr. FATTAH], my good friend, the ranking Democratic member, for their management of these two pieces of legislation.

Specifically, I rise to fully support the proposed bill to honor my good friend from Indiana, Congressman John Myers. Mr. Speaker, just for a moment, I do want to digress and to also honor my good friend Andy Jacobs, as has been spoken before in the previous legislation. If there is one thing I remember about Andy, I can describe this gentleman truly as the majority of one because he speaks with a conscience, he speaks against the grain about everything that is popular, he speaks his mind, he speaks his heart. That is Andy Jacobs, and I honor and respect that gentleman.

To my good friend John Myers, a real friend, always recognizes the rights of the minority. And I can always remember the National Prayer breakfast of his members. I recall a story about an island boy was invited to attend a church; and for several Sundays he was attending these church meetings. It got to the point it was so unbearable he got up and said, "Ladies and gentleman, if you shake my hand, I promise you the color is not going to rub off on you."

My good friends and colleagues, John Myers, in every instance when I meet him, he comes to me and shakes my hand and I can feel his sense of friendship in the times when this Chamber becomes so raucous, nasty, brutal, partisan. I honor Mr. John Myers for truly being a gentleman and to recognize the rights of the minority, and I thank my good friend from Pennsylvania [Mr. FATTAH] for saying this.

John, you will always be remembered by the island people.

Mr. McHUGH. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, designating the facility of the U.S. Postal Service which is under construction in Terre Haute, IN, as the "John T. Myers Post Office Building" is a fitting tribute to a distinguished public servant, to one who has served in this body for more than 30 years.

I served together with John on our postal committee for more than 10 years. John was always looking out not only for our civil servants and our postal workers but for the Nation as a whole. He certainly served his district with a great deal of pride and with a great deal of accomplishment.

I think this is the least we can do for such an outstanding public servant to name the post office building in Terre Haute after John Myers, whose heart was in the postal service trying to find a better way to make this a better service for the entire Nation. John Myers, we salute you. I am pleased to be part of this endeavor to pay tribute to a great public servant.

Mr. FATTAH. Mr. Speaker, I yield 2½ minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I would like to again thank the gentleman from New York [Mr. McHUGH] and the gentleman from Pennsylvania [Mr. FATTAH] for their hard work on these two very important bills, the first one, as we spoke earlier, for Andy Jacobs, and this one for my friend John Myers.

I think many things come to mind when I rise to commend and give accolades to my friend from Indiana, and one of them is his bipartisanship and his comity. Whenever we would go to John and ask him for advice as a member of the Committee on Appropriations, and myself as a Democrat, I would go to him to ask for that advise or seek help on a particular project for the State of Indiana, John did not look at us as a member of a particular party in a partisan way, John looked at us as how could I best help the people of Indiana and is this project one that has merits and that would help the people of the State? John's bipartisanship, his lack of partisanship, and his comity and courage are certainly attributes that we miss and miss deeply at times here in this session of Congress.

I also want to rise in support not only of the John T. Myers Post Office, but in support of John Myers' family. These attributes I think have the name of one single individual, a former Member of Congress, but with all the sacrifices that John made in terms of time, in terms of campaigning, in terms of attentiveness to his constituents, I think this accolade is also to his wife Carol and her dedication to the Hoosiers in the great State of Indiana and to his entire family.

I just close by saying that again, John is a Member who was deeply dedicated to the rights of the minority, who served this body with great intelligence and great warmth, and we dearly miss him. John, if you are listening out there, remember that we still need your help and guidance on certain issues and enjoy your second life as you have retired from Congress.

Mr. McHUGH. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I thank the gentleman from New York [Mr. McHUGH] for yielding me the time.

Mr. Speaker, I am proud again to cosponsor H.R. 1058, the bill designating John T. Myers Post Office Building in Terre Haute, IN. It is so fitting that not only the Indiana delegation, but other Members here honoring two Members from Indiana. These are two gentlemen that many have described them, whether it is from their bipartisanship, their comity, these are two gentlemen that always in the midst of a storm had their hands firmly upon the helm.

Congressman Myers dedicated 30 years of his life to serving the Seventh District in Indiana. During his 15 terms, he was respected for his mild-mannered, firm but fair attitude and consensus building attributes. He was not only a friend of the farmer but a friend of the veteran. As a World War II veteran from the European Theater, he, like others, left freedom in his footsteps and he knew the value of a strong defense.

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He also remembers the soldier, the sailor, the airman, and the marine wherever they are away from home, wherever they are standing watch, protecting our liberties. That was John Myers. Indiana was well represented by his formidable presence on the Committee on Appropriations, later chairing the Subcommittee on Energy and Water Development. When we mentioned his bipartisanship, whenever one went to John he also had to go to Mr. Bevill, or if one went to Mr. Bevill he had to go to John. Nothing happened out of that subcommittee unless it was agreed to by both of them. They worked in such a strong bipartisan nature.

Their presence is truly missed here in the 105th Congress. Congressman Myers is retired to the Seventh District in Indiana to continue his service to the communities he represented for so many decades. I wish John and Carol and the family all the best as they move into the new phase of their lives.

The naming of the new post office under construction at 150 West Margaret Drive in Terre Haute, IN, is well deserved and an appropriate tribute to John, who served as the ranking member of the Committee on Post Office and Civil Service. I offer my strongest support of the designation of the John Myers Post Office Building in Indiana.

Mr. FATTAH. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I thank the distinguished ranking member from Pennsylvania for yielding me this time.

Mr. Speaker, I mentioned John when I talked about Andy Jacobs. I want to thank John here on the floor for so many things he did through appropriations, where he was fair. He was not about Republicans and Democrats. He was fair. When one had a problem, and went to him, he understood the nature of those problems, and he sat down and he dealt with everybody fairly. I think that is the best thing one could say about anybody. He is a beautiful man. He was fair, he worked with all of us, he did not play favorites, and I think that is a great testament.

Two great guys, Andy Jacobs and John Myers. I am just glad to rise and call them a friend and thank them for having helped my people.

Mr. McHUGH. Mr. Speaker, I yield 2 minutes to yet another gentleman from Indiana [Mr. McINTOSH].

Mr. McINTOSH. Mr. Speaker, I too rise in favor of this bill in honor of John Myers and unfortunately could not make it to the Chamber for the previous bill and would like to voice my strong support for that one honoring Andy Jacobs. Both of them were wonderful colleagues. As I arrived here a little over 2 years ago, they took me under their wing and said, this is, David, what you need to know about Congress. That advice and friendly encouragement is something that I treasure and will always treasure.

But in particular John is somebody who represents quintessentially what it means to be a Hoosier. He practices common sense. He helped build our State universities. He helped make sure that our communities would be great places to live by making sure they received the things they needed. But he also did not feel that Hoosiers should have to pay higher taxes. And so as he liked to tell people in the last election campaign that he ran, in 30 years he had never voted for a tax increase.

He is a man who stood for those Hoosier values. His wife Carol is somebody who embodied them as well. When I was first elected, she called my wife Ruthie and told her, "Welcome to the congressional family. If you need help or advice along the way, I'll be there for you." That meant a tremendous amount to both of us.

Andy is somebody that I had the opportunity often to visit with on the flights back and forth to Indianapolis. His humor, his wit, and his friendship

are moments that I will always treasure in my public life.

Mr. Speaker, I rise in favor of both of these resolutions and thank the gentleman for bringing them to the committee and to the floor of the House.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume. As a relatively new Member of the Congress, I am pleased that I had an opportunity to serve with both of these gentlemen, if only for a brief few years. I am glad that they were not, as some now are, discussing this notion of term limits in the Congress. These two distinguished careers of over 30 years would not have been possible given the context in which the people of Indiana would not have been freely able to vote to continue to send them to the U.S. Congress so that they could represent that great State and to serve the entire country.

Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. VISCLOSKY] to close for our side.

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

Mr. Speaker, I rise today to pay tribute to John T. Myers and in strong support of H.R. 1058, designating the new postal facility in Terre Haute, IN, as the John T. Myers Post Office.

John Myers' career is one of inspiration and dedication. The third most senior Republican in the House and the Republican dean of Indiana's congressional delegation when he retired last year, John Myers served the people of Indiana's Seventh Congressional District with honor and dignity for 30 years. During the course of those years, John earned the reputation as a man of impeccable character, honesty, and integrity. A staunch fiscal conservative, John took great pride in the knowledge that he never voted for a tax increase as he worked hard to provide a better life for his children and his grandchildren as well as all the children of our Nation.

I had the honor of serving with John since I was first elected to Indiana's congressional delegation in 1984. Before that I got to know him when I worked on the staff of the late Congressman Adam Benjamin, Jr. From the moment I met Mr. Myers over two decades ago, I never once doubted that he was someone I could trust as both a generous friend and a trusted colleague.

John's leadership on the Committee on Appropriations, the committee on which I serve, was particularly distinguished. From the time he joined the committee in 1970, John compiled a remarkable legislative record, punctuated by fairness and, as many speakers have already said, a sense of bipartisanship.

Throughout his career and most recently as chairman of the Subcommittee on Energy and Water Development, he used his experience to craft needed flood control projects for his farming intensive district. However, John's work on the subcommittee always went beyond helping out his own constituents. He was a longtime advocate for high-technology research, including projects in new cancer treatments, plant biodiversity, superconductivity, and general science at Purdue, Indiana State, and other universities throughout the Nation.

It was a great honor for me to serve under his chairmanship on the Subcommittee on Energy and Water Development in the last Congress. Although I was sad to see John Myers leave the Congress last year, his presence has left behind an indelible impression on the men and women with whom he served. Passage of H.R. 1058 is a fitting tribute to a man who never really left behind his hometown roots in Indiana and yet managed to become one of this body's most honorable and capable leaders. I wish John, his wife Carol, and his family every happiness.

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

Mr. MCHUGH. Mr. Speaker, I yield 3 minutes to yet another gentleman from Indiana [Mr. PEASE].

Mr. PEASE. Mr. Speaker, I find myself at the end of the line of speakers about my friend and colleague John Myers and find everything on my list save one already having been said that I was going to share. And so, Mr. Speaker, I will submit my formal remarks at a later time and just speak from the heart for a minute.

I am not only the one who comes at the end of the line in talking about John Myers but I am also the one who has lived with the tremendous honor but also the tremendous responsibility of being his successor in the Congress. I told folks back home as we campaigned through 13 counties in western Indiana that I never ran into any community where I could not find someone whose life had been touched by John Myers and the things that he had done on their behalf or on behalf of their community. And then I come to Washington thinking I finally escaped that and I run into folks here who all have John Myers' stories about ways he has helped them both personally and professionally. There are a lot of things that have been said about John and his contributions to politics, to people and to this institution. One that was not mentioned was one in which I think I take the greatest pride, and that is the fact that for a number of years, probably more years than any of us would care to serve, he was the senior Republican on the Ethics Committee and in that role was responsible for ensuring that the highest standards of conduct were maintained and that respect was brought upon this body and the people who served here. His personal life and his professional life were both examples of the highest standards that are expected of Americans and of Members of the Congress of the United States and set a very high standard that I seek to exemplify. John is one of those people who despite 30 years of Congress and the accolades that come with it is as humble a man as he was when he came here. I invited him to be with us on the floor today as he has the right to do. He declined to do that, thinking it was not appropriate. He is that kind of a person who is very much one who is aware of the folks around him more than he is of himself.

He is usually embarrassed by the fact that I tell this story, but I am going to tell it because it is indicative of the kind of person he is. I first met John Myers in 1967 when he was in his first year of service in the Congress of the United States and I came to Washington as a teenage Boy Scout and met my Congressman, the man who I was fortunate enough 30 years later to succeed in this body. The important thing about that story for me is not just the honor that it accorded to me but the fact that I did not see Congressman Myers for another 10 years after that initial meeting in 1967. When we met 10 years later, he remembered who I was and where we had met. I tell that story not just because it is unusual but because quite frankly it is fairly commonplace. Congress Myers paid attention to everyone in western Indiana. He knew them as individuals, he cared about them as people and it is absolutely appropriate that we honor him this way this day.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume. I would only say in closing that we have heard today a very extraordinary outpouring of warmth and love for two very deserving gentlemen. Perhaps it is the air, perhaps it is the water or some other factor but it is obvious that Indiana has the ability to produce some extraordinary representatives to this great body. No two finer examples in my humble opinion exist than both John Myers, the subject of this bill, and Andy Jacobs, the subject of the previous one. Like the previous bill, Mr. Speaker, I would strongly urge all of our colleagues to support this measure and give Mr. Myers a very deserved piece of recognition and tribute.

Mr. PORTER. Mr. Speaker, I rise today in support of H.R. 1058, a bill that would recognize former Congressman John T. Myers by naming a U.S. Post Office under construction in Terre Haute, IN, in his honor. John served as a Member of Congress for 15 terms and as chairman of the Appropriations Subcommittee on Energy and Water Development before retiring this past year after the 104th Congress. He and I were colleagues in the House for 17 years, during most of which we served on the Appropriations Committee together. As members of the Appropriations Committee, we maintained an excellent working relationship, from which I developed the highest respect for him.

John was a tremendous advocate for medical research and I admire his contribution to this area, particularly in breast cancer research. Though John was personally affected by this disease when his wife developed breast cancer, his commitment to the advancement of breast cancer research was equally exceptional both prior and subsequent to her illness. I was particularly pleased to be able to respond to John's high priority for breast cancer research when I was appointed chairman of the Appropriations Subcommittee on Labor, Health and Human Services, and Education.

I believe that it is most appropriate that we recognize John Myers for his valuable contributions as a Member of Congress with this bill.

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

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from New York [Mr. MCHUGH] that the House suspend the rules and pass the bill, H.R. 1058.

The question was taken.

Mr. MCHUGH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bills just considered, H.R. 1057 and H.R. 1058.

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

There was no objection.

JOHN F. KENNEDY CENTER PARKING IMPROVEMENT ACT OF 1997

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1747) to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1747

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 "John F. Kennedy Center Parking Improvement Act of 1997".

SEC. 2. PARKING GARAGE ADDITIONS AND SITE IMPROVEMENTS.

Section 3 of the John F. Kennedy Center Act (20 U.S.C. 76i) is amended—

(1) by striking the section heading and all that follows through "The Board" and inserting the following:

"SEC. 3. JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.

"(a) IN GENERAL.—The Board"; and

(2) by adding at the end the following:

"(b) PARKING GARAGE ADDITIONS AND SITE IMPROVEMENTS.—

"(1) IN GENERAL.—Substantially in accordance with the plan entitled 'Site Master Plan—Drawing Number 1997–2 April 29, 1997,' and map number NCR 844/82571, the Board may design and construct—

"(A) an addition to the parking garage at each of the north and south ends of the John F. Kennedy Center for the Performing Arts; and

"(B) site improvement and modifications.

"(2) AVAILABILITY.—The plan shall be on file and available for public inspection in the office of the Secretary of the Center.

"(3) LIMITATION ON USE OF APPROPRIATED FUNDS.—No appropriated funds may be used to pay the costs (including the repayment of obligations incurred to finance costs) of—

"(A) the design and construction of an addition to the parking garage authorized under paragraph (1)(A);

"(B) the design and construction of site improvements and modifications authorized under paragraph (1)(B) that the Board specifically designates will be financed using sources other than appropriated funds; or

"(C) any project to acquire large screen format equipment for an interpretive theater, or to produce an interpretive film, that the Board specifically designates will be financed using sources other than appropriated funds.".

SEC. 3. PEDESTRIAN AND VEHICULAR ACCESS.

(a) DUTIES OF THE BOARD.—Section 4(a)(1) of the John F. Kennedy Center Act (20 U.S.C. 76j(a)(1)) is amended—

(1) by striking "and" at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting "; and"; and

(3) by adding at the end the following:

"(I) ensure that safe and convenient access to the site of the John F. Kennedy Center for the Performing Arts is provided for pedestrians and vehicles.".

(b) POWERS OF THE BOARD.—Section 5 of such Act (20 U.S.C. 76k) is amended by adding at the end the following:

"(g) PEDESTRIAN AND VEHICULAR ACCESS.—Subject to approval of the Secretary of the Interior under section 4(a)(2)(F), the Board shall develop plans and carry out projects to improve pedestrian and vehicular access to the John F. Kennedy Center for the Performing Arts.".

SEC. 4. DEFINITION OF BUILDING AND SITE.

Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76s) and section 9(3) of the Act of October 24, 1951 (40 U.S.C. 193v), are each amended by inserting after "numbered 844/82563, and dated April 20, 1994" the following: "(as amended by the map entitled "Transfer of John F. Kennedy Center for the Performing Arts', numbered 844/82563A and dated May 22, 1997)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

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

Mr. Speaker, H.R. 1747, as amended, the John F. Kennedy Center Parking Improvement Act of 1997, authorizes the design and construction of additions to the parking garage, site improvements and certain improvements to the interpretive film theater at the Kennedy Center.

Mr. Speaker, this bill is unique in that the language prohibits the use of appropriated funds for the garage expansion, and for projects that involve the purchase of large-screen format equipment and the production of an interpretive film, as the Board of Trustees designates. The Subcommittee on Public Buildings amended the bill to clarify the language on the theatre project to insure that no appropriated funds would be used for this project, as designated by the Board again, and the garage expansion and this theater projects will be financed through the assurance of industrial revenue bonds. The Board expects to issue bonds in a manner of approximately $40 million for these projects. Proceeds from garage operation and the film presentation will be used to pay the bonds.

Additionally, the bill authorizes the Board to develop and execute plans to improve pedestrian and vehicle access to the Kennedy Center. In addition to improving the public access, this enhancement will improve security of the site and some other improvement. Previously appropriated funds will be used to finance these projects, by the way.

Mr. Speaker, John F. Kennedy Center for the Performing Arts is a national Presidential monument and a living memorial. It receives over 4 million visitors annually. These improvements to the Kennedy Center are needed and long overdue. They will not only enhance the appeal of the Kennedy Center, but also improve this accessibility and security for the visitors. Most importantly, the garage enlargement project will not be, will not be at the taxpayers' expense.

I support H.R. 1748 and urge my colleagues to pass the measure.

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

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], our ranking member and an individual who has helped the Kennedy Center as much as anybody in the history of this Congress.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Ohio [Mr. TRAFICANT] for yielding this time to me, and I want to compliment him and the gentleman from California [Mr. KIM] on moving this legislation forward expeditiously and especially the chairman of the full committee, the gentleman from Pennsylvania [Mr. SHUSTER] for moving the bill to the floor, actually, moving it through full committee and then to the floor very expeditiously, recognizing the need

that the John F. Kennedy Center has to proceed with the improvements that will be made possible by this legislation.

The John F. Kennedy Center is America's national cultural center. It is a performing arts center, it is a world class cultural center, it is also a Presidential memorial. It stands out as America's tribute to the arts which the late President Kennedy featured so prominently in his years as President of the United States. It was during his tenure that I think the arts really got the national recognition and were paid the tribute that the arts deserve in a democratic society.

The Kennedy Center itself has achieved national and international stature and acclaim. Every year the Kennedy Center honors program is watched on television nationwide, and, with a full house, the honors program attracts the President, the Cabinet, the leadership of both the House and Senate because it pays such justly deserved tribute to those who have made their mark for all time in our society in the performing arts.

But enjoying the Kennedy Center has become more a travail than an enjoyment. The most often voiced complaint about attendance at Kennedy Center events is inability to get from parking to one's seat in time for the start of the performance. This legislation will make it possible for the Kennedy Center, without use of public funds, to undertake the renovations, add the parking, and make the traffic pattern changes necessary to move people expeditiously from parking to their seats before the performance begins. In addition, this legislation, with other funds that the Congress authorized and appropriated in the 104th Congress, will make the necessary changes to pro vide security that all realized the Cen ter needs, as expressed in the counterterrorism legislation that we enacted in the 104th Congress. Those counterterrorism funds will enable the Kennedy Center to change traffic circulation in ways that will make it possible for the Center to be more secure and to greatly minimize the possibility which exists, tragically, in our society, of a terrorist attack. That, of course, is a matter that must be high on the minds of all of the security entities in the Federal Government during the Kennedy Center honors performance when the President, the Vice President, the Speaker, the majority leader of the Senate are all present, as are numerous Members of both the House and Senate and Cabinet officers, as well as members of the Supreme Court.

So these changes will greatly improve the security of the Kennedy Center, but most important improve access to circulation around and parking for patrons of the Kennedy Center.

Again I want to emphasize that the cost of construction will be financed by industrial revenue bonds repaid by charges upon those using the Kennedy Center; the construction will not be done at public cost, but this authorization will give the Kennedy Center the means that an entity of this national and international stature requires to continue to be accessible by people of all walks of life to this national center for the performing arts.

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

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

Mr. Speaker, I rise in support of this legislation, and I would like to commend the Chairman of the Board of the Kennedy Center, Jim Johnson; the President of the Kennedy Center, Larry Wilker, and I want to commend them because no taxpayer money will be used in the innovative financing scheme that will, in fact, provide for adequate parking and reasonable traffic flow that is so very much needed there, and similar to most urban entities, our National Center for the Performing Arts at Kennedy Center needs adequate parking to continue to attract and to serve the many patrons that attend to enjoy their outstanding performances.

So I think it is important to note that the cost of the construction will not be borne again, to state that, by the taxpayer, but financed through privately placed bonds.

So with that I would like to also thank Rick Barnett and Susan Britta, the staffs of both the Democrats and Republicans, for helping us with this matter, and I believe that this will be a great help to the Kennedy Center.

Mr. Speaker, having no other requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the bill, H.R. 1747, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1747, the bill just passed.

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

There was no objection.

EAGLES NEST WILDERNESS EXPANSION

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 985) to provide for the expansion of the Eagles Nest Wilderness within Arapaho and White River National Forests, Colorado, to include the lands known as the Slate Creek Addition upon the acquisition of the lands by the United States, as amended.

The Clerk read as follows:

H.R. 985

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

SECTION 1. SLATE CREEK ADDITION TO EAGLES NEST WILDERNESS, ARAPAHO AND WHITE RIVER NATIONAL FORESTS, COLORADO.

(A) SLATE CREEK ADDITION.—If the parcel of land described in subsection (b) is conveyed to the United States on or before December 31, 2000, the parcel shall be included in, and managed as part of, the Eagles Nest Wilderness designated by Public Law 94-352 (90 Stat. 870; 16 U.S.C. 1132 note). Upon conveyance of the parcel, the boundary of the Eagles Nest Wilderness is adjusted to include the parcel.

(b) DESCRIPTION OF ADDITION.—The parcel referred to in subsection (a) is generally depicted on a map entitled "Slate Creek Addition-Eagles Nest Wilderness", dated February 1997, which shall be available for public inspection in the office of the Forest Supervisor of the White River National Forest in the State of Colorado. The parcel comprises approximately 160 acres in Summit County, Colorado, adjacent to the Eagles Nest Wilderness.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho [Mrs. CHENOWETH] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho [Mrs. CHENOWETH].

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

H.R. 985, the bill introduced by the gentleman from Colorado [Mr. MCINNIS], provides expansion of the Eagles Nest Wilderness Area within the Arapaho and White River National Forests in Colorado to include lands known as the Slate Creek Addition upon the acquisition of the lands by the United States.

I want to thank the gentleman from Colorado [Mr. MCINNIS], as well as the gentleman from New York [Mr. HINCHEY], subcommittee ranking member, and the gentleman from American Samoa [Mr. FALEOMAVAEGA] for their cooperation with the passage of this measure.

This legislation provides for a 160-acre Slate Creek parcel in Summit County, CO to be added to the Eagles Nest Wilderness and administered as part of the wilderness area if the land is acquired by the United States within the next 4 years.

The Slate Creek parcel is proposed for acquisition by the United States in

a land exchange. However, the current owners are unwilling to convey the land unless it is added to the Eagles Nest Wilderness Area and permanently managed as wilderness. Since the Slate Creek parcel is surrounded on three sides by the Eagles Nest Wilderness area, it only makes sense that it be made part of the area if the land is acquired by the United States.

This legislation is noncontroversial, and I urge support for this measure which enjoys the support of the Summit County Board of Commissioners, the Summit County Open Space Advisory Council, the Wilderness Land Trust and a number of other interested parties.

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

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

Mr. Speaker, I rise in support of this legislation and certainly compliment my good friend, the gentleman from Colorado [Mr. MCINNIS], for bringing this matter to the attention of the House. I also want to commend the chairman of the subcommittee, the gentlewoman from Idaho [Mrs. CHENOWETH], for her leadership and management of this piece of legislation.

Mr. Speaker, as explained by the chairman of the subcommittee, Mr. Speaker, this bill authorizes the addition of 160 acres to the Eagle's Nest Wilderness within the Arapaho and White River National Forests in Colorado. These lands, which are known as the Slate Creek Parcel, are currently privately owned, and the owners are unwilling to convey the lands to the Forest Service unless they are permanently protected as wilderness.

Accordingly, the bill provides that when these lands are acquired by the Forest Service they will be included in the wilderness. The Forest Service agrees that these are suitable lands for wilderness and have testified in support of this legislation.

Mr. Speaker, what we have here is a situation where there are willing sellers who believe that the highest and best use of their property is for public conservation purposes. This situation is duplicated in many places across our Nation and is one of the primary reasons that Democrats on the Committee on Resources have championed expanded use of the Land and Water Conservation Fund for land acquisitions.

I want to thank the owners of the Slate Creek parcel for their conservation interests, and I compliment the gentleman from Colorado [Mr. MCINNIS] for bringing the matter to the attention of the House, and I urge my colleagues to support this legislation.

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

Mrs. CHENOWETH. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado [Mr. MCINNIS].

Mr. MCINNIS. Mr. Speaker, this is a great bill.

I would like to thank the subcommittee chairman on forest and forest health, the gentlewoman from Idaho [Mrs. CHENOWETH], and I would also like to thank the gentleman from American Samoa for both of their assistance and rapidly bringing this legislation to the floor.

H.R. 985 has already been described, but let me tell my colleagues that it has strong support from Summit County Open Space Advisory Counsel, the Summit County Board of County Commissioners, the Wilderness Land Trust, the Sierra Club and a number of other organizations.

This bill makes a lot of sense. I do not know of any opposition that exists out there, nor do I know of any reason for any opposition to come forth, and I think the bill will pass unanimously.

This noncontroversial legislation, as I have stressed, provides that a 160-acre Slate Creek Parcel of Summit County will be added to the Eagle's Nest Wilderness and administered as a part of the wilderness area.

I urge my colleagues to support this bill. It is a good, good bill.

Mr. FORBES. Mr. Speaker, I rise today in support of the Eagles Nest Wilderness Slate Creek addition—H.R. 985—and in support of Congress' action to enlarge our wilderness areas and preserve open space. The amount of undisturbed land across the United States is quickly declining. Everywhere farmlands, woodlands, forests are being developed. Something must be done to stop the development of these areas and preserve open space.

That is why I wanted to make a statement today in support of H.R. 985. While I have never seen the Eagles Nest Wilderness Area, I am confident that it is a wonderful place enjoyed by thousands of Americans every year. Adding 160 acres to this wilderness area is a great accomplishment that should be commended. Last year, Congress passed and the President signed into law legislation that would add Shadmoor to the Amagansett Wildlife Refuge on Long Island, NY. This transfer of property is not yet complete but it, like the Slate Creek tract, is one of a handful of properties eligible for inclusion in our public land programs. We should all be working in Congress to identify tracts of land that should be preserved from development.

I commend Congressman MCINNIS' leadership in regard to saving the Slate Creek tract from development and for working to include it in the Eagles Nest Wilderness Area and urge my colleagues to vote in support of this important piece of legislation.

Mr. FALEOMAVAEGA. Mr. Speaker, I do not have any additional speakers and at this time, and I yield back the balance of my time.

Mrs. CHENOWETH. Mr. Speaker, I, too, have no requests for time, and I yield back the balance of my time

□ 1545

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the bill, H.R. 985, as amended.

The question was taken.

Mrs. CHENOWETH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mrs. CHENOWETH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 985, as amended.

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

There was no objection.

EXTENDING CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES TO HONG KONG ECONOMIC AND TRADE OFFICES

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 342) to extend certain privileges, exemptions, and immunities to Hong Kong economic and trade offices.

The Clerk read as follows:

S. 342

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

SECTION 1. EXTENSION OF CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES TO HONG KONG ECONOMIC AND TRADE OFFICES.

(a) APPLICATION OF INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT.—The provisions of the International Organizations Immunities Act (22 U.S.C. 288 et seq.) may be extended to the Hong Kong Economic and Trade Offices in the same manner, to the same extent, and subject to the same conditions as such provisions may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.

(b) APPLICATION OF INTERNATIONAL AGREEMENT ON CERTAIN STATE AND LOCAL TAXATION.—The President is authorized to apply the provisions of Article I of the Agreement on State and Local Taxation of Foreign Employees of Public International Organizations, done at Washington on April 21, 1994, to the Hong Kong Economic and Trade Offices.

(c) DEFINITION.—The term "Hong Kong Economic and Trade Offices" refers to Hong Kong's official economic and trade missions in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume first 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 me this time.

Mr. Speaker, I am pleased to rise in strong support of the measure before us this afternoon, S. 342, a bill extending certain privileges, exemptions, and immunities to Hong Kong's economic and trade offices after the reversion of Hong Kong to China. These Hong Kong offices are presently part of the British Embassy and its consulates, and while Hong Kong will revert to Chinese sovereignty on June 30 of this year, United States policy is to treat it as an autonomous entity for trade and economic purposes.

The enactment of this measure will ensure that its economic and trade offices will not fall under the auspices of the Chinese Embassy and will be given the necessary privileges and status to enable them to continue functioning independently.

This bill does not provide diplomatic or consular privileges and immunities from the trade officials in these offices. Rather, it ensures that they would be eligible for the same status as that accorded other international organizations. Most importantly, it provides the core protections that the trade and economic offices need to perform their functions in the United States.

Mr. Speaker, I want to compliment the gentleman from Nebraska [Mr. BEREUTER], the distinguished chairman of the Subcommittee on Asia and the Pacific, for his leadership in bringing this measure before the House today and in ensuring that we continue to accord a high priority in our policies toward Hong Kong.

Notwithstanding my support for this resolution, let us recognize that Hong Kong lost its autonomy when Beijing declared that the elected legislature is going to be replaced by one appointed by Beijing. There will be no freedom or autonomy in Hong Kong if Beijing nullifies the ordinances protecting individual rights. Hong Kong's trade offices will just be an extension of government in Beijing unless the people of Hong Kong can elect their own representatives and if there are laws that will enshrine their rights. Accordingly, Mr. Speaker, I urge prompt adoption of this measure.

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

I want to commend the gentleman from Nebraska [Mr. BEREUTER], my good friend and the chairman of the Committee on International Relations Subcommittee on Asia and the Pacific, who is the chief sponsor of this legislation, and certainly the gentleman from New York [Mr. GILMAN], chairman of the full House Committee on International Relations, for their presence and their statements.

Mr. Speaker, I rise in strong support of this bill. As it is now, the bill is identical to the one section of H.R. 750 which was adopted by this body earlier this year. If this bill does not become law by July 1, Hong Kong's representation in the United States will reverse to Chinese control in 2 weeks and will have to be handled by the Chinese Embassy, and I find that a very unlikely and an untenable situation, Mr. Speaker. This is clearly contrary to the attempt of the U.S.-Hong Kong Policy Act of 1992, which stipulates that the United States should treat Hong Kong, after reversion, as an entity distinct from the People's Republic of China.

Now, it would also be contrary to the hope shared by every one of us in this body, Mr. Speaker, that Hong Kong will retain most of its separate identity and distinctiveness after June 30. The administration originally asked for this bill and now strongly supports it. I call upon my colleagues to indicate their support for this bill, and I urge the adoption.

Again, I thank the gentleman from Nebraska [Mr. BEREUTER] for bringing this matter up for consideration by the floor.

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

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

Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN], the distinguished chairman of the Committee on International Relations, and the gentleman from American Samoa [Mr. FALEOMAVAEGA] for their statements.

This bill allows the President to extend certain privileges, exemptions, and immunities to the Hong Kong economic and trade offices of the United States, and there have been three and there will continue to be three.

Specifically, the bill allows the President to extend: First authority to contract to acquire property; second, property immunity from search and confiscation; third, an exemption from Custom duties; fourth, exemptions from Federal, State and local income taxes; and, fifth, legal protection for official communications. This replicates what is in place now for Hong Kong in its current status.

The legislation, as indicated by the gentleman from American Samoa, is necessary to ensure that the Hong Kong civil servants working in the Hong Kong economic and trade offices throughout the United States continue to have the same privileges, exemptions, and immunities after Hong Kong's reversion to China on midnight on June 30, 1997.

Hong Kong's civil servants currently have these privileges, exemptions, and immunities under a United States agreement with the United Kingdom. This arrangement, of course, also expires at midnight on June 30, 1997.

The State Department has negotiated a new agreement which essentially gives Hong Kong civil servants a basket of privileges, exemptions, and immunities which are roughly equal to that accorded Taiwan civil servants working in the United States. This agreement with the Hong Kong Special Administrative Region must be authorized by Congress and S. 342 does just that.

The Senate passed this noncontroversial legislation under unanimous consent on May 20, 1997. The House previously considered this exact legislation, as the gentleman from American Samoa mentioned, as a part of a larger bill, H.R. 750, authored by this gentleman, the Hong Kong Reversion Act, on March 11, 1997. So this legislation has been acted upon by the House as a part of a larger bill. That bill at the time passed on a rollcall vote by 416 to 1 under suspension of the rules.

Mr. Speaker, in concluding, the Congressional Budget Office estimates that S. 342 would result in no significant cost to the Federal Government. CBO states that the bill contains no intergovernmental or private sector mandates and would not impose any cost on State, local or tribal governments. My colleagues have heard indicated that the administration is supportive of the legislation. Mr. Speaker, I urge my colleagues to vote in support of S. 342.

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

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

As my good friend from Nebraska stated earlier, the administration fully supports this legislation. I would like to note that the gentleman from Indiana [Mr. HAMILTON], the senior ranking member of the House Committee on International Relations, is necessarily absent and I know he would have loved to add his commentary to the dialog this afternoon.

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

Mr. BERMAN. Mr. Speaker, I rise in support of S. 342. This is an important and necessary piece of legislation introduced with bipartisan support at the behest of the administration to help preserve the special status now enjoyed by the representatives of Hong Kong in the United States after the reversion of Hong Kong to the People's Republic of China on July 1.

When the Congress passed the Hong Kong Policy Act in 1992, it was recognized that the reversion of Hong Kong to China under the concept of one country, two systems would require a special effort by the United States to assist in preserving Hong Kong's unique liberties and trading relations with the rest of the world.

Most recently, the Congress passed the Hong Kong Reversion Act—H.R. 750—at the instigation of the chairman of the Asia and Pacific Subcommittee, Mr. BEREUTER, which I cosponsored. H.R. 750 contained a provision identical to that passed by the Senate in S.R. 342.

Unfortunately, the Senate has not yet acted on the other important provisions contained in H.R. 750 which extended the Congress and the administration's responsibilities to act as a "watch dog" over Hong Kong's liberties.

There can be no doubt that this will be an increasing subject of debate after Hong Kong's reversion. I was disappointed by actions already taken by the Hong Kong provisional legislature selected by Chinese authorities to restrict basic freedoms after July 1.

The decision of the Standing Committee of the National People's Congress of the People's Republic of China to repeal sections of the Hong Kong Bill of Rights Ordinance because they allegedly are in contravention of the Basic Law was deeply disturbing. The National People's Congress not only repealed a key section of the Bill of Rights Ordinance but also critical ordinances referred to in the Consultation Document: the Public Order Ordinance and the Societies Ordinance.

Curtailing the rights of assembly, giving the police new powers to ban public demonstrations, and restricting the right of access of Hong Kong political organizations to ideas and resources from abroad places in a legal straitjacket the basic right of assembly and association which were enshrined in article 27 of the Basic Law. Actions to restrict the rights of assembly and protest are major steps toward denying Hong Kong's citizens basic human rights.

The decision to place severe restraints on these freedoms because of exaggerated incidents of public abuse and by claims that Hong Kong "is extremely vulnerable to external forces" were not justified in my opinion by any internal event or foreign threat. Giving the power to appointed officials to ban any organization "in the interest of national security" is an open invitation to capricious decisions. Moreover, any limits on jurisdiction of the Court of Final Appeals in these matters could deny Hong Kong citizens the right of judicial review.

I fear that the message being sent to the people of Hong Kong and to the international community is that the rule of law in Hong Kong will be bent and molded to suit the needs of Hong Kong's new sovereigns regardless of the international commitments to maintain human rights contained in the Sino-British Joint Declaration and the Basic Law.

What threatens Hong Kong's national security and stability are not threats from democracy and respect for individual freedom but threats from those who wish to constrain the free flow of ideas.

I encourage my colleagues to vote in favor of S. 342. This is an important first step in efforts to preserve Hong Kong's unique economic, cultural, and political status.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and pass the Senate bill, S. 342.

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

A motion to reconsider was laid on the table.

CELEBRATING THE END OF SLAVERY IN THE UNITED STATES

Mr. PAPPAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 56), celebrating the end of slavery in the United States.

The Clerk read as follows:

H.J. RES. 56

Whereas news of the end of slavery came late to frontier areas of the country, especially in the American Southwest;

Whereas the African-Americans who had been slaves in the Southwest thereafter celebrated Juneteenth as the anniversary of their emancipation;

Whereas their descendants handed down that tradition from generation to generation as an inspiration and encouragement for future generations;

Whereas Juneteenth celebrations have thus been held for 130 years to honor the memory of all those who endured slavery and especially those who moved from slavery to freedom; and

Whereas their example of faith and strength of character remains a lesson for all Americans today, regardless of background or region or race: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the celebration of the end of slavery is an important and enriching part of our country's history and heritage;

(2) the celebration of the end of slavery provides an opportunity for all Americans to learn more about our common past and to better understand the experiences that have shaped our Nation; and

(3) a copy of this joint resolution be transmitted to the National Association of Juneteenth Lineage as an expression of appreciation for its role in promoting the observance of the end of slavery.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. PAPPAS] and the gentleman from Maryland [Mr. CUMMINGS] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. PAPPAS].

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

Mr. Speaker, "Juneteenth" has long been recognized as the date to celebrate the end of slavery in the United States. I congratulate my friend and the distinguished gentleman from Oklahoma [Mr. WATTS], for introducing this resolution to underscore the importance of that development for our Nation.

Juneteenth is the traditional celebration of the day on which the last slaves in America were freed. Although slavery was officially abolished in 1863, it took over two years for news of freedom to spread to all slaves. On June 19, 1865, U.S. General Gordon Granger rode into Galveston, Texas and announced that the State's 200,000 slaves were free. To make the date unforgettable, the former slaves coined the nickname "Juneteenth," mixing the word "June" and "nineteenth."

This holiday originated in the Southwest, but today it is celebrated throughout the Nation. The celebration of Juneteenth provides an opportunity for all Americans to learn more about our common past and to better understand the experiences that have shaped our Nation.

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

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

Mr. Speaker, first of all, I want to thank the gentleman from Oklahoma [Mr. WATTS] for his leadership in guiding this bill to the House floor. I also thank the gentleman from Indiana [Mr. BURTON], chairman of the Committee on Government Reform and Oversight, and the gentleman from California [Mr. WAXMAN], the ranking member, for their support of this measure.

For more than 100 years, African-Americans all over this country have been celebrating a very special day, Juneteenth. Juneteenth, on June 19, commemorates a joyous day in 1865 when many of the slaves in the State of Texas first learned that they had been freed. Juneteenth is sometimes known as the African-American 4th of July.

President Abraham Lincoln's Emancipation Proclamation went into effect on January 1, 1863. However, as most Americans know, the Emancipation Proclamation freed only those slaves in the States fighting against the Union in the Civil War. However, it was not until General Gordon Granger of the Union army arrived in Texas in 1865 that many of the slaves were informed that they had already been emancipated for over two years.

As the news spread, African-Americans celebrated. Festive foods were prepared. Music was played. People danced and sang. Mr. Speaker, most importantly, they prayed.

Then began the long journey down the road toward equality and justice, a journey we still find ourselves traveling on more than a century later. That is why African-Americans and all people of goodwill and humanity pause to celebrate this special day in history.

□ 1600

My good friend, the gentleman from Illinois, Mr. JESSE L. JACKSON, has defined these kinds of events as faith events. More than a celebration, Mr. Speaker, the commemoration of Juneteenth is a faith event. It is a time to thank our Creator for the renewal of our people's strength, their tenacity, their determination, and the amazing grace which has sustained their souls and their faith through this great hardship.

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

Mr. PAPPAS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Oklahoma [Mr. WATTS].

Mr. WATTS of Oklahoma. Mr. Speaker, I thank the gentleman for his kind words, and for the two gentlemen that have just articulated the thoughts on Juneteenth, I thank them both for their kind words and for their support of this legislation.

I also want to thank the chairman of the Subcommittee on Civil Service of the Committee on Government Reform and Oversight, the gentleman from Florida, Mr. JOHN MICA, whose leadership was instrumental in bringing this bill to the floor today during Juneteenth week. I sincerely appreciate his hard work in making that happen.

Mr. Speaker, as has been described here on the floor today, Juneteenth is the traditional celebration of the day on which the last slaves in America were freed. In September of 1862, in my opinion our greatest President, Abraham Lincoln, the Great Emanicipator, issued the Emancipation Proclamation which officially freed the slaves as of January 1, 1863, a full 87 years after the War of Independence began, with the support of thousands of black American patriots.

But the official act and the actual liberation were separated by months of continuing war, and long distances and news of freedom was slow to travel during those remaining years of the Civil War. It was not until June 19, 1865 that word finally reached the people in one of the farthest corners of the South, Galveston, TX, when Gen. Gordon Granger marched into the city and announced that the State's 200,000 slaves were free. That day has since been coined Juneteenth Independence Day and has been celebrated as such by tens of thousands of Americans and families for over 130 years.

Today this congressional resolution, House Joint Resolution 56, seeks to honor the memory of all those who endured slavery. It seeks to remind us of their faith, their strength of character, and their long struggle for freedom and for equal rights. It seeks to remind us that America needed a second Independence Day to complete the work that was begun by our Founding Fathers on the Fourth of July, 1776.

I hope all Americans will take a moment to recognize this Juneteenth Independence Day by remembering those who suffered, those who struggled, and those who finally triumphed over ignorance and hate to make a better world for their children and for their grandchildren. This is an opportunity to remember that we, too, are in the process every day of our lives of leaving a legacy to our own children and grandchildren.

This Juneteenth perhaps is a time to consider whether our legacy will be as noble as those before us. Three months before General Granger rode into Galveston and 1 month before he was assassinated, President Lincoln gave a second inaugural address where he challenged his countrymen to strive on to finish the work we are in, "with malice towards none, with charity for all, with firmness in the right as God gives us to see the right . . . to do all which may achieve and cherish a just and lasting peace.

A just and lasting peace. That challenge reaches out across the generations. It is the reason we remember and honor the great men and women who fought for the legacy of freedom that we honor on Juneteenth.

Mr. Speaker, again I would like to thank the gentleman from New Jersey [Mr. PAPPAS].

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

Mr. Speaker, I want to thank the gentleman from Oklahoma [Mr. WATTS] for his statements. Juneteenth is a day to celebrate and pay homage to the endurance of African-American slaves and their determination to be free. It commemorates the tenacity and courage they exhibited to obtain that freedom. It is a tribute to those black Americans who fought so long and worked so hard for the dream of equality.

Although Juneteenth is founded upon a painful past, it is now a day of celebration, fellowship, unity, and new beginnings: a faith event. When African-Americans were brought from Africa to this country as slaves, it was not only their bodies that were shackled. Their potential was also imprisoned. But no amount of enslavement, torture, humiliation, or murder was able to bound the souls, ambitions, or dreams of this dynamic and resilient people.

No other class of citizens, with the exception of possibly the American Indian, has had their language, their culture, and their religion literally stripped from their identity, and still they survived. Indeed, we thrive. African-Americans are now doctors, lawyers, educators, Supreme Court justices, and 101 people once denied the right to even sit in the balconies of this Chamber have served as Members of the U.S. Congress. We have come far, Mr. Chairman, but we still have a long way to go.

Juneteenth symbolizes the formal beginning of our march toward self-determination and empowerment. At times progress along this march has been slow, almost imperceptible. Though technically free by law, there are new struggles which today seek to enslave and impede our people from fully realizing the bounty of the American dream. Crime, drug abuse, poverty, poor health, and substandard education continue to shackle the full development of African-American potential.

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

Mr. PAPPAS. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Speaker, I rise today in strong support of House Joint Resolution 56, the resolution celebrating the end of slavery in the United States. In the words of Abraham Lincoln, "In giving freedom to the slave, we assure freedom to the free. Honorable alike in what we give and what we preserve, we shall nobly save or meanly lose the last best hope of earth."

With these words in December 1862, President Abraham Lincoln clearly defined his vision for a unified free America. Although it took the Civil War and three constitutional amendments to secure equal status for all U.S. citizens, Lincoln's moral leadership saved the last best hope of Earth from division and destruction.

The end of slavery is one of the most significant events in U.S. history. That is why earlier this week I cosponsored, with Mr. HALL, an apology, to ask forgiveness, because I believe before this Nation can truly be healed, forgiveness must be sought and reconciliation must occur. I applaud the authors of this amendment and ask for the passage of House Joint Resolution 56.

Mr. CUMMINGS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Texas [Ms. JACKSON-LEE], a member of the Committee on the Judiciary and the Committee on Science and cosponsor of this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding time to me, and I would express appreciation to the gentleman from Oklahoma [Mr. WATTS] for his leadership and his desire to bring this to the floor of the House.

Mr. Speaker, Juneteenth or June 19, 1865 is considered the date when the last slaves in America were freed. Although rumors of freedom were widespread prior to this, actual emancipation did not come until Gen. Gordon Granger rode into Galveston, TX and issued order No. 3 on June 19 which freed the estimated 200,000 slaves in the State of Texas. This is particularly special to Texans today, and this week many celebrations are going on in Texas. Texans will commemorate Juneteenth on June 19, as a State holiday created by the work of State Representative Al Edwards. Much study has been given to this historic event by Rev. C. Anderson Davis, who leads many activities regarding Juneteenth in Texas.

Many may stop and ask the question, whether the word is in fact celebration or whether it is commemoration. I believe that any day someone rises and achieves freedom is a day to celebrate. Even though General Granger's announcement came almost 2½ years after President Abraham Lincoln signed the Emancipation Proclamation.

President Lincoln issued the proclamation on September 22, 1862 as a bid to reunite this Nation, after a block of Southern States left the Union. It included a provision to free all slaves in those States if they did not return to the Union. These States did not return to the Union, however this proclamation did not apply to those slave-holding States that did not rebel against the Union. This fact left about 800,000 slaves unaffected by the provisions of the proclamation.

The Civil War and the 13th amendment to the Constitution formally outlawed slavery in the United States. When Texas heard the news, those who were slaves did dance, they did sing, and they prayed. As I said, for many years individuals thought we should not say that, we should not acknowledge that there was a celebration, but I can surely say that freedom should be praised and it should be applauded.

This day as we celebrate the bringing of this particular legislation, House Joint Resolution 56, let me applaud President Bill Clinton for his initiative, that there should be a racial healing. Let me also say that I support the legislation that will seek an apology for slavery in this country.

If we are serious, a debate should be real. If we are serious, an apology should be given and accepted. If we are serious, we should go forth, heal the racial divide and build our communities economically, socially, and with justice for all of America by presenting to those of ethnic and minority background a true opportunity, viewing them as equal citizens under the law in the United States of America. I support legislation to acknowledge the end of slavery in America.

Mr. Speaker, as a cosponsor I rise in support of House Joint Resolution 56, which is celebrating the end of slavery in the United States.

I would like to thank my colleague from the State of Oklahoma, for his leadership in bringing this legislation to the House of Representatives for consideration.

Mr. Speaker, Juneteenth or June 19, 1865, is considered the date when the last slaves in America were freed. Although rumors of freedom were widespread prior to this, actual emancipation did not come until General Gordon Granger rode into Galveston, TX and issued general order No. 3, on June 19, which freed the States estimated 200,000 slaves. General Granger's announcement came almost 2½ years after President Abraham Lincoln signed the Emancipation Proclamation.

Although President Lincoln issued the Emancipation Proclamation. on September 22, 1862, as a bid to reunite the Nation after the block of Southern States had seceded from the Union it included a provision to free all slaves in those States if they did not return to the Union. These States did not return to the Union, and this proclamation did not apply to those slave-holding States that did not rebel against the Union. These facts left about 800,000 slaves unaffected by the provisions of the proclamation.

The Civil war and the 13th amendment to the Constitution formally outlawed slavery in the United States.

When slaves in Texas heard the news, they sang, danced, and prayed. There was much rejoicing and jubilation that their life long prayers had finally been answered. Many of the slaves left their masters immediately, upon begin freed, in search of family members, economic opportunities or simply because they could. They left with nothing but the clothes on their backs and hope in their hearts.

Freedom; the right to name one's self, the right to have a marriage legally recognized, the right to assemble, the right to openly worship as one saw fit, and the right to learn how to read and write without fear.

There were still many difficult journeys for former slaves to overcome. The abject poverty and the racism that maintained it, prohibited any hope for assimilation into American society. In Texas, there were condemnations of those who would sell land to blacks. The Texas Homestead Act, passed during Reconstruction, the period following the Civil War, granted up to 160 acres of free land to white persons only. The Texas legislature in 1866 along with many legislatures across the Nation began to pass a new set of black codes which were designed to limit or reverse the gains ex-slaves had been granted.

Ex-slaves entered freedom penniless and homeless, with only the clothes on their backs. In the words of Frederick Douglas, "free without roofs to cover them, or bread to eat, or land to cultivate, and as a consequence died in such numbers as to awaken the hope of their enemies that they would soon disappear."

Sharecropping emerged from this misery in Texas and all over the Deep South which kept blacks from starving, but had little to distinguish it from the slave life of blacks. By 1877, the end of Reconstruction, the North had abandoned black America to the will of Southern whites, who through violence, racial discrimination, and Jim Crow laws succeeded in disenfranchising them, resulting in more than a 100 years of oppression until the rise of the civil rights movement.

Juneteenth during the decades following the end of slavery became for African-Americans a special day to celebrate the fruits of freedom which were and should have been fully theirs at the end of slavery.

Over the few short decades from the civil rights movement Juneteenth has grown in prominence and recognition. It is a day that all Americans can and do celebrate as a reminder of the triumph of the human spirit over the cruelty of slavery. It honors those African-Americans who survived the inhumane institution of bondage, as well as a demonstration of pride in the marvelous legacy of resistance and perseverance they left us.

Juneteenth should also serve as a day to recognize those who supported the abolitionist movement and the underground railroad which helped to pave our way to a nation not in conflict with its founding principles.

Mr. Speaker, I ask that my colleagues join in support of House Joint Resolution 56.

Mr. PAPPAS. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Kentucky [Mrs. NORTHUP].

Mrs. NORTHUP. Mr. Speaker, I am proud to join my colleagues and friends, and in particular the gentleman from Oklahoma [Mr. WATTS], in commemorating this historic event. The Juneteenth celebration symbolizes the end of a practice which divided this country for hundreds of years. To this day, that practice continues to cause fear, distress, and anger, a practice that denied an entire race of people its rights, guaranteed to all Americans by our Constitution, a practice that stripped them of opportunity and oftentimes hope.

But on this day, when we remember the close of a terrible chapter in our Nation's history, I believe we must look ahead rather than behind. We must look ahead to a Nation devoid of racial tension and then work toward that goal. Americans of all races must take it upon themselves to reach across that gulf of racial divisions to build friendships, relationships, and understanding so our children will know a world without prejudice.

In a time and a country where blacks and whites do not even eat together, pray together, or play together, the Juneteenth celebration should serve as a reminder that there is still work to be done, and should encourage us to pursue the promise of an America which is indeed free for all.

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

Mr. Speaker, 6 years ago my colleague, the chairwoman of the Congressional Black Caucus, the gentlewoman from California, [Ms. WATERS] came to Baltimore to deliver a most dynamic commencement address at Morgan State University, which is located in my district.

During that address she said that African-Americans are the only class of citizens of this great Nation which has had to have landmark legislation and groundbreaking court decisions handed down throughout our Nation's history to force America to accept us as full citizens, with all the rights and privileges of that distinction.

Mr. Speaker, on that great day, the gentlewoman from California [Ms. WATERS] was right on point. In 1791, the fifth amendment was ratified, guaranteeing all persons due process under the law. In 1865, this country adopted the 13th amendment, officially doing away with slavery. In the course of one century the Congress of the United States has passed four civil rights acts giving all U.S. citizens the same rights enjoyed by whites, and finally, in 1974, the Congress enacted the Housing and Community Development Act.

Almost two centuries have passed since this country began to make efforts to reconcile this inhuman past with this bright and hopeful future. But Mr. Speaker, I must reiterate that a full century after the Emancipation Proclamation, three decades since the

Voting Rights Act, two generations since the landmark court decision of Brown versus the Board of Education, Americans, both black and white, still find themselves standing dumbfounded at the crossroads in race relations.

Mr. Speaker, we can and we must do better. I want to take this opportunity to commend President Clinton for his encouraging our Nation to live up to its potential as we continue taking steps in America's long journey toward racial healing.

In the President's address at the University of California, San Diego, last weekend, he had the courage to address the sensitive and critical issue of race relations. But we cannot allow a dialog on race to commence without fully addressing serious economic, social, and environmental systems that continue to fan the flames of misunderstanding.

Until we address the root causes of joblessness and unemployment, health, poverty, and hunger, affordable housing and educational disparity, a discussion of race healing is premature.

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The President has appointed a blue ribbon panel to advise him on the issue of race. But, Mr. Speaker, I agree with retired Maryland juvenile court judge Vincent Femia, who said:

> To appoint this group of people to study race is like appointing a group of people to decide if they should repaint the window frames of a house while the house is on fire. Yes, maybe the window frames do need repainting, but, if you sit around talking, pretty soon it is not going to make any difference.

If we are truly to have a dialog on race in America, it must begin with an honest, frank, and truthful discussion on how we treat and disrespect our Nation's poor and working families. If we do not do that, Mr. Speaker, any conversation we hope to have on racial healing will fall on deaf ears.

We must face and overcome these critical problems as one nation; indivisible, with an eye toward justice and liberty for all.

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

Mr. PAPPAS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington [Ms. DUNN], Secretary of the Republican Conference.

Ms. DUNN. Mr. Speaker, I am proud to join my colleagues, the gentleman from Oklahoma [Mr. WATTS] and the gentleman from New Jersey [Mr. PAPPAS], today to celebrate the end of slavery and its import in our country's history and in its heritage.

Although slavery was abolished officially in 1863, the last slave was not freed until 2 years later; and we know that the struggle for equity did not end even then. In fact it will not truly be over until all men and women are equal, until people truly are judged by the content of their character rather than the color of their skins and until the time that those little boxes on applications for jobs no longer exist. I am proud to say I do believe we are on our way.

I am pleased to join this celebration today to honor the memory of those who endured slavery and especially those who moved from slavery to freedom. The former slaves, just like George Washington and Abe Lincoln, Harriet Tubman or Martin Luther King, are true American heroes. I commend the gentleman from Oklahoma [Mr. WATTS] and the gentleman from New Jersey [Mr. PAPPAS] for introducing this resolution. I look forward to working very closely together with their leadership on this issue.

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

Mr. Speaker, there is a spiritual I learned as a little boy called "Faith of Our Fathers." It talks about an enduring faith in the ideals and principles of our forefathers. It goes like this; it says:

> Faith of our fathers, living still, in spite of dungeon, fire and sword. Oh, how our hearts beat high with joy whene'er we hear that glorious word. Faith of our fathers. Holy faith. We will be true to thee till death.

It goes on to say:

> Faith of our fathers, chained in prisons dark, were still in heart and conscience free. How sweet would be their children's fate. If they, like them, could die for thee. Faith of our fathers. Holy faith. We will be true to thee till death.

Finally it says:

> Faith of our fathers. We will love both friend and foe in all our strife; and preach thee, too, as love knows how, by kindly words and virtuous life. Faith of our fathers. Holy faith. We will be true to thee till death.

The solution to these problems lies in creating and maintaining a vibrant economic base that will help our cities and families.

Economic development is crucial to survival of the African-American community. One way of doing this is by mobilizing cooperative efforts between government, business and the community.

Federal empowerment zones pair the Federal Government with economically distressed areas to provide incentives for entrepreneurs, established firms, and employees that invest and work in areas that they would otherwise find unattractive.

Empowerment zones challenge communities to develop and submit strategic visions for creating jobs and opportunities.

But we have to focus inwards as well. Those of us who have been blessed must acknowledge the obligation to return to our communities and give something back. We must invest in our human capital by acting as sources of inspiration and role models for our youth. African-American youth need to be encouraged to believe in themselves and their abilities.

By exposing our youth to new options, by opening their eyes to new alternatives, by showing our youth that we have faith in them, we can begin to instill in them the sense of pride and self-confidence necessary to prevent the high school dropout rates, illiteracy, teen pregnancy, and drug use that plagues our communities.

But, Mr. Speaker, I fear that we have once again begun a sad march backwards in regard to educating the next generation already with the passage of proposition 209 in California. That great State has seen an alarming 80 percent reduction in the application of minorities to be part of the class of 2001. Will we once again slam the door in the faces of young people seeking to be the best that they can be? I certainly hope not.

Mr. Speaker, we can and we must do better. June tenth celebrates and commemorates the joy and hope that the newly freed slaves felt in Texas on that day long ago in 1865. But it is also incumbent upon us to recommit ourselves this day to the continuing struggle for economic, political, educational, and social accomplishment if we are to realize the goal of this Nation's Declaration of Independence, that all men are created equal.

Finally, Mr. Speaker, Dr. King came to Washington over 34 years ago and spoke of a dream. But also on that historic day, he spoke of a promissory note of justice, equality, and freedom which America had defaulted upon. He said, it had been returned to the American Negro marked, and I quote, "insufficient funds."

I believe that the promissory note is long overdue. America must now begin to live up to its full potential and finally offer all of her citizens the right to life, liberty, and the full pursuit of happiness.

As we pause to remember Juneteenth, Mr. Speaker, I am reminded of a song recorded by the artist Michael Bolton. It is a song that I dedicate today to our ancestors, who came before us, to all of you wherever you may be, wherever your spirits are, we say to you that we will pick up the mantle and we will run with it. The song goes like this, and it is a very simple song but a very significant one. It says:

I have often dreamed of a far off place where a heroes welcome would be waiting for me. Where the crowds will cheer when they see my face and a voice keeps saying this is where I am meant to be. I will be there someday. I can go the distance. I will find my way if I can be strong. I know every mile will be worth my while when I go the distance I will be right where I belong. I will go down the road to embrace my fate though that road may wander it will lead me to you. And a thousand years would be worth the wait it might take a lifetime but somehow I will see it through.

And I will not look back I can go the distance and I will stay on track, no I

will not accept defeat. It is an uphill slope but I won't lose hope until I go the distance and my journey ends for me.

To look beyond the glory is the hardest part, for a heroes strength is measured by his heart.

Like a shooting star, I will go the distance. I will search the world. I will face it all.

I do not care how far, I can go the distance until I find my heroes welcome waiting in your arms.

To our ancestors we say:

I will search the world. I will face its harms until I find my heroes welcome waiting in your arms.

That is what this faith event is truly all about, surviving hardships and going the distance. I urge the House to suspend the rules and pass House Joint Resolution 56.

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

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

Mr. Speaker, the resolution before the House today resonates with all Members and with all citizens. Its importance is not limited to the descendants of slaves. Slavery was a blight on our Nation, a betrayal of the fundamental principles on which this Nation was founded, that all men are created equal and endowed by their creator with unalienable rights.

The end of slavery was an indispensable step in implementing that principle for all citizens.

I thank the distinguished gentleman from Oklahoma for sponsoring this resolution and shepherding it through the House. His own life is an inspiration for all Americans and forceful proof of what men and women can achieve in a free society.

From humble origins he became a star quarterback at the University of Oklahoma. Now he is a distinguished Member of this House and a star among all our Members. His life and his career and the lives and achievements of countless Americans throughout this country remind us how much Juneteenth means to all Americans.

Mr. QUINN. Mr. Speaker, I rise today in recognition of the 130th year of the celebration of Juneteenth.

Juneteenth is the traditional celebration of the anniversary of emancipation. And, just as those former slaves vowed on June 19, 1865, to never forget the day slavery was officially abolished, we too must never forget slavery and the brave men and women who endured its horrible monstrosities. On June 14 and 15, 75,000 western New Yorkers upheld the vow to never forget the abolishment of slavery and those who endured it.

The celebration of Juneteenth has also developed into a forum for the proud display of African-American culture and history. This grand history lesson not only helps us look back, but it helps us all look forward. We should now be looking forward to and working towards an era of unprecedented peace and reconciliation. House Joint Resolution 56, introduced by Mr. WATTS, is an excellent opportunity for this Congress and this Nation to take a step in that direction.

Mr. Speaker, today I would like to join with the tens of thousands of western New Yorkers, and millions of Americans across the Nation in recognition of the Juneteenth and this historic celebration of the end of slavery in America.

Mr. HOYER. Mr. Speaker, I rise in support of House Joint Resolution 56, a resolution of the Congress acknowledging the celebration of Juneteenth as an important and enriching part of our Nation's heritage. Juneteenth commemorates the day, June 19, 1865, when word of the end of slavery in the United States reached the American Southwest. Although President Lincoln signed the Emancipation Proclamation on January 1, 1863, it took some 2½ years for the news to reach Texas and other southwestern slave-holding States. Former slaves in the region coined the term "Juneteenth" to recall the date they received the news of their freedom, and they celebrated the anniversary of emancipation at this time each year. As descendants of these former slaves have spread throughout the Nation, the 130-year-old celebration has spread as well. Today, Juneteenth is celebrated by many African-Americans in most of the now 50 States.

Mr. Speaker, Juneteenth marks the close of a very long and dark chapter of our Nation's history—and the beginning of America's attempt to make its promise of freedom, liberty, and equality ring true for all Americans. The succeeding 130 years have brought momentous changes in our society. Through struggle and sacrifice, in the face of violent hostility and grave indignities, African-Americans have injected substance into the mantra equal justice under law, and we are today a freer, stronger Nation for it. Juneteenth is thus a time for celebrating the freedoms now guaranteed to all Americans through the Constitution and laws of our great land, and for reflecting on the courage of those who endured slavery and who fought to make America fulfill the promise of its founding principles. It is also, Mr. Speaker, a time to renew the commitment to correct inequalities and injustices which persist. Thus, although Juneteenth finds its origins in the southwest, it is clearly a celebration which embodies lessons of immense value and significance for all Americans across this great Nation.

I commend my colleague Congressman J.C. WATTS of Oklahoma for introducing this resolution, and I urge all of my colleagues to support House Joint Resolution 56.

Mr. CUNNINGHAM. Mr. Speaker, I rise today as a cosponsor of House Joint Resolution 56, in support of this legislation granting special recognition to the date of June 19, or Juneteenth, the date that the last slaves were considered freed in the United States, in 1865. I commend my colleague, the gentleman from Oklahoma [Mr. WATTS] for writing and introducing this legislation.

Dr. Martin Luther King, in his famous "I Have a Dream" speech, said he looked forward to a day when people would be judged not by the color of their skin, but by the content of their character. We have come a long way toward this goal as a nation since the first Juneteenth almost 132 years ago. I believe we have come a long way since Dr. King gave his speech. But it would not be correct—and it would not even be American—to suggest that we do not yet have a ways to go before Dr. King's dream is fulfilled.

To succeed as a nation, we should return to basic principles. One of these is to recognize and celebrate the fact that we are all Americans. The motto of this Nation is "E Pluribus Unum"—out of many, one. Out of many nations, races, and faiths, we have all come together in this land called America. We are united by our Constitution, our laws, our flag, and our desire to achieve the American dream and a better future for our children.

The celebration of Juneteenth continues the American march of embracing, celebrating, and advancing the cause of freedom in our own land, and around the globe. Of that, we can be proud, but we can never be content.

I would like to insert into the RECORD an essay published by the National Christian Juneteenth Leadership Council, describing the history of Juneteenth.

THE BLACK CHURCH AND JUNETEENTH

JUNETEENTH: A CELEBRATION OF FREEDOM

WHAT IS JUNETEENTH?

Juneteenth or June 19, 1865, is considered the date when the last slaves in America were freed. Although the rumors of freedom were widespread prior to this, actual emancipation did not come until General Gordon Granger rode into Galveston, Texas and issued General Order No. 3, on June 19, almost two and a half years after President Abraham Lincoln signed the Emancipation Proclamation.

BUT DIDN'T THE EMANCIPATION PROCLAMATION FREE THE ENSLAVED?

President Lincoln issued the Emancipation Proclamation on September 22, 1862, notifying the states in rebellion against the Union that if they did not cease their rebellion and return to the Union by January 1, 1863, he would declare their slaves forever free. Needless to say, the proclamation was ignored by those states that seceded from the Union. Furthermore, the proclamation did not apply to those slave-holding states that did not rebel against the Union. As a result about 800,000 slaves were unaffected by the provisions of the proclamation. It would take a civil war to enforce the Emancipation Proclamation and the 13th Amendment to the U.S. Constitution to formally outlaw slavery in the United States.

WHEN IS JUNETEENTH CELEBRATED?

Annually, on June 19, in more than 200 cities in the United States. Texas (and Oklahoma) is the only state that has made Juneteenth a legal holiday. Some cities sponsor week-long celebrations, culminating on June 19, while others hold shorter celebrations.

WHY IS JUNETEENTH CELEBRATED?

It symbolizes the end of slavery. Juneteenth has come to symbolize for many African-Americans what the fourth of July symbolizes for all Americans—freedom. It serves as a historical milestone reminding Americans of the triumph of the human spirit over the cruelty of slavery. It honors those African-Americans ancestors who survived the inhumane institution of bondage, as well as demonstrating pride in the marvelous legacy of resistance and perserverance they left us.

WHY NOT JUST CELEBRATE THE FOURTH OF JULY LIKE OTHER AMERICANS?

Blacks do celebrate the Fourth of July in honor of American Independence Day, but history reminds us that blacks were still enslaved when the United States obtained its independence.

WHY WERE SLAVES IN TEXAS THE LAST TO KNOW THAT THEY WERE FREE?

During the Civil War, Texas did not experience any significant invasion by Union forces. Although the Union army made several attempts to invade Texas, they were thwarted by Confederate troops. As a result, slavery in Texas continued to thrive. In fact, because slavery in Texas experienced such a minor interruption in its operation, many slave owners from other slave-holding states brought their slaves to Texas to wait out the war. News of the emancipation was suppressed due to the overwhelming influence of the slave owners.

Mr. BISHOP. Mr. Speaker, I rise today as a cosponsor of House Joint Resolution 56 and I urge my colleagues to support it. This nonbinding resolution would celebrate the end of slavery.

The Emancipation Proclamation of 1863 is the celebrated document which symbolizes the end of slavery in the United States. However, it took over 2 years for news of freedom to reach Texas. It was not until June 19, 1865 when U.S. Gen. Gordon Granger rode into Galveston and announced that the State's 200,000 slaves were free, that slavery was truly abolished throughout all of the United States. In an attempt never to forget this truly historical day, African-Americans who were slaves and their descendants refer to this day as Juneteenth, and they have been celebrating this date annually for over 130 years.

This measure would bring public attention to this very meaningful passage in American history. An official recognition of Juneteenth provides an opportunity for all Americans to learn more about the legacy of this country. Equally important, an official recognition of Juneteenth reflects the desire of the American people to acknowledge all aspects of our past, even those painful aspects, and build a unified thus stronger bridge together into our future.

Mr. PAYNE. Mr. Speaker, I join my colleagues here today to offer my support for House Joint Resolution 56 which calls for the celebration of the end of slavery. The need to celebrate the end of this most dubious time in America's short history, pervades the thoughts of many, though more so during this month of June.

During the month of June and, specifically, June 13–19, thousands of people, especially blacks, come together to celebrate the end of slavery. The celebration, called Juneteenth, commemorates the date in 1865 when slaves in Texas discovered, a full 2½ years after the fact, that President Abraham Lincoln had signed the Emancipation Proclamation. Slave-owners in eastern Texas successfully hid the news of their emancipation for 2½ years. They were not notified of their freedom until Union army officers told them on June 19, 1865, hence the name Juneteenth.

Juneteenth has been recognized as a holiday in Texas for quite some time, but has extended beyond Texas borders in recent years. Juneteenth is celebrated throughout many communities nationwide, incorporating parades, musical performances, and other festivities.

Lincoln's Emancipation Proclamation did much to dismantle the structure of slavery, but did not dismantle the institution. The story of those eastern Texas slaves is a visceral reminder of the fact that even after the Emancipation Proclamation, many slaves were indeed, not free. Throughout the South, slaves were not notified of their freedom by landowners for years. The problem was not confined to the South.

In my home State of New Jersey, as of the same year, 1865, the Democratic controlled State legislature still refused to ratify the 13th amendment, which abolished slavery. Clearly they were not free either. In 1866, the republican State legislature ratified the 13th amendment along with the 14th amendment, which guaranteed the citizenship rights of everyone born in the United States. But this same legislature refused to grant the franchise to blacks. In 1868, the again Democrat controlled State legislature rescinded the ratification of the 14th amendment and 2 years later in 1870, refused to ratify the 15th amendment which extended the franchise to all races.

The saving grace of the New Jersey blacks was that enough States ratified the amendment to make it national law. It is evident that the plight of the slave and black families did not end with Lincoln's proclamation, nor was it confined to Southern boundaries.

Even after such amendments, it took still longer for blacks to acculture themselves to rights afforded to the free American citizen. It is the cultural metamorphosis of the African and the slave into the unique experience of the African-American that truly marks emancipation. The Juneteenth celebration is much larger than a celebration commemorating the long-overdue emancipation of the eastern Texas slaves, it is a celebration of the long overdue emancipation of all slaves. It is a celebration of the dismantling of the slavery institution; a dismantling of the bureaucratic engine that sought to halt black's freedom, long after their emancipation was declared, not unlike the Texas slave master.

Though Juneteenth celebrates the end of slavery, it is by no means just an African-American holiday. Juneteenth is a celebration which brings together everyone. It is important for everyone to remember and acknowledge this chapter in American history. We all have to take responsibility.

This past week President Clinton made a great stride in opening a national dialog on race relations. His plan to establish a Presidential advisory board to allow Americans to speak out about racial issues shows initiative and a willingness to confront the ongoing racial tensions in our multicultural society. We can only hope that President Clinton's good intentions will be buttressed by action. In closing I ask that you join me and my colleagues in supporting House Joint Resolution 56. I thank you for your time and consideration.

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

The SPEAKER pro tempore [Mr. GIBBONS]. The question is on the motion offered by the gentleman from New Jersey [Mr. PAPPAS] that the House suspend the rules and pass to the joint resolution, House Joint Resolution 56.

The question was taken.

Mr. WATTS of Oklahoma. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. PAPPAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 56.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 4 o'clock and 29 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GIBBONS) at 5 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained and then on the approval of the Journal.

Votes will be taken in the following order:

H.R. 1057 by the yeas and nays;

H.R. 1058 by the yeas and nays;

H.R. 985 by the yeas and nays;

House Joint Resolution 56 by the yeas and nays;

and approval of the Journal de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

ANDREW JACOBS, JR. POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1057, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr.

MCHUGH] that the House suspend the rules and pass the bill, H.R. 1057, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 21, as follows:

[Roll No. 204]

YEAS—413

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—21

Brown (OH)
Callahan
Capps
Cardin
DeLay
Deutsch
Diaz-Balart
Ensign
Graham
Jefferson
Lipinski
Lowey
McDade
Mica
Miller (CA)
Moran (VA)
Pombo
Ros-Lehtinen
Schiff
Towns
Woolsey

□ 1722

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

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to designate the building in Indianapolis, Indiana, which houses the operations of the Indianapolis Main Post Office as the 'Andrew Jacobs, Jr. Post Office Building'.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MORAN of Virginia. Mr. Speaker, during rollcall vote No. 204 on H.R. 1057 I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, on rollcall No. 204, on a motion to suspend the rules and pass H.R. 1057, designating the Andrew Jacobs, Jr. Post Office Building, I was unavoidably absent. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

JOHN T. MYERS POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1058.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MCHUGH] that the House suspend the rules and pass the bill, H.R. 1058, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 18, as follows:

[Roll No. 205]

YEAS—416

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes

Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—18

Burr
Callahan
Cardin
Deutsch
Granger
Jefferson
Lipinski
Lowey
McDade
Mica
Miller (CA)
Moran (VA)
Peterson (PA)
Pombo
Ros-Lehtinen
Schiff
Towns
Woolsey

□ 1732

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, on rollcall No. 205, on a motion to suspend the rules and pass H.R. 1058—Designating the John T. Myers Post office Building. I was unavoidably absent. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. PETERSON of Pennsylvania. Mr. Speaker, on rollcall No. 205, I was detained in a meeting with a constituent. Had I present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. MORAN of Virginia. Mr. Speaker, during rollcall vote No. 205 on H.R. 1058 I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, I was unavoidably detained today during rollcall vote No. 204 on H.R. 1057, and during rollcall vote No. 205 on H.R. 1058. Had I been present I would have voted "yea" on both votes.

EAGLES NEST WILDERNESS EXPANSION

The SPEAKER pro tempore (Mr. GIBBONS). The pending business is the question of suspending the rules and passing the bill, H.R. 985, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the bill, H.R. 985, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 412, nays 4, not voting 18, as follows:

[Roll No. 206]

YEAS—412

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich

Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NAYS—4

Coble
DeLay
Paul
Stump

NOT VOTING—18

Bilbray
Callahan
Cardin
Flake
Gekas
Green
Jefferson
Lipinski
Lowey
McDade
Mica
Miller (CA)
Moran (VA)
Pombo
Ros-Lehtinen
Schiff
Towns
Woolsey

□ 1741

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MORAN of Virginia. Mr. Speaker, during rollcall vote No. 206 on H.R. 985 I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, on rollcall No 206, on a motion to suspend the rules and pass H.R. 985, Eagles Nest Wilderness Slate Creek Addition, I was unavoidably absent. Had I been present, I would have voted "yea."

CELEBRATING THE END OF SLAVERY IN THE UNITED STATES

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, House Joint Resolution 56.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. PAPPAS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 56, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 15, as follows:

[Roll No. 207]

YEAS—419

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—15

Bilbray
Callahan
Cardin
Jefferson
LaHood
Lipinski
Lowey
McDade
Mica
Miller (CA)
Moran (VA)
Pombo
Ros-Lehtinen
Schiff
Towns

□ 1749

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, on rollcall No. 207, on a motion to suspend the rules and pass House Joint Resolution 56, celebrating the end of slavery in the United States, I was unavoidably absent. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. MORAN of Virginia. Mr. Speaker, during rollcall vote No. 207 on House Joint Resolution 56, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Mr. Speaker, I regret that due to unforeseen circumstances I was unable to vote on H.R. 1057, rollcall No. 204, H.R. 1058, rollcall No. 205, H.R. 985, rollcall No. 206, and House Joint Resolution 56, rollcall No. 207. If I had been present I would have voted "aye."

PERSONAL EXPLANATION

Mr. LAHOOD. Mr. Speaker, on rollcall No. 207, I was unavoidably detained for the vote on final passage of House Joint Resolution 56, a resolution celebrating the end of slavery in the United States. Had I been present for this vote, I would certainly have voted in favor of this important resolution because of its historical significance to our country.

THE JOURNAL

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to clause 5 of rule I, the pending business is the question de novo of the Speaker's approval of the Journal.

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

FILIPINO VETERANS JUSTICE ACT

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

Mr. FILNER. Mr. Speaker, I come before my colleagues in a 1-minute because at this very minute in Los Angeles, 40 Filipino Americans who are veterans of World War II are conducting a sit-in. They have chained themselves to the statue of Douglas MacArthur. Several have said they will not eat until this Congress passes the Filipino Veterans Equity Act.

This act is designed to restore justice after more than 50 years of an injustice to the Filipinos who fought so valiantly in World War II. They were promised full benefits as veterans. They were denied that by the Congress of 1946. Let us support those Filipino Americans who are chained in MacArthur Park in Los Angeles. Let this Congress vote to restore justice to those brave veterans of World War II. Let us take up and pass Filipino Veterans Equity Act of 1997.

TIME TO CUT TAXES FOR WORKING AMERICANS

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. SMITH of Michigan. Mr. Speaker, I would like to include a newspaper article in the extension of my remarks that is from the June 13 Wall Street Journal. It is called Raise Taxes, Wait Four Years, And Boom, by Paul Gigot.

The fist paragraph says, "When it comes to writing history, you can't beat the Democrats. Witness the smooth way they're taking credit for this year's roaring economy and even using it to rehabilitate their 1993 tax increase."

Then the rest of the article goes on to say that the problem is that tax increases depress the economy. One cannot spin it any other way.

Look, we have a strong system in this country that rewards the people that work, that try, that save, that invest; and despite that tax increase, our economy surged ahead.

Mr. Speaker, there are some things that this country needs to do if we are to be competitive in a world market, and one of those things is to cut taxes. The way we do it, if it results in more investment, more savings, more buying of the kind of machinery and tools that makes us more efficient and more competitive, the better off everybody is going to be.

So I think it is important that we move ahead with these tax cuts.

Mr. Speaker, I include for the RECORD the article to which I referred.

[From the Wall Street Journal, June 13, 1997]

RAISE TAXES WAIT FOUR YEARS, AND . . . BOOM

(By Paul A. Gigot)

When it comes to writing history, you can't beat the Democrats.

Witness the smooth way they're taking credit for this year's roaring economy and even using it to rehabilitate their 1993 tax increase.

"This is the best economy we've had in 25 years in this country, and again I think a lot of it goes back to the budget passed by all Democrats in 1993," House Democratic leader Dick Gephardt says—every chance he gets.

President Clinton, no slouch at spin, says every other day or so that "Some fine members of Congress lost their seats because they had the courage to change course and vote for the future. But just look at the results. Today our confidence has returned, and our economy leads the world." By "fine members" he doesn't mean Republicans.

This is clever, as revisionist history usually is. If only it were true. Since prosperity is today's dominant political fact, it'd be nice to draw the proper lessons. An accurate reading of recent economic history would give Mr. Clinton some credit, while handing at least as much to a Republican Federal Reserve and Congress.

Recall the logic Democrats used to justify their tax increase in 1993: It was needed to lower the budget deficit in order to lower interest rates in order to spur the economy. Treasury Secretary Bob Rubin's Bible was the bond market, which sets interest rates for everything from credit cards to mortgages.

And for a while after Mr. Clinton's 1992 election, bond yields and interest rates did fall. The 30-year Treasury bond, probably the best political barometer, fell from 7.61 percent to 5.94 percent by October 1993. Mr. Rubin crowed in vindication.

But then came the market's revenge, starting about the time the White House proposed to nationalize 14 percent of the U.S. economy: Interest rates shot back up, to a peak above 8 percent on the very day Republicans won control of Congress. Mr. Rubin wasn't crowing any more.

Guess what happened next? Interest rates began falling again after the 1994 election, to an average monthly low of 6.06 percent by the December 1995 budget standoff. They've since bounced around between 6 percent and slightly above 7 percent.

In short, interest rates fell further and faster with a Republican Congress that was trying to cut taxes than they did with a Democratic Congress that raised taxes. By Bond Market Bob Rubin's own standard, the 1993 budget deal counted for less than did GOP plans to constrain the government.

The four year history of stock prices is also revealing. When Mr. Clinton won election, the Dow Jones Industrial Average stood at 3223, an early stage in the economic recovery. The Dow rose modestly, to 3830, in the president's first two years.

But when Republicans took Congress, stocks began to take off. By February 1996 the Dow was at 5600, where it bounced around until voters affirmed divided government last November. Then it soared again, closing this week above 7500 for the first time.

Financial markets aren't the entire economy, but they often anticipate growth. And sure enough, the pace of this expansion has followed the market pattern. Growth was a mediocre 2.3 percent in 1993, dampened by the disincentives of the tax hike. The economy gained speed as the shadow of ClintonCare faded and has really taken off since the beginning of this year.

The point here isn't to deny Mr. Clinton his rightful credit. He gets full marks for leaving Republican Alan Greenspan alone to run the Fed, and for reappointing him. Just as vital, he resisted his own party's lurch toward protectionism. Even if NAFTA and GATT were started under Republicans, maybe only a Democrat could have seen them through a Democratic Congress.

But for Democrats and their acolytes to portray the last four years as a single, unbroken policy string is laughable. Free trade and the Greenspan Fed have been the only constants. The rest of Clintonomics went over the side when the Republicans took Congress.

Clinton I had tax hikes, new "stimulus" spending, Hillary's fantasia and a wave of new regulation. Clinton II features a balanced budget, tax cuts, legal reform and regulatory review, all forced on him by a GOP Congress. With typical brass, Mr. Clinton spins this political necessity into his own virtue.

In a larger sense, today's good times have roots that predate all of today's politicians. That's one point in a provocative article, "The Long Boom," in the July issue of Wired magazine. Peter Schwartz and Peter Leyden fix the start of what they call our new era of prosperity around 1980, with the coming of Margaret Thatcher and Ronald Reagan, who "begin putting together the formula that eventually leads toward the new economy." Their main hero is technology, unleashed in part by the breakup of the AT&T monopoly.

Wayne Angell, the former Fed governor now at Bear Stearns, goes even further back to Taft-Hartley, which passed over Truman's veto. That law gave the U.S. enough labor flexibility to avoid the unemployment morass now ruining Europe's welfare states.

It's not surprising Democrats would ignore all this and claim credit themselves. That's politics. They figure they might take Congress in 1998 if they can claim today's good times as their own. What's amazing is that Republicans are letting them get away with it.

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.

RECOGNITION OF THE ABL AND THE WNBA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. BROWN] is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, I rise today to speak about a bill that I will be offering later this week that honors the beginning of two new women's professional basketball leagues: the American Basketball League and the Women's National Basketball Association, also known as the ABL and the WNBA.

Historically, women's basketball has come a long way. Even though the first national women's basketball tournament took place in 1926, college educators opposed basketball for women. They believed that women were not adequately prepared for such a rough game and that the game of basketball was not an appropriate sport for women.

The stereotype of women's inability to play basketball carried into the second half of the century. By the 1970's, only 1 out of every 27 women participated in any kind of high school sports. It was not until 1972, with the passing of title IX to the Higher Education Act, when women's participation in basketball began to increase. It was this amendment that guaranteed the success of women's sports and created a fair, level playing field for sports equity.

Now in 1997, it is the 25th anniversary of title IX of the Higher Education Act. One out of every three high school girls participate in a sport. And basketball is recognized by girls as the most popular youth participant sport in the Nation. In college, participation and attendance at the women's basketball games have been at the highest ever. Since 1982, women's attendance at National Collegiate Athletic Association sports events have steadily increased from 1.1 million to 4.2 million.

Because the female student-athlete participation rate is at its highest ever, there were more women's basketball teams sponsored by NCAA institutions than men's basketball teams in the 1995–96 season. In fact, 97 percent of the NCAA active institutions sponsored a women's basketball program, making it the most sponsored NCAA sport during the 1995–96 season.

Women's basketball is also gaining ground in the media. In 1997, the Women's Division One NCAA Basketball Championship was the highest rated and most watched basketball event in cable television history.

In general, women's college athletes have improved greatly. Women's athletic programs at NCAA member schools have increased in participation, scholarship dollars, coaches' salaries, and recruiting expenditures over the past 5 years. As a result, the average number of women athletes per school in the NCAA Division One increased from 112 to 130 over the past 5 years.

Internationally, women's basketball has also become very popular. Many people may not realize it, but 80 million women play basketball worldwide. Let me repeat that; 80 million women play basketball worldwide, an amazing figure.

Last year, I saw firsthand how talented some of those women are when I attended one of the Team USA women's basketball games at the Olympics in Atlanta. It was very exciting and wonderful to see such a large crowd at this event. The USA female basketball team went on to win the gold medal. It is obvious that American women are the best players in the world.

□ 1800

The success of women's sports has proved that America is ready for women's professional basketball. We have built a generation of talented players who can compete internationally, and now it is time to showcase this talent here in our own country. These leagues will offer role models to younger women and promote greater chances for female athletes, continuing the tradition of gender equity in sports, first promoted through title IX.

This Saturday the WNBA will begin its first season, while the ABL is gearing up for a second successful season in the fall. As a Member of Congress, we should honor these professional women athletes and support them. As we congratulate the ABL and the WNBA on their inaugural season, we should also recognize the sponsors, owners, and fans of the leagues' teams for their commitment.

Mr. Speaker, it is my hope that Members of both parties will sign on as original cosponsors to my bill and pass this resolution in the near future.

GOVERNMENT SHUTDOWN PREVENTION ACT

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

Mr. GEKAS. Mr. Speaker, I rise to introduce a bill that we call the Government Shutdown Prevention Act. This should be of no surprise to the Speaker or to any of the Members. For some 10 years now I have persisted in introducing this legislation and presenting it through the Committee on Rules and the policy committees and to interest groups throughout the Nation for their support.

Everyone says it is a great idea; that we need some mechanism to prevent Government shutdown, to make sure that when the budget deadline comes and goes that that will not result in a shutdown, but rather a mechanism that will allow for a transition until a full budget can be produced by the Congress of the United States.

What is so tough about that concept, Mr. Speaker? This last exercise that we had with disaster relief, the administration and the Democrat leaders in the House continued to say that this was an extraneous measure, the shutdown prevention, added to the disaster relief bill.

Mr. Speaker, everyone knows that the disaster relief bill was made up 100 percent of money, appropriations, for the flood victims in the Midwest. This money, the billions of dollars that were appropriated, has to take a long period of time before it settles in the hands and the bank accounts of the flood victims. Suppose September 30 comes by and we have not completed the work of the budget and the next day a Government shutdown occurs? It means those people who were supposed to be recipients of disaster relief would get no further checks until we reached a budget agreement.

My bill was very germane then to the disaster relief bill. It made certain that the checks that were going to be issued to the disaster victims would continue beyond the budget deadline of September 30 in the event no full budget was agreed on by the Congress of the United States. It was highly germane and relevant, and yet we heard the rhetoric from the Democrat leadership and the White House that this was extraneous and it would draw a veto because it had nothing to do with flood relief.

It was these same individuals who said this was extraneous, who then voted for a disaster relief bill, Mr. Speaker, that contained these provisions, or this kind of provision. For instance: Marine Mammal Protection Act amendment to allow for the importation of polar bears for the purpose of trophy collection. Mr. Speaker, this was in the disaster relief bill that we just passed.

I ask, Mr. Speaker, is that extraneous to the bill or is it relevant to the bill? They can accept polar bear trophy amendments but not an amendment that would prevent a Government shutdown.

There were provisions that would allow the Small Business Competitive Demonstration Program to provide enhanced competition in the business of dredging U.S. waterways. I ask, Mr. Speaker, if that was relevant to disaster relief, why was not my Government shutdown prevention amendment relevant to disaster relief? I ask these questions but I get no answers.

Further, there was an amendment in this disaster relief that had to do with

the Susquehanna River Basin Compact, had nothing to do with disaster relief for the Middle West; to the Higher Education Act of 1965. Nothing; the Relief Food Stamp Act of 1977.

These were amendments, riders, that were in the disaster relief that the Democrat leadership supported wholeheartedly, even though they know in their heart of hearts that these were extraneous, nongermane, irrelevant to disaster relief. Yet they said, Mr. Speaker, that preventing Government shutdown is extraneous, irrelevant, nongermane; has nothing to do with disaster relief, even though it would be personally responsible for a continuation of funding beyond any budget breakdown.

What is this? I know where we stand. The President and the Democrat leadership would rather risk Government shutdown than allow a transitional budgetary period to make sure that a Government shutdown does not occur and allow the Congress and the President to negotiate a final budget. That is against their political interests. They want the risk of Government shutdown.

Well, I insist that to the last day that I serve in this Congress I will attempt to make sure that the people of the United States know that we are trying to prevent Government shutdown and all the chaos that accompanies it.

TRIBUTE TO MASON LANKFORD

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

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening to pay tribute to a great American who passed away yesterday evening while involved in a State conference involving the fire service of the State of Texas.

Nine years ago, Mr. Speaker, in my first term in this Congress, in an attempt to provide representation for the 1.2 million men and women who every day of the year respond to disasters in this country, I formed what has become the largest caucus in the Congress, the congressional fire and emergency services caucus.

During that first term, I was able to convince minority leader Bob Michel to join with us and to help us kick off what would be a tremendous decade of success for the men and women who every day risk their lives. I was not, however, able to convince Speaker Wright to join.

I gave a speech out at the National Fire Academy, and one of the attendees there was a man by the name of Mason Lankford from Texas. Mason came up to me after that meeting and said, "You need the Speaker to be involved?" And I said yes, and within a week Mason had convinced his good friend, Speaker Jim Wright, to support our efforts. Jim became a very aggressive supporter of the fire service during the rest of his tenure as the Speaker of this body.

Mason Lankford, over the past 9 years, Mr. Speaker, as a representative of the Texas Fire Service, past president of their State association, past active member of the Fort Worth Fire Department, known throughout Fort Worth and the Arlington area as someone who was always willing to give of himself, was doing what he liked best yesterday, Mr. Speaker. He was addressing the members of the Texas Fire Service in Galveston.

He had been introduced by his good friend, Chief Willie Wiscow of the Galveston Fire Department, and following Mason's brief comments, unfortunately, he passed away.

Mason will be remembered, Mr. Speaker, by the 1.2 million men and women across this country who every day risk their lives, for having helped create a new awareness of fire and life safety issues in this Congress. It was Mason Lankford who over the past 9 years helped convince over 400 Members of Congress to join our efforts to provide more awareness and more support for these brave men and women.

Mason attended each of our nine dinners here in Washington, where he helped organize those events, annually raising between $400,000 and $500,000 to provide staff support for the issues important to firefighters and emergency medical personnel across the country.

Day in and day out Mason Lankford was there helping those who he knew best, those men and women who he worked with in Texas and throughout this country in both the paid and the volunteer fire and EMS services.

We are going to miss Mason, Mr. Speaker, and I rise tonight to pay tribute to him. I know all of our colleagues on both sides of the aisle wish Mason's family well through these very difficult times. And I know that all of us will join in remembering Mason for the outstanding contribution that he made to society, that he made to mankind.

The services for Mason will be Thursday at 2 p.m. At the First Methodist Church in Arlington, TX, and I ask all of my colleagues, Mr. Speaker, to join together and extend our condolences and best wishes to Mason's wife, Lynn, and his children Joe and Nancy, who are following in Mason's footsteps.

Again, Mr. Speaker, it is a tragic loss. We are all going to miss Mason, but Mason certainly has completed an outstanding effort on behalf of those firefighters in this country who are better off, who are better equipped, who are better trained and who are better served because of his efforts, not just over the past 9 years but even before that as an active member of the largest group of unsung heroes in this country, our domestic defenders, our fire and EMS personnel.

THE PRIVATE CALENDAR

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

Mr. SENSENBRENNER. Mr. Speaker, I would like to take this opportunity to set forth some of the history behind, as well as describe the workings of the Private Calendar. I hope this might be of some value to the Members of this House, especially our newer colleagues.

Of the five House Calendars, the Private Calendar is the one to which all private bills are referred. Private bills deal with specific individuals, corporations, institutions, and so forth, as distinguished from public bills which deal with classes only.

Of the 108 laws approved by the First Congress, only 5 were private laws. But their number quickly grew as the wars of the new Republic produced veterans and veterans' widows seeking pensions and as more citizens came to have private claims and demands against the Federal Government. The 49th Congress, 1885 to 1887, the first Congress for which complete workload and output data is available—passed 1,031 private laws, as compared with 434 public laws. At the turn of the century the 56th Congress passed 1,498 private laws and 443 public laws—a better than 3 to 1 ratio.

Private bills were referred to the Committee on the Whole House as far back as 1820, and a calendar of private bills was established in 1839. These bills were initially brought before the House by special orders, but the 62d Congress changed this procedure by its rule XXIV, clause 6 which provided for the consideration of the Private Calendar in lieu of special orders. This rule was amended in 1932, and then adopted in its present form on March 22, 1935.

A determined effort to reduce the private bill workload of the Congress was made in the Legislative Reorganization Act of 1946. Section 131 of that act banned the introduction or the consideration of four types of private bills: first, those authorizing the payment of money for pensions; second, for personal or property damages for which suit may be brought under the Federal tort claims procedure; third, those authorizing the construction of a bridge across a navigable stream, or fourth, those authorizing the correction of a military or naval record.

This ban afforded some temporary relief but was soon offset by the rising postwar and cold war flood for private immigration bills. The 82d Congress passed 1,023 private laws, as compared with 594 public laws. The 88th Congress passed 360 private laws compared with 666 public laws.

Under rule XXIV, clause 6, the Private Calendar is called the first and third Tuesday of each month. The consideration of the Private Calendar bills on the first Tuesday is mandatory unless dispensed with by a two-thirds vote. On the third Tuesday, however, recognition for consideration of the Private Calendar is within the discretion of the Speaker and does not take precedence over other privileged business in the House.

On the first Tuesday of each month, after disposition of business on the Speaker's table

for reference only, the Speaker directs the call of the Private Calendar. If a bill called is objected to by two or more Members, it is automatically recommitted to the committee reporting it. No reservation of objection is entertained. Bills unobjected to are considered in the House in the Committee of the Whole.

On the third Tuesday of each month, the same procedure is followed with the exception that omnibus bills embodying bills previously rejected have preference and are in order regardless of objection.

Such omnibus bills are read by paragraph, and no amendments are entertained except to strike out or reduce amounts or provide limitations. Matters so stricken out shall not be again included in an omnibus bill during that session. Debate is limited to motions allowable under the rule and does not admit motions to strike out the last word or reservation of objections. The rules prohibit the Speaker from recognizing Members for statements or for requests for unanimous consent for debate. Omnibus bills so passed are thereupon resolved in their component bills, which are engrossed separately and disposed of as if passed separately.

Private Calendar bills unfinished on one Tuesday go over to the next Tuesday on which such bills are in order and are considered before the call of bills subsequently on the calendar. Omnibus bills follows the same procedure and go over to the next Tuesday on which that class of business is again in order. When the previous question is ordered on a Private Calendar bill, the bill comes up for disposition on the next legislative day.

Mr. Speaker, I would also like to describe to the newer Members the Official Objectors system the House has established to deal with the great volume of private bills.

The majority leader and the minority leader each appoint three Members to serve as Private Calendar Objectors during a Congress. The Objectors are on the floor ready to object to any private bill which they feel is objectionable for any reason. Seated near them to provide technical assistance are the majority and minority legislative clerks.

Should any Member have a doubt or questions about a particular private bill, he or she can get assistance from objectors, their clerks, or from the Member who introduced the bill.

The great volume of private bills and the desire to have an opportunity to study them carefully before they are called on the Private Calendar has caused the six objectors to agree upon certain ground rules. The rules limit consideration of bills placed on the Private Calendar only shortly before the calendar is called. This agreement adopted on June 17, 1997, the Members of the Majority Private Calendar Objectors Committee have agreed that during the 105th Congress, they will consider only those bills which have been on the Private Calendar for a period of 7 days, excluding the day the bill is reported and the day the calendar is called. Reports must be available to the Objectors for 3 calendar days.

It is agreed that the majority and minority clerks will not submit to the Objectors any bills which do not meet this requirement.

This policy will be strictly enforced except during the closing days of a session when the House rules are suspended.

This agreement was entered into by: The gentleman from Wisconsin [Mr. SENSENBRENNER], the gentleman from North Carolina [Mr. COBLE], the gentleman from Virginia [Mr. GOODLATTE], the gentleman from Virginia [Mr. BOUCHER], and the gentlelady from Connecticut [Ms. DELAURO].

I feel confident that I speak from my colleagues when I request all Members to enable us to give the necessary advance consideration to private bills by not asking that we depart from the above agreement unless absolutely necessary.

VOLUNTEER SUMMIT FOR MONTGOMERY COUNTY, PENNSYLVANIA

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

Mr. FOX of Pennsylvania. Mr. Speaker, I rise to address the House tonight to inform my colleagues of a very exciting opportunity taking place in my district, the 13th District of Pennsylvania. We are going to be hosting the Montgomery County Promise, which is an extension of the President's summit.

As my colleagues may know, the President's summit took place in April, and here in my district we are going to be having a followup summit September 19 and 20 at the Forth Washington Expo Center at Fort Washington, PA.

This should be an exciting opportunity for all civic, governmental, educators, clergy, everyone from all walks of life to participate in by gathering the top public and private sector volunteer activists to focus our already exciting and active volunteer base in Montgomery County, to focus in on the most important issues facing us for the next decade.

I joined today in announcing this with some very important people from Montgomery County who will be at the forefront in making sure the plans for this event take place in a very professional way and, most important, involve our youth in making a lasting difference in their lives.

Dr. Norah Peters of Beaver College, of Pennsylvania, in Glenside, who is an expert in the field of voluntarism and has conducted extensive research on the subject for the past 15 years. She joins Betty Landman, the President of the university, in working with us on this important event.

We also have Louise Elkins, from the Volunteer Center from southeast Pennsylvania, and Mary Mackie, the director of community services for the United Way of southeastern Pennsylvania.

We were also joined by Clarence Rader, who has been very active as the leading light in the Business/Industry School and Partnership program, and has been very active in the business circles of Montgomery County in Pennsylvania.

Richard Byler from the Community Action Development Commission, Major Carl Carvill of the Salvation Army, Joanna Smith of the Association of Retarded Citizens of Montgomery County, Linda Millison of the Retired Senior Volunteer program, Bertha Johnson and Cathie Randall from Head Start.

All these individuals have worked together for our mission to promote improved collaboration among community-based organizations, schools, corporations, the media, communities of faith, and government to make Montgomery County a better place for our youth.

The enthusiasm we have in moving forward these goals cannot be emphasized enough. The goal is by the end of the year 2000 that thousands of more young people will have access to all five fundamental resources that will maximize their success: First, an ongoing relationship with a caring adult; safe places and structured activities; a healthy start; marketable skills; and opportunities to give back to the community.

Among the cosponsors already committed to this important function are the Montgomery County Chamber of Commerce, the Lutheran Brotherhood, the Indian Creek Foundation, the Foster Grandparent program and numerous hospitals. Those interested in serving can contact us through the Montgomery County Promise, P.O. Box 26, Norristown, PA, 19404, or contact the office at 610–275–4460.

I should point out that our major goal is not only to have more people volunteer but to have more of our youth take an active voice in congressional activities, governmental activities and community activities, and to establish permanent mentoring programs in the various professions and businesses throughout our State.

□ 1815

And also develop for the first time under one roof where all the volunteer groups, over 600 volunteer groups and 800 nonprofits, can meet for the first time in an opportunity to exchange ideas, to have forums, to have our keynote speakers, and to have demonstration programs where we will show within the community just how much spirit and enthusiasm we have to make sure our youth have the chance to become the leaders they want to be to achieve vocationally, educationally and in every way possible the kind of life where they can be all they can be.

We look forward to an exciting event, and we hope that other Members of the House will do similar in the sense that they will have their own follow-through summits based on the President's summit we had in Philadelphia.

THE REPUBLICAN TAX CUT PLAN AND THE BUDGET BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, tonight I would like to talk about two issues which I believe are related. First is the analysis, if you will, of the Republican tax cut plan, which I believe mainly benefits the wealthy and how the Democratic alternative is much better for the average family, the average middle-income family in this country; all of this, of course, in the context of the budget bill and the efforts we are now making in committee and eventually on the floor next week to work out a budget bill and the tax cuts that are a part of that budget bill.

Second, following up on what I spoke about earlier today during morning hour, what happened with regard to Medicare in the matter of MSA's, or medical savings accounts, being incorporated in the Medicare Program as part of this budget package to the detriment I believe of the Medicare Program and, at the same time, the Republican leadership's failure to provide funding for low-income people who currently receive Medicaid funding to pay for their Medicare part B premium. All of this is in the overall context of the budget bill.

As my colleagues know, when we passed the budget resolution about a week or two ago, it was pretty much a bipartisan vote. I voted for the budget resolution because I am very concerned that we need to balance the budget, we need to be concerned about spending and we certainly, at the same time, need to provide some tax cuts or tax breaks to the average American. And so, as a whole, the budget resolution seemed to make sense.

However, what happens is that after the budget resolution passes, both the House and the Senate and eventually the President have to get together on an implementation bill, if you will, that will show where spending takes place, where tax cuts take place, what kinds of changes are going to take place with entitlement programs like Medicare and Medicaid.

And essentially what we are doing now is getting down into the details of how we are going to balance the budget and how we are going to be fair in our tax and spending policy. This is where now there are starting to be divergences, or differences I should say, between the Republicans and the Democrats on a number of these issues.

I wanted to start off if I could by talking about the Republican tax cut plan. There is a new study that was done by a nonpartisan research organization called Citizens for Tax Justice, and they basically found that the Republican tax cut plan that was unveiled by the Committee on Ways and Means last week overwhelmingly benefits the richest Americans, while giving little essentially to middle-income families and actually raises taxes paid by lower-income families.

If my colleagues look at this chart, which I know some of my Democratic colleagues have been pointing to today during the special orders, we can see basically what Citizens for Tax Justice is saying. This graph compares the Republican tax plan and the Democratic alternative. And if we look at various income brackets, and I will start on my left, we can see that for the lowest 20 percent, and that is people whose average income is $6,600 or less, the Republicans actually provide a tax hike, whereas the Democrats are providing for a 4.2-percent tax cut. Again, for the second lowest 20 percent of American families average income, $15,900 or less, again the Republicans would provide for a tax hike, Democrats would have a tax cut of 11.4 percent.

Now as you get into middle-income brackets, this gap if you will, at this level the Republicans are starting to provide a tax cut for middle-income families at 20-percent below the $26,900 average income. But again, although the Republican tax cut is 4.4 percent, the Democratic tax cut is 19.1 percent, significantly higher. Same thing for the fourth 20 percent, those making $44,500 or less, Republican tax cut 14.5 percent, Democratic tax cut 39.6 percent.

Now, as we get into the higher income categories, we see that there the Republicans are actually providing a much larger tax cut than the Democrats. At the 15 percent of the people who are below $75,500, in other words, between $44,000 and $75,500, the Republican tax cut is 24 percent, the Democratic is 14.4 percent.

Then when you get to the very top 5 percent of American families who are making $247,200 or above, there is a huge difference, with the Republicans providing a 57.9-percent tax cut and the Democrats only a 12-percent tax cut.

Now I think this pretty dramatically shows that the Democrats, in general, are trying to work out these tax cuts so that they benefit the average person, whereas the Republicans are basically weighting the tax cuts toward the higher income families in America, which is not the way this is supposed to be.

Remember, this is being done, Mr. Speaker, in the context of a balanced budget plan. We are trying to balance the budget. We are trying to provide fairness here in doing so. It certainly does not seem fair to me to make most of the tax cuts benefiting people who are of means, who are in these higher income brackets.

In fact, according to the Citizens for Tax Justice study, 41 percent of the total tax cut benefits the top 1 percent of the taxpayers. These people have incomes over $241,000 with an average of $644,000. Under the Republican tax plan, they would realize a net tax cut averaging $21,576, particularly when all the capital gains indexing provisions are fully effective.

I do not want to keep giving my colleagues all these figures, but just as an example, with the capital gains tax cut, which is, of course, the one that if you skew it a certain way has the greatest potential for helping people who are wealthy, according again to this study by Citizens for Tax Justice, the capital gains tax cut that has been proposed by the Republicans would be worth $13,976 per year to a family making over $350,000 per year but only $17 to the average family in the middle of the income distribution with an income of about $27,000.

Now some Republicans argue that an across-the-board capital gains rate cut and indexing are middle-class tax relief because about half of the tax returns reporting capital gains income are filed by people with income less than $50,000. But this is wrong because, in fact, because most liquid financial and other capital assets are held by upper income people. They realize the most capital gains, and the vast majority of American families will see very little economic benefit, either direct or indirect.

One of the things, of course, to look at in all of this is the capital gains tax cut, because, as I said again, that is where if you do not frame it specifically for middle-income families, particularly with regard to giving most of the relief for a sale of a home, they you can get into a situation where the majority of this tax cut goes to upper-income individuals.

I would like to now talk a little bit if I could about the Democratic tax alternative, which I think is a far better alternative and a lot fairer because it targets the tax cuts on those who need them. More than two-thirds of the Democratic tax cuts go to the truly struggling middle class and lower income families making less than $57,500 a year. It is basically better for working families. It is better for education. It is better for the deficit.

Just to give my colleagues an example here, which we have cited before, the typical working family in 1998, under the GOP as opposed to the Democratic proposals, this is a family who has an average income of $24,000, the family has one child age 10 and one child age 19. The 19-year-old is attending his first year of community college with an annual tuition of $1,200.

Remember, one of the major focuses of the Democratic tax cuts and the President's plan when this all started during the budget negotiations was to make sure that we were providing relief for middle-income families that have to send their kids to college, because that is where a big bulk of their

expenses go when they have kids in college.

Well, under the GOP plan, there is a HOPE scholarship that is for the first 2 years of college that basically gives the family back $600, and the child tax credit provision gives them nothing because they do not qualify due to nonrefundability and the earned income tax provisions.

On the other hand, the Democratic alternative gives them instead of $600 for the HOPE scholarship $1,100, which is phased up to $1,500 by the year 2001 toward the end of this 5-year budget cycle. And with regard to the child tax credit, again, the GOP bill gives them nothing. The Democratic alternative gives them $300, which is phased up to $500 by the year 2001, which is again toward the end of the 5-year plan.

But there are many other ways in which the relief is concentrated on families of middle income, and I would like to get into some of those perhaps later this evening. But I see my colleague, the gentlewoman from Connecticut [Ms. DELAURO], and I wanted to yield to her if I could.

Let me just say one thing with regard to homeowner tax relief. The Democratic alternative provides $5.7 billion of tax relief to homeowners. It includes the President's proposal to exclude up to $500,000 of profits, capital gains, on the sale of a home, and the exclusion would be $250,000 for single taxpayers. It also allows losses on the sale of a home up to $250,000 to be written off as a deductible loss against taxes.

Now I mention this because again I want my colleagues to understand that the Democratic alternative does provide capital gains tax relief, but it does it primarily to homeowners. And that is where the middle income, the average person is more likely to benefit from the capital gains tax cut. Because really, for most of them, the only time they are paying capital gains tax is when they sell their home.

What we are saying is that rather than the Republican plan, which basically would provide relief to all kinds of capital gains across the board, let us focus in on the homeowner because that is where most middle-income people see a capital gains tax and would most benefit from some sort of cut or relief on that particular type of tax.

Mr. Speaker, at this point I would yield to my colleague, the gentlewoman from Connecticut [Ms. DELAURO], who has been a leader essentially, really the outstanding leader in bringing home to the Members of this body why this Democratic alternative is much preferable to the Republican plan that has been put forward.

Ms. DELAURO. Mr. Speaker, I want to thank my colleague from New Jersey [Mr. PALLONE] for his leadership on this issue and am proud to join with him, and I am hopeful that we will be joined by other Members this evening.

But I think that it is important to note what my colleague was talking about and there should be a discussion about the two tax cut plans and, in fact, who benefits from each. I think it is critical to note that, while our colleagues on the other side of the aisle are going to try to make a case that Democrats are not providing tax cuts for working families, whether, in fact, the Democratic alternative is precisely focused in on working, middle-class families with education, with the child tax credit, with estate taxes and inheritance, or the death tax, as my colleagues on the other side of the aisle like to talk about it, capital gains, specifically directed to working, middle-class families, to small businesses, to small farmers, to the people in this country who have been carrying on their shoulders an enormous tax burden.

□ 1830

In addition, these are the folks who are scrambling week to week, month to month to pay their bills.

I think it is fair to say that a comprehensive tax bill truly in fact says a lot about our priorities and our values, both as a Congress and as a Nation, so that in fact the public has the opportunity to look at both tax plans and to engage in the debate and determine who is on my side. They should, as that chart makes clear here, when we have a comparison of the Republican tax plan and the Democratic alternative tax plan, of who is on the side of working middle-class families in this country.

If my colleagues might recall also, in the last session of the Congress, the Republicans talked about the crown jewel of the Contract With America and they do not these days talk either about crown jewels or contracts with America, but the cornerstone of that document was a $245 billion tax cut, essentially for the richest people in this country, and paid for primarily by a $270 billion cut in the Medicare program.

They have come up with a new proposal which once again I think when it is laid out side by side, one can take a look to see that they are continually to be on the side of the wealthiest Americans. Under the Republican bill, over half the tax benefits go to the top 5 percent of Americans, those making over $247,000 a year. An additional quarter of the tax cuts go to families making between $75,000 and $250,000. The rest of the American people, those making less than $75,000, have to share what is left over. That is right. They have to share what is left over. Under the Republican plan, the 80 percent of the Americans at the lowest end of the income scale receive less than 20 percent of the tax benefits.

I know my colleague from New Jersey concurs in this. This is simply wrong. What we need to be about is to provide tax relief to those families who could really use it, hardworking, middle-class American families. As is so often talked about in these debates, this is not my conclusion or my colleague from New Jersey's conclusion or the conclusion of the Democrats on the Committee on Ways and Means who all voted for this Democratic tax cut alternative. These are not my words. I offer as evidence, if you will, of what we are talking about in determining who is on the side of the wealthiest 5 percent of this country or who is on the side of working middle-class families the Philadelphia Inquirer dated Thursday, June 12, 1997, and the headline, "Bill Archer's gift horse: The Congressman's tax-cut plan looks good now, but in the long term, only the rich will benefit."

"Average Americans would be the biggest winners, say U.S. Rep. Bill Archer, under his new tax-cut plan. He's got a break out that shows three-quarters of the tax relief going to households that earn less than $75,000 a year.

"Sounds nice, but it's bogus. What he unveiled this week ought to be called the Tax Relief for the Monied Class Act."

This is the Philadelphia Inquirer.

June 11, 1997, The New York Times. "A Favor-the-Rich Tax Plan."

"To finance cuts in capital gains and inheritance taxes, Mr. Archer has held tax benefits for others to a minimal level. The tax-writing committee has come up with a proposal that barely eases the strain on middle-class families while showering the rich with benefits."

The Washington Post. "A Bad Tax Bill Gets Worse."

So that paper after paper after paper indicates in fact that what we have seen once again is that the focus of attention of this tax cut proposal is on the richest 5 percent of the people who live in this country, the wealthiest 5 percent, and those who are working and struggling as middle-class Americans find themselves in a situation where they are not going to get any relief. The fact of the matter is that Democrats have proposed——

Mr. ARCHER. Will the gentlewoman yield on that?

Ms. DELAURO. I will in a moment. The Democrats have proposed an alternative tax package whose benefits are targeted to middle-class families. The message from House Democrats is that in fact we are on your side, we are on the side of families struggling to try to make ends meet. We are on the side of families who worry about paying their bills each month, putting food on the table and still having enough left over to afford health care for their kids. We are on the side of families hoping to tuck away a few of their hard-earned dollars each month for their children's education or for their own retirement.

These are families who truly in fact deserve some tax relief.

This is not a partisan issue, quite frankly. This is an issue in which we have an opportunity to come together as a Congress in order to provide much needed tax relief to people in this country. I think when we have the opportunity on the floor of this House to go through post-secondary education, K through 12 education, the family credit, total relief for families in this country, the death tax and capital gains taxes, that we ought to in fact opt for Main Street instead of Wall Street.

I want to turn this back over to my colleague from New Jersey who controls the time in this special order.

Mr. PALLONE. I want to thank the gentlewoman and explain that I have to yield next to the gentleman from California [Mr. WAXMAN].

Mr. ARCHER. I was hoping, if the gentleman would just yield briefly, that we could have some degree of debate on this very important issue while the time is available. I would like to enter into that debate.

Mr. PALLONE. I yield to the gentleman.

Mr. ARCHER. The gentlewoman has commented that our tax bill would shower benefits on the rich and yet, interestingly enough, 93 percent of the tax relief in our bill goes to taxpayers who have under $100,000 in expanded income, not just AGI, but expanded income.

Where does this number come from? This number comes from the Joint Committee on Taxation, which is a nonpartisan, professional organization that advises both the Democrats and the Republicans in the Senate and in the House.

Where do the figures come from in the gentleman's chart? They come from the Treasury's analysis, which is an arm of the President. The Treasury's analysis makes you rich because it arbitrarily assigns to you the imputed value, rental value, of a house that you own, and says you get income off of it every year. Now, no American would believe that. No American who is a homeowner would say, "Gee, I'm rich because I get rental value on the house that I live in."

They also assign an arbitrary figure of "we know you haven't declared certain income, so we're going to arbitrarily increase your income by an amount that we think is appropriate." They put middle-income taxpayers into a rich category and then they say these benefits that go to middle-income taxpayers actually are going to the rich. The American people will not accept that. The reality is that the Joint Tax Committee that has distributed our tax bill, where 93 percent goes to taxpayers under $100,000 and 76 percent goes to taxpayers under $75,000 is clearly, clearly not showering benefits on the rich. It is too bad that the Treasury analyses are used rather than the commonsense, nonpartisan Joint Tax Committee.

Mr. PALLONE. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Speaker, what is interesting about the Joint Committee, and I hope the chairman will stay because the Joint Committee has refused to tell us how they reached the distribution numbers, and as the Philadelphia Inquirer and other newspapers and other documents have pointed out, the costs are hidden; because, in fact, what happens in this charade, if you will, is that the first 5 years we do have people who will be selling off assets and there will be some revenue to the Government, and the other half, the second 5 years, is when this deficit explodes off the chart.

What I would like to do is to yield to my colleague who sits on the Committee on Ways and Means who has been part of the deliberations and can address some of these issues.

Mr. PALLONE. I yield to the gentleman from Washington.

Mr. MCDERMOTT. Mr. Speaker, I appreciate the gentleman giving us the opportunity to discuss this tax bill. I think what the gentleman from Texas has suggested is misleading, because the Joint Tax Committee has a proposal where they show how the taxes are distributed. But they never put in the full impact of the taxes unless they are fully phased in. What is really deceptive about this tax bill and why it is really bad is that in the outyears, that means beyond the year 2007, this explodes. What they did was they made very few changes and sort of said, "But we'll phase it in 5, 6, 7, 8, 9, 10 years from now."

Most of the people who voted for this do not expect to be here when the deficit is re-created, as it was after the 1981 tax bill. The fact is that if we look at the charts that the gentleman has there, it is very clear that the bottom 40 percent gets nothing.

I offered an amendment in the committee on an issue that is a very familiar one and, that is, the marriage tax penalty. Let us say you are a couple. You make $30,000 between you. You make $15,000 apiece. If you file together, you pay 10 percent more tax. This was in the Contract With America. Two hundred some odd Members of this House signed the Contract on America and said we want to get rid of the marriage tax penalty because we want to encourage people to get married. We are very worried that all these children are being born out of wedlock. So we want people to get married.

But the Tax Code is much more advantageous to you if you do not get married. If a couple makes $20,000, now, let us say the man makes $14,000 and his wife who goes out and works, does some baby-sitting or whatever, makes $6,000, they have got $20,000 of income. They pay a penalty of 48 percent more taxes if they get married. They are much better to stay apart. I would recommend on a tax basis, if I were a tax consultant, to a young couple, "Don't get married, for heaven's sake. You're going to pay 48 percent more."

They put it in the Contract on America and said, "We're going to go out there and do what's good for families." But looking at this tax bill, 58 percent goes for people making more than $247,000. That is not the family making $20,000 trying to get by.

This tax bill is simply those figures up there, that use Treasury figures or their figures, if they gave the total figure of what the impact was, it would be clearly skewed to people at the top of the income bracket.

My view is that amendments like the marriage penalty ought to be what we give people. That would get people at the bottom end of the scale. Because people making $20,000, $30,000, are down in those groups at the bottom of the gentleman's graph.

Another one I offered in the committee, or was going to offer but nobody wanted to deal with it, is the whole FICA tax. People say, "Well, they don't pay any income tax; look, we've given them this earned income tax credit and all this so they don't pay any income tax." But everybody pays FICA. That comes out of everybody's tax. My view is that we ought to give a break to people on their FICA tax.

□ 1845

Again, that would put all the benefit down at the level of under $75,000, but this tax bill they brought to the floor, they are bringing to the floor next week, is simply neither family friendly nor small business friendly because another amendment that I offered in the committee was: "Why can't you deduct the total cost of your health care if you purchase it?"

Now a big company, if they buy insurance for you, if Boeing or General Motors, they deduct it 100 percent. But if you are a small business person out there, maybe you hire one or two people, you are running a little catering business or something, and you buy health insurance, you cannot deduct the 100 percent. Why? Because big people can and little people cannot? I guess, because they turned that amendment down on a party line vote, they said, and it was the number 1 issue of the National Federation of Independent Businesses.

The small business people said we want 100-percent tax deductibility. But it was turned down in the Committee on Ways and Means for this bill that benefits the rich, and I think that it is very important that you have these kind of discussions out in public so that the public can understand and begin to learn what is really here.

When you talk about the estate tax, the so-called death tax, everybody says, well, gee, I am going to die; I would like to pass a few things on to my kids. Well, if you have got $600,000 worth of stuff to pass on to your kids, it goes for free, simply for free. There is only 1.6 percent of the families in this country that pay the death tax, 1.6 percent.

Now you think that is the people at the bottom who are making 20 grand or 30 grand? We do not know who they are, but they are folks who have millions and millions and millions and millions of dollars, and those people are in here asking for a tax benefit at the same time that we put a marriage tax penalty on a couple making 20, 25, $30,000.

Mr. Speaker, there is something wrong with a tax structure that does that, and I think that this bill makes it infinitely worse. So I commend my colleagues for coming out here and raising these issues.

Mr. PALLONE. I appreciate the gentleman's comments, and I want to yield, but I just wanted to say I think one of the most important things that you raised tonight, and I am getting this back from my constituents, is the fact that the Republican proposal will essentially explode and cause the deficit to balloon in these outyears, because after all, the whole premise of this budget debate is to balance the budget, and when I tell my constituents, and it is not just me; the gentlewoman from Connecticut read the various editorials in major newspapers around the country; when they read that and they find out that this Republican proposal will actually 5 or 6 or 10 years from now cause an even greater deficit, they are outraged.

And I just briefly, because I am reading just from this document from the Center on Budget and Policy Priorities, and they say that, specifically they conclude that although the cost of the GOP bill is held at $250 billion in the first 10 years, the costs would explode to between $650 billion and $750 billion in the second 10 years, and basically they talk about how these provisions, these backloading provisions, if you will, have a common characteristic that they provide most of their tax cut benefits to high income individuals and that essentially they make heavy use of gimmicks delaying effective dates, slow phasing, and timing shifts and revenue collections to minimize the revenue losses these tax cuts caused during the first 5 years, but then beyond they balloon. And to me that is the most outrageous aspect about this.

Mr. MCDERMOTT. One of the things that really is distressing about that: If you think about when that is, 10 years from now will be 2007. You add another 5 years, and you are at 2012. That is when the baby boomers are going to be getting to Medicare and Medicaid, and if the deficit explodes right as they reach retirement, all these 30 and 40 and 45-year-old people right now who are saying, well, by God when I get to 2010, I will at least have Medicare and Social Security. If the tax provisions in this bill explode in our budget in 2012, or thereabouts, there is going to be another Congress in here looking to cut away on those programs at the very time when those people are depending on it.

And that is why people around here are saying, well, we are doing this for our children, we are doing this for our children. You mean we are laying a bomb for our children in the year 2012 that we are going to light in here and wait for it to explode out there in 15 years, just when our kids will be at the point of trying to educate their kids and they will be looking at us and saying what are we going to do about mom and dad?

Mr. PALLONE. And that is exactly what most people think that we are avoiding with this balanced budget bill, that we are talking austerity measures now to help the people later down the road, the kids, the grandchildren, and in fact it is just the opposite.

I yield to the gentlewoman.

Ms. DELAURO. Just a point, because my colleague from Washington talked about, we had talked about for a number of years here, trying to provide small businesses with the opportunity for 100 percent deductibility under health care costs.

In my State of Connecticut, and I am sure in Texas and in Washington State, the engine of growth has been small businesses. This was an opportunity to give relief to small businesses, which they on a party line vote, as I understand, means all the Republicans voted together against the small business deduction of 100 percent on health care costs.

In addition, because when we are talking about where their bill is focused, this is one that I have the hardest time believing. We all know that in today's economy we have men and women who are in the workplace, two parents, and not because they both want to work, they have to in order to make ends meet, and that means that they have to have their children in child care. And we talk a lot about trying to make child care affordable, sliding scales, good quality care, evaluating child care because we know today that parents have to rely on child care so that they can both work.

I think one of the most egregious things that happened in this bill that the Republicans have put out, it would just say to the bulk of our families in this country who have both mothers and fathers in the work force that what you get in terms of a dependent care credit on your child care you can claim credit on your taxes for your child care if you both have to work, that what they are going to do is they are going to cut that by 50 cents. They are going to cut it in half.

Mr. MCDERMOTT. For every dollar that they get, it will now be 50 cents?

Ms. DELAURO. That is right, for every dollar they get as a credit they are going to cut that in half. So you are trying to say to people: We want to try to provide you with some help. You are the folks who need it, you are struggling. At the same time they offered to eliminate taxes on the richest corporations in the country, to give them a zero tax obligation, and at the same time we are going to cut the per child tax credit for child care. It just gives you a sense of proportion.

Mr. MCDERMOTT. It is not very family friendly.

Ms. DELAURO. As to who is family friendly or not.

Mr. PALLONE. I thank you both, and I would like to yield at this time to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from New Jersey, and I wanted to pick up where the gentlewoman from Connecticut and gentleman from Washington were so pointedly focusing on, I think, the discrepancies between the Democratic alternative and what has been represented as a tax bill that is supposed to be responsive to all Americans, and I would just like to add my opposition frankly because I think one problem is that the pace at which this particular tax bill moved was a pace that did not allow deliberations and consideration, did not allow the input of those most needing the positive impact of a tax cut, and I cannot help but agree in totality, 100 percent.

When I go home to the district, the people that I hear from are small business persons who every Chamber that you meet with says small business is the backbone of America. How many times do we have to say that? Small business is the backbone of America, whether it is two people, one person, a few people. Small businesses are the ones that come into our community and hire people to work.

In this instance we had a circumstance where the estate tax does not respond to small businesses. I just want to highlight the difference in the funds. The Republican plan offers $3.6 billion in tax cuts. We in the Democratic side representing and recognizing that we are dealing with a balanced budget and not trying to blow up—I want to use the term "blow up" the deficit in the outyears—have $2 billion.

Now let me emphasize the difference. We have a situation where you can get an immediate relief for family-owned businesses for $400,000 in extra exclusion tax for family business assets. Immediate; let me underline that: Immediate. On the $3.6 billion side, where you blow up the deficit in the year 1999,

you can get $1 million credit, but not until the year 2007.

I am speaking to small businesses today, 1997, not 2007, and then to find out that the deficit will be steadily going up, the one deficit that all of us have been talking about, the one that the Republicans have been talking about and indicated that that will go up in 1999. This estate tax on the Democrats will allow family owned businesses interest with value up to 2 million plus with no estate tax in the case of a married couple.

That responds to the major concerns that we have found when we go home and talk to constituents, every day constituents, and I would like to follow up as well on the hundred percent deductibility for health care. The gentlewoman from Connecticut, the gentleman from Washington mentioned something that you hear all the time. Most of what you hear is the employees of small businesses saying I wish we could have health care. You find the owners of small businesses saying, "You know what? I like my employees. They do a good job for me. But the overhead is such that I couldn't pay them a salary if I had to pay for their health care. But I want to give them health care."

Now what sense does it make not to support the backbone of America's job creation over the last decade, small businesses, with not giving them a hundred percent deductibility? First of all, it allows you to cut the costs of health care. It allows you further to insure that the employees, mostly employed by small businesses in contrast to major corporations, have health care coverage, and the small businesses will continue that coverage, not get it, stop it, get it, stop it because they cannot cover it because they get a hundred percent deductibility. I consider those common sense provisions offered by Democrats and yet not received by Republicans.

Let me add another point of concern that I have. I am certainly in support of the alternative that we have offered that says that it provides and allows the $500 child credit that the administration is offering, but let me say that there are other aspects of education that I think is important that the Democratic alternative offers to Americans, and that is where we most need a lift, the K through 12. You hear all the time the infrastructure, the support services for educating our children K through 12. The important issue is that we must emphasize building from the bottom-up.

Our plan, the Democratic plan, allows for education costs, free capital for K through 12 schools, tax incentives for enterprise zones like partnerships between public schools and distressed areas and the private sector.

All the time you hear chambers and community groups talking about working with our schools. Well, I think it is important that we give them the kind of incentive that will allow them and help them to work with our schools. That does not happen in the Republican bill, and I think that that chart clearly says it. That chart indicates that most of the Republican benefits go to the extremely wealthy.

I would like to put that in because I do not want the Democrats to be perceived as not encouraging the working class, the middle class, moving upward. We want that. That is what capitalism represents, and that is not fair to label us as individuals who do not want to see people get ahead.

□ 1900

But it is important to know who we want to get ahead, and to realize that this economy is a good economy. That is why the large corporations are doing so well. That is why the Dow is unimaginable. People cannot even understand what is going on with the Dow.

We are not doing poorly in this country, but we are letting the middle income, the working people, do poorer. We are taking away from the working poor the incentive to continue working by eliminating the EITC, the earned income tax credit. How foolish when it benefits our economy, because they are not only saving but they are infusing capital back into the economy as consumers.

Mr. Speaker, I would say to the gentleman from New Jersey, let me thank him first of all for bringing us together on this very important issue, and just acknowledging that all of the fine print throughout the country in terms of newsprint is emphasizing that this Republican tax plan is a tax plan for the wealthy. It is not Democrats saying it, it is individuals who have analyzed this in good faith.

Therefore let me just note that this article out of, I believe, the Wall Street Journal has indicated "The tax bill's complexities often aid the wealthy." It goes on to recount many instances of where this bill focuses on helping the wealthy.

Then, of course, the bill seems to go into areas, as I note, that do not seem to coincide, if you will, with tax relief. It seems to coincide with tax attack. It says "Not all of the boomerangs in the bill are invisible. One would require that labor unions report to their members on a special form the percentage of the members' dues that are used for political activities. The unions say this reporting would cost them more than $20 million."

This is not necessarily a tax issue, but what we find is that this bill is all over the lot. I simply say to the Republicans, let us get back to the business of drafting a bill that works for working America, middle-income America, that applauds investment in small businesses, that says good health care is good, that says that elementary school education, middle school, secondary and high school is good, leads you into college, and also says that we applaud the American men and women who have small businesses, we want to give them small business and estate tax relief, because that family has invested in America.

That is what I think we should be doing. That is the kind of tax bill that I think the Democratic alternative represents. I think that is the kind of tax bill that we here are speaking to on the floor this afternoon. I think it is very important that the American people understand that and be able to support the right kind of tax relief.

Mr. PALLONE. I want to thank the gentlewoman from Texas, and particularly emphasize again that in many ways what I think the Republican leadership is trying to do is to pull the wool over the American people. They talk about capital gains and estate tax relief. We know in certain circumstances if it is targeted, that can be very beneficial to certain middle-income people.

But the problem is that through various gimmicks essentially what they are doing is having across the board, if you will, changes in capital gains and estate tax, and then using gimmicks so the amount of money that is available, particularly after the first 10 years, grows. What that essentially does is gives most of the relief to wealthy individuals.

What we need to do, and I think that is what all of us are doing tonight, we need to point out that we are in favor of capital gains tax cuts, we are in favor of estate tax cuts, but we want them to be targeted. We want the capital gains tax cuts to be targeted to the average homeowner, as the gentlewoman pointed out. We want the estate tax relief to be targeted to family owned businesses, small businesses, farmers, those who need this kind of relief.

Mr. Speaker, I just think it is very important for us to continue this discussion and make our colleagues and the public understand, because too often people just hear tax relief, capital gains, estate tax, and they think somehow that is going to benefit them. It does not unless we do it in a way that benefits and targets so it helps the average person. That is what the Democratic alternative is really all about.

Ms. DELAURO. If the gentleman will continue to yield, Mr. Speaker, I think the gentleman made the point that it is like the debate about a balanced budget, and where we have had agreement on both parts of the Democrats on a balanced budget.

The devil is in the details. It is more than in the details, because both a budget and a tax bill reflect, as I said earlier, the values and the priorities

that we hold as a Nation and where we want to try to focus our priorities, where we want to focus limited resources.

No one is saying that we have, and we do not have, all of the money in the world to do everything that everyone wants. That is not the case at all. No one is suggesting that. Also, no one is suggesting that government has to do everything for people. But in fact, government should be charged with helping people with some tools that they need when they face difficulties in their lives.

Tax relief is a tool to help people who are struggling to make this fight. I think there are one or two pieces where we can really see the contrast in a Democratic focus and a Republican focus. That is, Mr. Speaker, today employers can offer to employees up to about $5,200 in educational assistance which is not taxed. This is a provision that needs to get extended year by year.

What the Democrats do here is they say that they will permanently extend this expired provision of the Tax Code that says it will allow employees to accept up to $5,200 in employer-provided educational assistance which is not taxed. Also what the Democratic proposal says is that this is good for graduate education as well as undergraduate education.

The Republican plan only extends the provision until the end of the year, and does not include graduate education. We are about the business of trying to provide people with the educational tools that they need so that in fact they can earn a living, make a living for their family, progress, be able to pay their taxes, and be productive and contributing members of society. That is what people want to do. In the basic issue of the education assistance provided by employers, they would exclude graduate education and they will not extend this provision on a permanent basis. This is unfair to people.

At the same time, they will allow for inflation on capital gains and what they call indexing in the second 5 years of this proposal, which in fact, as my colleagues have pointed out, gets us right back to a deficit which we have spent the last several years trying to dig out of.

Mr. Speaker, I must say one more thing about the deficit. I think one of the biggest contributions to getting the deficit down to where it is today has been the Democratic budget of 1993, where in fact it has allowed for an economy, and I might just parenthetically add that this was a piece of legislation only supported by Democrats. There was not one Republican vote for this piece of legislation.

Economists have said that this allowed for interest rates to come down, this has allowed for the opportunity for the deficit to come down, and in fact, provided the kind of an economy where we can focus our time and attention on a balanced budget agreement and where we can focus our time and attention on a tax plan which can benefit working middle-class families in this country.

Ms. JACKSON-LEE of Texas. If the gentleman will continue to yield for a moment, Mr. Speaker, to add another comment, I believe the gentlewoman has really isolated and highlighted this issue of distinction, if you will, between the approaches given by both the Republican plan and the Democratic plan. Let me add a point to expand on the capital gains.

It is noted that the Republican bill would lower the top capital gains rate, now 28 percent, to 10 percent for taxpayers with incomes below $41,200 and 20 percent for those who are better off. The main beneficiaries of the 10 percent rate, the tax experts say, this is out of the Wall Street Journal, would not be middle-income taxpayers selling a modest amount of mutual funds. Instead, it would be wealthy families who are selling stock to pay for their children's tuition.

We are not denying that there should be the opportunity for children to go to college, but what we want to distinguish is how the middle-income, the working family, does not get the same equal benefit. I think that is just key in what we are trying to do here.

There are various loopholes about how this capital gains transfer by the richer family being able to give the stocks over to the children, getting a benefit, and then the children being able to sell it and use it for college, that does not happen when hard-working middle-income families just want to sell a few mutual funds, they do not get the same benefit as the richer population.

I think that is extremely important, as well as, let me add, the fact that this is a 422-page bill. I noted that part of it has reporting requirements for unions. This is a complex set of new laws that are coming into being.

I always thought that one of the things that we in Congress wanted to do was to simplify the Tax Code, to simplify the process, and to allow those working families and small businesses to be able to pay taxes and to have taxes cut or tax relief in a simplified process. That is not the case with this new 422-page proposal offered by the Republicans.

Mr. PALLONE. Mr. Speaker, we do not have much time, but if I could just summarize, I think we pretty much pointed out first of all why the Democratic tax cut alternative is fairer, because it essentially targets tax cuts on those who need them.

As was pointed out by the gentlewoman from Connecticut [Ms. DELAURO], we are talking about scarce resources here. This is a balanced budget plan. We want to give tax cuts where they are needed. That is really essentially what the Democrats are all about: making it fair, making it primarily for those who need them. It is obviously a lot better for working families.

We talked about the per-child tax credit. We talked about how it is better for education, because it gives more money to people who have the need, whether they are in the first 2 years of college or they are in 4 years of college, whether they are in graduate education.

Lastly, and certainly no less important, is it is so much better with regard to the deficit. I think there is the really telling point, if you will, when I talk to my constituents. When they listen to what the gentleman from Washington said, if we go through this process and at the end of this process, 10 years from now, we end up with an even larger deficit than we have now, basically we are lying to the American people.

Ms. DELAURO. Shame on us.

Mr. PALLONE. That cannot be. We just have to keep pointing it out every day on the floor, as we are doing now, and hopefully ultimately our colleagues will listen and understand why the Democratic alternative is better.

Mr. Speaker, I just want to thank the two gentlewomen for participating, but we are going to have to do this a lot more.

Ms. DELAURO. I think it is worth doing, and we thank the gentleman for his leadership on this issue.

THE QUESTION OF RACE AND REMARKS BY PRESIDENT CLINTON

The SPEAKER pro tempore (Mr. HAYWORTH). Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to say that there are many things that we come to the floor of the House to discuss, and many times we do have a difference of opinion, because this is the nature of the democratic process.

Allow me to speak very pointedly on an issue on which I am going to call for a bipartisan response and a joined and open-minded response that takes into consideration the intense feelings held by many in this Nation on this question. That is the question of race, and the remarks that were made by the President of the United States this past weekend.

Mr. Speaker, I do not view his remarks as being political, though I know the commentary has reached all levels of debate. I do find his words to be important and instructive, for it is noteworthy that we are only 3 years now away from the 21st century. His remarks, if summarized, asked America how they wished to be defined,

whether we wanted to go into the 21st century being defined as a divided nation, a nation that could not help heal its wounds and heal the divisiveness.

So I want to applaud the President for calling to our attention the fact that now is the time, as was asked by Dr. Martin Luther King, if not now, then when, for us to come and speak clearly, resoundingly and positively, about bringing this Nation together. I applaud that.

I imagine that over the year's debate, with the commission that he has constructed to carry this forth, that there will be many points of view being raised.

□ 1915

In fact, I believe that there will be many groups that will further articulate what that means, action items, economic development, education of our children, the elimination of drug addiction in inner cities, rebuilding of our infrastructure, creating jobs, helping small businesses get access to capital. All of that will be part of the larger solution. But no one can take away from the importance of the problem and the importance of discussing the problem.

That is why I think it so very important to acknowledge this debate and his raising of this debate and his proudness as well as courage in raising it comes the possibility of failure. Already so many have cast their lot on the failure side. I cast mine on the success side.

I would ask the Speaker and I would ask Members of this House that they rise up and support this effort in a bipartisan manner. Therefore, talk about color-blindness and eliminating affirmative action and legislation that is being announced to eliminate all Federal affirmative action should now be stopped itself; cease and desist, until a full discussion can be taken to determine whether or not now is the time to eliminate affirmative action. I would say resoundingly not. The facts are there. Eighty percent decrease in admissions in the University of California system. Not one single African-American admitted or accepted into the University of Texas School of Law. Let me say, accepted, but yet only one admitted and none attending in fall of 1997. So there is data to suggest that we do have a problem in making sure that women, African-Americans, Hispanics and Anglos, Asians, and others who come from diverse backgrounds are all in the circle.

There was an article noted in the Houston Chronicle on June 17, 1997, written by NEWT GINGRICH and Ward Connerly. They seemed to try to emphasize, in defending opposing affirmative action and as well not rising to the debate that would help bring us together, that other issues are important. Let me say that I agree that we must educate our children. Let me say that I agree that we must do other things, Mr. Speaker, to ensure that we bring us together.

But let us not forget, Mr. Speaker, that we can do it by discussion and then solving the problem and, yes, we can do it by an apology. Let us work together to solve the problems of racial divide.

JUVENILE CRIME

The SPEAKER pro tempore (Mr. HAYWORTH). Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida (Mr. MCCOLLUM) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCCOLLUM. Mr. Speaker, tonight I come to talk for a few minutes wearing my hat as chairman of the House Subcommittee on Crime. The reason that I do is because I have been engaged in discussions over the past few days and several weeks, for that matter, with respect to juvenile crime, where we are going with it, why the bill H.R. 3 was shaped the way it was to reform the juvenile justice system, and what is going to happen generally in relationship to the whole issue of crime in the United States and drugs, which are present on the minds of most Americans on a rather continual basis unfortunately.

I thought that we should start this discussion for a minute by putting things into perspective, the big picture. There have been a lot of statistics recently released by various agencies, the Department of Justice, some private institutions that would indicate that there has been a decline in the amount of crime, violent crime in the United States over the last few years. Indeed the good news is, there has been a marginal improvement in the rate of crime and in the numbers of violent crimes committed in the Nation as a whole over the last four consecutive reporting periods that the Department of Justice reports. But I do not think that this should give us any comfort or solace.

The reason why we are still seeing on television every night violent crime being committed in this country, heinous murders, rapes, assaults, is because of the fact that there is not enough improvement in those crime rates, not by any stretch of the imagination. We are in a state of this country where, if you go to the grocery store, let us say the 7–11 store, at 10 or 11 at night now, it is four times more likely that you are going to be raped or robbed or murdered when you go to that 7–11 store than it was in 1960.

To put that in real numbers, in 1960 there were 160 violent crimes for every 100,000 people in our population, and in 1995 there were 685 violent crimes for every 100,000 people. That is 160 back in 1960 versus 685 violent crimes for every 100,000 people this last reporting period we have in 1995.

That is a remarkably larger amount of violent crime than most people are really willing to accept or understand exists. Just today we had a hearing in the Subcommittee on Crime on the issue of gangs and intimidation of witnesses who are supposed to testify in gang-related violent crime. Unfortunately, the witnesses, all of them in the prosecutorial arms of our State governments, from California to Pennsylvania to Utah, expressed grave concern about the fact that we are not getting the number of convictions that we used to get with respect to violent crime in their communities because witnesses are not coming forth. The reason they are not coming forth is because they are intimidated that other witnesses are being murdered in these gang violent situations in an attempt to keep people from coming out and telling what they know about what happened in these crimes.

But along the way, in addition to discussing the intimidation factor, we got some alarming statistics given to us about the murder rate and crime rates in some of our larger cities. While it is true that in New York City, as one exception to this, and a dramatic exception where the crime rate has come down dramatically in the last year, and I commend Mayor Giuliani and his force for what they have done in that city to see that happen. Cities like Philadelphia have not had the same result. And the statistics that were given to us today from Philadelphia show that in 1965, the number of homicides in the city of Philadelphia were 205. In 1996, there were 431. The city of Philadelphia has lost population since 1965, lost population. But the number of murders are up from 205 to 431.

If that is not alarming enough, the so-called clearance rate, or the number of cases that are solved, that they get convictions on and find out who did the murder and produce some justice on them, in 1965, the clearance rate, the solving rate of these murders was 93 percent. There were only 15 unsolved homicides in the city of Philadelphia that year; but this past year in 1996, that rate had dropped from 93 percent solved, 93 percent clearance rate to 56 percent.

There were 190 unsolved murders in the city of Philadelphia this last year. A large portion of that, it has been expressed to us, is because of this witness intimidation and the gang world that Philadelphia is locked in. But that is not unique to Philadelphia. Salt Lake City, Orlando, FL, Atlanta, GA, Chicago, Los Angeles, any of our larger cities are experiencing virtually the same type of results. Similar statistics are abundant in those communities. So even though you may get a good example once in a while of some very exceptionally good news like we had out of

New York City last year where the number of murders was dramatically down, that is not true of the Nation as a whole.

Violent crime is nowhere near a level that is acceptable or tolerable. What do we do about it and why has this become such a big problem? There are a lot of reasons of course. The root cause of crime can be traced back in many cases to single-parent families with poverty, lack of role models, no mentoring, a lack of education, a lack of hope. There are plenty of reasons why the underlying societal problems exist in many of our urban areas that produce conditions that lead youngsters into a path of crime and later violent crime.

I want to discuss a couple of statistics tonight on the front end of this. That is the end we see when the police get out on the streets and our justice system has to face this situation and then come back and address the prevention side of this later on.

The criminal justice system is currently failing to hold criminals accountable for their crimes. Of the 10.3 million violent crimes committed in 1992, the last year I have the full statistics for, the 10.3 million in 1992, only 3.3 million were reported to the police. About 641,000 led to arrests, 165,000 to convictions, and only 100,000 violent criminals received a prison sentence. About 76 percent of those prisoners will be back on the streets in 4 years or less.

The only good news I can report is that, once truth in sentencing laws passed this Congress and passed now in roughly 25 of the States, at one time, before we passed them and sent incentive grant programs to build more prisons and to require prisoners who commit repeat violent felonies to serve at least 85 percent of their sentences, States could not get the money to build the prisons unless they went to that rule. We had only a half dozen States that had a rule that required any lengthy prison sentence to be served pretty much in full. But today about 25 States do and the Federal Government does. And so we are seeing now the percentage of time served by these repeat violent felons has gone up from about one-third of their sentences to about 50 percent or a little under 50 percent. I wish I could say it were higher, and I hope the other 25 States that have not yet adopted truth in sentencing have not yet gone to a rule requiring violent criminals to serve at least 85 percent of their sentences do so.

But going back to this statistic, which is still very appropriate, albeit a couple years old, the last time we have it, the 10.3 million violent crimes committed in 1992, and really only about 100,000 violent criminals received any prison sentence at all.

Now the truth of the matter is, it is really rough in this area, is that entirely too great a number of these violent crimes that we know about are being committed by juveniles, those under 18 years of age. Certainly those under 20 years of age.

No population poses a greater public safety threat than juveniles and young adult criminals. More murder and robbery are committed by 18-year-olds than any other age group and more rapes by 17-year-olds than any other age group. And more than one-third of all murders are committed by offenders under the age of 21, a really alarming statistic.

Although the juvenile population is at its lowest that it has been since 1965, the juvenile crime rate has skyrocketed. The number of juveniles arrested for weapons offenses has more than doubled in the last decade. Murder among young people has increased 165 percent and juvenile gang killings have increased 371 percent between 1980 and 1992.

What is even more alarming is a surge in the number of juveniles in the next decade who will be in the age group most likely to commit these violent crimes. The juvenile population is expected to increase by 23 percent nationwide over the next 10 years. California, for example, can expect an increase of 33 percent in the next decade.

This is really a tough message to bring home tonight to discuss, and I realize it is a lot of statistics to throw out, but the bottom line is that while we may feel good about ourselves when we see marginally declining violent crime rates around the Nation as a whole, it is simply misleading.

We have far too much violent crime, particularly among juveniles. One of the great problems we have got today with the juvenile system, which I think is thoroughly broken, is the fact that juveniles learn quickly they can beat the system. Only 10 percent of violent juvenile offenders receive any sort of institutional placement outside of the home, only 10 percent. The small percentage of juveniles who are placed in confinement for murder, rape, robbery, or assault will be back on the streets in an average of 353 days. They are youthful but dangerous.

Juveniles 15 and younger were responsible for 64 percent of violent offenses handled by juvenile courts in 1994. And between 1965 and 1992, the number of 12-year-olds arrested for violent crime rose 211 percent. The number of 13- and 14-year-olds rose 301 percent, and the number of 15-year-olds rose 297 percent.

These numbers give you an indication of why we have to do something to fight violent juvenile crime more than we have been doing.

So this Congress, this House, a few weeks ago passed H.R. 3, the Juvenile Justice Act, that is now being considered, a version of it, by the other body and will be, in fact, marked up by the Committee on the Judiciary of the other body tomorrow.

This act has been mislabeled, misinterpreted, misunderstood by a lot of folks. The only thing this bill goes to is one but one very significant portion of the puzzle of how we get at this juvenile crime problem that is facing our Nation right now.

We know that there is a drug problem out there. We know that there is an education problem. We know that there is a poverty problem. We know there are a lot of issues that we need to be addressing. What this bill gets at is just one facet of that, not to the exclusion of any of the others, but to bring balance and perspective into it.

It gets it correcting or trying to correct a broken juvenile justice system that is allowing this to happen.

□ 1930

It is allowing a message to go out there to young people that if they go out in the evening with a group, a gang, or whatever, and they decide they are going to vandalize a home or a store or run over a parking meter, spray paint graffiti on a warehouse building, the police who catch them, if they are caught, are not going to take them into the juvenile justice system at all. They will not even take them downtown to book them. Chances are, they will ignore it because the system is overworked and they do not think the juvenile courts will put them away or do anything to them or punish them in any manner.

But if they are taken in for something that is a misdemeanor crime, a juvenile delinquent act, a crime nonetheless, and a juvenile judge sees them, the chances are, in our urban areas at least, it will be 10 or 12 appearances before that judge before any punishment at all is given. And by that I mean before community service or probation even, or something of the nature of community service, is given, any punishment for these kinds of offenses.

Is it any wonder, then, the juvenile authorities tell us in the crime subcommittee, is it any wonder that later, having seen no consequences for their acts at all, that these young juveniles get a gun in their hands and pull the trigger because they do not believe there will be any consequences? They do not believe there will be any punishment. They do not believe there will be any accountability for their acts.

First of all, they do not believe they are going to be caught and, second of all, when they do get caught, they do not believe, because they see their friends not having it happen to them, they do not believe they will be taken in or taken before a court. And, last but not least, they believe if they are, they will get a slap on the wrist. Even if they are, and ultimately the judge does give some kind of punishment for something really serious, a violent

crime, and I am giving the average here, they will serve less than 350 days for murder, if they are a teenage violent criminal. I would submit that that is a huge, huge problem.

So this broken juvenile justice system we have needs some fixing. What we did in this bill, in H.R. 3, that is now being considered in the other body and we hope to get to the President later this summer, what we did was two things:

One, we proposed we correct the juvenile justice system at the Federal level and provide a model, even though there are very few juveniles that are actually brought before Federal judges in Federal courts for criminal acts, as opposed to those appearing in State courts.

And then we did what was the most significant thing. We proposed a large grant program out of existing moneys that are set aside for fighting crime at the Federal level, $500 million a year over the next 3 years, to the States in this country for the purposes of providing more probation officers, more juvenile judges, more detention facilities, any number of things I will mention in a minute, provided that the States assure the Justice Department that administers these grants that they have in place such laws and such regulations and such rules that every juvenile who commits a delinquent act, a crime, a misdemeanor crime of some sort, is punished from that very first delinquent act with some kind of sanction, be it community service or whatever. And that for every subsequent delinquent act that that youngster commits, that that juvenile receives an increasingly greater punishment on a graduated scale.

And that prosecutors in the States, for those who are 15 and older, who commit murder or rape or assault with a gun, just those three things, that prosecutors be given permission in the States to prosecute, 15 years old and older, those who commit those three kinds of violent crimes, as adults. And even then there is the check of the juvenile judge being able to look over the shoulder of the prosecutor.

And the third thing that we ask of the States to qualify for these moneys to improve their juvenile justice systems is that they keep records as adult records are kept for juveniles who commit a felony, if it is the second or greater crime they have committed.

So we could have a felony committed, we could have had a murder committed by a juvenile, if it is the only offense that juvenile has ever committed, and have no records kept. Or we could have 10 or 12 misdemeanor crimes and never have a record kept. But when we have had at least one misdemeanor crime or one felony crime and then have another one, and that is a felony, the records will have to be maintained, just as adults.

The reason we want that qualification is because today when courts, particularly those who see somebody who gets to be 18, who is then an adult for the first time, then courts may see some young hoodlum who is a real thug, who has done some horrendously criminal act, maybe it is murder or maybe it is just a very violent shooting of some sort. If the judge sees that person and the judge has no record, he may not know this person at 17 and 16 and 15 committed an armful or two armsful of violent crimes, of murders or rapes or robberies or whatever it may be.

No records in most States today are kept at all beyond the age of 17 for these kinds of offenses. So we require, as a condition to receive these moneys, that the States keep those records or that they require those records to be kept in that given condition.

Last but not least, to qualify the State has to assure the Federal Government that its juvenile judges are given the authority over parents who come before the judges with the juvenile to hold the parent, not responsible for the juvenile delinquent act, but for some charge or responsibility the judge may give to the parent to keep track of that child, to make sure that child performs the community service or the other admonition that the court may place on that juvenile. In other words, enforcing parental responsibility through the court, with court sanctions possible against the parent if they do not fulfill that commitment to the court.

Now, in return for doing all of that, for being willing to make that kind of commitment, which is not in my judgment much, the States are going to be able to build, expand or operate juvenile detention facilities, develop and administer accountability-based sanctions for juvenile offenders, hire additional juvenile judges, probation officers, court-appointed defenders, and fund pretrial services for juveniles to ensure the expeditious administration of the system.

They are going to be able to hire additional prosecutors to target violent juvenile offenders. They are going to be able to provide funding to enable prosecutors to address drug, gang and youth violence more effectively.

Some of the funding could be provided, it is all at the discretion of the States what they use this for, for funding for technology, equipment and training that will assist in the prosecution of juvenile crime. They are going to be able to provide funding, if they choose, to enable juvenile courts and probation officers to become more effective and efficient; to get training, whatever it may take.

They are going to be able to use these monies for the establishment of court-based juvenile justice programs that target young firearms offenders. They are going to be able to use the money, if they want, for the establishment of a drug court program for juvenile offenders; to establish and maintain interagency information sharing programs; to establish and maintain all kinds of accountability-based programs.

Essentially, the list goes on and on of those things which are in the area of juvenile crime fighting that a State or local community can use the funds for, if they simply take the steps of holding young people accountable for the very first juvenile delinquent acts and giving them graduated sanctions thereafter for other acts.

Now, why is this important? This is being criticized by some as an invasion of States rights. The Federal Government does not have any business in the juvenile justice system. We do not have very many juveniles in the system, why is the Federal Government getting involved? Well, I think I have already mentioned why we are getting involved. We are getting involved because there is a crisis in this Nation of very grave nature about violent juvenile crime.

The juvenile justice systems of this Nation are not working. They are broken. They are not producing. We are not keeping the violent criminals. We are not keeping the records on them when they are young people. We are not punishing them. Most of all, we are not giving them any kind of a meaningful sanction to demonstrate there are consequences when they commit lesser offenses early on. There are no resources of any consequence going from the State legislatures and the State governments into the juvenile justice system to do these things.

Yes, some States are doing and there is a movement towards doing the kind of thing that we do in part here, and that is encourage the treatment of those who commit, who are 15 and older, who commit violent crimes to be tried as adults. But the rest of this is not being done virtually at all.

I think that itself is also important, although it is not the central reason for this juvenile justice legislation. Juvenile court judges transfer just under 3 percent of violent juvenile offenders to adult criminal court, according to the General Accounting Office. That is really too low.

And according to the General Accounting Office of the Federal Government that does this survey, most juveniles prosecuted for serious offenses in adult criminal courts are convicted and incarcerated. Barely one-third of juveniles prosecuted for serious offenses in juvenile court are convicted and confined. Probation is the most common disposition by juvenile courts, and it is what should be the case for first time offenders for these lesser offenses, but not for the violent perpetrators, particularly repeat violent perpetrators of

crimes who happen to be, just happen to be 14, 15, 16 or 17 years of age.

Now, having said all of that, I do not want anybody to be mistaken. Again, this is not the entire picture. We need to revive the juvenile justice system. There is a need for national leadership. While it may be a State matter, there is a need to have incentive grants, there is a need for a carrot to encourage the States to do what has to be done and to give some resources, albeit limited for the next 3 years, to the States and local communities to revive these systems and make them work again.

If we do not do that, the increased numbers of juveniles that are coming of age in the population most likely to commit violent crimes is going to knock our socks off in terms of what happens to the violent crime rate in this Nation over the next few years. The FBI, everybody concurs in that fact.

Now, let me step back for a minute and try to put this into another perspective. I have already said prevention is important, and it is. The Federal Government today has $4 billion worth of prevention for at-risk youth. Four billion of money is spent every year. I cannot say it is all spent wisely. There are 130 different at-risk youth programs today in the Federal Government, 131 of them. There are somewhere around 13, 14 agencies of the Federal Government that are administering these programs. But there are that many. That is $4 billion worth every year.

And I support doing that. I think we should consolidate some of these programs, reexamine them, probably do something differently with them. Maybe give a lot more discretion to the States, counties and cities as to how to use it. But prevention is important, and education and mentoring and all those things are important.

Also involved is a bill that will be coming out here shortly to the floor from the Committee on Education and the Workforce, I believe they are marking it up in the House tomorrow, on the Office of Juvenile Justice and Delinquency Prevention. It is a reauthorization, and it will provide at least another quarter of a billion, $250 million or more, for prevention programs. That is a very important piece of legislation and I wholeheartedly support it.

Again, it is balance. We need balance. We need prevention but we also need to make the juvenile justice system work. We need to make the whole justice system work. We need to have swiftness and certainty of punishment, which is the truth-in-sentencing part of this, making violent criminals serve most of their sentences, sending a deterrent message out there again to the adult criminal population and to the juveniles that when they do the crime they are going to do the time. When they do a crime, even a misdemeanor crime and they are a juvenile, there will be some punishment. There will be some consequence, some sanction involved in that.

Will that solve all of the problems? No. But we will be a lot better off if we do it, because the system does not have that today. It used to have that in the system and it just simply does not.

Now, in addition to prevention, in addition to that we have a bill coming out of the Subcommittee on Crime later this summer dealing specifically with gangs, expanding the interstate efforts the Federal Government is making in helping the States and the counties and the cities fight gang problems, witness intimidation being a big part of that, problems with the wiretap laws being a part of this. There are a number of things that need to be addressed specifically because gangs are peculiar and present peculiar problems.

And then, not the least of all, this is a concern I have, and I think all of us share, over the relationship of violent youth crime to drugs and drug trafficking.

Our committee has the oversight of the FBI and the Drug Enforcement Administration, among other things, and I have been intimately involved for a number of years with the war on drugs. It disturbs me when I read about our Office of Drug Policy issuing a statement like they did last year, that the term "war on drugs" is not appropriate.

I think it is very appropriate. We need to be conducting a war on drugs. We are truthfully not doing that today. We do not have a mission, we do not have a defined plan that we can execute that says when this is accomplished, we have won the war.

We know the use rate among young people is skyrocketing today, of cocaine and marijuana, and the sale of those drugs and the street crime associated with it is staggering and it is a big part of this overall picture. We have a lot of laws on the books but we are not doing a very good job of enforcing them, and we are doing a very poor job of education and prevention.

What strikes me that is similar about this part of the picture to the juvenile crime bill that we just put through is the fact that we get into debate over these matters and it is an either/or proposition for too many people. I have a lot of folks, a lot of my colleagues say to me, "Gosh, on the juvenile justice bill we do not have a prevention component in it." That bill is not designed for the prevention side of this. That does not mean we do not want prevention assistance in legislation, but that is not what the juvenile justice bill is about. It is to repair a broken juvenile justice system.

Well, in a drug war the same can be said. I hear a lot of people say, and a RAND study recently said that it is more cost-effective to treat, to treat those who have drug habits and are addicted, than it is to incarcerate or put people in jail who use drugs. Well, we do not put people in jail because they use drugs; we put people in jail who commit drug trafficking offenses, and usually pretty darned large quantities, quantities large enough to be concerning a lot more than themselves and their own personal use.

We need to do both. We need to have a balanced approach. We need to have drug treatment, but drug treatment does not stop drugs from getting to a young person who has never used them before. We need to do that. That is the single biggest problem on the street today in America, is the fact that we have so much exposure to cheap drugs, cheaper than ever.

What we have seen on the drug scene in the United States over the last few years is that, and particularly cocaine, which is the number one drug of choice in the United States, and to some extent with heroin, the quantity is way up and the price is way down. It is cheaper than ever, and, therefore, more people are going to use it. The only way we can get our arms around this matter is to do things, several things.

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One is we have to interdict drugs coming to this country in much larger quantities than we are. That is, we have to intercept them and capture them and stop them from getting here. That may be done in foreign countries. It may be down in Colombia or in Peru before those drugs get here, before they are made into the crack or the powder form that is used on the streets. It may be done in transit across the Gulf of Mexico or the Pacific Ocean or through Mexico, however it is coming here, by air. But we need to do a much better job of interdicting and stopping drugs from coming in here.

We need to set a policy that says how much we are interdicting. DEA, the Drug Enforcement Agency, sort of estimates that we are interdicting about a third of the drugs, maybe 30 percent, but nobody knows what we are interdicting. What we do know is that the numbers, the quantity percentage-wise at least, is way down from what it was in the late 1980's and the early 1990's that we are interdicting, and what we are seeing is that we are paying a very big price for that. Again, a low price for the drugs, a big price in terms of society.

What we have not done and we need to do and I challenge this administration to do, and that is to set a standard, a goal, or an objective for interdiction to win the war on drugs, that portion of it dealing with stopping the flow from coming in here or slowing it down, set a goal by a certain year, the year 2000, 2001, 2002, something very soon, of interdicting at least 80 percent of the drugs coming into this country.

Because they tell me if we can interdict or we can stop the flow into this country of 60 percent or better of the cocaine and heroin and that drug market that is the big bulk of it from coming here, we will affect the price, the price will go up, and thereby the amount of use will go down. Fewer kids will get onto drugs to begin with. And if we can get it up into that 75–80 percent range, we will make the job of law enforcement and education and all the other efforts we have to prevent kids from getting on drugs much more effective and much more manageable.

But we need to set the goal. We need to say there is a defined objective here. There is over 500 metric tons of cocaine I am told that reach our shores every year. That is an incredible amount. 500 metric tons. I cannot even imagine that. That is what is happening today. We need to knock off a whole lot more than we are today, 80 percent of that flowing our way, and then set that as a goal.

Then we need to provide the resources to do that, to the Coast Guard, to the Customs, to the military. The Air Force, the Army, the Navy need to be given the resources to stop this flow in the right way and the authority to do it in the right way.

Right now, for example, the Coast Guard flies drug intercept missions in the Gulf of Mexico and the Caribbean on C–130 planes. They have 10 or 12 of them. They do not fly at night when these drugs are being transported by these small vessels because they do not have any night vision. And vessels from Colombia to Puerto Rico to the Virgin Islands, wherever they come out, these smaller boats are smart. The guys running those, this is organized crime doing this. They have got it figured out.

They just run the boats really fast at night. And during the daytime with the whitecaps down there, they slow the boats down or hardly run them at all and we cannot spot them with the naked eye from an airplane. We do not have the equipment to be able to see them. These C–130 planes that the Coast Guard has do not have any forward-looking infrared, night vision, the type of thing we would expect them to have. So they cannot see at night, they are not equipped to do it, and they do not fly at night.

Now that is tying more than one arm behind the Coast Guard's back, and they have the primary interdiction responsibility at sea. That is just one example of the many things that need to be done to combat this war on drugs and to get at the major drug traffickers in the area of stopping the drugs from getting here.

Once we look at that side of the equation, which is the supply side, we also need to look at the demand side. The demand side is the side where we have the users. Education and the message on not using drugs is not being out there. The leadership of the Nation is not speaking out as effective as it should be. Some of us are working with our leadership on the Republican side, and I certainly hope that the Democrats will join us in all of this, on developing a broad plan over the next couple of years to join with the administration, I hope, in making the awareness of this whole issue much greater than it has been so we can set a defined way when we have at home won the war on drugs, not just interdicting 80 percent, which will be extremely helpful and absolutely essential, by the way, to be able to get the numbers down into some defined basis for use at home that are meaningful, but to get the use rate among young people down from the level now, which is somewhere hovering around 6 percent to somewhere in the neighborhood of 3 percent, which is back where it was 20 or 30 years ago.

While that is something I do not want to see, that pie use rate, it is at least manageable. It is like the statistic on murders and the crime rate, the violent crime in this country, much, much more acceptable rate back in the 1960's per capita of our population than it is today. We need to get the drug use rate way down, especially among young people.

One of those ways is to have a television campaign, and I do applaud the President for his support of getting some funding out of Congress to do some paid television advertising to get the message out about the badness and the thing they should not be doing when drugs are offered to young people. I think, unfortunately, as much free television as I would like to see the media offer, and I believe more of them are willing and receptive every day and we need to have more drug coalitions that my colleagues join in their communities in producing to get the media, to get the local television and radio stations in particular and newspapers involved in spreading the word about how bad drug use is to young people and to get into the schools and to get into our businesses of having drug-free workplaces more acceptably and more frequently. As much as that is important in this process, we need to stimulate this with a concerted, combined effort that gets us into the position where we can have a reduction and overall campaign that does this.

But it is not in a vacuum. We cannot put all our marbles into one basket. And, yes, treatment is important. For those who are addicted, those who are on the drugs, whether they are on the streets as relatively minor offenders or whether they are offenders at all in terms of criminal activity, treatment is important, and we should not forget them and we should put a balanced amount of resources into them.

But to anybody who says to me that there is too much money being spent on interdiction and other things, law enforcement in the drug area and not enough on treatment, I would say that is just the opposite of what the case is. Less than 10 percent of the Federal drug fighting budget of this Government, less than 10 percent is used on interdiction, on stopping drugs from getting here, on helping the Coast Guard or the Army or the Navy or the Customs or the DEA or anybody else stop the drugs from getting here in the first place, less than 10 percent.

That is not a balanced approach. We need to beef up our interdiction efforts. We need to stop as much of the 500-plus metric tons from getting here as humanly possible, set a target for doing it, like 80 percent, go after it with all the power and resources of our Government. If we need more airplanes and ships and manpower days, and I think we certainly do, we need to provide that and we need to be creative about it. And at the same time, we need to have an all-out effort and education directed at our kids at every level, from the grass roots in the community to a national television advertising campaign, some of it paid for and some of it voluntarily done, because it cannot all be one way or the other. We need to have national figures, sports figures and figures whom young people look up to, be more forceful with their support for this program. We need to have rock stars and music stars and movie stars, who kids identify with, get with the program and join us in this. And we need to have the business interests, the moguls of television and movies and music, join in this effort. They should establish drug-free workplace programs for all of the recording studios in this country and all of the movie studios in this country. They should have drug-free workplaces and drug testing for their employees and their artists, just as the businesses of this country have done in many communities today to establish drug-free workplaces. There has to be a unified balanced approach to win this war on drugs. There has to be. And, yes, drug treatment is a part of that too.

That brings me back to violent juvenile crime. So much violent juvenile crime is based on drug trafficking. There is no question about it. If we do not get at the issue of drugs, then we cannot expect to really get the numbers of violent crimes committed by young people and committed against our citizenry down to a norm that was in the range that it was back years ago on a percentage of our population.

At the same time, though, we cannot lose track of the fact that there are other missing pieces. We just do not go after drugs and just after the drug kingpins, which we all want to do, we also correct broken juvenile systems around the country, we put consequences back in it for juveniles, we go after those who have done these

crimes in the streets, particularly in the United States. There are organized criminals distributing the drugs, ordering the murders. There are gangs that need to be addressed. All of this needs to be done in a composite. There needs to be an overall view of this taken, not one peace of the puzzle to the exclusion of another.

I did this special order time tonight because I wanted to talk about crime in America and to put it in perspective. That is the primary thrust of it. I do not want to diverge very much from it, but I have a few minutes remaining and I do want to address another subject very briefly.

Before I leave crime, though, I have got to say that there are hundreds of thousands of men and women in this Nation every day working on the streets of the United States and in many foreign countries to try to protect us from these criminal elements, from these drug dealers, men and women wearing the uniforms of the police and law enforcement, men and women serving as judges and probation officers, men and women who have worked long and hard hours in many, many ministerial duties all over this country trying to protect us and giving of their lives in many cases to do so.

While we read about the problems we may have with an FBI crime lab in a famous case like the McVeigh trial, which did apparently turn out well in the end, at least most Americans I think believe justice was done, while we do have our problems, occasionally reading about a Waco or something else where a mistake is made by law enforcement, by and large, those men and women have been doing an outstanding job for our Nation; and we should be behind them, we should be supportive of our police and our law enforcement and our justice officials at all levels.

Where there are those who carry on activities we do not approve of, we have got to let the public know and we have got to bring them to account. But by and large, they are doing a magnificent job, and we need to support them, both from the standpoint of Government and the public. And where they are the silent heroes, we need to applaud them wherever we get the opportunity.

SUPPORT HELMS-BURTON OR LIBERTAD ACT

There is a criminal south of my State of Florida a few miles by the name of Fidel Castro, and I cannot let the evening go by without raising the fact that he has been in power for 38 years and he has strangled freedom in that tiny island and we have a very, very difficult situation still going on with one of the few dictatorial regimes, professed communist regimes left in the entire world just 90 miles off our coast.

The reason I raise it tonight, though, is not simply because I do think what he does rises to the level of criminality, much like those who are the drug lords and the major violent criminals perpetrating these horrendous crimes in the United States, but because in a few days the President of the United States has an opportunity again to enforce a portion of a law designed to bring down Castro's regime and his dictatorship; and I fear, based upon representations the President has made, that for the third consecutive time, he is going to pass that opportunity by. I think that the public needs to hold the President accountable and there needs to be a more thorough debate on this subject, and I am dedicated to the proposition of making that debate occur.

Just to bring everybody up to speed on what I am talking about is that Castro benefits from unjust enrichment by using property confiscated from individuals and private corporations that he confiscated and he stole when he came to power years and years ago. This property was owned by individuals and corporations of American citizens, of U.S. nationals. Many of the major companies of the United States owned businesses in Castro's Cuba before he became the one who is in charge down there in his dictatorship.

We passed a piece of legislation not too long ago in the last Congress called the Helms-Burton or the Libertad Act that codifies all existing Cuban embargo executive orders and regulations, denies admission to the United States to aliens involved in the confiscation of U.S. property in Cuba or the trafficking of confiscated U.S. property in Cuba, and allows, and this is the important one here, allows U.S. nationals to sue for money damages in U.S. Federal Court those persons that traffic in U.S. property confiscated in Cuba, which is the so-called unjust enrichment issue.

Now I am going to say to my colleagues that this is a problem because the President has been given the power in legislation if he thinks it is in the national interest of the United States and would promote democracy in Cuba to waive the enforcement of this last provision. That is to say, he is not going to let U.S. nationals, American citizens sue in United States court those companies and businesses in other countries like Canada and Germany and France, and so on, who are operating businesses in Cuba today, benefitting from those businesses that are actually owned by the American citizens.

But if the President thinks, and he says he does believe that this furthers the national interest of the United States to not allow this provision to take place, not allow these lawsuits to take place, a huge ability of the United States to both be fair to its American citizens for property being improperly taken from them is withdrawn and withheld, but also a tool to further pressure in a meaningful way Mr. Castro to get him out of office, to get him out of the power structure he has been in for years is lost.

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It is beyond me why the President is about to do that again. He first did it last year about the middle of the year, around July 4. He waived it again in early January of this year. And I believe that he will do it again the weekend of July 4 this year, which is a kind of ironic time, our national Independence Day, to be running around waiving this provision. I urge him not to waive this. This is title III of the Helms-Burton bill, the Libertad Act. It is critical that this be enforced. Because our allies by the encouragement and the not saying anything to their businesses and companies that are operating and benefiting from U.S.-owned businesses in Cuba are encouraging the use of stolen property and they are encouraging contributions through this method to Castro's economy which otherwise would not be able to sustain this dictator in power. I think it is abysmal and abominable that the President would choose to thumb his nose at this piece of legislation and continue to not let these lawsuits go forward.

Our allies in Europe and in Canada are crying about this. We have seen a lot in the media lately over the last few months that this is terrible, that somehow we are doing something against them and their businesses and that we are interfering with trade and we are doing all kinds of things. Mr. Speaker, it is really not the case.

The case is that there is nothing unfair in my judgment, and I would not think anybody else's, to allow a business interest in the United States that is properly and legally owning, and recognized by international law as owning a business in Cuba from suing in United States court a foreign business, not the government but the business, from Canada or Europe or wherever who is doing business here in the United States as well, that is why the courts of the United States would have jurisdiction, suing them in United States Federal Court for the unjust enrichment, for the gains, the profits they are making on the American businessman or his business's property that he owns. It just makes common sense to. It is good foreign policy. It should be good economic policy. The world should adopt it as part of the international accords that exist out there. Certainly it should be our sovereign right, and what Congress is intending to do and was intending to do with the Helms-Burton Act, to let American businesses collect rightfully what is theirs in United States courts if they have the right to do so, if they have jurisdiction to do so.

I know it is a little complicated, but if a foreign business is doing business

in the United States, the law that Mr. Clinton is saying he is not going to let happen, that we passed out here, if he would let it happen, would allow American businesses that own property in Cuba, internationally recognized that they still own it, that was confiscated years ago, would allow them to sue for this extra profit, this unjust enrichment being made on their property, with contracts these businesses in the other countries have in Cuba, that they have to operate or run or manage or sell products through the businesses that are American-owned but not in American hands that are still in Cuba.

If the President does not change his ways, if he waives for the third consecutive time the title III provisions, it is my intent when this Congress reconvenes after the July 4 recess to introduce legislation that would abolish his right to make this waiver. I am all for giving the President tools to operate under, but when he abuses it as he apparently is about to do for 3 consecutive times without making a case that I think is justifiable or this Congress should think is justifiable for doing that, then it is time for this body to withdraw the power of the President to make that waiver. It is time to let the American national interest prevail over the interests of some of our allies and their rather belligerent voices that are about all we are hearing today in the media. America first in this case. There is no reason why it should not be first. There is no reason particularly when we have got a dictator like Castro ripping us off and then having our allies' businesses stick it in our faces even more and rip us off a second time to the benefit of Castro. That is absolutely the height of absurdity. I cannot see how waiving this provision and letting them continue to do this is in the national interest of the United States or in any way furthers democracy in Cuba. I just cannot see it. I would suggest tonight as we are talking about crime and drugs and heinous things that it is perfectly appropriate to talk about trying to do something to get rid of Castro, free the people of Cuba and help the American businessman and citizen recover some of his lost property that is down there right now. I am again announcing that I intend to introduce such legislation.

To bring this back full scope before I yield back my time, I want to say again that as the chairman of the Subcommittee on Crime in the House, I took out this time this evening to paint a broad big picture on the issue of crime in America today. I would repeat for my colleagues who may not have picked up all I have been saying this evening that there is a big picture out there. While the rate of violent crime has slightly declined in the United States marginally over the last 4 years, it is still way too high. We had 160 violent crimes for every 100,000 people in our population in 1960. In the last measurable year, in 1995, we had 685 violent crimes for every 100,000 people; 685 compared to 160 for the same number of people in our population. Now this reduction, this tiny fraction of that, in our country. We have an enormously large proportion of those violent crimes being committed by juveniles under the age of 18, more murders by 18-year-olds than any other age group, more rapes by 17-year-olds, a huge proportion of the violent crime in this country by juveniles, and we are about to see a big, big increase, a 23 percent increase in the number of juveniles in the age group most likely to commit these violent crimes over the next 10 years. I think that if we do not make steps that correct the problems of a broken juvenile justice system and give law enforcement more tools and get with it on the war on drugs and actually define how we win that war and provide our Coast Guard and our Customs and our law enforcement community, our military with the resources necessary to accomplish those goals and objectives to win the war on drugs, unless we do all of those things, unless we put consequences back into the juvenile justice system so that when a kid vandalizes a store or home they know they are going to get some sanction for that misdemeanor crime, as well as if they commit a violent crime of murder or rape or assault with a gun that they are going to be tried as adults more likely than not and given long sentences, unless we put consequences back into the acts of our criminal laws, both for juveniles and for adults, and mean something about swiftness and certainty of punishment and mean there is a deterrent out there, all of the other things we may do to try to control the problems of drugs and crime in our streets today will be wishful thinking. It does not mean I am against prevention, it means I am for a balanced approach; $4 billion in prevention programs, I think we should continue a lot of those, we should consolidate them, we should do them, but we should also correct and repair a broken juvenile justice system and we should do something to make certain that we have a war on drugs that is winnable, define the mission and the goal, charge the right individuals with the responsibility to carry out that war in a way that is designed to win it rather than tying their hands behind their backs, give them the resources necessary, put all of this into a comprehensive program over the next 3 or 4 years and just get the job done. It can be done.

We are drowning in a sea of violence, we are drowning in a sea of drugs. America deserves better. We can have it better. We need to pass H.R. 3 in both the House and in the Senate, but we need to do a lot more than that as well.

Mr. Speaker, I appreciate the opportunity to bring this message to my colleagues.

RACE RELATIONS

The SPEAKER pro tempore (Mr. METCALF). Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, today there was a little bit of history that meant a great deal to me. The last bill we passed was a bill sponsored by the gentleman from Oklahoma [Mr. WATTS], called the Joint Resolution Celebrating the End of Slavery in the United States. I think it is a small gesture, maybe, but it is a very important one for me. It is an important one for a lot of Americans, both black and white, and I was pleased to see that not a single Member of the House of Representatives who was present voted against this joint resolution introduced by the gentleman from Oklahoma [Mr. WATTS].

It is a joint resolution celebrating the end of slavery in the United States. It reads:

Whereas news of the end of slavery came late to frontier areas of the country, especially in the American Southwest; and

Whereas the African-Americans who had been slaves in the Southwest thereafter celebrated Juneteenth as the anniversary of their emancipation;

Whereas their descendants handed down that tradition from generation to generation as an inspiration and encouragement for future generations;

Whereas Juneteenth celebrations have thus been held for 130 years to honor the memory of all those who endured slavery and especially those who moved from slavery to freedom; and

Whereas their example of faith and strength of character remains a lesson for all Americans today, regardless of background or region or race; Now, therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, that, one, the celebration of the end of slavery is an important and enriching part of our country's history and heritage; two, the celebration of the end of slavery provides an opportunity for all Americans to learn more about our common past and to better understand the experiences that have shaped our Nation; and, three, a copy of this joint resolution be transmitted to the National Association of Juneteenth Lineage as an expression of appreciation for its role in promoting the observance of the end of slavery.

I want to congratulate the gentleman from Oklahoma [Mr. WATTS] and the cosponsors of this resolution. It does not appropriate any dollars for anybody. It does not command or mandate anybody to do anything. It just calls attention to the fact that there are a large number of people in the country who have been celebrating the end of slavery on Juneteenth, they call it. Even I as someone born and raised in the South, went to school in the South,

did not know much about Juneteenth because I was in the wrong part of the South.

It is the Southwest and farther out West that they celebrate it because they got the news last. They learned last that the Emancipation Proclamation had been issued and the people were set free. They did not learn it, they did not hear about it and celebrate it until late June in that part of the country.

I learned about it when I moved to the Northeast and there were groups that made an issue of having a ceremonial observance on Juneteenth, so I learned about it then. I think it is an interesting phenomenon to have the Congress recognize it, that this has been going on in certain parts of the country for 130 years. The Emancipation Proclamation, of course, was issued by President Abraham Lincoln, and later on the Congress of the United States passed the 13th amendment which in the Constitution ended all slavery forever in this country.

This resolution was passed as the last item of business today. As I said before, not a single House Member voted against it; everybody voted for it. I want to thank all the Members who voted for it, and I want to thank the gentleman from Oklahoma [Mr. WATTS]. It ushers in a spirit that is a good spirit and it does not cost anybody anything.

It is happening at a time when there are a couple of other developments that have caught the attention of the American people. The President has issued a statement that he is establishing a new initiative on race relations in the country. He is appointing a Commission on Race Relations, and that has caused some discussion, as he wanted it to. The primary purpose of the commission is to stimulate discussion, to promote dialogue, to have more people talk about race relations in America. I think that is commendable, a commendable act on the part of the President.

At the same time, our colleague the gentleman from Ohio [Mr. HALL] has called for a resolution which would apologize for those who suffered as slaves under the Constitution and laws of the United States until 1865. The gentleman from Ohio [Mr. HALL] is a colleague. We all know the gentleman from Ohio [Mr. HALL] as being a person of sterling integrity. The gentleman from Ohio [Mr. HALL] has never been a person who ran for any limelight and wanted to get attention. The gentleman from Ohio [Mr. HALL] has been the kind of hard worker, behind the scenes, that has dedicated himself to issues like hunger where very few people get headlines. Hunger; making efforts to feed hungry children in America, efforts to feed hungry children across the world.

The gentleman from Ohio [Mr. HALL] picked up the legacy of Mickey Leland. Mickey Leland, who had made an issue of traveling all over the world in an effort to bring relief to hungry children, was unfortunately killed in an airplane crash on the side of a mountain in Africa.

□ 2015

The gentleman from Ohio [Mr. HALL] was Mickey Leland's successor, and TONY HALL has dealt with that issue in every way you can possibly deal with it, on an international level, national level, locally here in Washington. The gentleman from Ohio [Mr. HALL] has worked to see to it that the very basic need of people for food was met. So TONY HALL, you know, is a kind of person we all admire and love and appreciate. We are grateful for the kind of work TONY HALL does.

I do not know why TONY HALL decided to sponsor this amendment to apologize for slavery. I got a copy of his "Dear Colleague" order, "Dear Colleague" invitation, to join, and I certainly would like to have my name added to his resolution. If it has not been already added by my staff, I would like to have my name added. I want to congratulate TONY. His resolution is a very simple one, but it is relevant to the President's commission and to the Juneteenth resolution of the gentleman from Oklahoma [Mr. WATTS].

The Hall resolution is a resolution apologizing for those who suffered as slaves under the Constitution and laws of the United States until 1865. It reads simply: Resolved by the House of Representatives, the Senate concurring, that the Congress apologizes to African-Americans whose ancestors suffered as slaves under the Constitution and laws of the United States until 1865.

That is the simple Hall resolution. He introduced it on July 12, and when he introduced it he sent the following letter to those Members of Congress he was asking to support it:

Dear colleague, Generations have passed since the end of slavery, and in that time Congress has done much to address the effects of that legacy. But there was never an official apology for the horrible wrong. Today we are introducing a resolution in which we, on behalf of the United States Congress, apologize to African-Americans whose ancestors suffered as slaves. Our resolution will not fix any lingering injustices resulting from slavery. The reconciliation begins with an apology. We hope this apology will be a beginning of a new healing between the races. No one alive today is responsible for slavery. However, as Americans we share a common history, which includes a long era when slavery was acceptable. Therefore it is fitting for the Congress, as a representative of the American people, to offer this apology. This apology is long overdue, but it is never too late to confess that we were wrong as a Nation and ask for forgiveness.

On the reverse side of this letter is a copy of the resolution, and he asked that anyone who wants to cosponsor it do so.

I think it is very commendable, and I thank the gentleman from Ohio [Mr. HALL]. I congratulate him on his wisdom. TONY HALL is not an African-American. TONY HALL is not a member of the Congressional Black Caucus. Over the years some of us have cosponsored or sponsored legislation asking for the appointment of commissions to study reparations, and some of us have sponsored or cosponsored bills which have called for reparations to be provided by the descendants of African slaves. Some others have called for various kinds of programs, programs to be initiated which are compensatory in nature to understand the legacy of slavery. And therefore they would, by doing certain things through public policy or through public programs, compensate for some of the evils and horrors of slavery.

Now I do not think that either one of these items, the Juneteenth resolution of the gentleman from Oklahoma [Mr. WATTS], which was passed already, or the Hall resolution which has been introduced and sponsored but has not been passed, and already some Members of Congress have indicated that they think that the Hall resolution is a bit too much. It is emotional symbolism, the Speaker said over the weekend, emotional symbolism, and therefore it is undesirable.

Well, let me agree with the Speaker. It is emotional symbolism. So is the Juneteenth resolution that we passed today.

The emotional symbolism is very important. It is very important to have emotional symbolism. Symbolism is very important. Symbolism is a beginning of a process, can be the beginning of a process, that has very concrete results.

The women of Korea who were subjected to enforced, mandated prostitution, they were forced into prostitution by the Japanese; they were called comfort girls or comfort women, and they are insisting to this day that they get an apology. You know, yes, the Japanese government agreed to pay some people, some of them could be identified, et cetera, but they still are not satisfied that they have not gotten a full-scale apology from the Japanese Government.

This whole matter of apologies has become, you know, a major issue with certain nations who feel that they were wronged by other nations. You know, perhaps more than apology will be asked for or is being requested, but the process begins with the apology.

You know, why is it painful to apologize? And of course there are people who say, well, and I got calls in my office this morning. Some people said: "I did not do anything to anybody, I have never enslaved anybody, I would not enslave anybody; so I feel insulted by this request for an apology."

Well, No. 1, I have not requested an apology from any individual, and I will

not request an apology from any individual. I think it is a little silly to request any individual to make an apology for slavery. It is an apology that is being requested on behalf of the Nation, on behalf of the Government and everything else that makes up a nation.

I am not sure what makes up a nation. I am not sure they must fully understand what makes up a nation. When we stick out our chest and say we are proud to be Americans, what are we talking about? When we say we are proud to be American, are we going to dismiss the history or we stick out our chests and say we are proud to be Americans, or are we very much concerned with history? We are proud of the Constitution. We are proud of the Bill of Rights. We are proud of the bravery and the courage shown by the men who died on the beaches of Normandy, you know, unexcelled courage and unselfishness, thousands of miles away from their own land. They did things that are unbelievable on behalf of the liberation of people they did not know.

They were Americans, you know. We are proud of that. When we say we are proud to be an American, we call ourselves Americans. We are claiming that. We are claiming the good things that Americans have done.

The Marshall plan, which was celebrated last week, and we discussed that as being unprecedented, too, in terms of unselfishness. You know, this Nation reached out to the war-torn nations of Europe. There are cynics who say, well, we only wanted markets for our products, and we are only looking for a way to relieve capitalism of its excess equipment and materials, whatever. It was an unprecedented unselfish act, and we reached out to war-torn Europe. Billions of dollars flowed from America to Europe, and we rebuilt the continent. We rebuilt Western Europe. And, yes, we stopped communism in the process. But one thing that people have not acknowledged or realized, and I did not realize it until recently, is that the Marshall Plan was laid out there for the Russians, too.

When the Marshall Plan was conceived by General Marshall under President Truman, they made it available to the Soviet Union and all the countries of Europe. The Soviet Union could have been a part of the Marshall Plan. All the war-torn countries were given the opportunity to be a part of the Marshall Plan.

You know, no other nation has behaved that way. When we say we are Americans, and we talk about America, you are claiming and bringing in all those unparalleled feats of national heroism, of national unselfishness, of national implementation of the Judeo-Christian tradition in a monumental way. So if you are taking all the good, then we cannot turn our backs on the things in the Nation's history which are also not so good. We cannot say we are Americans, but we have nothing to do with, we do not want to even hear about, the fact that the Native Americans were swept off their land in large numbers. They were not compensated justly. They were treated very badly, and the Native Americans still have not been compensated for all that happened to them. We cannot turn our backs on that, say that is not part of America.

We cannot turn our backs on slavery which lasted for 232 years on the North American Continent; 232 years it lasted. It was part of America. It was part of the process of a nation becoming what it is. Yes, slavery did contribute to the economy, it contributed to the building of a frontier America, it enriched the Nation. It did a lot of things that were good for America, but it was a heinous institution. There is nothing probably in the history of mankind which parallels 232 years of enslavement of one people by another, dragging them from their homes, sailing them across the oceans and dropping them into a new world where, in order for them to function efficiently and for them to carry out their task and be profitable, they had to be dehumanized. There had to be a policy of cutting them off from their traditions of making them not speak their language, of not allowing them to form families.

And I use the word families, you know, with emphasis. Families are very important in the history of mankind. The most important institution probably that He has ever created are families. But slaves were not allowed to maintain families. They could not be a part of any family brought over. They could not be a part of any group that came over and keep the traditions and the mores and the ceremonies of that group because part of the preparation of the slave to be an economic force that paid off was to break him loose from his past and not let him associate with the people who spoke the same language, not let him associate with the people who had the same tradition.

So right away they were set adrift with no institution, no traditions, no past, and then they were not allowed to create anything new.

Slave families were not respected. There was no such thing. In fact, the largest slave owners discouraged the forming of slave bonds.

Slaves struggled to put together their own sense of some kind of family. They had a custom for getting married, and since their marriages were not recognized and nobody would issue them a marriage license or recognize the marriage, they started a custom of jumping over the broom. To get married 2 people jumped over the broom. Well, they could jump over the broom, and maybe they would be allowed a few weeks together. Maybe they would stay in the same place for a few years. But the masters and their owners had no respect for the fact that they were man and wife in their own eyes, so they might be sold away at any time from each other.

Of course the bond between mother and child was also not respected. Very young children would be snatched from the bosoms of their mothers and sold away.

The whole purpose of slavery was to obliterate the humanity of the African, obliterate.

You know, the Nazi Holocaust, you might say, was crueler, more cruel in the sense that Hitler and the Nazis actually murdered and cremated the Jews. They destroyed them totally, and there is nothing worse than being destroyed totally when you are a human being because you are no more. You cannot have any hope. You cannot have children who might get free in the future who might have a better life. You are gone.

So to be obliterated, to be completely incinerated, destroyed, is the worst thing that could happen to human beings. But also there might be a second worst thing, and that is to have your humanity obliterated, for the masters to want to keep you alive because you are a machine or a work animal, a burden of beast. They want to keep you alive.

□ 2030

They do not want you to recognize, to have a wife or family. They do not want any bonds between two people. They do not want mothers to have recognition of their children, and bonds to exist. All that had to be destroyed.

Slavery was a heinous institution. It did not only happen in America. There was the African slave trade that also went to South America and other places, but for 232 years we had slavery in America. We cannot be Americans embracing everything that is good about America and not embrace or recognize that the other negative things are also part of America.

When the apology is made, it is not your apology. I do not know how you deal with those things. Maybe it is an apology that goes up to the ages, across eternity. Maybe it is an apology that only God can hear, but it is an apology; thank you for the apology, if we receive it. Do not be afraid to apologize. Do not be afraid of the process of reconciliation, which begins with an apology. Reconciliation, the healing process, is something that we have begun to learn more about from strange places.

The healing process through reconciliation, it is probably being exemplified and illustrated, implemented, in no better way than it is in South Africa. South Africa and Nelson Mandela

are showing us the way to deal with reconciliation. Instead of revenge, you have reconciliation.

Where you had a situation where a population of 20-some million people was oppressed by a population and a minority of between 4 million and 5 million people, the whites were about 4 to 5 million people, the African-Americans were between 24 million and 29 million people, they were the majority. They were oppressed by the minority for years. They were the original occupants of the area, the territory.

The white minority came in with superior technology, et cetera, and subdued and oppressed them. They had to fight a violent struggle. It was not a non-violent struggle like the one we had here in the United States during the sixties. The South Africans had to go to violence.

Everybody predicted that you would have fire and blood at the end of this process, that it could not end, you could not reverse the situation and have the black majority in charge and the white minority be allowed to live in peace with the black majority. But South Africa under Nelson Mandela has proved that this is not the case. South Africa is moving forward peacefully. Whites are not fleeing in large numbers because they are white and afraid, because they are in the minority and afraid. They are building.

One of the reasons they are doing this is because they set up a thing called a truth and reconciliation commission. They went so far as to say we will not even punish a murderer, if he was involved in murder during the violent episodes that took place. A murderer on either side will not be punished if they come forward and if they tell the truth. And let us get the record straight, including those people who were part of the official South African police, and they were in charge of the systematic murder of large numbers of people, they were allowed to come forward. And if you confess, automatically your confession means that you will not be punished.

A lot of people on the side of the African-Americans said this is ridiculous, this is not justice. But what they were saying is that reconciliation is more important than justice. That has a familiar ring to anybody who is a member of the Christian religion. If you are a Christian, you heard that before.

It is hard to believe that business about turning the other cheek, and if a Roman soldier asked you to carry his bag for a certain distance, then offer to carry it further. All this philosophy of reconciliation, love overcoming hate and good overcoming evil has been a hard struggle for people who say they believe in Christianity. How can it be that a Nation can operate on that principle?

Here is what is happening in South Africa. The Nation is saying it is more important that we have love and attempt to bond with you in order to overcome the past than it is to have justice, which means somebody ought to be punished. We will forego that.

So here we have all these developments taking place, and there are people in the country who are upset because we may follow the suggestion of the gentleman from Ohio, Mr. TONY HALL and his recommendation. We may end up voting an official apology for slavery.

That upsets some people. Please do not let it upset you. It is a good beginning. It is consistent with the Judeo-Christian tradition. It will not cost anybody. There will be no appropriation. Taxpayers will not have to pay anything. You individually are not placed on the spot, because you do not have to admit guilt before you apologize. It is the Nation, the Nation, whatever constitutes a Nation, the good and the bad, everything that has happened in America, that is the Nation, the Nation apologizes. This administration, this Congress, may apologize on behalf of the Nation.

Beyond that, the President's Commission is a good step. Some people have said, well, if it does not do anything except talk, if it does not do anything except set up dialogue, then what good is it? Dialogue is good. In the beginning was the word. Words are important. Discussion is important. Human beings are very much influenced by what they hear and what they say. Let us not underestimate the power of the word, the power of discussion, the power of study.

Study may produce some new facts. Even Ward Connelly may come to agree with the gentleman from New York, Mr. MAJOR OWENS, if the facts are really laid out. If he understands what the legacy of slavery has meant in terms of African-Americans and how the legacy of slavery makes affirmative action necessary, Ward Connelly might understand. Or maybe in the dialogue I will finally be convinced by Ward Connelly that he is right and that affirmative action is an evil. But let us have a dialogue. The President's Commission is a first step.

In case Members do not know, the President announced that he has appointed a 7-member advisory board, which some people are calling the commission. Hecalls it an advisory board, because commissions in the past have been notorious for being ignored by Presidents. So his advisory board is closer to him. It is kind of a personal thing.

The advisory board will provide advice and counsel to the President to improve the quality of race relations. The board will advise the President on the means to promote a national dialogue on race issues, to increase our understanding of the history and future of race relations, to identify and create plans to calm racial tension and promote increased opportunity in child abuse, housing, and health care and to address crime and the administration of justice.

President Clinton is determined "to improve the ability of all Americans to realize their full potential so we can, as one country, equal and indivisible, move forward into the 21st century."

The advisory board members will reach out as surrogates for the President to create and implement solutions to improve race relations. Among the advisory committee members are the chairman, John Hope Franklin of Durham, NC. He is a retired historian and educator, a very famous historian, the last word on the history of slavery in America. Dr. Franklin has once received the Presidential Medal of Freedom. He is kind of one of the most respected scholars of history in the country.

Along with Dr. Franklin there are six other people. William F. Winter of Jackson, Mississippi, is a former Democratic Governor of Mississippi. He was born and raised in the South, Governor of Mississippi.

Linda Chavez-Thompson of Washington, DC is executive vice president of the AFL–CIO. Robert Thomas of Corte Carza, CA currently serves as president and CEO of Nissan Motor Corp.

Angela Oh, O-H is the last name, of Sereno, California is an attorney with the Los Angeles law firm of Bente, Corson, Daley, Berera and Oh. They specialize in State and Federal criminal defense. Ms. Oh received a B.A., and she is a lawyer.

Suzan D. Johnson Cook of New York is a senior pastor of the Bronx Christian Fellowship in the Bronx. I served in the legislature with Ms. Cook's brother, and I have heard her preach on a couple of occasions. She is one dynamic minister and a very deep and profound person.

Thomas H. Kean of Madison, NJ, is a former Governor of New Jersey. The Governor is held in high esteem by both Democrats and Republicans, of course.

As a consultant to this group is Christopher Edley of Cambridge, MA, who is a well-known professor at Harvard Law School since 1981 and a codirector of the civil rights project.

Mr. Speaker, this advisory board has become the target of a lot of journalists and other people who have already talked about a do-nothing advisory board, because most commissions and advisory boards do not do anything.

I think that the President has not laid out lofty goals for it. It has a very practical agenda. It should be given a chance to do what it can do, and that is to stimulate discussion and dialog. It is an embryonic enterprise. It is an embryonic enterprise, and it does not depend on what the President does for it

to develop and grow into a full-bodied enterprise. It can be a full-bodied enterprise if all of the rest of us take a positive approach to it.

In the private sector, the legislators and various other leaders across the country all can decide on other ways to do what the President is trying to do. This is a time when we do not have demonstrations in the street.

There is no reason why the President should take on this task. He does not need it to calm down the waters, to meet a crisis. This President certainly cannot be accused of using this commission to try to change public opinion so he can get reelected. He is not running for reelection. It is a noble cause, a noble exercise.

It is not going to be easy. There are going to be obstacles. He is not going to win a popularity contest by promoting a commission or an advisory board to deal with race relations. But his sights are much higher than what the commentators and the columnists are saying. His sights go beyond a dialogue about race as it affects African-Americans. The President's sights go beyond the concerns of the gentleman from Ohio, Mr. TONY HALL and an apology for slavery.

I am all in favor of the apology for slavery. I support the gentleman from Ohio, Mr. TONY HALL. It is a positive step. I do not agree with Jesse Jackson. On Sunday he said on television, he trivialized it. It is wrong to trivialize it. It is a good step for us. Let us not make it into something that it is not, though. Nobody expects any miracles from it. But it is a good first step, the apology for slavery.

But the President is looking beyond. The President is looking at the whole diversity problem in America. At the core of the diversity problem in America may be relationships between African-Americans and other Americans, but that is only a small part of the bigger problem. The bigger problem is diversity.

We are a very diverse Nation already. We are becoming more diverse. As he said before, by the year 2050 there will be no majority in America. No one group will have a majority. There will be many components to make up the total population of America. We have to learn to live with that. We ought to be proud of that fact, as the President is. He has referred to it many times.

Even in my district, in New York, I used to say it was good to live in New York because if you wanted to see samples of all kinds of people, you could just take a trip up to the United Nations, which is located in New York, and you could go to the United Nations and you would see all kinds of people from all parts of the world.

I also said the United Nations had a school. If you want to send your child to a school and have them exposed to young people from all races, religions, nationalities, let them go to the United Nations school.

There are schools in my district which do not have all the nations of the world represented, but they have a good, good sample, I assure you. We have Cambodians, we have Pakistanis, we have Koreans, we have Laotians, we have a whole array of people from the West Indies, we have the South American countries. It is amazing to go into a school in my district, and the range of nationalities that you will find in a district just in the center of Brooklyn. It is not near the United Nations, but almost anywhere in New York City now you have a wide range of people who are from many different backgrounds, ethnic groups, countries, and religions.

America will have to run to catch up with New York City, but you can go to California and find another range of people equal in diversity maybe from different backgrounds, many coming from more Asian countries, but eventually all of America is going to look this way. We ought to be proud of that. The President said it offers opportunities of many kinds. He is proud of it. That is what he is looking at, the future. We ought to try to stay with the President's vision.

Of course, none of this is unrelated: The President's vision and his advisory board, the resolution of the gentleman from Oklahoma, Mr. J.C. WATTS, the Juneteenth resolution; the gentleman from Ohio's, Mr. TONY HALL apology for slavery, none of it is unrelated to what we are doing here in the Congress. None of it is unrelated to the basic business of this week and this month.

The taxes and the budget and the appropriations coming, all of it would be better served if we had had better dialogues in the past on the issue of race and diversity, certainly on the issue of slavery and the implications of slavery, the legacy of slavery.

□ 2045

Large numbers of people who were victimized by slavery never got off the plantations. They had to settle and become sharecroppers and live in a system which was not as bad as slavery but in many cases, in the early days after freedom, they could not afford to leave because there were armed guards that forced them to stay on the plantations. They did not know where to go.

So you had large numbers of people held in bondage in the South for a long time until World War II, when the need for large amounts of labor in the cities of the North allowed them to come in large numbers into the cities of the North.

So you have a large number of people who moved directly from the worst rural situation in the South to the crowded cities of the North. As long as the war was on and the factory needed labor and you had work for everybody, in many cases lots of overtime, they prospered and they did well. They did like other Americans. They married, had children. They moved in some cases out of the cities into the suburbs. They bought homes. All kinds of great things happened.

But then the cities economies collapsed and you have, as a result, numerous problems related to the massive unemployment that resulted, problems in terms of disintegration of society, where you do not have jobs and you do not have income. I am oversimplifying a little bit, but jobs and income are at the heart of all the problems in the African-American community.

If you had jobs and income on a regular basis, you could revitalize those communities and end all the other problems and all the other controversy, the welfare controversy, the controversy about children, girls having babies out of wedlock. There are a whole lot of things that would fall in place. The appeal of drugs as an escape mechanism, all that resulted from the collapse of the economies of the inner cities.

So what we do with respect to the tax bill and the budget and the appropriations bill does relate to the legacy of slavery; our refusal to recognize that the inner cities have a special problem, our running away, we have run away from the problem for several reasons which I will not go into.

One of them is that we have the other body that is made up of people who are elected by statewide office, and they do not have an allegiance to the people of the cities who are congregated in the big cities in large numbers. We have neglected the cities, and we still are.

I am very concerned about an economic empowerment zone for central Brooklyn. An economic empowerment zone for central Brooklyn has to be part of the legislation before the Committee on Ways and Means. It is part of the tax package. They have to create more economic empowerment zones before we can compete for one, and in that discussion it looks as if they are jettisoning any discussion of new economic empowerment zones. That is a big blow to the hope that I have raised in my community about the possibility that they will create more economic empowerment zones and we can compete with other cities in order to get an economic empowerment zone which combines government grants with private sector tax writeoffs. It was supposed to be a model that was approved and recommended by both parties. It has not so far emerged in the deliberations on the tax package.

So what is going on on the floor this week, next week, for the rest of the summer, between now and the time we

adjourn is very much related to the situation that we are discussing with respect to apologies for slavery, discussions of race relations, et cetera.

It is important that we understand that an apology can indeed be positive. It can indeed drain a great amount of emotion from the issue of slavery. For young Americans on both sides of the fence, the descendants of slaves and the nondescendants of slaves, to hear a national apology discussed may have a great effect on their attitudes, because there is a lot of tension. The younger generation does not get along better than the older generation. There is a lot of tension out there. There is a lot of bitterness among African-American youth about the fact that they are in the position they are in, and they blame slavery. They need to know more about the history of slavery. They need to know that if you really discuss slavery, you also have to discuss the heroics of white Americans in the abolitionist movement who brought an end to slavery. You have to discuss the heroics of the soldiers of the Union Army who fought to set slaves free. White soldiers, white abolitionists and white soldiers, the freedom of black Americans was in the hands of whites. Abraham Lincoln was white.

Any African-American youth that wants to hate all whites needs to know and reflect on the fact that slavery was created, yes, by the worst elements of the white society and community, but slavery also was ended by the heroic efforts of whites. The commission, if it does no more than to begin the discussion among ordinary people of these kinds of things, it would be very useful.

If I was President, I would do it another way. I would not go this way. But this is the President's idea. Since he originated this idea, I applaud him for doing it any way he deems necessary. I am convinced that he will take it and move forward with the results after the commission or the board advisory group ends in a year. So I applaud the President for this use of the bully pulpit. He could use the bully pulpit, the high visibility of the White House, he could use it for a number of purposes. He could line up a whole list of issues instead of the issue of race relations, but he has chosen this one and I applaud that.

Compared to what is needed, the President's commission is a minuscule effort, just a beginning, but little marbles make big boulders roll. They can even set landslides and earthquakes in motion. Let the chain reaction begin. Any open discussion, I think, is a step in the right direction.

The power of the White House bully pulpit is about to be displayed in dimensions that we have not seen since FDR's speeches during World War II. This highly visible process of dialogue, debate, study and reflection on race relations and diversity in America could have a monumental impact on the next few years and the opening years of the 21st century.

It was W.E.B. DuBois who warned that race and color would emerge as a major problem of the 20th century. We now know that DuBois was right. However, DuBois did not go far enough. Not race or color alone but the inability of human beings to cope with diversity, ethnic differences within races, religion, language and regional differences, diversity is the major problem now and diversity will continue as a gigantic challenge for the 21st century.

Racial diversity is the largest and most obvious challenge of the Homo sapiens species, we human beings, the deeply rooted and instinctive animal fear of outsiders, strangers, of different ones is manifested most directly and abundantly in the reaction to racial differences.

We say that children have to learn hate, but we are oversimplifying a bit. Children are subjected to this discomfort in any situation where strangers appear. So it is natural that strangeness creates discomfort among animals. They do not associate with strangers. They identify, they are familiar by smell. Among animals they do not associate with animals that do not look like them. Even among cows, tests have shown that brown cows stay with brown cows and white-faced cows stay with white-faced cows.

If you leave them alone in a normal situation, the immediate reaction is always that you are worried about what is different. So let us understand that differences are a danger. People instinctively react to differences in a negative way. All the more reason why we should make certain that those early reactions of discomfort are not translated into hate. They have to be taught to hate, yes. To translate that discomfort into hate, they have to be taught that. And we have to make a concerted effort to see that the opposite happens, that they understand that people who are different are going to rouse some feelings of discomfort and, therefore, they have to work at overcoming discomfort.

Civilization is a process of confronting these deeply rooted instincts. Civilized men and women wrestle with their primitive and base instincts every day and in many other ways. If we get hungry and we pass a place which is serving food and we do not have money to buy any food, we do not reach for the food because we are hungry. Civilization restrains us in numerous ways, our instincts, our appetites are restrained. Our instincts with respect to strangers and people who are different have to be restrained and guided. Civilized men and women wrestle with these problems and they will solve them. What the President's initiative will do is call upon us all to struggle harder to control and redirect our fear and discomfort with racial differences.

To confront racial frictions and tensions, the systematic attempt to promote greater understanding and tolerance with respect to race is merely the first step. This is an obvious first step and it may be the easiest first step. But we ought to take this first step.

I think clearly we can see all around us that some of the bloodiest conflicts since World War II have not pitted one race against another. We can understand in Korea, Cambodia, the Gulf War, Vietnam, Somalia, Haiti, Northern Ireland, the former Yugoslavia, Angola, Liberia, Rwanda, Zaire, Sierra Leone, the world has witnessed people who appear to be of the same race but they get locked into intense conflicts.

Perhaps the war between Israel and the neighboring Arab countries could be classified as a war between different races, however it is not so simple. The problems of space, land, water, history and religion far outweighed the physical differences between Israelis and Arabs. Only in South Africa can you easily identify the scene as one of clearly racial conflict.

Racial conflict is what occurred there with Caucasians against the original Africans or whites against blacks. But ethnic differences among black Africans sparked the massacres in Rwanda, ethnic differences among people who are of the same color, same race. Ethnic and religious frictions exploited the demagogues who also continue to fuel conflict in Bosnia, Croatia and Serbia.

Ethnicity and tribalism still threaten the unity in the Congo. Ethnicity and tribalism are at the heart of the Congo instability and the oppression of Nigeria. Even South Africa lingers under the deadly shadow of tribalism while it struggles for reconciliation between the two races. The problem of reconciliation between whites and blacks in South Africa is not nearly as difficult as some of the struggle between tribes that are taking place at this point.

So the President has his eye on the whole problem of diversity in the world. The President has said that America is an indispensable Nation. We have to provide leadership in many ways. He does not mean just leadership in the area of military security. He wants to provide leadership in terms of where the world should go on this whole issue of how we live together.

The problem of the 21st century will be intolerance to diversity and the President wants to provide leadership on that problem. We want to be a multi-racial, multi-ethnic, multi-religious and politically diverse America, and we want to serve as a role model. That is what this President is saying. I applaud him for his ambition. I applaud him for attempting to leave this kind of legacy.

Let me quote the President in his own speech at San Diego. A few quotes will bear out what I am saying.

Consider this: We were born with a Declaration of Independence which asserted that we were all created equal and a Constitution that enshrined slavery.

That contradiction was there.

We fought a bloody Civil War to abolish slavery and preserve the Union, but we remained a house divided and unequal by law for another century. We advanced across the continent in the name of freedom, yet in so doing we pushed Native Americans off their land, often crushing their culture and their livelihood. Our Statue of Liberty welcomes poor, tired, huddled masses of immigrants to our borders, but each new wave has felt the sting of discrimination.

In World War II, Japanese Americans fought valiantly for freedom in Europe, taking great casualties, while at home their families were herded into internment camps. The famed Tuskegee Airmen lost none of the bombers they guarded during the war, but their African American heritage cost them a lot of rights when they came back home in peace.

To be sure, continuing to quote the President's speech in San Diego, To be sure, there is old, unfinished business between black and white Americans, but the classic American dilemma has now become many dilemmas of race and ethnicity. We see it in the tension between black and Hispanic customers and their Korean or Arab grocers; in a resurgent anti-Semitism even on some college campuses; in a hostility toward new immigrants from Asia to the Middle East to the former Communist countries to Latin America and the Caribbean, even those whose hard work and strong families have brought them success in the American way.

We see these tensions continuing.

First, we must continue to expand opportunity. Full participation in our strong and growing economy is the best antidote to envy, despair and racism. We must press forward to move millions more from poverty and welfare to work; to bring the spark of enterprise to inner cities; to redouble our efforts to reach those rural communities prosperity has passed by. Most important of all, we simply must give our young people the finest education in the world.

□ 2100

The President proposes remedies and the commission, we can see, is headed in a certain direction.

On many occasions I have stood right here talking about the answer, one of the key answers to the problems of the inner city, which generates large numbers of people who are forced to go on to welfare, which generates large numbers of babies being born out-of-wedlock, which generates a large amount of unemployment. Even the jobs available, they are jobs that people cannot qualify for.

One of the answers, of course, is education, and the commission certainly is probably going to end up recommending a great deal about education. I would like to go further than the President. I think some of my colleagues in the Congressional Black Caucus would like to have this commission aiming its sights higher.

We have talked in past years about reparations, and I want to join my colleague, the gentleman from Michigan, Mr. JOHN CONYERS, who is the oldest member of the Congressional Black Caucus, join him again this year in sponsoring a bill which calls for the commission to study reparation proposals for African-Americans. He introduced this in January of this year.

This is the description of the Conyers Commission: This legislation forces the United States to acknowledge, after over 100 years of silence, the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American Colonies between the years of 1619 and 1865. The legislation requires that an official inquiry be made into the lingering negative effects of the institution of slavery on living African-Americans and on the United States larger societies.

A commission will be established to examine the institution of slavery, studying the impact of subsequent and continuing discrimination against African-Americans resulting directly and indirectly from the institution of slavery, not only during that time in which it was legal and Government-sanctioned but during the periods of reconstruction, desegregation and to the present date. The commission will make recommendations, among others, as to methods of recompense for the descendants of slaves.

This is a bill which is out there. It has been introduced. The gentleman from Michigan has introduced it every year since November 1989, and it is part of the dialog. We could go that far.

I think reparations, in terms of individuals, is out of the question. There was a time when, shortly after the Civil War, General Armstrong, a Union general, proposed that every slave family be given 40 acres and a mule, and he actually started the process and gave out a few mules and acres. Of course, the Congress, under Andrew Johnson, came behind him and said "No, you cannot do that."

So 40 acres and a mule was promised. If we were to take the promise of the 40 acres and a mule, which was to compensate people that had been slaves for 232 years, and if we take the value of 40 acres and a mule and try to translate that into what it means now, we would have some very wealthy descendants of slaves.

That is impractical. We are not looking for cash handouts, but we could have "opportunity to learn" standards in schools, so that every school had a first class school building. We would not have the problem of asbestos and lead poisoning and broken windows and roofs that are leaking and boilers that still burn coal in the inner city where descendants of slaves go to school.

We could compensate by guaranteeing a first-class education in terms of facilities, in terms of the best teachers, in terms of the right amount of equipment, in terms of the supplies that are needed. Just take the inner-city schools and make them the way the suburban schools look and act and operate. Give them the same that they have, and we would compensate for the past by guaranteeing equality of opportunity through education.

There is a great argument for affirmative action, and the President challenged everybody who does not favor affirmative action to come up with something different. Well, opportunity to learn is the answer. If we really provided everybody with an opportunity to learn, we would not need affirmative action. It would clearly not be necessary in future years.

But we will not do that. Our schools are in worse shape now in the inner-city communities than they were 10 years ago, and there is nothing on the horizon to make them any better. We just took out of the budget bill the $5 billion for construction. So this discussion is relevant when we talk about the legacy of slavery, apologizing for slavery, and we look at the inability and refusal of the Congress and the Government apparatus to come to the aid of children in the inner cities just in terms of providing them with decent schools. We can see where the two things are not unrelated. Let us understand that we have a long gap there.

If we study slavery and look at what happened in the breeding farms, what was a breeding farm all about, where young ladies were required to have babies? They did not eat if they did not have a baby. Were the breeding farms regulated by the States? Were females in breeding farms below the age or 13 protected from having to produce babies? How many months of rest were females given before they were required to get pregnant again on breeding farms? Were there any regulations?

All these kind of things, the horror of it. There were day care centers on plantations. They deposited babies in huts with the oldest slaves who could not do anything else, and they took care of babies in large numbers, the same way they did in the orphanages in Romania.

We found that the kids in the orphanages in Romania, because they had no constant contact with human beings, their brains had actually atrophied. Their brains had shrunk. They took

photographs of the brains of the Romanian children brought over here who had problems, and they found their brains had shrunk. They could not establish human contact in a certain way because of what had not happened to them in terms of human interaction.

So millions of slave babies over the years were put into hovels with a few human beings caring for them. What did that do to their brains? These are some of the things we should look at as we study slavery, as the commission looks at the past and connects the past with the present.

What about property inheritance? A slave could not inherit. Did any State allow slaves to inherit anything? When a slave died, the few belongings they had, could they pass them on to anybody? They could not even recognize their own children, so they did not know any children they had. So where did their little bits and pieces go? When a slave died, he could not pass anything on.

The primary way in which wealth is accumulated in America, or anyplace, handed down from one generation to another, no matter how small it is, a few pots and pans, a wagon, a mule, the little house, maybe an acre, maybe a big farm, things that had been handed down over the years were not there to be passed down. For 232 years nothing could be passed down.

So is it any wonder that African-Americans are the poorest people in America, even poorer than the immigrants that came over, who brought some tools with them in a bag, who brought some know-how with them, who brought contacts? They had contacts with relatives who lived here. They had more than the slaves ever had.

All of that can be put in perspective if we really begin to talk about it and look at it, and we will see there is a need, there is a need to treat African-Americans and maybe native Americans different from the way we do other people, to try to make up for what did not happen in the past and for some of the negative things that happened in the past. All of this should be put on the table and examined.

We do not want the equivalent of 40 acres and a mule. Forty acres and a mule might translate into, the mule might be, in 1997 dollar terms, that might be a jet plane by now. One might have enough money to buy a jet plane. The 40 acres might be the size of an airfield.

So we are not going to deal with those kinds of solutions, but we ought to think about our inability to formulate a policy which provides opportunities to learn for all children; our inability to get a construction program going, $5 billion is all the President asked to stimulate construction which would help inner-city communities; our inability to pass a Ways and Means bill which would provide for the establishment of a lot of empowerment zones in cities. All these are directly related to the fact that we have no sense of the past and no sense of where we can go in the future.

We are the richest Nation that ever existed on the face of the Earth. We have a lot of options and opportunities. We have a lot of wealth. We helped Europe a great deal with the Marshall plan. Billions of dollars. We should help the inner-city communities where descendants of slaves live in large numbers with the same kind of generosity.

We should put it all together. The President is on the right track, and I hope we will all step in line and be positive about race relations and what it means in the context of today's America.

NATIONAL DEBT REPAYMENT ACT OF 1997

The SPEAKER pro tempore (Mr. METCALF). Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin [Mr. NEUMANN] is recognized for 60 minutes.

Mr. NEUMANN. Mr. Speaker, I rise tonight to talk about a bill which will be introduced later in this week. It is called the National Debt Repayment Act of 1997. But before I begin, I want to just pause and recognize some very special people in this country.

Sunday was Father's Day, and children all across America, myself included for my own father, we paused to say "thank you" to our dads for what they have done.

Tonight, I want to pay special tribute to some other very important people in this country, and that is father-in-laws. Many times father-in-laws provide the insight and wisdom that contribute so much to the success of our families all across America.

So before I start the debate on the National Debt Repayment Act this evening, I wanted to just start by paying tribute to a very special person in my life, my father-in-law, and to others like him all across this country who have done so much to make it the great country that it is.

Having said that, I want to address the national debt, where we stand and what we can do about it, and how the National Debt Repayment Act might have something to do with it.

To begin with this evening, I want to take a look at how the debt has been growing. The debt facing this Nation from 1960 to 1980 did not grow very much. It is a pretty flat line from 1960 to 1980. But from 1980 forward it has been growing at a very, very rapid rate.

And to all my colleagues out there, I know the Democrats say, well, 1980, that is the year Ronald Reagan got elected, so let us blame him. And to all the Republicans out there, I know they say, well, in 1980, there was the Democrat-controlled Congress and they spent too much money, and so all the Republicans blame the Democrats.

Well, the bottom line on this thing, when we look at this chart, we are way up here on this debt chart right now. Here is 1999, 1998, 1997. We are way up near the top of that debt chart. It is time we stop blaming Republicans and Democrats, depending on which side of the aisle we are on, and start addressing this for the problem it really is, a problem that is facing the American people, a problem that has the potential to bring this great Nation to its knees if it is not addressed.

For the folks that have not seen how serious this debt problem really is, we currently stand about $5.3 trillion in debt. The number looks like this, and it is a pretty big number, but let me translate that number back into English. Before I came to Congress, I was a math teacher. And here is a math problem we used to do in our math classroom.

We took that total debt and divided by the number of people in the United States of America. That is to say, every person in the United States of America is responsible for $20,000 of this debt. Or put another way, the Federal Government has borrowed $20,000 on behalf of every man, woman, and child in the country.

For a family of five like mine, I have three kids at home, one is 20 now, another 18, another one 14, for a family of five like mine, they have borrowed $100,000 basically over the last 15 years. It is a staggering sum of money.

The kicker in this whole thing is really this number right down here. The average family of five in America today, or any group of five people in America today, they are paying $580 a month, every month, to do nothing but pay the interest on the Federal debt. Let me say that once more, because it is important to understand how much money is being taken out of the pockets of American citizens and sent to Washington, DC to do nothing but pay the interest on the Federal debt.

The average family of five in America today sends $580 a month to Washington to do nothing but pay the interest on the Federal debt.

I know a lot of my colleagues out there go, "Well, a lot of the families I know, they do not pay that much in taxes." But the reality is every time we walk into the store and we buy a loaf of bread, the storeowner either makes a small profit on that loaf of bread or he is going out of business. So we hope he or she is making a profit. When they make a small profit on that loaf of bread that we just bought in the local grocery store, part of that profit gets sent to Washington and it is used to pay this interest on the Federal debt.

So the reality is we are currently in a situation in this country where an

average family of five is sending almost $600 a month to Washington to do nothing but pay the interest on the Federal debt.

The American public seems to be a little cynical about what we are doing about this. And in fact they have had so many promises made to them in the past that, frankly, I understand why they are cynical.

In the 1980's, I was not in politics. In fact, I had never been to a political event at that point in time. So in the 1980's, I watched something called the Gramm-Rudman-Hollings bill, and I watched it with great interest because under the Gramm-Rudman-Hollings bill, passed in 1985, we were promised by the people out here in Washington that we would see a deficit stream that follows this blue line. In fact, it would lead to a balanced budget by the year 1991 under that original plan.

The problem is the deficit did not follow that blue path. In fact, they hit their target only once and then the deficit skyrocketed. So the people in Washington decided, well, we could not really hold the line on spending out here in Washington, there are too many new programs we want to institute from out here in the District of Columbia, so what we will do is make the American people a brand new promise. We know we cannot keep our first promise, so we will make the American people a brand new promise, and they wrote the Gramm-Rudman-Hollings fix of 1987.

Again they promised the American people a balanced budget with deficit streams following this blue line, but again deficits did not match up. They did not hit their target.

□ 2115

The reason I came to Washington, the reason I left a good business in the private sector to run for office in the first place is because I got kind of fed up with the promises that were being made out in this city that were not being kept. It seemed to me that this Government should be made up of people of integrity, that when they told the American people they were going to balance the budget they would actually do it.

I know all the pressures to do something different, and I understand the huge pressures on the people here to spend more money and to allow these deficit here to spend more money and to allow these deficit lines to go anywhere but along the path to balance the budget. But there is an interesting thing that happened. In 1995, a whole new group of people came here. They were elected in 1994. And that group of people said, we are not going to tolerate this. We are going to balance the budget. And we made a hole bunch of promises to the American people.

This fact is almost unknown. We promised the American people a balanced budget, too. This red line shows what we promised for a deficit in the fiscal year 1996. This blue line shows the actual deficit. Please note, the red is taller than the blue. What that means is we not only hit our deficit targets for 1996, but we are ahead of schedule.

So we are now in fiscal year 1997 and it is almost over. We promised the American people a deficit line along this red column again. We not only hit our projection in fiscal year 1997, but we are $100 billion ahead of schedule. So the facts are we now are in the third year of this plan to balance the budget, the promise made in 1995, and in fact in the third year of this plan, we are once again ahead of schedule. And under the budget resolution with the guidance of the gentleman from Ohio [JOHN KASICH] that was just passed out here, we will stay ahead of schedule right straight through to the year we balance the budget.

We are going to talk more about that later. Because the facts are we are so far ahead of schedule in this plan right now, we may actually balance the budget sooner, not later. Let me say this once more because it is really important. There is a huge difference between 1988 and the Gramm-Rudman-Hollings bills and today, 1995, 1996, 1997.

The promises made back there in the 1980's made the American people very cynical. When people in Washington talked about balancing the budget they said, yeah, sure we have heard that before. Folks, things have changed out here in Washington. In fact, we are not only on track to balancing the budget; here is what we promised for 1996. Here is what happened. We are ahead of schedule. Here is what we promised for 1997. Here is what happened. These are not promises anymore. These are in the bank. There are done. These years are finished. We are ahead of schedule in both of the first two years and we are now working on the plan for the third year, and we are going to stay ahead of schedule by at least $50 billion again in the third year.

How did all this happen? In 1995, we came here with a theory. The theory did not go, like 1993, how much taxes should we raise? How much more money can we take out of the pockets of the American people? We did not come here with the idea of increasing taxes to get this thing under control. We came here with this theory, and the theory went like this: If we can just control the growth of Government spending so Government spending did not keep getting bigger and bigger and bigger, if we could control the growth in Government spending, that would mean the Government would spend less, therefore, borrow less from the private sector. When the Government borrowed less out of the private sector, that meant that there was going to be more money available in the private sector.

Well, this does not take Einstein to figure it out. Where there is more money available, interest rates stay down. That is a looser money supply leading to lower interest rates. Lower interest rates meant people bought more houses and cars than anyone expected. And when they bought more houses and cars, of course that meant somebody had to go to work to build the houses and cars. And when those people went to work building the houses and cars, they left the welfare roles, thereby reducing the cost from Washington and they started paying taxes in.

So this working model of reducing Government spending, meaning less borrowing, leaving more money available in the private sector, keeping the interest rates down, so people buy more houses and cars and other things and other people go to work building those houses and cars, led to lower numbers of people on welfare, more people working, and of course that meant less cost and more revenue coming in.

And the results are very, very clear. This is no longer a theoretical model. The results are clear. Our promised deficit for 1996; our actual deficit. We are ahead of schedule. Our promised deficit for 1997; our actual deficit. We are ahead of schedule. We are now onto year three and again we are projecting at least $50 billion ahead of schedule in year three.

Folks, this is great news for the future of this country. This means a whole bunch of things. The most important, of course, is that we will get to a balanced budget. But beyond that, it means that we now have a group of people in Washington who have made promises to the American people and those promises in year one and year two, they have been kept. It is not a question of will they be kept. They have been kept. It is history now, it has been done.

So now we are into year three and we are back into the promises. We are in the third year of our plan to balance the budget. Sooner or later, though, the American people need to understand that we are into the third year, 2 years under our belt, 2 years of successes, and we need to start accepting the fact that this is actually going to happen in the not too distant future.

Again, how did this come about? Well, it did not come about by raising taxes. We did not go back to 1993 and start this discussion, how much more money can we get out of the pockets of the people and which taxes should we raise this highest. That was not the discussion. The discussion in this city in 1995 was how do we control the growth of Government spending? Can we just get this Government to a point where it is not growing bigger and having more and more influence over all the lives of the people? Can we get to a

point where the influence of the lives of the people is back in the homes where it belongs? Can we get Government spending under control? That is what it was all about.

This chart shows what happened. In the 7 years before 1995, spending was growing at an average rate of 5.2 percent, the red column here. In the first 7 years after 1995, we are in the third of those 7 now, in the first 7 years after 1995, spending only grew at 3.2 percent. That is a 40 percent reduction in the growth of spending. This theoretical model of slowing the growth of Government spending is working. And that is very, very important as we look forward to future years.

In fact, if we adjust for inflation, we would find that the rate of growth of Government spending has been reduced by two-thirds. Now, I have to pause on this chart also and I have to just mention that I have heard so much discussion out there about Government cuts and cuts in Government spending and then name your program. Well, the reality is we have not cut Government spending. Even under the Republican plans where we are controlling the growth of Government spending, it is still going up 3.2 percent a year.

There are a lot of people out here, myself included, that think we can do much better. But the fact that we have improved it by 40 percent, that is a good step in the right direction. It has been done in two short years. And I think we will do better as we go forward. But the reality is this is a huge win for the American people.

By reducing the growth in Government spending by 5.2 to 3.2 percent, or in real dollars from 1.8 to .6, at two-thirds reduction in the growth rate of this Government, that means people will maintain more control over their own money and over their own lives. And that is what this chart is all about. It means people keep control over their own money and their own lives in their own homes where it belongs. And that is what should be read into this chart, and that is the direction we are headed.

And frankly, when we look at this and we see that growth of Government spending controlled, that is how come we are ahead of schedule, that is how come when we said we were going to have deficits of one number we were ahead of schedule in both years, and that is how come it is different than back in the 1980's with the Gramm-Rudman-Hollings Act.

The reality is we are doing it and it is happening, and it is very exciting. Something else that is about to happen and this brings us to the national debt repayment act, because even after we get to a balanced budget, whenever that occurs, we still have a $5.3 trillion debt hanging over our head. And that brings us to the National Debt Repayment Act.

Now, I brought one more chart with me and there are a lot of numbers in this chart, but I am going to point out just a couple of them so we get a handle on why this National Debt Repayment Act is so important. First off, the National Debt Repayment Act, after we reached a balanced budget, caps the growth in Government spending at a rate of one per lower than the rate of revenue growth. So if revenues were to go up by 6 percent, spending growth would be capped at 5 percent, still faster than the rate of inflation but capped at one percent below the rate of revenue growth.

If we do that, the entire Federal debt, all of it, is repaid by the year 2025 and we can pass this Nation on to our children debt free, which means that our families a generation from now, instead of sending $500 a month to Washington to pay interest on the debt will be able to keep that money in their own homes.

We hear so many discussions out here about education and about things that families could do with this money like education. Would it not be great if we had a zero debt and instead of sending $500 a month to Washington to do nothing but pay the interest on the debt, you could keep that out there in your house. That is the National Debt Repayment Act. But it does something else that is very important, too.

As we are repaying the debt, we are also putting the money back into the Social Security trust fund. I see I am joined by my good friend, the gentleman from Arizona, J.D. HAYWORTH.

Mr. Speaker, I yield to my good friend.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. NEUMANN] and those who join us coast to coast in this Chamber this evening. I just wanted to say that my colleague from Wisconsin [Mr. NEUMANN] offers a very commonsense approach to the next step. And I think the gentleman from Wisconsin in his introductory remarks has pointed out and offered to us a very reasonable approach here based on what has happened before.

And certainly we understand, coming from outside the Washington merry-go-round, as so many people called it for so many years, outside the beltway, that there is a lot of cynicism out there. And I appreciate the fact that my colleagues pointed out that our budget agreement really projects very modest growth and that is why we have the realistic point of view.

But even more so, the notion that we can repay the national debt is vitally important. Because when I go across the width and breadth of the 6th District of Arizona, an area in square mileage about the size of the Commonwealth of Pennsylvania, and hold town hall meetings, people will come and, yes, they will talk about the annual deficits, but inevitably someone steps to the microphone and says, Congressman, that is fine. But how do we get a handle on this five plus trillion dollar national debt that we are leaving our children?

I just think, Mr. Speaker, that my colleague from Wisconsin [Mr. NEUMANN] offers a lot of commonsense based on his background as a math teacher, based on his business acumen as a home builder; and I just appreciate this foundation, if you will, of a practical, commonsense plan to make sure that our children have a debt-free future.

And I cannot help but remark as I heard my colleague from Wisconsin talk about his father-in-law, I think about my father-in-law down in Yuma, AZ, someone who spent his years in the Marine Corps defending this country away from home for years on end, and I think about the legacy of those who have gone before, many of the veterans I visit with in the 6th district, veterans of World War II, the Korean war, Vietnam, Desert Storm, people would have answered the call. And do I believe, as President Franklin Roosevelt said, to different generations fall different responsibilities.

And God willing, if we can avoid a major worldwide conflict, and certainly we hope and pray with a strong national defense and reasonable approaches worldwide we will be able to do so, but our challenge, our rendezvous with destiny will be a reconciliation and elimination of this national debt after we take the first step of eliminating these annual deficits.

So I just wanted to come down here and tell my colleague from Wisconsin, Mr. Speaker, and those who join us that this plan bears definite consideration and support as we ask the reasonable, logical, and practical question: Where do we go from here? For these reasons, I salute my colleague from Wisconsin.

Mr. NEUMANN. Mr. Speaker, I think we should jointly here show the American people just how positive and how close we really are to a balanced budget and how far ahead of schedule. If we look at the average Federal revenue growth, how much Government growth, revenue, money coming in, your money, the American people's money, how much money has been coming in each year, average Federal revenue growth, in the last 3 years it has been going up by 7.3 percent average. The last 5 years it has been going up by 7.3 percent average. The last 10 years, 6.2 percent average; 17 years 6.8.

I read those numbers off because I think it is significant in the budget resolution we just passed, we did not project 7 percent growth or 7.3 or 6 percent growth, we only projected 4 percent growth. So I asked the question, what would happen in fact if instead of 4 percent growth in revenue, it did

what was more historical here. I did not even put in 7 or 6.8. I only put in 6 percent. And in fact if revenues to the Federal Government do grow by 6 percent, not as much as they have been going up, but by 6 percent, we will in fact have a balanced budget by the year 2000.

This is almost inconceivable in this community. If revenues keep going up the way they have been going up and we hit our spending targets, and this is the challenge of course, but if we just hit the spending targets that are in that budget resolution and revenues grow by 6 percent, we in fact have a surplus in the year 2000. Our first year of a balanced budget is the year 2000, and we would in fact run a surplus. And that is when the National Debt Repayment Act would kick in.

The act would do two things. First it would cap growth in Government spending after that first balanced year at a rate 1 percent below the rate of revenue growth. That guarantees a surplus. Because if we are at balance and spending goes up 4 percent, revenue would have to go up 5 percent, at least a 1 percent gap. That guarantees us a surplus.

□ 2130

The first thing this bill does is it caps the growth in Government spending 1 percent below the rate of revenue growth. The second thing it does is it tells the treasurer what to do with that surplus money because my fear in this community is that they are going to want to spend that money. So what the second thing our bill does is it says that two-thirds of that surplus goes to pay down the debt, and one-third goes back to the American people. It is, after all, their money. All we are doing is letting them keep it out in their homes instead of sending it on down here to Washington, DC.

When we start paying down the debt, a very important thing happens. Social Security has been collecting more money than it has been paying out for a long time, since 1983, collects more money than it pays out to seniors in benefits. That money is supposed to be sitting here in a savings account. It is not here. All that is here is a bunch of IOU's. That is part of the debt, though. So when we start paying down the debt, we also put real money back in the Social Security trust fund so Social Security is once again solvent.

Mr. HAYWORTH. If the gentleman will yield, I do not think this point can be stressed enough. I know that I joined with the gentleman in the Social Security Preservation Act with this purpose in mind. I am glad to see this notion incorporated into the National Debt Repayment Act, so that we have real funds, tangible funds and not some sort of slips of paper that say IOU when we are dealing with something as sensitive and as important as Social Security, something else that affects my parents, affects my colleague from Wisconsin's parents and obviously affects many of our constituents. Again, I salute this very rational, reasonable framework.

Let me just depart for a second, because I think this is important, too, because, Mr. Speaker, ofttimes when we come to this floor for purposes of explanation, and certainly given my colleague's ability to explain these concepts in very simple, easy-to-understand terms, there is a temptation by those who oppose us to claim that we have simply got on our green eyeshades, to claim that we are simply sitting here with calculators. Indeed there are those critics who would claim that within our chests beat calculators instead of human hearts. Let me assure, Mr. Speaker, those who might rise in opposition to us that it is precisely because of compassion that we offer this, that it is precisely because we want a firm foundation and to fulfill promises made by this Government to our seniors but also to provide for those generations who are younger, for those generations yet unborn a reasonable framework and a reasonable, rational way that they can have a constitutional republic and enjoy the freedoms that we have had. And so that is what I think is important to stress. This is not something that needs to be necessarily caught up in decimals and in dollar signs, if you will, but with a very real, compassionate, tangible goal. That is, the preservation of this country, the preservation of this constitutional republic to silence and to diminish this very genuine, silent killer, if you will, the twin maladies of annual deficits and the national debt. That is another reason we have to look at this with great interest, because it is the ultimate act of compassion. While of course it is inevitable that we talk about numbers and explain this in a common sense term, undergirding all of this is the example and the notion of true compassion. As my colleague from Wisconsin mentioned earlier, as we cannot say too often, Mr. Speaker, the money belongs to the people that earn it. The money does not belong to this government. Our job, our mission here poised for the next century is to realize and act upon that basic truth. The money belongs to the people of the United States. They should hang on to more of it and send less of it here to Washington, DC. That is a point that I think we should reemphasize.

Mr. NEUMANN. I cannot emphasize enough how strongly I agree with the gentleman. The gentleman is right. There are a lot of numbers up here. I think we do have to have a plan in place that is going to lead to this, but it is not about these numbers. It is about the families that get to keep $500 a month more instead of sending it down here to Washington to put as interest on the Federal debt. It is about those families and what they can do with that $500 a month. Our current tax cut package, I have talked to a lot of families in our district, I really get a kick out of the people out here who say the American people do not want tax cuts. Wrong. When I talk to folks in our district, family friends from church, three kids, one headed off to college, I say, "Do you think you're going to use that $500 per child?" They have got two kids still at home so it is $1,000. The college tuition credit, of course, is another $1,500. They are looking at receiving $2,500. They are not rich people. They are middle-income folks, probably $40,000, $50,000-a-year kind of people, nice friendly Janesville kind of people from Wisconsin. When we talk to them about keeping $2,500 more a year in their pocket, they understand these tax cuts. When we start thinking about the National Debt Repayment Act, can the gentleman see this vision of America where instead of sending that $500 a month down here, and now we are not talking about a year, we are not talking about the $500 per child per year now, we are now talking about our families keeping $500 a month because that is how much this interest is, that is what these numbers really mean, they keep that money in their own homes to buy education for their kids, to buy the things that are most important to their family. The National Debt Repayment Act also means our seniors do not have to go to sleep wondering whether or not there is going to be Social Security. When we talk about this Social Security issue, one problem is that the money needs to be in that savings account so we can continue making the payments to our seniors. But the other thing is that if there is no money in the trust fund and we reach a point where we do not have enough money to pay out Social Security benefits, and that will happen sometime between now and 2012, that is a given, if we reach that point, the people in this town are only going to have two choices, get more taxes out of the working people or cut Social Security benefits. So the other very, very important thing that happens here is we restore the Social Security system to solvency, we put real dollars in the trust fund instead of the fictitious IOUs that are currently in there. As we keep going, the other thing that happens here when people fill up their cars with gasoline, every week or whenever you fill your car up with gas, you pay Federal gasoline tax. Some of that tax money has not been spent to build roads. It has been taken and spent on other programs. There is a highway trust fund, sort of like Social Security where they have collected these tax dollars when you fill your car up with gas, but instead of spending it to build roads like we would expect, it has been

spent on other programs and they put an IOU in the highway trust fund, too. As we are paying on down the national debt, part of that debt is the highway trust fund. We would restore the highway trust fund as well. The other thing is we hear so much about the environment and how important the environment is to the future of this country. The environment trust funds exist also, trust funds for like cleaning up Superfund sites. Those areas have trust funds that have not been restored either. We have collected money but the money has been spent on other Government programs and there are IOU's in those trust funds, too. As we pay down this national debt, we are looking at restoring the Social Security trust funds so our seniors are safe, we are looking at the highway trust fund being restored so we can have a safer and more efficient road system in this country, a better infrastructure, and we are also looking at the environmental groups having the money that was supposed to be put into their trust fund actually spent to improve the environment in this great Nation.

The kicker of all of this is at the same time, we get to reduce taxes even further on the American people because one-third of the surplus goes to tax cuts.

Mr. HAYWORTH. If my colleague will yield further, again that points to one of our other aims as there have been changes in this Congress as we rethink the future, and that is the notion of transferring the money, power, and influence out of the hands of Washington bureaucrats, back to people at home, beginning with the family but also including those local and State governments, those who are on the frontlines. Janesville, WI, differs greatly from Scottsdale, AZ. Indeed within Arizona in my own district which spans from Franklin to the four corners, to Flagstaff in the west, there are different circumstances and different challenges in an incredibly diverse district. So much the better, then, that we are able to establish a framework that pays off the debt that puts the trust back into these ironically named trust funds. If there is one of the oxymoronic phrases of Washington, DC, certainly as we stand here at this juncture of our history, it would be the notion of trust funds since so much of those funds have gone to other matters, pressing matters to be sure but matters for which those funds were not originally intended. We put the trust back into those trust funds but most importantly we have the money stay in the pockets to working Americans. That is vital.

Mr. NEUMANN. This whole vision that we are talking about here for the future of our great country, it is so different than the 1980's where there were promises made under Gramm-Rudman-Hollings and those promises, for whatever reasons, could not be kept or were not kept or however we want to put it; they did not meet those targets to get us to a balanced budget.

When we talk about trust, it is not only the trust accounts, it is the trust of the American people once again in their government, because after all this is their government, it is not you and me out here, it is the people's government out here.

As we are now in the 3rd year of a 7-year plan to balance the budget, we are ahead of schedule in the 1st year, we are ahead of schedule in the 2nd year, we are ahead of schedule in the 3rd year. Some of that trust needs to gradually be restored and some of that cynical attitude out there that occurred because of what happened in the 1980's where so many promises were made and so many promises were broken. Is that not a great vision? We not only get to a balanced budget so that we quit spending our children's money and our children have hope for a future in this country, but we also pay down the national debt so our children inherit a nation debt free. When we are paying down the debt we put the money back in the Social Security trust fund, and by doing these things we restore the faith in the American people back in this institution, back in their government, because it is their government. It that not a great vision for the future of this country?

Mr. HAYWORTH. As my colleague offers this scenario, I concur wholeheartedly. I also salute my colleague because, again, the temptation is when you come to this town, and obviously there are some philosophical differences, I find that many of us can oftentimes end up in partisan arguments that are almost pointless games of what if, or what happened in the past.

I think it is worthwhile and quite candidly refreshing, Mr. Speaker, that my colleague from Wisconsin comes here not to point fingers at that side of the aisle or necessarily to try and gain partisan advantage, but simply to offer a plan that people of all political labels should seriously consider as we say, OK, what is past is prolog, that has gone before, we can continue to play these games of revisionist history, or we can deal with the problems that we have encountered with the simple notion that my colleague and I learned in Scouts: Try to leave this a better place than we found it.

Really is it just as simple as that; that we can play the hand we have been dealt, that yes, we have made some changes; that yes, those changes have us on the road to a balanced budget much more quickly; that yes, last week in the House Committee on Ways and Means we were able to fashion a tax bill that does not offer as much tax relief as I would like or my colleagues from Wisconsin or indeed many folks would like, but is an important first step. Moving on that, we can build.

Mr. NEUMANN. Is it not a wonderful fight we are going to have out here over which taxes we should cut and how far we should cut them? Think back to 1993. Does the gentleman remember 1993? The question was which taxes should we raise and how far should we raise them. This body by one vote passed the largest tax increase in American history. Then it went over to the Senate and the Senate by one vote cast the largest tax increase in American history.

We are not talking about raising taxes to balance the budget. We are talking about reducing taxes and at the same time reducing the rate of growth of government spending because when the government grows less, we do not have to take as much money out of the pockets of the people. What a wonderful fight we are going to have out here as we debate which taxes should be reduced and how far we should reduce them and what a huge contrast we have between 1993 and 1997. Is it not a wonderful debate?

Mr. HAYWORTH. I absolutely agree with my colleague from Wisconsin. I am heartened by the fact that as we take a look at the tax bill that moves out of the House Committee on Ways and Means that I was pleased to vote for last week, last Friday, 93 percent of those tax cuts go to families earning under $100,000; 75 percent of those tax cuts go to families earning less than $75,000. Though there is a temptation, and I heard earlier tonight when I had the privilege of sitting in the Speaker's chair for a previous special order, though there is the temptation to try and tinker with the numbers and cast a partisan light on them, these conclusions are drawn by the bipartisan Joint Tax Committee.

So we have Republicans and Democrats taking a sober, practical view, not for political gain, simply saying that without a doubt, these tax cuts go to help working Americans more than anyone else. It is an important first step.

Mr. NEUMANN. I think it is important that all of our colleagues understand part of this tax cut debate that is about to occur. What is being asked out here in Washington, DC, is can we cut taxes for people that are not paying taxes? When is a tax cut not a tax cut?

Does the gentleman realize that we are about to enter into debate, that there are going to be people telling us that we should cut taxes for people that are paying no taxes. Let me explain how this might work. If you are on welfare today and you have got two kids in your house, you are not paying any taxes, you are already receiving a welfare check. There are some people out in this community that would like a tax cut to include those folks that are already on welfare and not paying any taxes in. To me, if you cut taxes on

people that are not paying any taxes, does that not become a welfare program as opposed to a tax cut?

□ 2145

And that is what we got to watch out for as we go forward here. These tax cuts are designed to reach the people that get up every morning, make a lunch, go off to work, work hard all day and come home. This is money that we want them to keep in their own pockets as opposed to sending out here to Washington, DC.

Tax cuts are designed for people who pay taxes.

Mr. HAYWORTH. I again just want to comment on my colleague from Wisconsin making this very practical common sense point. How do you offer a tax cut to those who pay no taxes, and, Mr. Speaker, although there are those who might misunderstand, this is not standing here pointing the finger of blame toward any one segment of the society. It is simply asking the very practical question. It would seem to me that only in this town, with some who champion the notion of government being the source of so much, that even the notion would be advanced that those who pay no taxes should somehow receive a tax cut. But again, when you leave this Beltway and the culture that has grown up around this Capital City, and travel to the Sixth District of Arizona, or travel to the great State of Wisconsin, or places in-between, and go to any town and talk to any taxpayer, they will reaffirm the absurdity of the notion of offering tax cuts to those who pay no taxes.

And again, Mr. Speaker, and this is something again not to cast a pall of partisanship, but to simply rejoice in the fact that here in this institution we can debate reasonable differences in a reasonable fashion. It astounds me, quite candidly, to look at some of the other figures that have been proffered that actually take on another absurd notion when there are those who come to this Chamber and talk about these very modest tax cuts, 93 percent of which go to families making under $100,000, that somehow anyone could characterize those as what is that tired, sad phrase we hear? Tax cuts for the wealthy? Simply is not true, but using some of those peculiar numbers people are incorporating what homeowners would earn in rental income on their own homes.

My colleague, who is a home builder, who understands the intricacies of mathematics far better than I do, can simply attest to the absurdity of that notion which is being proffered as a reason to oppose our plan and our very modest array of tax cuts.

Mr. NEUMANN. You know, all this discussion about tax cuts, we sometimes get lost in the fact that we are even having a debate about cutting taxes as opposed to raising taxes from 1993. Whenever I am out with folks back home and I have got a problem conveying to them all the technical details of the tax cuts, I challenge anyone. Just walk into your church on Sunday and find one of the families with 3 kids, and when they are walking out of church just ask them if they understand the idea that they are going to get $500 back for each one of those children. It is their money to start with. They get to keep $500 more for each one of those children, and if one of them happens to be going off to college, they are going to get up to $1500 to help pay that college tuition, which is a huge problem for many families in America today. They understand that. They absolutely understand that they get a tax , they get to reduce the taxes they are going to send to Washington by a thousand bucks for the 2 kids still at home, and they absolutely understand that they get to keep $1,500 to help pay for college tuition. They understand that.

And you can have all the jargon you want out here. They understand that they are going to get to keep more of their own money in their own pocket instead of sending it to Washington, and that is what this is all about.

Mr. HAYWORTH. And that is the basic common wisdom of those who involve themselves in the process, not to get caught up in micro or macro economics, but simply to provide for their families, to answer the call to duty, whether it is found in wearing the uniform of one of the branches of service in this country or contributing in other ways to our economy and to their communities and to their families. That is the simple elemental, yet vital, wisdom behind the plan that we are offering that essentially provides tax cuts for life, those child tax credits, those credits that help youngsters go on to college, those ways to save through those saving years that my colleague from Wisconsin and I found ourselves in as we are trying to provide for our children, also prepare for that final phase of life, those retirement years. And that is what is so appealing about this modest first step in tax reduction.

And again, as my colleague from Wisconsin points out, Mr. Speaker, here we are poised to offer the American people the first tax cuts they have really enjoyed in a decade and a half, and the thing that we should note about this, the wonderful thing, is that this will actually help our economy grow, this will actually help raise the revenue rates, as again in a bipartisan fashion, as President John F. Kennedy said in the early 1960's: "A rising tide lifts all the boats."

And so it is in that spirit that we offer this based on historical perspectives, not only the Reagan presidency, but before that with President Kennedy, so that people from both sides of the aisle understand the value of cutting taxes, allowing people to hang onto more of their own money and really conferring, as if this government had to confer, the honor and the privilege and for all practical purposes the money that belongs to the people in the first place, keeping it there in their pockets and taking less and less of it for what has grown into a Federal leviathan here on the banks of the Potomac.

Mr. NEUMANN. I think I will conclude my part of this by just reminding the folks one more time how different 1997 is versus the 1985 Gramm-Rudman-Hollings bill where they said they are going to balance the budget and they missed their targets. They never got on track. They fixed it in 1987. They hit targets once, but they never stayed with it. The deficits just ballooned.

We are now not in our first year and not in our second year; we are now in the third year of our promised plan to balance the federal budget, and we are not only on track, we are ahead of schedule. The theoretical model that we dealt with back in 1995, this idea that if we control the growth of government spending, that meant the government would spend less, which meant they had to borrow less. When they borrowed less out of the private sector, that left more money available in the private sector. More money available in the private sector meant less money supply and lower interest rates. Lower interest rates meant people bought more houses and cars, and I get excited when I talk about this part because when people buy more houses and cars, somebody has to go to work to build those houses and cars, and that is job opportunities. That meant people left the welfare rolls and went to work and started paying taxes in, and it becomes a snow ball down a hill where this thing gets easier, and easier, and easier to make it happen.

We are in the third year of a 7-year plan to balance the budget. We are not only on track, we are ahead of schedule, and this leads us to our vision for the future of this great Nation that we live in. Our vision not only includes balancing the Federal budget so we are not spending our children's money any more, it includes paying off the Federal debt because when we pay off the Federal debt, it means our children a generation from now instead of sending $500 a month to Washington to do nothing but pay interest on a Federal debt, they can keep that money in their own homes.

A generation from now, just think about this. If we just capped the growth of Federal spending 1 percent below the rate of revenue growth, just 1 percent, that means we pay off the entire debt by the year 2025, and that means a generation from now our families do not have to send a $500 check every month to Washington to do nothing but pay the interest on the Federal

debt. They keep that in their own homes to spend on their own families.

You know when we talk about a divorce rate at 68 percent today and one out of every three babies born out of wedlock, do not you think that allowing the hard-working families to keep more of their own money would relieve some of the burden, some of the pressures in this family and allow more of our American families to stay together a generation from now? I mean this becomes a very, very bright vision for the future of this country, a balanced budget so we quit spending our children's money, pay off the debt so that a generation from now our children receive this Nation debt free and they do not have to send $500 a month down to Washington. And that vision includes putting the money back into Social Security trust fund that has been taken out because then our seniors know that their money is safe and secure, and it includes additional tax reductions for the American people.

So a vision of a balanced budget, paying off the debt, our children's families keeping $500 a month more of their own money in their own pockets instead of sending it to Washington, restoring the Social Security Trust Fund so that our seniors do not have to worry about whether or not their social security checks; that is a bright vision for the future of America. That is a vision of hope, that is a vision of prosperity, that is a vision that includes an opportunity for my children to have a better life than we have had, and it has been a great country to grow up in.

And we have had a great life, but this vision puts it back at a point where our generation can look to our children and start thinking about our children having opportunities to have an even better life than we have had in this great Nation ourselves.

Mr. HAYWORTH. Again I thank my colleague from Wisconsin for taking this time, Mr. Speaker, to explain this very important, I believe, exciting and necessary concept of the National Debt Repayment Act, and again what undergirds this when you get past the math, when you get past the micro and macro economic models, is a very simple motion. People work hard for the money they earn. They ought to hang onto more of it, send less of it here to Washington D.C., and in the process as we prepare for a new century we ought to focus on the notion of transferring money, power and influence out of the hands of Washington bureaucrats and back home to the families, to the local communities, to governments on the front line who confront these several problems.

I thank my colleague from Wisconsin.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. POMBO (at the request of Mr. ARMEY) for today and the balance of the week, on account of attending the Convention on the International Trade of Endangered Species.

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. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. BROWN of Florida, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. FOX of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today and on June 18.

Mrs. SMITH of Washington, for 5 minutes, today and on June 18.

Mr. SENSENBRENNER, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

Mr. FOX of Pennsylvania, 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. McNULTY) and to include extraneous matter:)

Mr. STOKES.
Mr. MCGOVERN.
Mr. KUCHINCH.
Mr. LAFALCE.
Ms. STABENOW.
Mr. FRANK of Massachusetts.
Mr. VISCLOSKY.
Mr. BERRY.
Mr. BARRETT of Wisconsin.
Mr. ROEMER.
Ms. NORTON.
Mr. STARK.
Mr. KILDEE.
Ms. EDDIE BERNICE JOHNSON of Texas.
Mr. SCHUMER.
Ms. BROWN of Florida.
Mr. GORDON.
Mr. GEPHARDT.
Mr. TOWNS.
Mr. BERMAN.
Mr. DELLUMS.
Mr. PAYNE.
Ms. HARMAN.
Mr. SHERMAN.
Mr. SANDERS.

(The following Members (at the request of Mr. FOX of Pennsylvania) and to include extraneous matter:)

Mr. WELLER.
Mr. COX of California.
Mr. LEWIS of California.
Mr. GINGRICH.
Mr. YOUNG of Alaska.
Mr. SHAW.
Mr. CAMP.
Mr. PACKARD.

(The following Members (at the request of Mr. NEUMANN) and to include extraneous matter:)

Mr. WALSH.
Mrs. MORELLA.
Mr. SENSENBRENNER.
Mr. PARKER.
Ms. VELÁZQUEZ.
Mr. KLINK.
Mr. HORN.
Mr. TRAFICANT.
Mr. PEASE.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 210. An act to amend the Organic Act of Guam, the Revised Organic Act of the Virgin Islands, and the Compact of Free Association, and for other purposes; to the Committee on Banking and Financial Services and in addition, to the Committees on the Judiciary, International Relations, Government Reform and Oversight, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

S. 289. An act to designate the United States courthouse to be constructed at the corner of Superior Road and Huron Road in Cleveland, Ohio, as the "Carl B. Stokes, United States Courthouse"; to the Committee on Transportation and Infrastructure;

S. 347. An act to designate the Federal building located at 100 Alabama Street NW, in Atlanta, Georgia, as the "Sam Nunn Federal Center"; to the Committee on Transportation and Infrastructure;

S. 419. An act to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes; to the Committee on Commerce;

S. 478. An act to designate the Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, as the "William Augustus Bootle Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure;

S. 628. An act to designate the United States courthouse to be constructed at the corner of 7th Street and East Jackson Street in Brownsville, Texas, as the "Reynaldo G. Garza United States Courthouse"; to the Committee on Transportation and Infrastructure;

S. 681. An act to designate the Federal building and United States courthouse located at 300 Northeast First Avenue in Miami, Florida, as the "David W. Dyer Federal Courthouse"; to the Committee on Transportation and Infrastructure;

S. 715. An act to redesignate the Dublin Federal Courthouse building located in Dublin, Georgia, as the J. Roy Rowland Federal Courthouse; to the Committee on Transportation and Infrastructure;

S. 819. An act to designate the United States courthouse at 200 South Washington Street in Alexandria, Virginia, as the "Martin V. B. Bostetter, Jr. United States Courthouse"; to the Committee on Transportation and Infrastructure.

ADJOURNMENT

Mr. NEUMANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, June 18, 1997, at 10 a.m.)

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports concerning the foreign currencies and U.S. dollars utilized by various committees, House of Representatives, during the first quarter of 1997, pursuant to Public Law 95–384, and reports of a miscellaneous group for calendar year 1996 and second quarter 1997, House of Representatives, are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Eva Clayton	1/23	1/26	Argentina		24.00		100.00				124.00
Hon. Calvin Dooley	1/23	1/26	Argentina		24.00		100.00				124.00
Hon. Thomas Ewing	1/23	1/26	Argentina		24.00		100.00				124.00
Hon. Sam Farr	1/23	1/26	Argentina		24.00		100.00				124.00
Hon. Robert F. Smith	1/23	1/26	Argentina		24.00		99.00		3,095.10		3,218.10
Hon. Charles Stenholm	1/23	1/26	Argentina		24.00		100.00				124.00
Lynn Gallagher	1/23	1/26	Argentina		24.00		100.00				124.00
Laverne Hubert	1/23	1/26	Argentina		24.00		100.00				124.00
Bryce Quick	1/23	1/26	Argentina		24.00		100.00				124.00
Paul Unger	1/23	1/26	Argentina		24.00		100.00				124.00
Committee total											4,334.10

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB SMITH, Chairman, June 4, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Patricia Pauletta	2/13	2/17	Switzerland		1,096.00		965.95				2,061.95
Edward Hearst	2/11	2/17	Switzerland		1,644.00		2,958.95				4,602.95
Bruce Gwinn	2/13	2/16	Switzerland		822.00		906.95				1,728.95
Sue Sheridan	3/3	3/7	Germany		980.00		920.15				1,900.15
Catherine Van Way	3/2	3/8	Germany		1,470.00		1,129.95				2,599.95
Hon. Eliot Engel	1/9	1/12	China		702.00		(3)				702.00
	1/12	1/13	Thailand		217.00		(3)				217.00
	1/13	1/15	Cambodia		555.00		(3)				555.00
	1/15	1/18	Hong Kong		1,163.00		(3)				1,163.00
Hon. Thomas Sawyer	2/18	2/20	Germany		530.00		2,084.40				2,614.40
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Brussels		614.00						614.00
Hon. Bill Paxon	2/17	2/18	Italy		242.00		(3)				242.00
	2/18	2/20	Germany		546.00		(3)				546.00
Hon. Michael Crapo	3/22	3/28	Canada		1,338.05		(3)				1,338.05
Hon. Dennis Hastert	2/17	2/18	Italy		242.00		(3)				242.00
	2/18	2/20	Germany		546.00		(3)				546.00
Hon. Diana DeGette	2/21	2/23	Belgium		614.00		2,848.35				3,462.35
Committee total					13,584.05		11,814.70				25,398.75

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

TOM BLILEY, Chairman, Apr. 30, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Gary Ackerman	1/23	1/27	Hong Kong		1,576.00						1,576.00
	1/27	1/30	China		702.00						702.00
	1/30	2/3	Taiwan		[3] 564.00						564.00
Commercial airfare							4,232.95				4,232.95
David Adams	1/23	1/27	Hong Kong		1,576.00						1,576.00
	1/27	1/30	China		702.00						702.00
	1/30	2/3	Taiwan		1,128.00						1,128.00
Commercial airfare							4,232.95				4,232.95
	3/24	3/26	Haiti		[3] 375.00						375.00
Commercial airfare							678.95				678.95
Hon. Cass Ballenger	1/9	1/11	Nicaragua		[3] 239.00				859.00		1,098.00
	1/11	1/14	El Salvador		[3] 524.65				630.34		1,154.99
	1/14	1/16	Guatemala		[3] 232.36				874.66		1,107.02
	1/16	1/18	Mexico		[3] 41.23				257.40		298.63
Hon. Douglas Bereuter	1/11	1/15	Hong Kong		[3] 1,329.00				946.67		2,275.67
	1/15	1/17	Indonesia		494.00						494.00
	1/17	1/19	Singapore		546.00				325.91		871.91
Commercial airfare							4,390.95				4,390.95
Deborah Bodlander	1/22	1/26	Turkey		[3] 673.00						673.00
	1/26	1/30	Israel		[3] 1,185.00				1,508.00		2,693.00
	1/30	1/31	Cyprus		[3] 75.00						75.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	1/31	2/3	Lebanon		[3] 355.00						355.00
	2/3	2/4	Greece		[3] 30.00						30.00
Commercial airfare							4,214.05				4,214.05
Elana Broitman	1/11	1/13	Uganda		623.00						623.00
	1/13	1/15	Kenya		555.00						555.00
	1/15	1/18	Rwanda		738.75						738.75
Commercial airfare							504.35				504.35
	1/27	1/30	Peru		870.00						870.00
	1/30	1/31	Panama		189.00						189.00
Commercial airfare							2,392.95				2,392.95
Hon. Tom Campbell	1/11	1/13	Uganda		623.00						623.00
	1/13	1/15	Kenya		555.00						555.00
	1/15	1/18	Rwanda		738.75						738.75
Commercial airfare							504.35				504.35
Hon. Walter Capps	2/20	2/23	Belgium		614.00						614.00
Commercial airfare							4,725.35				4,725.35
Marian Chambers	2/20	2/22	Italy		562.00						562.00
Commercial airfare							2,444.25				2,444.25
Theodore Dagne	1/11	1/13	Uganda		623.00						623.00
	1/13	1/15	Kenya		555.00						555.00
	1/15	1/18	Rwanda		738.75						738.75
Commercial airfare							504.35				504.35
Michael Ennis	1/11	1/15	Hong Kong		[3] 1,366.00						1,366.00
	1/15	1/17	Indonesia		494.00						494.00
	1/17	1/19	Singapore		546.00						546.00
Commercial airfare							4,390.95				4,390.95
Hon. Eni F.H. Faleomavaega	1/9	1/11	Nicaragua		312.50						312.50
	1/11	1/13	El Salvador		573.00						573.00
	1/14	1/16	Guatemala		378.00						378.00
	1/16	1/18	Mexico		187.50						187.50
Hon. Jon Fox	1/23	1/28	China		1,170.00						1,170.00
	1/28	1/29	Hong Kong		394.00						394.00
	1/29	1/31	Taiwan		564.00						564.00
Richard Garon	2/14	2/15	Ireland		[3] 518.00						518.00
	2/15	2/18	England		[3] 852.00						852.00
	2/18	2/20	Germany		[3] 510.00						510.00
	2/20	2/21	France		263.00						263.00
Commercial airfare							1,871.95				1,871.95
Robert Hathaway	1/10	1/12	Hong Kong		623.25						623.25
	1/12	1/18	China		1,359.00						1,359.00
John Herzberg	3/24	3/28	Bosnia		1,204.00						1,204.00
	3/28	3/29	Croatia		281.00						281.00
Commercial airfair							3,627.75				3,627.75
Amos Hochstein	1/22	1/26	Turkey		[3] 488.00						488.00
	1/26	1/31	Israel		[3] 1,100.00						1,100.00
Commercial airfair							4,170.75				4,170.75
Hon. Amo Houghton	1/8	1/11	Canada		[3] 0.00						0.00
Commercial airfair							593.00				593.00
Hon. Peter King	2/18	2/20	England		668.00						668.00
Commercial airfair							271.45				271.45
Christopher Kojm	1/26	1/29	Austria		[3] 671.00						671.00
Commercial airfair							4,830.55				4,830.55
Clifford Kupchan	1/12	1/14	Ukraine		546.00						546.00
	1/14	1/19	Russia		[3] 1,649.00						1,649.00
Commercial airfare							4,342.00				4,342.00
John Mackey	1/22	1/27	Argentina		1,266.00						1,266.00
	1/27	1/30	Peru		870.00						870.00
	1/30	1/31	Panama		189.00						189.00
Commercial airfare							3,457.95				3,457.95
	2/12	2/12	Northern Ireland		75.00						75.00
	2/12	2/15	Ireland		913.00						913.00
	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/23	Northern Ireland		1,068.00						1,068.00
Commercial airfare							4,568.25				4,568.25
Donald Manzullo	2/19	2/21	France		[3] 280.00						280.00
	2/21	2/23	Belgium		[3] 269.00						269.00
Commercial airfare							650.00				650.00
Denis McDonough	1/9	1/11	Nicaragua		268.50						268.50
	1/11	1/14	El Salvador		[3] 523.00						523.00
	1/14	1/16	Guatemala		[3] 353.00						353.00
	1/16	1/18	Mexico		[3] 468.00						468.00
	1/22	1/27	Argentina		992.00						992.00
Commercial airfare							3,589.95				3,589.95
	3/24	3/26	Haiti		[3] 388.00						388.00
Commercial airfare							678.95				678.95
Vince Morelli	3/24	3/26	Haiti		[3] 363.00						363.00
Commercial airfare							678.95				678.95
Lester Munson	1/11	1/13	Uganda		623.00						623.00
	1/13	1/15	Kenya		555.00						555.00
	1/15	1/18	Rwanda		738.75						738.75
Commercial airfare							504.35				504.35
Roger Noriega	1/9	1/11	Nicaragua		[3] 243.50						243.50
	1/11	1/14	El Salvador		[3] 473.00						473.00
	1/14	1/16	Guatemala		[3] 353.00						353.00
	1/16	1/18	Mexico		[3] 70.00						70.00
Hon. Donald Payne	1/11	1/13	Uganda		623.00						623.00
	1/13	1/15	Kenya		555.00						555.00
	1/15	1/18	Rwanda		738.75						738.75
Commercial airfare							3,168.35				3,168.35
Stephen Rademaker	1/12	1/14	Ukraine		546.00						546.00
	1/14	1/19	Russia		[3] 1,710.00						1,710.00
Commercial airfare							4,342.00				4,342.00
	1/26	1/29	Austria		783.00						783.00
Commercial airfare							4,830.55				4,830.55
Frank Record	2/17	2/19	France		[3] 588.00						588.00
	2/19	2/20	Austria		261.00						261.00
	2/20	2/22	Italy		[3] 472.00						472.00
Commercial airfare							3,195.55				3,195.55
Walker Roberts	1/26	1/29	Austria		783.00						783.00
Commercial airfare							4,830.55				4,830.55
Martin Sletzinger	3/24	3/28	Bosnia		1,204.00						1,204.00
	3/29	3/30	Croatia		281.00						281.00
Commercial airfare							3,627.75				3,627.75
Hillel Weinberg	1/23	1/28	Belgium		[3] 1,000.00				166.07		1,166.07

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	1/28	1/30	France		[3] 214.85						214.85
Commercial airfare							3,435.05				3,435.05
	2/19	2/21	France		[3] 425.85						425.85
	2/21	2/23	Belgium		[3] 364.00						364.00
Commercial airfare							2,333.00				2,333.00
David Weiner	1/23	1/29	Belgium		[3] 1,385.00						1,385.00
Commercial airfare							3,435.05				3,435.05
	2/17	2/19	France		648.00						648.00
	2/19	2/20	Austria		261.00						261.00
Commercial airfare							3,827.15				3,827.15
Committee total					62,236.94		104,077.25		5,568.05		171,882.24

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refund of unused per diem.

BEN GILMAN, Chairman, June 12, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1996

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Individual expenses:											
Hon. Doug Bereuter (annual tour)	8/5	8/8			317.58		226.00				543.58
John Herzberg (annual tour)	8/1	8/8			754.12						754.12
Delegation expenses:											
Representational (meals and functions, ground transportation, and control rooms costs).									24,658.87		24,658.87
Translation/interpreting									5,728.72		5,728.72
Miscellaneous									1,774.69		1,774.69
Committee total					1,071.70		226.00		32,162.28		33,459.98

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUGLAS BEREUTER, June 3, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 3 AND APR. 7, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Doug Bereuter	4/3	4/7	Iceland		1,064.00						1,064.00
Hon. Gerald Solomon	4/4	4/7	Iceland		798.00						798.00
Hon. Tom Bliley	4/3	4/7	Iceland		1,064.00						1,064.00
John Herzberg	4/3	4/7	Iceland		1,064.00						1,064.00
Committee total					3,990.00						3,990.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUGLAS BEREUTER, June 10, 1997.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3800. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for the 1996–97 Crop Year for Natural (Sun-Dried) Seedless Raisins [FV97–989–1 FIR] received June 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3801. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentages for Class 3 (Native) Spearmint Oil for the 1996–97 Marketing Year [FV96–985–3 FIR] June 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3802. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Metolachlor; Pesticide Tolerances for Emergency Exemption [OPP–300504; FRL–5722–5] (RIN: 2070–AB78) received June 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3803. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bromoxynil; Pesticide Tolerances [OPP–300486B; FRL–5724–9] received June 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3804. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Azoxystrobin; Pesticide Tolerances for Emergency Exemptions [OPP–300497; FRL–5718–6] (RIN: 2070–AC78) received June 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3805. A letter from the Acting Administrator, Farm Service Agency, transmitting the Agency's final rule—Amending Regulations for Various Commodity Warehouses (RIN: 0560–AF07) received June 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3806. A letter from the Administrator, Grain Inspection, Packers and Stockyards Administration, transmitting the Administration's final rule—Fees for Official Inspection and Official Weighing Services [Workplan Number 97–001] (RIN: 0580–AA52) received June 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3807. A letter from the the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of June 1, 1997, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 105–98); to the Committee on Appropriations and ordered to be printed.

3808. A letter from the Comptroller of the Currency, transmitting the 1996 Annual Report of the Comptroller of the Currency, pursuant to 12 U.S.C. 14; to the Committee on Banking and Financial Services.

3809. A letter from the Chairman, Federal Financial Institutions Examination Council, the Appraisal Subcommittee, transmitting the 1996 Annual Report of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, pursuant to Public Law 101–73, section 1103(a)(4) (103 Stat. 512); to the Committee on Banking and Financial Services.

3810. 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 H.R. 1650, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

3811. A letter from the Secretary of Health and Human Services, transmitting the fifth Biennial Report of the Director of the National Institutes of Health, pursuant to 42 U.S.C. 283; to the Committee on Commerce.

3812. A letter from the Inspector General, Department of Health and Human Services, transmitting the audit report of the superfund financial activities at the Agency for Toxic Substances and Disease Registry for fiscal year 1995, pursuant to 31 U.S.C. 7501 nt.; to the Committee on Commerce.

3813. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Illinois [IL127–1a; FRL–5841–1] received June 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3814. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; San Diego County Air Pollution Control District; Yolo-Solano Air Quality Management District [CA105–0037a; FRL–5842–6] received June 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3815. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Tennessee: Approval and Revisions to the Nashville/Davidson County Portion of the Tennessee SIP Regarding New Source Review, Volatile Organic Compounds and Emergency Episodes [TN–128–6763a; TN–166–9634a; TN–180–9712a; TN–182–9713a; FRL–5841–4] received June 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3816. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans: Oregon [OR65–7280; FRL–5823–8] received June 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3817. A letter from the Chair, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Applications for Authorization to Construct, Operate, or Modify Facilities Used for the Export or Import of Natural Gas [Docket No. RM97–1–000; Order No. 595] received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3818. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling: Nutrient Content Claim for "Plus" [Docket No. 97P–0031] received June 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3819. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Dental Devices; Endodontic Dry Heat Sterilizer; Corrections and Technical Amendment [Docket No. 95N–0033] received June 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3820. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 92F–0279] received June 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3821. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's 1996 Annual Report of its activities, pursuant to 15 U.S.C. 78w(b); to the Committee on Commerce.

3822. A letter from the Acting Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12–80, "District of Columbia Regional Airports Authority Amendment Act of 1997" received June 11, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

3823. A letter from the Acting Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12–94, "Revised Act 12–76, Fiscal Year Budget Request Act of 1997" received June 16, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

3824. A letter from the Acting Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12–79, "Public Assistance Temporary Amendment Act of 1997" received June 11, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

3825. A letter from the Executive Director, Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions and Deletions to the Procurement List [I.D. 97–012] received June 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3826. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Death Benefits [5 CFR Part 1651] received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3827. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report on activities of the Inspector General for the period October 1, 1996, through March 31, 1997, and the semiannual management report on the status of audit followup 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.

3828. A letter from the Chairman, National Transportation Safety Board, transmitting the FY 1996 annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

3829. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the FY 1996 annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

3830. A letter from the General Counsel, Office of National Drug Control Policy, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

3831. A letter from the Chairman, Board of Directors, Tennessee Valley Authority, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

3832. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Catcher/Processor Sector [Docket No. 970403076–7114–02; I.D. 061097D] received June 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3833. A letter from the Executive Director, National Mining Hall of Fame and Museum, transmitting the Museum's 1996 audited financial statement and a copy of Form 990 which was filed with the Internal Revenue Service, pursuant to 36 U.S.C. 4111; to the Committee on the Judiciary.

3834. A letter from the Executive Director, U.S. Olympic Committee, transmitting the annual audit and activities report for calendar year 1996, pursuant to 36 U.S.C. 382a(a); to the Committee on the Judiciary.

3835. A letter from the Clerk, United States Court of Appeals, District of Columbia Circuit, transmitting an opinion of the United States Court of Appeals for the District of Columbia Circuit (No. 96–5265—*Marlena Ramallo* v. *Janet Reno*); to the Committee on the Judiciary.

3836. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–70–AD; Amendment 39–10045; AD 97–12–03] (RIN: 2120–AA64) received June 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3837. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace, Fremont, NE (Federal Aviation Administration) [Airspace Docket No. 97–ACE–2] (RIN: 2120–AA66) received June 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3838. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E4 and E5 Airspace at Sioux City, IA (Federal Aviation Administration) [Airspace Docket No. 96–ACE–25] (RIN: 2120–AA66) received June 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3839. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Revocation of Class E Airspace; El Rico, CA (Federal Aviation Administration) [Airspace Docket No. 97-AWP-9] (RIN: 2120-AA66) received June 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3840. A letter from the Clerk, United States Court of Appeals, District of Columbia Circuit, transmitting an opinion of the United States Court of Appeals for the District of Columbia Circuit (No. 95-1494—*State of North Carolina* v. *Federal Energy Regulatory Commission*); to the Committee on Transportation and Infrastructure.

3841. A letter from the Chief, Regulations Branch, Customs Service, transmitting the Service's final rule—Port Passenger Acceleration Service System (PORTPASS) Program [T.D. 97-48] (RIN: 1515-AB90) received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3842. A letter from the Chief, Regulations Branch, Customs Service, transmitting the Service's final rule—Archaeological and Ethnological Material from Peru [T.D. 97-50] (RIN: 1515-AC17) received June 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3843. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend section 7703 of title 5, United States Code, to strengthen the ability of the Office of Personnel Management to obtain judicial review to protect the merit system; jointly to the Committees on Government Reform and Oversight and the Judiciary.

3844. A letter from the Board Members, Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Railroad Retirement Act, the Railroad Unemployment Insurance Act, and the Program Fraud Civil Remedies Act to increase criminal penalties; jointly to the Committees on Transportation and Infrastructure and the Judiciary.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. SPENCE: Committee on National Security. H.R. 1778. A bill to reform the Department of Defense; with an amendment; referred to the Committee on Government Reform and Oversight for a period ending not later than July 18, 1997, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(g), rule X. (Rept. 105-133, Pt. 1).

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1778. Referral to the Committees on Commerce and Transportation and Infrastructure extended for a period ending not later than July 18, 1997.

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. LAFALCE (for himself, Mr. GONZALEZ, Mr. VENTO, Mr. SCHUMER, Mr. FRANK of Massachusetts, Ms. WATERS, Mrs. MALONEY of New York, Mr. GUTIERREZ, Ms. ROYBAL-ALLARD, Ms. VELÁZQUEZ, Mr. HINCHEY, Mr. ACKERMAN, Mr. JACKSON, Ms. KILPATRICK, Ms. CARSON, Mr. TORRES, and Mr. SANDERS):

H.R. 1900. A bill to provide for adequate consumer protection in the provision of financial services, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. HYDE:

H.R. 1901. A bill to clarify that the protections of the Federal Tort Claims Act apply to the members and personnel of the National Gambling Impact Study Commission; to the Committee on the Judiciary.

By Mr. HYDE (for himself, Mr. CONYERS, Mr. SENSENBRENNER, Mr. SCHIFF, Mr. GOODLATTE, Mr. CHABOT, Mr. SCHUMER, Mr. BERMAN, Ms. LOFGREN, and Mr. ROTHMAN):

H.R. 1902. A bill to immunize donations made in the form of charitable gift annuities and charitable remainder trusts from the antitrust laws and State laws similar to the antitrust laws; to the Committee on the Judiciary.

By Mr. SENSENBRENNER (for himself, Mr. BROWN of California, Mrs. MORELLA, Mr. GORDON, Mr. DAVIS of Virginia, Ms. STABENOW, Mr. EHLERS, Ms. JACKSON-LEE, Mr. SESSIONS, Mr. PICKERING, Mr. TRAFICANT; Mr. COOK, and Mr. CANNON):

H.R. 1903. A bill to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes; to the Committee on Science.

By Mr. McINTYRE (for himself, Mr. SPRATT, Mr. HEFNER, Ms. KAPTUR, Mr. DELAHUNT, and Mr. KIND of Wisconsin):

H.R. 1904. A bill to amend the Harmonized Tariff Schedule of the United States to clarify that certain footwear assembled in beneficiary countries is excluded from duty-free treatment, and for other purposes; to the Committee on Ways and Means.

By Mr. McINTYRE:

H.R. 1905. A bill to direct the Secretary of the Army to carry out an environmental restoration project at the Eastern Channel of the Lockwoods Folly River, Brunswick County, NC; to the Committee on Transportation and Infrastructure.

By Mr. DEFAZIO:

H.R. 1906. A bill to provide that pay for Members of Congress may not be increased by any adjustment scheduled to take effect in a year immediately following a fiscal year in which a deficit in the budget of the U.S. Government exists; to the Committee on Government Reform and Oversight, and in addition to the Committee on House 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. TANNER:

H.R. 1907. A bill to amend the Harmonized Tariff Schedule of the United States to allow the duty-free entry of an additional quantity of green peanuts that are the product of Mexico; to the Committee on Ways and Means.

By Mr. BACHUS (for himself, Mr. LUCAS of Oklahoma, and Mr. EVERETT):

H.R. 1908. A bill to prohibit performance of military honors and burial benefits to persons convicted of capital crimes; to the Committee on National Security, and in addition to the Committees on Transportation and Infrastructure, and Veterans' Affairs, 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. CANADY of Florida (for himself, Mr. HYDE, Mrs. ROUKEMA, Mr. CAMPBELL, Mrs. FOWLER, Mr. COX of California, Mr. BOEHNER, Mr. PAXON, Mr. SOLOMON, Mr. GOODLATTE, Mr. HUTCHINSON, Mrs. EMERSON, Mr. WICKER, Mr. BLILEY, Mr. ROGAN, Mr. DOOLITTLE, Mr. McINTOSH, Mr. SENSENBRENNER, Mr. BALLENGER, Mr. BARR of Georgia, Mr. ISTOOK, Mr. COBLE, Mr. GOSS, Mr. BONO, Mr. HERGER, Mr. NORWOOD, Mr. CUNNINGHAM, Mr. BUNNING of Kentucky, Mr. THUNE, Mr. KING of New York, Mr. PACKARD, Mr. CHRISTENSEN, Mr. CALLAHAN, Mr. RIGGS, Mr. BARTLETT of Maryland, Mr. MILLER of Florida, Mr. HILLEARY, Mr. SPENCE, Mr. OXLEY, Mr. ROHRABACHER, Mr. BARRETT of Nebraska, Mr. SNOWBARGER, Mr. ADERHOLT, Mr. YOUNG of Alaska, Mr. EVERETT, Mr. RILEY, Mr. BRADY, Mrs. CUBIN, Mr. BACHUS, Mr. LEWIS of Kentucky, Mr. COLLINS, Mr. CANNON, Mr. COOK, and Mrs. LINDA SMITH of Washington):

H.R. 1909. A bill to provide for equal protection of the law and to prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex in Federal actions, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, Government Reform and Oversight, and House 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 Ms. CARSON:

H.R. 1910. A bill to establish minimum nationwide nitrogen oxide pollution standards for fossil-fuel fired electric powerplants; to the Committee on Commerce.

By Mr. CONDIT (for himself, Mr. BILBRAY, Mr. DOOLEY of California, Mr. DOOLITTLE, Mr. FARR of California, Mr. FILNER, Mr. GOODE, Mr. JOHN, Mr. POMBO, and Mr. RADANOVICH):

H.R. 1911. A bill to amend the Clear Air Act to impose certain requirements on areas upwind of ozone nonattainment areas, and for other purposes; to the Committee on Commerce.

By Mr. DAVIS of Virginia (for himself, Mr. WYNN, Mrs. MORELLA, Mr. MORAN of Virginia, and Mr. WOLF):

H.R. 1912. A bill to prevent Government shutdowns; to the Committee on Appropriations.

By Mr. DOGGETT:

H.R. 1913. A bill to require reauthorizations of budget authority for Government programs at least every 10 years, to provide for review of Government programs at least every 10 years, and for other purposes; to the Committee on Rules, and in addition to the Committees on the Budget, 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. ENGLISH of Pennsylvania (for himself, Mr. RAMSTAD, Mr. CAMP, Mr. SOLOMON, Mr. WELDON of Florida, Mr. SENSENBRENNER, and Mr. BACHUS):

H.R. 1914. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated; to the Committee on Ways and Means, and in addition to the Committee on the Budget, 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. FRANK of Massachusetts:

H.R. 1915. A bill to amend title 10, United States Code, to provide that consensual sexual activity between adults shall not be a violation of the Uniform Code of Military Justice; to the Committee on National Security.

By Mr. GEKAS:

H.R. 1916. A bill to prevent Government shutdowns; to the Committee on Appropriations.

By Mr. GIBBONS:

H.R. 1917. A bill to amend the Federal Land Policy and Management Act of 1976 to transfer to State governments the authority of the Bureau of Land Management to require bonds or other financial guarantees for the reclamation of hardrock mineral operations; to the Committee on Resources.

H.R. 1918. A bill to validate conveyances of certain lands in the State of Nevada that form part of the right-of-way granted by the United States to the Central Pacific Railway Company; to the Committee on Resources.

By Mr. HOLDEN:

H.R. 1919. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1920. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1921. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1922. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1923. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1924. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1925. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1926. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1927. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1928. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1929. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1930. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1931. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1932. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1933. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1934. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1935. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1936. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1937. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1938. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

By Ms. MOLINARI:

H.R. 1939. A bill to modernize and improve Federal railroad infrastructure financing programs, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. NUSSLE:

H.R. 1940. A bill to suspend temporarily the duty on the chemical P-nitrobenzoic; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 1941. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself, Mr. GILMAN, Mr. SMITH of New Jersey, Mr. GALLEGLY, and Mr. MANZULLO):

H.R. 1942. A bill to provide authority to control exports, and for other purposes; to the Committee on International Relations.

By Mr. SKEEN:

H.R. 1943. A bill to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District; to the Committee on Resources.

By Mr. SMITH of Oregon:

H.R. 1944. A bill to provide for a land exchange involving the Warner Canyon Ski Area and other land in the State of Oregon; to the Committee on Resources.

By Mr. SPENCE (for himself, Mr. SPRATT, and Mr. GRAHAM):

H.R. 1945. A bill to amend the Harmonized Tariff Schedule of the United States to suspend temporarily the duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 1946. A bill to amend the Worker Adjustment and Retraining Notification Act to require an employer which is terminating its business to offer its employees an employee stock ownership plan; to the Committee on Education and the Workforce.

By Mr. WALSH:

H.R. 1947. A bill to amend the Harmonized Tariff Schedule of the United States with respect to shadow mask steel; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 1948. A bill to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes; to the Committee on Resources.

By Mrs. CHENOWETH:

H.J. Res. 83. Joint resolution proposing an amendment to the Constitution of the United States, relating to the legal effect of certain treaties and other international agreements; to the Committee on the Judiciary.

By Mr. SOLOMON:

H. Res. 167. Resolution providing special investigative authorities for the Committee on Government Reform and Oversight; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

132. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to Resolutions memorializing the President and the Congress of the United States to negotiate an international ban on antipersonnel land mines; to the Committee on International Relations.

133. Also, a memorial of the House of Representatives of the State of New Hampshire, relative to House Joint Resolution 7 urging the United States Congress and the Veterans Administration to maintain adequate health care services for New Hampshire veterans; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. YATES introduced a bill (H.R. 1949) for the relief of Nuratu Olarewaju Abeke Kadiri; 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. QUINN.

H.R. 27: Mr. HILL.

H.R. 66: Mr. ROTHMAN and Mr. LUCAS of Oklahoma.

H.R. 96: Mr. QUINN and Mr. HOUGHTON.

H.R. 135: Mr. EDWARDS.

H.R. 145: Ms. MILLENDER-MCDONALD, Mr. MILLER of California, and Mr. BAESLER.

H.R. 165: Mr. MALONEY of Connecticut and Mr. RUSH.

H.R. 282: Mrs. MCCARTHY of New York, Mr. PAXON, and Mr. HOUGHTON.

H.R. 298: Mr. DELLUMS.

H.R. 305: Ms. PRYCE of Ohio.

H.R. 306: Mr. DOOLEY of California, Mr. FLAKE, and Ms. KILPATRICK.

H.R. 332: Mr. GOSS.

H.R. 335: Mr. GIBBONS.

H.R. 339: Mr. DOOLITTLE.

H.R. 367: Mr. VISCLOSKY.

H.R. 431: Ms. ROYBAL-ALLARD.

H.R. 450: Ms. SLAUGHTER and Mr. SCHIFF.

H.R. 556: Ms. MCKINNEY.

H.R. 598: Mr. GIBBONS.

H.R. 630: Mr. STARK.

H.R. 631: Mrs. MYRICK and Mr. JONES.

H.R. 676: Mr. ROTHMAN.

H.R. 681: Mr. CAMPBELL, Mr. ROYCE, Mr. HUNTER, and Mr. HERGER.

H.R. 746: Mr. DUNCAN, Mr. PETRI, Mr. BROWN of California, and Mr. TAYLOR of North Carolina.

H.R. 754: Mr. SNYDER.

H.R. 759: Mr. STUPAK.

H.R. 893: Mr. HILLIARD.

H.R. 894: Mrs. LOWEY.

H.R. 902: Mr. MILLER of Florida and Mr. COBLE.

H.R. 920: Mr. FLAKE, Mr. ALLEN, AND MR. DEUTSCH.

H.R. 953: Mr. FALEOMAVAEGA, Mr. GUTIERREZ, Ms. KILPATRICK, and Mr. RUSH.

H.R. 992: Mr. NETHERCUTT, Mr. COMBEST, Ms. GRANGER, and Mr. SENSENBRENNER.

H.R. 1002: Mr. RUSH, Mr. BECERRA, and Mr. DEUTSCH.

H.R. 1029: Mr. ETHERIDGE, Mr. HALL of Ohio, Mr. HASTINGS of Florida, Ms. JACKSON-

LEE, Mr. HILLIARD, Mr. CLAY, Mr. SCOTT, Mr. CONDIT, Mr. DAVIS of Illinois, Mr. SERRANO, Ms. CARSON, and Mr. DELLUMS.

H.R. 1038: Ms. NORTON and Ms. SANCHEZ.

H.R. 1054: Mr. LEVIN, Mr. DELAHUNT, and Mr. SHIMKUS.

H.R. 1061: Mr. RAHALL.

H.R. 1114: Mr. PAYNE, Mr. RODRIGUEZ, Mr. HILL, Mr. WISE, Ms. STABENOW, Mrs. LOWEY, Mr. PETERSON of Minnesota, and Mr. CRAMER.

H.R. 1126: Mrs. MINK of Hawaii.

H.R. 1146: Mr. SESSIONS.

H.R. 1147: Mr. DOOLITTLE, Mr. BRYANT, Mr. HILL, and Mr. BOUCHER.

H.R. 1165: Mr. WATT of North Carolina.

H.R. 1169: Mr. MANTON, Mr. PAUL, Mr. CAMP, and Mr. SESSIONS.

H.R. 1206: Mr. SISISKY.

H.R. 1241: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CAPPS, and Mr. MCKEON.

H.R. 1260: Mr. CONYERS and Mr. RODRIGUEZ.

H.R. 1283: Mr. CUNNINGHAM, Mrs. ROUKEMA, and Mr. LINDER.

H.R. 1338: Mr. SCARBOROUGH.

H.R. 1375: Mr. CAPPS, Mr. SESSIONS, and Mr. CRAMER.

H.R. 1387: Mr. HUTCHINSON, Mr. PACKARD, Mr. COX of California, Mr. COYNE, Mr. CUMMINGS, Mr. HOYER, Mr. BERMAN, Mr. LAFALCE, Mr. GOODLING, and Ms. CARSON.

H.R. 1390: Mr. FILNER and Mrs. LOWEY.

H.R. 1425: Ms. DELAURO.

H.R. 1450: Ms. CHRISTIAN-GREEN.

H.R. 1462: Mr. SISISKY.

H.R. 1480: Mr. FALEOMAVAEGA, Mr. DAVIS of Illinois, and Ms. KILPATRICK.

H.R. 1491: Mr. MARTINEZ, Mr. RUSH, and Mr. ENGEL.

H.R. 1500: Mr. ROTHMAN.

H.R. 1519: Mr. LANTOS, Mr. HASTINGS of Florida, and Ms. LOFGREN.

H.R. 1521: Mr. CALVERT, Mr. EVANS, Mr. SHERMAN, Mr. SOLOMON, Mr. HUTCHINSON, Mr. BUNNING of Kentucky, and Mr. KIM.

H.R. 1531: Ms. LOFGREN, Mr. ABERCROMBIE, Mr. GREEN, and Mr. MALONEY of Connecticut.

H.R. 1560: Mr. HORN, Ms. MCCARTHY of Missouri, and Mr. BOB SCHAFFER.

H.R. 1571: Ms. ROYBAL-ALLARD and Mrs. MINK of Hawaii.

H.R. 1573: Mr. MILLER of California, Mr. DAVIS of Illinois, Ms. CARSON, Mr. PAYNE, and Mr. KLECZKA.

H.R. 1583: Mrs. LOWEY, Mr. DEUTSCH, Mr. DOOLEY of California, and Mr. JOHNSON of Wisconsin.

H.R. 1591: Mr. SENSENBRENNER.

H.R. 1592: Mr. ADAM SMITH of Washington.

H.R. 1596: Mr. BROWN of California and Mr. HOYER.

H.R. 1673: Mr. DEUTSCH.

H.R. 1689: Mrs. MYRICK.

H.R. 1716: Mr. DAVIS of Illinois, Ms. DELAURO, and Mr. STARK.

H.R. 1732: Mr. DEFAZIO, Mr. FALEOMAVAEGA, and Mr. VENTO.

H.R. 1788: Ms. MILLENDER-MCDONALD, Mr. PAYNE, and Ms. VELÁZQUEZ.

H.R. 1824: Mr. KLECZKA, Ms. FURSE, Mr. DAVIS of Illinois, and Ms. CHRISTIAN-GREEN.

H.J. Res. 55: Mr. SOUDER.

H. Con. Res. 37: Mr. PETERSON of Minnesota.

H. Con. Res. 55: Ms. WOOLSEY and Mr. BONO.

H. Con. Res. 65: Mr. CAPPS, Mr. MILLER of California, and Mr. LAFALCE.

H. Con. Res. 80: Mr. BOEHLERT, Mr. LATHAM, Mrs. MALONEY of New York, Mr. CLAY, Mr. HUNTER, Ms. MOLINARI, and Mr. HOLDEN.

H. Con. Res. 83: Mr. TRAFICANT, Mr. CRAMER, and Mr. PASCRELL.

H. Con. Res. 89: Mr. UNDERWOOD.

H. Con. Res. 96: Mr. LAZIO of New York, Ms. CARSON, Mr. DEFAZIO, Mr. CLAY, and Ms. JACKSON-LEE.

H. Res. 144: Mr. HORN, Ms. MCCARTHY of Missouri, and Mr. BOB SCHAFFER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1119

OFFERED BY MR. KLUG

AMENDMENT NO. 1: At the end of title III (page 109, after line 21), insert the following new section:

SEC. 379. TERMINATION OF NAVY'S EXTREMELY LOW FREQUENCY COMMUNICATIONS SYSTEM.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall terminate all operations of the communications system of the Navy known as the Extremely Low Frequency (ELF) system.

H.R. 1119

OFFERED BY MR. ROEMER

AMENDMENT NO. 2: At the end of title I (page 23, before line 7), insert the following new section:

SEC. . INCREASE IN AMOUNT FOR HIGH-MOBILITY MULTIPURPOSE WHEELED VEHICLES.

(a) INCREASE IN AMOUNT FOR HMMWV PROCUREMENT.—The amount provided in section 101(5) is hereby increased by $51,300,000, to be available for procurement of High-Mobility Multipurpose Wheeled Vehicles.

(b) OFFSET FROM AMOUNTS FOR B–2 PROGRAM.—The amount provided in section 103(1) is hereby reduced by $51,300,000, to be derived from amounts for the B–2 aircraft program.

SENATE—*Tuesday, June 17, 1997*

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

PRAYER

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

Gracious God, we begin this day with three liberating convictions: You are on our side, You are by our side, and You are the source of strength inside. Help us to regain the confidence that comes from knowing that You are for us and not against us.

We continue to remain awed by the knowledge that You have created us to know and love You and have called us to serve You wherever You lead us. You have programmed us for greatness by Your power, so help us to place our trust in You and live fully for You.

We thank You that You are with us, seeking to help us know and do Your will. Guide us today in all that we face. We invite You to take up residence in our minds so that we may see things from Your perspective. And grant us the courage to give You our all. May Your justice, righteousness, integrity, honesty, and truth be the identifiable qualities of our character.

Lord, we commit all that we have and are to glorifying You with all that we do today. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. ENZI. Mr. President, for the information of all Senators, the Senate will be in a period of morning business until 10:30 a.m. today. Following morning business, the Senate will resume consideration of S. 903, the State Department reauthorization bill. By previous consent, there will be two stacked rollcall votes beginning at 12 noon. The first vote will be on the DeWine amendment dealing with Haiti, followed by a vote on the Lugar amendment regarding U.N. funding. Also by consent, following the stacked votes, the Senate will recess until 2:15 p.m. for the weekly policy luncheons.

When the Senate reconvenes at 2:15 p.m., the Senate will resume the State Department authorization bill and hopefully complete action on the bill at a reasonable hour this evening.

In addition, this week the Senate may begin consideration of the defense authorization bill following disposition of S. 903. I thank my colleagues for their attention.

Mr. LEAHY addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Vermont is recognized.

COMPLIMENTING THE PRESIDENT PRO TEMPORE

Mr. LEAHY. Mr. President, I might note for my colleagues, the distinguished President pro tempore, the senior Senator from South Carolina, has set a remarkable example. In my 23 years here in the Senate, I think I have seen him as President pro tempore opening the Senate more times than I have seen anybody else. I note that this happens whether we have been in session half the night and coming in early in the morning, or whenever it is. I compliment my good friend from South Carolina. I am glad, however, to see that he does not carry the baseball bat here that was presented to him by the distinguished senior Senator from Utah and myself at the Judiciary Committee meeting last week.

Mr. President, what is the parliamentary situation?

MORNING BUSINESS

The PRESIDING OFFICER (Mr. ENZI). We are under a period of morning business until the hour of 10:30 a.m. Then we will be considering S. 903.

Before the Senator begins, the time for morning business is divided and under the control of the Senator from Nebraska [Mr. HAGEL] and the Senator from Vermont [Mr. LEAHY].

The Senator from Vermont is recognized.

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Lesley Carson, a fellow with the Foreign Ops Subcommittee, be given privileges of the floor.

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

BANNING ANTIPERSONNEL LANDMINES

Mr. LEAHY. Mr. President, I will speak very briefly because I see the distinguished Senator from Nebraska [Mr. HAGEL], on the floor. But I will reserve such time as I may need.

Mr. President, the Leahy-Hagel bill on antipersonnel landmines is the result of years of work. I commend the Senator from Nebraska for his efforts in this. We have talked about the need to have a ban on these weapons, a need that is felt throughout the world, both by countries that have used landmines, such as ours, and also by countries that have been devastated by what has become a plague of landmines. As I have said on the floor many times, this human disaster was described to me by a Cambodian I had in my office on a snowy winter afternoon at Christmastime in Vermont—one of the most beautiful times of year in our State—and it became far less beautiful as he said, "We clear our landmines in Cambodia an arm and a leg at a time."

Fifty-seven Senators—Democrats, Republicans, conservatives, men and women alike—joined together last Thursday to introduce legislation to ban new deployments of antipersonnel landmines beginning in the year 2000. Our purpose is to enable the United States to join other nations around the world that have already shown both the moral and strategic courage and leadership by saying that they will ban unilaterally ban antipersonnel landmines. Senators like BOB KERREY and JOHN MCCAIN, CHUCK ROBB, and MAX CLELAND, decorated Vietnam veterans, along with Senator HAGEL, know far better than I what landmines have inflicted on our own soldiers. Senator HAGEL has even been injured by them.

All of us know that landmines have some marginal value, but so do chemical weapons. But we banned them. The problem with landmines is that wars end, peace treaties are signed, armies march away, the guns grow silent—but the landmines stay. To the child who steps on a mine on the way to school a year after the peace agreement is signed, that peace agreement is no protection. To the farmer who cannot raise crops to feed his or her children because the fields are strewn with landmines, that peace agreement is worth nothing. To the medical personnel and humanitarian workers who cannot get polio vaccine to a village where it is needed because of the landmines, that peace agreement is useless.

What we have, Mr. President, is a weapon that has grown so grotesque, the use of which has gotten so out of balance that most responsible nations are uniting in one voice to say: Stop the horror of landmines. There are 100 million of them in the ground in some 68 countries that are waiting for a person to step on them and die, innocent civilians. There were over 64,000 American casualties from landmines in Vietnam. If that is not appalling enough,

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

the majority of those landmines were built here in the United States and were killing American men and women half way around the world. In Bosnia, 279 U.N. and NATO soldiers have been injured or killed by landmines. Every American casualty in Bosnia from enemy causes has been from a landmine. Then you have thousands of innocent civilians that have lost arms, legs and so on.

Sixty-eight countries have a bridge to the 21st century, Mr. President, but that bridge is strewn with landmines. The United States has the responsibility, as a moral leader, to help stop that. Great Britain, Canada, Germany, South Africa are all countries that can claim a greater need for landmines than we can because they do not have the power of the United States. They have unilaterally renounced the use of these landmines and are destroying stockpiles. But a White House official, who apparently has an extreme case of myopia—and I say that only because in polite dialog we would not say he has an extreme case of stupidity—had the audacity to say that our legislation undermines their negotiations on a global ban rather than a unilateral measure.

Frankly, I don't think that he reflects the views of the President. I have to tell you that this is the most asinine comment issued by the administration yet on this issue. Why does the White House think a treaty banning these weapons is going to be signed in Ottawa this December? Countries are coming together to sign a treaty banning antipersonnel mines in Ottawa, not because of the United States or because of this administration's negotiating strategy; to the contrary, they are signing it in spite of the United States. While the United States has sat on the sidelines and forsaken the kind of moral leadership we can bring, dozens of other countries have taken strong, unilateral action by renouncing the use of these weapons and are pledging to sign a treaty in December. We showed great moral leadership on the Chemical Weapons Convention and on the Nuclear Test Ban Treaty. But, Mr. President, far, far more civilians have died or have been injured by landmines than nuclear weapons or chemical weapons. Every Member of this Senate who is a combat veteran from Vietnam is a cosponsor of this bill.

I have more to say, but the distinguished Senator from Nebraska, my chief cosponsor, is on the floor. I yield the floor to Senator HAGEL.

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

Mr. HAGEL. Thank you, Mr. President.

Mr. President, first, I want to commend my distinguished colleague from Vermont for his leadership over the years. This has been an issue that has been worked with some difficulty with a certain intenseness to develop, first of all, an awareness of the problem.

This is an issue that, like all difficult issues, should always come with a certain amount of information. And through the process over the years, Senator LEAHY; my friend and colleague from Nebraska, Senator KERREY; and others, have been remarkable in their tenacity and their effort to focus on this issue of landmines. Today, I continue with my friend from Vermont; my distinguished senior Senator, BOB KERREY; and others in our efforts to ban antipersonnel landmines. The legislation that we are introducing this morning would permanently ban new deployments of antipersonnel landmines.

Now, my colleague talked a little bit about why it is important. But I think there are a couple of primary reasons, Mr. President, that we owe this country the world leadership on this issue. First, America has always taken the moral high ground over its brief 200-year history. There is some debate and argument about the military necessity, the military use, the viability of landmines. But as we enter a new century, a bold new century full of hope and promise, in my opinion—and I have some experience in this business—I do not really believe, nor do many former commanders and present commanders believe, that to continue to use antipersonnel landmines in our arsenal is in the best interest of anyone.

So I take up this debate as a conservative Senator from Nebraska, a combat veteran. There is no U.S. Senator in this body who supports more strongly the U.S. military, what we must do to always arm our military, never taking away the capabilities of our military. So I come at this as a very strong advocate of our national defense forces and the awesome responsibility our military has to protect our people and freedom worldwide.

However, I believe the issue here regarding the banning of antipersonnel landmines is no longer the argument of whether we should or shouldn't. The issue now is when and how. I believe the time is now. The time is now for this country and for this body to provide leadership, as so many other nations around the world are providing leadership on this issue.

We can change the face of warfare. We must not make the mistake in believing that this act alone will do away with landmines. It is a beginning. We must understand and face the fact that there are over 110 million landmines in the ground today all over the world. This act today will not dig those 110 million mines up. But it is a beginning. It is a moral beginning. It is a beginning that sends a message to the world that we are a moral nation, that we will defend freedom as we always have, and that we will defend the rights of individuals, but we do not need indiscriminate killing machines like antipersonnel mines in order to defend those liberties.

Mr. President, there are colleagues other than Senator LEAHY and I on the floor, and I wish to ensure that they have time to express themselves on this issue.

With that, I will summarize by saying that those of us in Congress—especially those of us who have served in combat—have a responsibility to those Americans who now serve in our military to give our best judgment on all weapons systems, including landmines, to the future. We owe no less to the countless thousands of civilians, including many men and women who will yet suffer from the indiscriminate use of these weapons.

It is significant, as I see my friend and colleague, Senator BOB KERREY, the recipient of the Congressional Medal of Honor, walk around on the floor of the Senate, that my other five Vietnam combat veterans have joined Senator LEAHY and I in cosponsoring this important initiative. It is time for America to lead.

Mr. President, thank you. I yield my time to Senator LEAHY.

Several Senators addressed the Chair.

Mr. BENNETT. Mr. President, could I have 5 minutes from either side to both speak to this issue and raise one other related issue?

Mr. LEAHY. I am perfectly willing to, and I want to yield to the Senator from Utah for that. We were sort of flipping side to side, if that will be OK.

Mr. BENNETT. Absolutely. I appreciate the courtesy of the Senator.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Thank you, Mr. President. I thank the senior Senator from Vermont and my colleague from Nebraska, Senator HAGEL.

Mr. President, I rise today to join with my colleagues Senator LEAHY and Senator HAGEL to express my strong support for a worldwide ban on the use of land mines. Senator LEAHY's bill, of which I am an original cosponsor, is an important step in this effort in that it will restrict the use of funds for new deployments of U.S. anti-personnel land mines beginning no later than January 1, 2000.

One only has to look at the statistics to realize that these weapons carry a legacy that lasts far longer than the wars in which they were laid. More than 26,000 people will be killed in the world this year by landmines; the vast majority of these deaths will be civilians. In fact, every 22 minutes a man, woman, or child is killed or injured by a land mine. It is impossible to truly calculate the cost of 26,000 deaths due to land mines in a single year.

Mr. President, I believe that there can be no better example of the destructive nature of these weapons than

Cambodia. It is estimated that over 10 million land mines remain in that country. After years of conflict and chaos, the people of Cambodia must still fear to walk along footpaths or rice paddies; or to allow their children to play along riverbeds or around villages. Mr. President, they have reason to be afraid; current statistics show that 1 Cambodian in every 236 has lost an eye or a limb to a land mine.

Again, these are noncombatants, civilian individuals that are suffering as a consequence of the indiscriminate placing of these dangerous weapons.

My interest in this issue also extends to not only protecting civilians but protecting our own military forces.

The truth is, far too often the victims of these mines are the men and women who serve in the U.S. Armed Forces. The Department of Defense has estimated that 33 percent of United States Army casualties in Vietnam were caused by land mines. It is further estimated that 90 percent of those mines contained components made in the United States.

Today in Bosnia, the greatest threat to U.S. troops involved in the SFOR mission is not from hostile fire, but from the millions of land mines that were indiscriminately laid during the years of fighting in that country. Mr. President, not only do I believe that we can continue to protect our national security without these weapons, I believe that ridding the world of land mines would be a significant step toward our providing greater protection to our forces stationed abroad.

I want to thank Senator LEAHY for his continued leadership in this area, because I believe the bill that we have sponsored is an important first step. However, it is also important for the United States now to take the lead on a global scale. While I applaud President Clinton's support for the eventual elimination of antipersonnel land mines, I would urge him to join our closest allies around the world by supporting the so-called Ottawa process which seeks to negotiate a treaty to ban land mines to be completed no later than December 1997. I firmly believe that a treaty negotiated with U.S. leadership, and which would include many countries where land mines have been used with devastating results, would help to create the moral authority to establish a global norm that would make these weapons unacceptable forever.

Again Mr. President, I believe now is the time for the U.S. exercise its leadership role in the world to stop the use of these devastating weapons.

I thank the Senator from Vermont and the Senator from Nebraska for their leadership on this issue. I hope that the President will change and begin to see the wisdom of adopting the Ottawa process.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I yield to the Senator from Utah.

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

Mr. BENNETT. Mr. President, I congratulate the Senator from Nebraska and the Senator from Vermont for their leadership on this issue.

I ask unanimous consent that I be added to the bill as an original cosponsor.

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

Mr. BENNETT. Mr. President, I thank the Chair and I thank the two Senators.

CHINESE COMPANIES EXPORTING DANGEROUS WEAPON

Mr. BENNETT. Mr. President, if I may, Mr. President, I would like to take just a few minutes on a related but different subject. We have been talking about blowing people up here this morning with landmines. I would not intrude on that debate with another issue, except that it is hot off the press this morning.

Secretary Cohen has revealed that Chinese military companies have exported a dangerous new weapon to Iran. I have discussed this weapon on the floor before. But this is a dangerous new development, and I would like to call the attention of Senators to what Secretary Cohen has revealed this morning.

We have here a drawing of the C–802 antishipping cruise missile that is designed by the Chinese on the basis of the Exocet missile. Here is a picture of the U.S.S. *Stark* that was struck by an Exocet missile 10 years ago, in which 37 American sailors were killed. The *Stark* was out of commission for a full year. Ten years later, the C–802 is considered to be a more lethal weapon than the one that struck the *Stark*.

Here is a picture of a Chinese freighter, on the fantail of which they have loaded five missile boats which are being sent to Iran, each one of them with missile launchers, and four tubes that can be used against American shipping in the gulf. I have shown this picture to the Senate before. I have also shown this next picture to the Senate, a land-based C–802 which has been exported to Iran by Chinese companies.

This morning Secretary Cohen told us that Chinese companies have added a final dimension to their export. We have a picture from the Chinese sales brochure of a helicopter equipped with the C–802, and the Chinese sales brochure says: "Air to Ship. The air-launched C–802, named C–801K, can be adapted to aircraft such as attackers and helicopters." This picture out of the sales brochure shows this missile as it has been exported to Iran.

Mr. President, there is a law against this kind of thing. It is called the Gore-McCain Act. Secretary Cohen now says that because of the actions of Chinese companies, Iranian forces can threaten American servicemen and women literally from 360 degrees—land, water, and now air.

I intend to offer an amendment to the underlying legislation that we will take up in just a few moments calling upon the administration to enforce the Gore-McCain Act against those Chinese companies that are exporting this technology to Iran in violation of American law. The Secretary of State has already invoked the other sanctions laws by bringing sanctions against Chinese companies that have exported poison gas to Iran. I want to, here, now, apply that same principle to the exportation of these missiles.

Again, Mr. President, I would not intrude on this debate on landmines with this information if it had not just come up this morning with Secretary Cohen's announcement that this export has taken place and that the dangerous new weapon is now has a dangerous new dimension in Iran.

Mr. President, I ask unanimous consent to have printed in the RECORD various press releases on this subject.

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

[From the Associated Press, June 1997]

COHEN SAYS IRAN TESTING MISSILE

(By Robert Burns)

MANAMA, BAHRAIN.—Iran's air force has conducted its first test launches of a newly acquired anti-ship cruise missile, Defense Secretary William Cohen disclosed today in arguing that Iran is a threat to world commerce.

The United States is concerned about Iran's increasingly sophisticated military clout, particularly its arsenal of cruise missiles, Cohen said at a news conference. Because they fly low, cruise missiles are difficult to detect on radar.

"Iran's words and actions suggest that it wants to be able to intimidate its neighbors and to interrupt commerce in the (Persian) Gulf," Cohen said. "The United States will not allow this to happen."

The U.S. allies in the Gulf are urging a more accommodating approach to Iran, despite U.S. misgivings. At each stop on his five-nation Gulf tour, Cohen has stressed what he calls Iran's threatening behavior and today said he had found the Gulf states "solidly united" with the United States.

Iran has had shore-based cruise missiles for more than a decade and last year acquired its first ship-launched version, a Chinese-made missile called C–802. Now it has begun testing a version that is fired from aircraft, Cohen said.

A senior U.S. military officer who elaborated on Cohen's disclosure on condition of not being identified by name told reporters that Iran conducted an initial test of the air-launched version on June 3 and a second test three days later. The cruise missiles, called C–801K, were launched from F–4 fighters, the officer said. He declined to predict when they would be fully operational.

"You have a 360-degree threat," the officer said, referring to the combination of Iranian cruise missiles that could be fired from land, sea or air.

Sophisticated radar aboard U.S. ships in the Gulf are capable of detecting, identifying and tracking any cruise missiles in Iran's arsenal, the officer said.

At his news conference, Cohen said the air-launched cruise missile "complicates somewhat" the military operations of U.S. forces in the Gulf, "but not to the extent that it can't be overcome."

Bahrain and other U.S. allies in the Gulf have not made a public issue of Iran's cruise missiles, but have long been fearful of Iran's overall military strength.

Another senior American military officer, speaking Monday on condition he not be further identified, said the moderate Gulf countries are more optimistic than the Clinton administration that the election in May of a more moderate Iranian leader offers a chance to improve relations.

Cohen, on the other hand, has said the Clinton administration will not ease its stance against Iran until Iran ends its support for terrorism, gives up trying to develop nuclear weapons and stops trying to undermine the Middle East peace process. Iran denies such conduct.

After his news conference in Manama, Cohen flew today to Abu Dhabi in the United Arab Emirates to meet with government officials. He was winding up the day in Muscat, Oman, the last stop on his Gulf tour.

At a news conference Monday morning in Kuwait City, Cohen said it was too early to judge whether new Iranian President Mohammad Khatami would bring demonstrable change. The United States refuses to trade with Iran and has no diplomatic ties.

"We would look favorably, obviously, upon changes that are real, not simply paper promises," Cohen said, adding that he remains to be convinced Iran will change. "Iran continues to pose a threat to the whole region," he said.

In Manama, in an unrelenting heat that topped 110 degrees, Cohen strolled down a pier where three U.S. Navy ships and a U.S. attack submarine were tied up. He chatted with sailors and commanders and saw how a new remote-controlled surveillance craft skims around the pier, scanning the surface for potential security threats.

Aboard the USS Fitzgerald, a guided-missile destroyer home-ported at San Diego and on its first-ever deployment, Cohen heard the ship's commander explain current operations—including Iraq embargo enforcement—by the 26 U.S. ships in the area.

Cmdr. Charles Martoglio, the Fitzgerald's commanding officer, told Cohen that the aircraft carrier USS Constellation was operating in the northern Gulf near Iran's territorial waters. He said Iranian land-based cruise missiles could reach the Constellation in less than 10 minutes.

[From the United Press International U.S. & World, June 17, 1997]

IRAN TESTS AIR-LAUNCHED CRUISE MISSILE

(By Eric Nordwall)

MANAMA.—Iran has successfully tested an air-launched cruise missile, a development that officials say marks a dramatic upgrade in its threat to American warships controlling the Persian Gulf.

U.S. Defense Secretary William Cohen made today's surprise announcement at a news conference in Bahrain, where he was visiting as part of a goodwill tour of Gulf states. Later, a senior military official told reporters aboard Cohen's Air Force jet that the tests mean American warships will now have much less warning of an Iranian attack. The military official said U.S. ships now have seconds, instead of minutes, to respond to missile attacks.

The official, speaking on background, said Iran tested a dummy missile on June 3 and a live weapon on June 6. He would not detail what kind of warhead was used when an aging F-4 jet fired on a barge in the Gulf, saving only that it was "a significant missile."

He said the Chinese-made weapons have a range of greater than 20 miles, bolstering Iran's claim that it could shut down, or significantly limit, sea traffic in the strategically critical Persian Gulf.

Some 50 percent of the world's oil supply passes through Gulf waters every year.

In his toughest talk against Iran thus far on his tour of Gulf nations, Cohen told a news conference, "Iran's words and actions suggest that it wants to intimidate its neighbors and commerce in the Gulf." But he said he had been briefed by Navy officials and, "we are convinced and we have no doubt that we have the capability to defeat any weapons system that the Iranians might possess."

With the successful test of the C801K missile Iran now has the ability to fire from the land, sea and air.

[From the COMTEX Newswire, June 17, 1997]

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[From the Reuters World Report, June 17, 1997]

U.S. SAYS NOT HEADED TOWARDS CLASH WITH IRAN

(By Charles Aldinger)

MANAMA.—The United States is not headed towards a clash with Iran unless the Islamic republic starts it, U.S. Defence Secretary William Cohen said on Tuesday during a tour of Washington's Gulf Arab allies.

But he again warned Tehran against any attempt to halt shipping in the oil-rich Gulf.

"The United States will not allow this to happen," he told a news conference in Bahrain, headquarters of the U.S. Fifth Fleet which keeps more than two dozen warships in the Gulf.

"The United States retains overwhelming naval strength in the Gulf and we are fully capable of protecting our ships, our interests and our allies."

Cohen, who previously visited Saudi Arabia and Kuwait, later flew to the United Arab Emirates. Later on Tuesday he was due in Oman before returning to Washington on Wednesday.

"What we have tried to do is to indicate to all of our allies that we are here to provide security against that kind of aggression that might be directed towards them," he said.

The United States accuses Iran of sponsoring state "terrorism" and has expressed mounting concern since the 1991 Gulf War about what it describes as Iran's growing military capability and its aims in the region.

Iran opposes the U.S. military presence in the Gulf and says Washington falsely accuses Tehran of threatening regional security in order to scare its Gulf Arab allies into buying more American weapons.

Cohen said Iran "continues to support terrorism in addition to developing weapons of mass destruction, improving missiles that can strike neighboring nations and boosting the facility to close the Strait of Hormuz."

He said Iran this month successfully tested a new air-launched anti-ship cruise missile obtained from China.

U.S. defence officials said afterwards that Iran's air force on June 3 and 6 successfully fired two C-801K anti-ship missiles, one with a live warhead, from an aging U.S.-built F-4 Phantom jet and both test missiles struck barge targets.

"Iran's words and actions suggest it wants to be able to intimidate its neighbours and to interrupt commerce in the Gulf," Cohen said.

But he said the U.S. military was confident that sophisticated American warships in a force of 26 vessels now in the Gulf could shoot down such missiles.

"We seek to deter any action by either Iraq and Iran. If there is going to be any clash it will have to be precipitated by actions on the part of Iranians.

"Our policy is not to clash with Iran, but rather to discourage and deter any action on their part that would seek to destabilise the region."

In earlier stops Cohen said the United States would not give up its hardline policy to isolate Iran despite the recent election of a moderate cleric as president, unless Tehran stopped supporting international "terrorism," trying to develop chemical and biological weapons, and trying to wreck the Middle East peace process.

Some Gulf Arab leaders have urged the United States to open a dialogue with Iran following Mohammad Khatami's election.

Cohen also said at the news conference that Washington believed Iraqi President Saddam Hussein continued to pose a threat to stability in the region—specifically to Kuwait, where Iraq's 1990 invasion sparked the 1991 Gulf War, and potentially to Saudi Arabia.

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

The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to retain the floor until such time as the Foreign Relations Committee Members are on the floor and prepared to go forward, again with the assurance that I will yield the floor to them later.

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

Mr. LEAHY. Mr. President, I yield to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. REED. Thank you, Mr. President. I thank the Senator from Vermont and my friend and colleague from Nebraska for their leadership on this very important issue.

Mr. President, I am here to support, as an original cosponsor, the Leahy-Hagel landmine legislation, which would ban deployment of landmines after January 1 of the year 2000. The fact that this legislation has already acquired 56 cosponsors in the Senate is testimony to the compelling force of their logic and their argument. We should, in fact, ban landmines across the world, and we should begin with this legislation.

Antipersonnel landmines have always been one of the greatest dangers facing our troops—one of the most horrific weapons on the battlefield. Indeed, the only United States casualty we have sustained in operations in Bosnia was an individual who was killed by a landmine.

These landmines are scattered across the world. One hundred ten million active landmines are hidden in as many as 64 countries. And while 100,000 landmines a year are identified, deactivated and removed, another 2 million to 5 million are planted. These landmines claim about 2,000 victims a month. These are civilians. These are children. These are women. These are individuals who are not combatants but are simply at the wrong place at the wrong time.

In the military, there is a quite strict regime for using landmines: Mapping them out, putting them in place, having the records so that, at the conclusion of hostilities, they can be identified, deactivated, and removed. But what has happened is that these landmines are now being used by renegade bands, by militias, by paramilitary units, and they are literally being scattered about those countries indiscriminately.

I was in the former Yugoslavia and Bosnia a few months ago visiting our troops and visiting Russians who are participating with us. Literally within a few yards of the camp of these Russian soldiers is an area into which they cannot enter because it is strewn with landmines. They are unidentified, unable to be removed. This is just one example of the dangers that lurk because of the proliferation of landmines throughout this world.

I hope that we will move aggressively to pass this legislation. It will be a testament, I think, to those individuals who are sponsoring it. But also it will help highlight other initiatives that need to be on the table. For example, in October 1996, Canada announced the goal of completing a treaty totally banning the use, production, and stockpiling of landmines by the year 2000. In addition to that effort, two months later the United Nations General Assembly, at the urging of the United States, passed a resolution by a unanimous vote, to vigorously pursue a treaty banning the use, stockpiling, production and transfer of antipersonnel landmines. These treaty negotiations will receive, I think, tremendous impetus from the actions we take on this floor.

I hope this bill will be passed quickly into law. I hope we can essentially begin here today to outlaw the use of landmines for the protection, not only of our own forces, but for the hundreds of thousands of innocent civilians throughout the world who are, each day, subject to the dangers of landmines. This will make the world safer. It will not harm our military security. And it will give us, I think, a goal and the momentum to move forward toward a more comprehensive landmine ban.

Again I compliment and commend my colleagues, Senator LEAHY and Senator HAGEL, for their efforts and for their leadership on this important measure.

Mr. LEAHY. Mr. President, I will yield to the Senator from Maine.

But I do want to note, this involves not just the Congress and other governments. Diana, Princess of Wales is in Washington today to support the efforts of the American Red Cross in raising money to aid the victims of landmines. I commend Elizabeth Dole, President of the American Red Cross, and the Princess, for doing that. The Princess has done so much, since she went to Angola and saw the terrible effects of landmines there, to call attention to the plight of the victims and to speak out in support of a global ban. What we all want to do, of course, is do everything possible to make sure that someday there will be no such victims.

I yield to my good friend from Maine.

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

Ms. COLLINS. Mr. President, first let me say that I applaud the leadership and the determination of Senator LEAHY and Senator HAGEL to bring this very important issue of landmine deployment before the Senate. We speak today on behalf of people around the world whose lives are imperiled by deadly explosive devices each day as they till their fields, care for their livestock, or, most tragically of all, walk to school. Antipersonnel landmines have been sown in the Earth in such numbers and spread so broadly and indiscriminately over the planet that they have become a very serious health and safety problem for civilians. According to the International Red Cross, landmines kill or maim someone, often children, every 22 minutes. There are an estimated 100 million mines scattered throughout 68 nations. These weapons of terror inflict injury to little children, to farmers, and to our own service men and women serving the cause of peace far from home. Thus far, in Bosnia, landmines have injured more than 250 soldiers under United Nations or NATO command, and they have killed 29 peacekeepers. In fact, landmines are responsible for every single death of American troops in the Balkans.

I have cosponsored the Leahy-Hagel legislation because it is the right thing to do. Passing this legislation would be an act of moral leadership for this country. Although our attention may be focused on our own American men and women put in harm's way as international peacekeepers, the extent of the global epidemic of injury inflicted by these devices is truly astounding and tragic. Each month, 800 people are killed and 1,200 others are maimed by small mines whose triggers cannot tell the difference between the foot of a child and the foot of a soldier. As a Maine newspaper, the Kennebec Journal, pointed out in an editorial this weekend, the landmine is one of the most insidious and pernicious weapons ever created by man.

Across the globe, especially in Third World countries, landmines placed during long-forgotten conflicts, some as much as a half-century ago, continue to menace civilian populations. Senator LEAHY's bill would draw the line on the deployment of these weapons. This bill will help save the lives and limbs of American peacekeepers as well as of many innocent children in countries around the world.

I yield the remainder of my time.

Mr. LEAHY. Mr. President, I yield to the distinguished senior Senator from Virginia, who also wishes to speak about the Leahy-Hagel bill.

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

Mr. ROBB. Mr. President, I thank the Senator from Vermont and the Senator from Nebraska for sponsoring this legislation. My own experience in combat in Vietnam, having had over 100 of my men wounded and over 20 killed, seeing directly the impact of landmines and booby traps, I know exactly the kind of devastation they can inflict. In my travels around the world where landmines are a principal impediment to farming and other civilian activities in

areas where combat had been previously conducted, I have seen its hideous effects, the maiming of many, many individuals. I am pleased to join Senator LEAHY and Senator HAGEL in this bipartisan effort to eventually eliminate antipersonnel landmines.

This legislation reflects a principled first step on our part to halt the spread of these dangerous weapons. If an international consensus is to be achieved ultimately banning their manufacture and deployment, the United States will have to lead by example and restrict its own activities in this area. During peacetime, most Americans reasonably assume that military weapons are safely stored away. That is not the case, regrettably, with landmines. Many countries, particularly developing countries, continue to actively lay mines with tragic consequences. These devices indiscriminately kill or maim an average of 70 individuals a week, or some 26,000 civilians annually. In Bosnia alone, over 250 soldiers of various countries have been injured by landmines.

Mr. President, two-thirds of the Senate is formally on record supporting a moratorium on our use of landmines. While this does not get to the heart of the issue, in my mind, beginning the process of demining an estimated 100 or more million mines scattered across the world today, and cutting off funds for new deployments, will sharpen the debate on the utility derived from placing landmines, compared to the damage they inflict.

I recognize this is a debate underway for expedited consideration of a comprehensive ban treaty this year through what is known as the Ottawa conference, or embracing the United Nations approach of negotiating a multilateral agreement over a longer period of time. This legislation steers clear of the controversy by formally endorsing neither, but noting each in hortatory language. Moreover, given the belief of some that landmines continue to function as a useful deterrent on the Korean Peninsula, the legislation creates a national security exception for that particular situation.

We have a long way to go before we rid ourselves of these insidious devices. Someday I look forward to considering a permanent and international treaty banning the production, stockpiling, sale, and use of these weapons. For now, the legislation proposed by Senator LEAHY and Senator HAGEL is a modest proposal, eliminating funding for new deployments and, in my judgment, it heads us in the right direction and it has my full support.

With that, I yield the floor. I yield any time I may have.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I yield as much time as necessary to the distinguished Senator from Illinois.

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

Mr. DURBIN. Mr. President, at the outset, let me say this is a serious matter and one in which I heartily concur with Senators LEAHY and HAGEL over the issue before us. In the recorded history of humankind, there were many instances of conflict leading to wars of devastation and great loss. Most people believe those wars come to an end, and with the end of the war there is at least some finality and some peace. Those who have been injured, of course, carry those scars for a lifetime. Those who lost their lives are remembered. Those who served look back with sometimes horror, sometimes fondness, to the experience.

We in the United States think at the end of the great wars, and after the tickertape parades, the finality is finally evidenced by something as significant as a memorial. But what we are speaking of today is a legacy of war that does not end. After the decisions are made, the foreign policy decisions which go awry and lead to a war or a conflict, those decisions end up creating situations which live on forever. In this case, we are dealing with a specific challenge and a specific issue of landmines.

In a visit to Central America about 7 years ago, I went to Costa Rica, to a clinic which was being sustained by contributions from the United States. It was an orthopedic clinic where, primarily children, but adults as well, were brought in to be fitted for orthopedic devices. These are young men, children, young women who walked the streets and the dusty roads in Honduras, El Salvador, and Nicaragua, and innocently stepped on a landmine and lost one of their limbs.

These were not combatants or soldiers, these were ordinary people. The wars were over. Yet, for them, the war continued. Each and every day they faced hostilities, hidden hostilities in these landmines. We rallied, in the United States, as we do so often, to provide medical assistance, as we should.

The decisions of foreign policy that led to those conflicts meant nothing to these people, nothing whatsoever. The important thing is that they had been maimed and had lost a limb because of that war and because of its legacy. Many of us think of someone losing a leg or a foot and, of course, in the United States, assume they will go through rehabilitation, they will be fitted with some type of orthopedic device, and life will go on. But in a developing country, a poor country, that kind of injury can be devastating for a lifetime. People who once had great potential can find themselves at that point relegated to impoverishment, relegated to always being a "cripple." We take for granted that they will receive help, and many times they do not.

There are now 110 million landmines in 64 countries around the world. The conflicts which led to the planting of those landmines may have been long forgotten, but they still sit there, waiting for an innocent civilian or passerby to come through and become a victim. The Leahy-Hagel proposal is a good one, to put an end to this devastation and an end to this legacy of war.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period of morning business is closed.

FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 903. There will be a vote, under the previous order, scheduled for 12 noon. The time between now and then will be equally divided between the Senator from North Carolina, Mr. HELMS, and the Senator from Delaware, Mr. BIDEN, and the Senator from Indiana, Mr. LUGAR.

The clerk will report.

The bill clerk read as follows:

A bill (S. 903) to consolidate the foreign affairs agencies of the United States, to authorize appropriations for the Department of State for the fiscal years 1998 and 1999, and to provide for reform of the United Nations, and for other purposes.

The Senate resumed the consideration of the bill.

Pending:

Lugar amendment No. 382, relating to the payment of United Nations arrearages without conditions.

DeWine/Graham Amendment No. 383, to deny entry to the United States to Haitians who have been credibly alleged to have ordered, carried out, or sought to conceal extrajudicial killings.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that no amendments be in order to either the pending DeWine amendment, No. 383, or the Lugar amendment, No. 382.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 382

Mr. LUGAR. Mr. President, Members who have followed this debate will recall that yesterday afternoon I offered an amendment to the division C of this

bill, that portion dealing with the United Nations. Essentially, the task before the Senate, and before our Government as a whole, is how do we relate the United Nations as an organization we have supported, and one important to our foreign policy. It is an international organization that has been under attack in this country. And, we have not paid our bills.

As I pointed out yesterday, the legislation before us attempts to remedy the situation over a 3-year period of time with 18 pages of very substantial conditions that must be met by the United Nations in order for the United States debt repayment money to flow to that body.

Mr. President, my amendment is very straightforward. It substitutes for the 18 pages of conditions in the bill my amendment which says there are no conditions for our payment and we will, in fact, make the payment of $819 million in two installments in 2-years' time. The $819 million has been a sum the administration and the Foreign Relations Committee has agreed that we owe. In addition, we would be receiving approximately $107 million back from the United Nations for peacekeeping services we have offered.

The two ideas before the Senate are important because this is a turning point of some significance in our foreign policy. In order to understand the amendment today and the bill that it amends, I think it is necessary to go back to square one and ask, why are we in such a predicament? How could the United States fail to pay the United Nations over $1 billion over the course of several years?

I think the answer, quite frankly, is that there has been a pervasive feeling in the U.S. Senate which we, as Senators, thought were reflecting the country's antipathy to the United Nations, antipathy to bureaucracies and organizational inefficiencies. Many Americans have been told, at least in our Senate debates, that the United Nations preys upon the United States and that we are not in control. But, of course, the leadership the United States has exerted to obtain control of that body is certainly suspect.

Mr. President, to set the record straight at the outset, a number of national polls have been taken that reflect a 2-to-1 majority of Americans believing the United Nations is very important and that we ought to pay our bills. The polling data goes for many years, but I found especially instructive a poll that indicated on the question: "Do you believe that U.N. member states should always pay their full dues to the U.N. on schedule, or should a state hold back its dues to pressure other members to agree to changes it believes are needed?", Americans, in a Wirthlin Group poll in 1989 conducted for the United Nations Association, 60% of Americans responded that we should always pay the United Nations, pay other countries, whoever. Only 14 percent said you ought to hold back.

In April 1996 jumping about 7 years ahead, 78 percent of Americans believe that a nation should always pay; 13 percent believe you ought to be able to hold back.

The American public understands what is fair. They understand what a contract is, what our obligations are as a nation.

Furthermore, Mr. President, they understand the work the United Nations does, and by an overwhelming majority, the public believes we should not only stay in the United Nations but, as a matter of fact, in a polling item of a Times Mirror poll, the question was, "Do you agree or disagree with the following statement: The United States should cooperate fully with the United Nations?," 65 percent of Americans agree, 29 percent disagree—well over two-thirds.

I make that point because I believe we have come to this particular pass because public servants believe somehow it is popular to withhold money from the United Nations; to, in essence, say to the United Nations, "Reform, repent or we will not pay our dues."

This is understandable, and the amount of reform needed by the United Nations is sizable. The new Secretary General Kofi Annan, who has supported the United States, who has come to visit with our own Foreign Relations Committee, has not only pledged to make reforms, he is doing that job. Our Ambassador, Mr. Richardson, will have a full-time job working with him to make certain that occurs.

There are 184 nations involved. We are one of them, ostensibly the most powerful of those nations. Essentially, we are going to have to work with that bureaucracy to pare it down, to pare the budget down. The signs of progress are promising.

Let me make a major point I hope Members will follow. Of the more than $1 billion the United States agrees that we owe, only 5 percent has anything to do with the bureaucracy, the Secretariat of the United Nations, only 5 percent, some $54 million.

Now, if Members ask, "Well, then, what is the argument about?" The argument is about $650 million or so of peacekeeping expenses that were assumed by our allies for which the United Nations is simply a passthrough for money that we, the United States of America, said we would pay and now we owe to friendly countries.

Let me cite, so it is not obscure, who we owe money to. We owe money to France, $60.1 million; we owe Great Britain $41 million; the Netherlands $21.3 million; Pakistan $20.1 million; Germany $18.3 million we owe; Belgium $17.3 million; Italy $17.2 million; India $16.1 million; Canada our near neighbor, $14.2 million. This is money we owe to them, not to Kofi Annan, the Secretary General, or the U.N. Secretariat or the organization so frequently criticized on the floor of this body. We owe more than $650 million to other countries who sent their troops out to do work that we wanted them to do. We voted for the peacekeeping resolutions. We said we would send money if they would send men and if they would take on the fighting obligations, or at least the dangers that were involved in often hazardous duty that went beyond simple peacekeeping. That is the money, Mr. President, that is at risk.

I am not certain Senators understand that we are, in essence, saying to our allies, we will not pay you unless you change the dues structure for us, for the United States. In essence, we not only have failed to pay our allies, but we have said, as a matter of fact, we are not going to pay you. This bill says we won't pay you unless you reduce our U.N. dues to only 20 percent of the budget, as opposed to 25 percent, and unless you reduce our peacekeeping dues to 25 percent as opposed to around 31 percent. Unilaterally, arbitrarily, take it or leave it. That is what is proposed in the legislation in front of us.

In addition, the legislation, Members will note if they read through the 18 pages of agate type, has at least 38 conditions and hoops other countries and the United Nations must go through in order for us to pay our debts.

Mr. President, it is strange that we came to this situation through, I think, a misperception of who ought to be paid. Most Americans who understand we owe Great Britain, France, Canada, and Italy, will say, "Why haven't we paid?" And most Americans would understand that our failure to pay will have consequences because we are dealing with these same nations in NATO reform and NATO expansion in trying to determine what the fair shares will be. We are dealing with most of these countries every day in terms of agricultural exports which are very difficult bread-and-butter issues for America. Yet, we take an arbitrary position with regard to the United Nations that we simply will not pay until they go through the hoops of implementing the reforms we insist upon in this bill.

Mr. BIDEN. Excuse me. Will the Senator yield for a question on one point on my time?

Mr. LUGAR. I will be happy to yield.

Mr. BIDEN. The Senator's amendment calls for the payment of $819 million over 2 years; is that correct?

Mr. LUGAR. That's correct.

Mr. BIDEN. How would the Senator's amendment pay our allies any more money than our mark, than this legislation does?

Mr. LUGAR. I respond to the distinguished Senator by pointing out, I have doubts under the bill we are about to

pass that very much money get through the United Nations to our allies. The money will most certainly get to our allies through my amendment. I suspect, if the other conditions that are in title XXII are imposed, the odds are slim that the money will get through.

Mr. BIDEN. If the Senator will yield, Mr. President, I am sorry, I didn't phrase the question well and clearly enough. Even if the money gets through, as the Senator is suggesting his amendment would accommodate, how would the Senator's amendment fully fund and pay the arrearages the Senator believes we owe our allies? Is there enough money in the Senator's amendment to fully pay the money the Senator believes that we owe our allies through the United Nations as it relates to the United Nations peacekeeping?

Mr. LUGAR. I will respond to the Senator by saying the money paid to our allies is our assumption of how much we owe. It is based upon the $1.021 billion that the administration and the Foreign Relations Committee has agreed is the sum we owe. Many of our allies believe we owe a lot more.

Mr. BIDEN. If the Senator will yield again, but the Senator's amendment only provides $819 million, not $1.021 billion. What I am confused about is, how does the Senator's amendment in this regard differ from the bill that the chairman and I have brought before the Senate?

We have $819 million in our bill, which you don't like, nor do I, and the fact that we make the United Nations meet benchmarks before it is released. But assuming it was released, how does the Senator's amendment provide any more money to pay the arrearages that the Senator believes that we owe?

Mr. LUGAR. My amendment would not provide more money. It simply provides certainty that payment is received at all. Let me just continue—

Mr. BIDEN. I thank the Senator.

Mr. LUGAR. The distinguished Senator from Delaware yesterday, in responding to a similar argument that I have made today, made the point that, all things considered, he agrees that we ought to pay our debts, that we ought to respond to our contractual obligations, that, in the best of all worlds, this is a principled stand, as I recall his description of it. But the Senator from Delaware said the trail that I am following leads to no payment.

Now, if I were to ask with some incredulity why a fairly straightforward amendment adopted by the Senate—obviously the House must act and the President must sign the bill—why my course will lead to zero, as the Senator from Delaware characterized it. It is because, as the Senator from Delaware pointed out, he has been negotiating with the chairman of the committee and the chairman of the committee has said, in essence, we are not going anywhere without accommodation of these conditions—at least that was the characterization. Essentially, he was saying that we have gone nowhere for several years, and that we have accumulated debts and will continue to accumulate debts.

In short, the distinguished Senator from Delaware said, and he described, very candidly, the negotiations that he came to the chairman suggesting a sum of money the administration felt we owed, and the chairman took a very adverse view to that. The Senator from Delaware has been negotiating for quite a long while in trying to get that figure up.

The Senator from Delaware finally comes to the body yesterday and says essentially, "This is the best I can do. In essence, hopefully, these conditions will be met. Countries, in fact, will meet them and the money will flow, $100 million in the first year fairly easily," as the Senator characterized, "and it gets tougher in the second and third years. But, nevertheless, somehow this is going to occur." That is the judgment Senators have to make.

I will just say very frankly, Mr. President, that we ought to face the situation in a much more straightforward way, because this debate has not occurred in private, nor have our failures to pay our debts occurred in private. It is a very public embarrassment in which the United States of America is stiff-arming our friends, quite apart from whatever damage we are doing to the United Nations. If, in fact, we want to get out of the United Nations, withdraw from it, saying essentially this is a group of people constantly preying upon us and we are tired of that, that is one basic decision Senators might want to make. I am suggesting, Mr. President, this bill veers very close to making that decision for us.

What if the rest of the world, 183 nations, decides that our arbitrary decision here in the Senate is not really where they want to go? What if the United Nations goes bankrupt? What if our allies no longer trust us with regard to peacekeeping, fearing they will not be paid any more than they have been in the past? What if, as a matter of fact, other nations begin to doubt our word and our ability to follow through on contractual obligations we undertake? There is a lot at stake, Mr. President.

It could very well be that there are some Senators who would say, "We ought to take advantage of our size and weight in the world now. There's no point in worrying about the sensitivities of other nations. We're paying 25 percent of the dues. Our share of the world's wealth right now is about 27 percent, but we don't want to pay that, we want to pay 20 percent. We're not going to take any fuss from any other nation about that."

We're going to pay 20 percent of the U.N. dues arbitrarily. Not only that, we are going to take our peacekeeping from 31 percent to 25 percent of the budget. It is too high to begin with. We are tired of paying that. We will pay that, take it or leave it. In essence there are two "take it or leave its," Mr. President, as the Senator from Delaware characterized the debate yesterday. In essence he has said to the Senate that we either take it or leave it or there will not be any payment at all. The chairman will not agree to it.

Second, after we get through this process, we say to the rest of the world, "Take it or leave it, because there won't be any payment unless you take our word for what we want to pay and under the conditions that we want to pay it."

In essence, Mr. President, this is not very good foreign policy. It is not really a very good stance for the United States at all. I will simply say, what will be the predicaments if we get our way and arbitrarily reduce our dues, and countries either get their moneys or they don't. I predict, Mr. President, the ramifications of this are likely to be very expensive for the United States.

Not only is it the right thing to do to pay our debts, it is in fact the most effective way of being persuasive at the United Nations to bring about reforms that we want there.

Mr. President, I appreciate that not all Senators have followed all of the debate as extensively as those who have been debating this yesterday and today. But let me say already there is some doubt as to precisely what this bill has to say.

For example, the Washington Post of Saturday, June 14, 1997, suggested that Ambassador Richardson and our own colleague, Senator GRAMS of Minnesota, went to the United Nations on Saturday, after our markup on Thursday, and, according to John Goshko of the Post: They denied that Congress wants to "micromanage the United Nations," and they insisted that the plan is "not a take-it-or-leave-it proposition." Instead, they said it is a set of "suggestions" aimed at helping the United Nations become, as GRAMS said, "the best United Nations it can be."* * *

The two officials' assertions that the conditions or so-called benchmarks in the plan are only suggestions ran counter, according to the article, and also according to remarks by Chairman HELMS on Thursday.

Quoting Senator HELMS:

> This bill will prohibit the payment by the American taxpayers of any so-called U.N. arrears until these congressionally mandated benchmarks have been met by the U.N.

Then another quote from Senator HELMS:

> The message to the U.N. is simple but clear: no reform, no American taxpayer money for arrears.

Now, Mr. President, in the Washington Times, Senator GRAMS is quoted as saying:

"These are broad suggestions," said Sen. Rod Grams, Minnesota Republican, architect of the reform package and U.S. delegate to the United Nations. "We're not going to micromanage the U.N. by any means."

At a press conference yesterday, both [Ambassador Richardson and Mr. Grams] took pains to soften the edges of a bill most here see as an imperious "take it or leave it" offer. Mr. Grams plans to spend time at the United Nations this summer, selling the package to foreign envoys [according to the Washington Times of June 14, 1997].

So already, Mr. President, while we are debating the bill, our Ambassador and a distinguished colleague are at the United Nations saying we are making some helpful suggestions that we do not want to micromanage. But back here at the Congress, the word is no reform, and according to the 18 pages of conditions in this legislation, no money.

Senators will have to make up their minds. The suggestion has been two "take it or leave its," in my own view. This is the reason I presented the amendment. We have obligations. In a straightforward way we ought to meet them.

As the Senator from Delaware suggested in his question this morning, the amounts of money in this bill are clearly in dispute. But I accept the fact that the U.S. Government, both in its legislative and administrative branches, estimates we owe $1.021 billion. After various deductions, $819 million is on the table to be disbursed in both the Foreign Relations Committee bill and in my amendment.

But there is a large difference in how the dispersal occurs, a very large difference in our attitude to other countries, our friends in the rest of the world, and a very large difference in our presumptions about the United Nations and its usefulness to us.

Finally, Mr. President, word came yesterday in a debate that the United States of America has loaned countries a lot of money. We have spent a lot of money helping them defend themselves. And indeed we have. Our foreign policy frequently—frequently—tries to make sure the frontiers of conflict are as far away from our country as possible. We have given a lot of military aid to others who we hoped would fight our battles as our allies or as front lines for us. And that was prudent for us to do.

But now we come to a situation, Mr. President, in which the United States said we do not want to be involved in these front line activities, or certain peacekeeping chores that were controversial, but which we think ought to be done. We voted for them. We sent others forward. We said we would pay. And now we have not paid nor will we pay unless the United Nations and the members in it reduce our dues, and unless they go through the hoops of even such suggestions that international conferences of the United Nations could be held in only four cities. We even dictate the cities in which the conference might occur.

Members will be astonished, as they read through all the conditions, what is involved. But Members should read soon because we will have a vote shortly this afternoon on this amendment. I believe it is a critical vote for American foreign policy. I hope the Senators will support my amendment.

I thank the Chair.

Mr. SARBANES. Will the Senator yield 2 minutes?

Mr. LUGAR. I am happy to yield such time as I have.

Mr. SARBANES. How much time does the Senator have?

The PRESIDING OFFICER. The Senator has 4 minutes 40 seconds left under his time.

Mr. SARBANES. If the Senator will yield me 2 minutes.

Mr. LUGAR. Yes.

Mr. SARBANES. I rise in very strong support of this amendment. The Senator from Indiana stated the arguments in a very cogent and, I think, persuasive fashion.

Mr. President, we just celebrated 50 years of the Marshall Plan. A couple of years ago we celebrated the 50th anniversary of the establishment of the United Nations. If you read that history, what is clear is the marked contrast between the United States' attitude at the end of World War II, at which time we demonstrated strong leadership, and the attitude that is reflected in this legislation.

This legislation imposes a host of arbitrary and burdensome conditions on the United Nations. If the United Nations fails to achieve them, I am sure the argument will be made, "It's too bad they didn't accede to the conditions we were imposing, and therefore it's their fault that we're not paying these arrears." Yet, I remind my colleagues, these are arrears which we clearly owe and which we have built up over the years.

This approach goes directly contrary to the one that was reflected in the exercise of American leadership in both the United Nations and the Marshall plan—an approach which I think ought to characterize our policy toward the United Nations today.

I think the able Senator from Indiana has rendered a distinct service by focusing the attention of the Senate on this issue. I very much hope my colleagues will support his amendment. It relates solely to payment of arrearages, to dues we already owe. We agreed to pay them under the Charter of the United Nations. Now we are saying, "Well, if you want us to pay our past dues, you've got to agree to reduce our future dues."

Now, I support an effort to reduce our future dues, but I do not think it ought to simply be imposed through this unilateral action on the part of the United States.

The United Nations serves important interests of ours. I think it is critical for the United States to help sustain and preserve a strong United Nations. I very much hope that the amendment of the Senator from Indiana will be adopted.

Mr. BIDEN addressed the Chair.

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

Mr. BIDEN. I yield myself as much time as I am able to consume. I think I have about 20, 25 minutes left, in that range.

The PRESIDING OFFICER. Twenty-two minutes.

Mr. BIDEN. Mr. President, to state the obvious, there are no two Senators of whom I have higher regard than the two Senators who are proposing this amendment. We use those kinds of phrases around here, but I know they both know that I mean it.

Now, I have a little difficulty with their approach here, not the principle that they are proposing, because, as I said from the outset and as the chairman will tell you repeatedly, and I suspect the Senator from New Hampshire, who is on the floor, may tell you, and I know our new colleague from Nebraska will tell you, I am not one who thinks we should be attaching conditions. I am a minority in that view, along with my two colleagues, but I am not one who thinks we should be attaching conditions. So I agree with them on that.

But I do think they overplay the point a bit in making it appear as though the Senator from North Carolina has in effect co-opted the Senator from Delaware into signing on to these conditions and that this is something totally new. Let me remind people of a few historical facts about conditions.

I have here—and I will ask in a moment that I be able to submit this for the RECORD—the number of occasions on which the U.S. Congress or Republican or Democratic Presidents have withheld the payment of moneys to the United Nations that were duly owed because of policy decisions made by our Government, notwithstanding the fact that we owed it, that we would not pay our dues unless the United Nations changed their view—conditions, conditions.

I will just list them all. The PLO and Palestinian-related condition that we withheld funds of $16,556,000 because we voted on this floor—I do not know how my colleagues voted, but I bet they voted the same way—we voted on this floor to say that as long as the PLO was getting a special kind of treatment in the United Nations, which we viewed to be unfairly against the interest of our ally Israel, we were going to withhold funds. That is $16.556 million.

SWAPO. Remember old SWAPO? Well, we had that. You know, that was the debate relating to Southern Africa, Angola, South Africa, et cetera. We withheld $68 million. The Law of the Seas preconference, another policy dispute, we withheld $7.56 million. The South African-Israel conference, we withheld $200,000. The Kasten amendment, we withheld $1,300,000. The appropriations shortfall of fiscal years 1986, 1987, 1988, 1989, and 1996 accounts for $168.64 million, there was those—anyway I will go back over this. The deficit-reduction plan withheld $12,860,000. The Kassebaum-Solomon amendment withheld $42 million. And it goes on.

Guess what? We withheld, based on conditions that this body or Republican or Democratic Presidents placed on the United Nations, $164,111,000. So of the arrearages, this body was complicit in over $100 million of those arrearages. Now, all of a sudden they look at the Senator from North Carolina and me and say, "Oh, my lord, what are you doing? You're attaching conditions?" Mea culpa, mea culpa, mea maxima culpa.

I did not think we should attach conditions then or now. But this is not anything new. And so of the money that we say is owed—our administration says we owe $1.021 billion, and the United Nations says we owe $1.361 billion. Of that, $1.021 billion, $164 million of it is previously attached conditions.

Now, I would like my colleagues who think we should not attach conditions to look at this list, stand on the floor and acknowledge why we should not have done any of this, and how they voted on it. I do not know how they voted on it. I do not even know how I voted on every one.

So, I am a little bit surprised at the manner in which this argument is being presented as if oh, my lord, we are about to do this awful thing we have never done before, and the United Nations is going to crumble when we do it. That is No. 1.

No. 2, how did I arrive at $819 million, to badger my friend from North Carolina to say I would not sign on to this unless it got to $819 million? The way I arrived at that number—there is nothing original on my part—I asked the administration, what do we need to pay our friends, and what do we need to meet our obligations?

Let me tell you, and this gives my friend some "agitato" here, as they say in the Italian communities in my State, let me tell you what I understand the facts to be. Let me point out that my friend from Maryland and my friend who is the leader of this effort, Senator LUGAR from Indiana, are not providing one more penny than I am providing. So this is all about principle. You ought to come and ask for all the money because you are doing the same thing I am doing, trying to get the best deal you can—not that either one of them have suggested that what I am doing is unprincipled, I just point out that their approach is no more or less principled than what I am suggesting. We are trying to get a job done. They do not provide one more penny.

Now, how did they arrive at my $819 million? Why did they not arrive at $1.021 billion like they say we need? Because they know what I know, that $819 million will pay our allies. Now, let's go back and talk about how it is owed and what is owed. Peacekeeping arrears—that we acknowledge, the President acknowledges, and even if we paid more money, the President would not pay any more of it—peacekeeping arrears amounts to $658 million; regular budget arrears amounts to $54 million; arrearages in specialized agencies amounts to $254 million; and arrears to international organizations amount to $55 million. Let me repeat that now: Peacekeeping $658 million; regular budget, $54 million; specialized agencies, $254 million; and international organizations, $55 million.

Now, I share the same concern my friend from Indiana does. However, if we appropriate $819 million the way the Senator from North Carolina and I are proposing, there are relatively easy conditions that have to be met the first 2 years. Let me make sure everybody remembers. The first year, we get about $100 million, and the second year we are up to $475 million. The United Nations owes us $107 million, and the United Nations will pay the United States from a tax equalization fund, $27 million. Now, you got that? I do not want to turn this into a math class but I want to be simple—these numbers are real important. Mr. President, $100 million goes out the first fiscal year this takes effect; $475 million the second year; the United Nations owes us, we say, $107 million for peacekeeping; and $27 million for the tax equalization. You add up all that money and it pays virtually every single penny that we owe to all of our allies for peacekeeping and the only thing it does not do in the first 2 years is it does not pay what we are said to owe to an international organization called UNIDO, the U.N. Industrial Development Organization, from which we have formally withdrawn. The Senator from Maryland, the Senator from Indiana, the Senator from Delaware, and the Senator from New Hampshire did not say you had to withdraw from it. The President withdrew. Ambassador Richardson delivered the papers and said, "We're out." That is the only organization we do not have the money to pay but we are already out of it.

So, come on. Come on. I do not like doing it this way either, but it doesn't come out the way you all are saying it comes out. Our allies have nothing to fear. They reason they are not squawking, the reason there are not yelling out there, the reason neither the United Nations nor the Secretary General is holding a protest and jumping up and down and screaming, is because they know and we know and the administration knows that the money in year 1 and year 2 combined with the money owed us will pay the deal, will meet our obligations.

Now, the last point I will raise, and I will not use all my time because others wish to speak, the last point I will raise are these conditions. Let me just tick off what the conditions are that the chairman has graciously agreed will be the ones required in the first 2 years to allow all of the money I just mentioned to be released. I may lose his vote if I keep pointing this out, but these are the facts.

First, a very difficult condition in the first year, the United Nations has to acknowledge, we have to acknowledge, the President has to acknowledge that our sovereignty will not be diminished by membership in the United Nations. That is a very difficult condition to meet. Come on. Come on. That is the first condition for the first year. Then we have to get the United Nations to reduce—and they say they can do this—our regular budget assessment from 25 to 22 percent, 25 to 22 percent in year 2, not year 1, year 2. So, we have 2 years to get that done. I might add, it was Ambassador Richardson testifying before our committee that said it should be 20 percent, Madeleine Albright said it should be 20 percent, the President has said it should be 20 percent. We did not pick 20 percent out of the air. Granted, I would rather it not be a mandate, but this is not something we are making up out of whole cloth. This is what this administration thinks is a fair assessment. They do not want us to mandate it, but they acknowledge it is fair. Now, roughly $709 million in the first 2 years would be available.

Another condition met which we already have unilaterally done and our allies have acknowledged is that we have been assessed 30 percent for peacekeeping. We do a whole heck of a lot of peacekeeping around the world and no one else chips in on it at all. We say that is too high, it should be 25 percent. The administration says that is not a problem, we can get it down there. So that is another condition. We only pay 25 percent, not from this point on, but from 2 years out. From that point on, 25 percent for peacekeeping.

The administration says in testimony that these are easy conditions to meet. This is not something we are asking them to jump through some hoop they cannot meet. Now, when the condition of sovereignty, which is restating the obvious, when the condition of 22 percent for our annual dues, and when the condition of 25 percent for peacekeeping are met, and they

have 2 years in which to meet that, all the money needed to pay all our allies, all the money we owe them will be released.

So what is the deal here? Neither of my colleagues said this, but some have written that somehow I have made this pact with the ultimate enemy of the United Nations to undermine the United Nations and we are just going to rip its throat out and so on and so forth, and we compromised. And isn't that a horrible thing? Look, anybody who comes over here looking to be bathed in the waters of legislative purity, Senator LUGAR's amendment does not help you a bit, because he jumps right into that swamp with the rest of us. He is not asking for the $1.3 billion that the United Nations says we owe. He is not asking for $1.021 billion, the amount the administration says we owe. He is asking for the same amount of money that the chairman of the committee and I are asking for. So much for the notion of paying everything they say we owe.

Now, there is a distinction, you should be aware of when you vote. The distinction is that there are mandates in there, all of which can be met, and, in my view, reasonably can be met and should be met. I would rather not mandate them. That is the matter of principal distinction between the Senator and I. I would rather not mandate them, but they are mandated. Now, understand what the Senator from North Carolina has done here, and again I'm not being facetious when I say this, and maybe it is not helpful to point out what he has done, he has been eminently reasonable. In the first distribution scheme we had for this $819 million, in the first distribution scheme we had, the way it was laid down is there would be $100 million, there would have been $419 million, and then the remainder in the third year. I went to him and said, look, I need $475 million in that second year, and he said OK, as the final element of compromise. The reason I needed $475 million was to do just what I just laid out for you. So there is a distinction.

The Senator from Indiana says it all gets paid out of the $819 million and paid out in 2 years and he is worried about our allies. I am saying we pay out the $710 million if they meet the conditions in the first 2 years and all our ally obligations are met. This is a distinction without a gigantic difference here. There is, as they might say, much ado about something, but it ain't much.

Mr. SARBANES. Will the Senator yield?

Mr. BIDEN. I am delighted to yield.

I want to save 4 minutes for my friend from Virginia. I have how much time?

The PRESIDING OFFICER. The Senator has 4½ minutes.

Mr. SARBANES. Where does the Senator get the $710 million?

Mr. BIDEN. In three places. I get $100 million the first year, $475 million the second year on the arrearages.

Mr. SARBANES. The Senator said we would have——

Mr. BIDEN. I am going to explain that, I will tell you where I get the rest.

I get $107 million from the money the United Nations acknowledges they owe the United States for peacekeeping, and I get $27 million for money that the United Nations owes the United States for tax equalization.

That is how I get it. It is not out of the $819.

Mr. SARBANES. Where do I find this in the bill?

Mr. BIDEN. You find it in acknowledgments. It does not have to be in the bill. They owe us $107 million for peacekeeping and $27 million for tax equalization. That is money the administration has to use to meet its obligations.

Mr. SARBANES. So these figures that are in the bill on page 180—$100 million, $475 million, and $244 million—are correct?

Mr. BIDEN. Absolutely correct, but I was making the point in response to the question will there be enough money to pay our allies in the first 2 years? And the answer is yes because of the $575 million out of this bill and roughly $134 million that is owed to us.

Mr. SARBANES. Well, how does that enable them to pay our allies?

Mr. BIDEN. It's very simple.

Mr. SARBANES. They are operating on a deficit now. So if we forgive their debt to us, how does that give them money to pay our allies?

Mr. BIDEN. The reason is because, just like when the bank owes you money, they owe you money—the question is how much we owe them. You are saying we owe them $1.370 billion. My time is running out. Maybe later the Senator from North Carolina might yield me a few minutes.

I reserve the remainder of my time for my friend from Virginia, Senator ROBB. I am out of time.

I yield the floor.

Mr. HELMS. How much time is remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 25 minutes remaining.

Mr. HELMS. I have three Senators on the floor wishing to speak. I ask them to stay as close as they can to 5 minutes. If they need to go a little over that, fine. First, Senator HAGEL of Nebraska, then Senator GREGG of New Hampshire, and Senator GRAMS of Minnesota, all three of whom have been so helpful in the creation and production of this bill.

I yield to Senator HAGEL and then automatically the floor is yielded to the other two.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. I will be brief, Mr. President. I know there are others who want to speak on this issue. There is an old North Carolina adage that goes like this: Don't make the perfect the enemy of the good.

The Senator has heard that, I know. I think that is what we are talking about this morning. This is rather remarkable. What has been pieced together over 5 months of very diligent effort, leadership, and hard work, making something work based on a bipartisan foreign policy effort and a commitment made by Chairman HELMS, Senator BIDEN, Secretary of State Albright, and the administration, who all have worked very hard on this. When you add to that Senator GRAMS from Minnesota, as the subcommittee chairman, who has put his imprimatur and worked hard and given his leadership to this effort, this is a remarkable effort.

Mr. President, I don't know about you or other Senators in this body, but for years and years, as a private citizen, as a taxpayer, and as a businessman, I would hear constantly, and I have heard over the last 2 years during my campaign: What about the United Nations? What are we doing? The United Nations says we owe money. Do we owe money? How much? What about the peacekeeping efforts? Are our peacekeeping dollars counted? How do we account for that? Isn't it true that we put American men and women in harm's way and we paid the bill and we are in Bosnia and all over the globe?

So what is the correct way to assess our dues, our commitment to this very important organization? The debate, ladies and gentlemen—don't be mistaken here—is not whether the United Nations is good, bad, or whether we want to be in it or not. Of course it is good. The world is better because of the United Nations. But we need to get this issue cleared up. We need to take the negotiations that have been held by the leaders in this and hold negotiations. I think it was rather evident in our committee hearings and the subsequent markup of this bill last week, when it was reported out 14 to 4. It said to me that, in fact, bipartisanship is in effect and, in fact, the commitment made by the administration and Senators BIDEN, HELMS, and others, will make this work. We need to get this behind us and we need to address this issue. I think it is a fair resolution to the issue. We can then work on the bigger issues that this country and the world must face as we move into a bold, new century.

Big issues. We have trade issues. We have treaty issues. I, for one, am not one Senator who wants to go back and replay this. I say this with the greatest respect for Senator LUGAR and others who have been involved in this. Hardly an individual in this body is as aware and provided as much leadership on foreign relations as Senator LUGAR. But I think the time is now to make

what we came up with—the good effort of bipartisan leadership—the bill that we move forward with and, therefore, allowing this body, the committee, and all those responsible for policy in this country, as we move into the next century, the freedom to focus on that. I rise today in strong support of the Helms-Biden bill. I hope my colleagues will take what I and my colleagues have said this morning into consideration as they vote today.

Mr. GREGG addressed the Chair.

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

Mr. GREGG. Mr. President, I join the Senator from Nebraska and the Senator from North Carolina and the Senator from Delaware and the Senator from Minnesota in endorsing this really excellent effort that has been developed through a great deal of negotiation between the Senators from North Carolina and Delaware, the Secretary of State, the Ambassador to the United Nations, the Senator from Minnesota, and the majority leader.

This effort was not easy. There were a lot of disagreements as to how we should address the U.N. arrearages issue. I am speaking from the perspective of the Appropriations Committee, where I chair the subcommittee with jurisdiction over the funding of the United Nations. From my viewpoint, I and I think many of my colleagues were not really willing to simply give carte blanche to the United Nations again.

The fact is that the United Nations has, regrettably, been fiscally mismanaged. That mismanagement has meant that American tax dollars have been wasted. That is not right. We as a Senate have an obligation to make sure that the tax dollars that are sent to us out of the hard earnings of our constituents are effectively spent. This proposal includes in it conditions that will require the United Nations to finally straighten out its fiscal house. Today, you really can't tell where a dollar goes that is sent to the United Nations. More importantly, there is a distinct sense that when a dollar goes to the United Nations today, a great deal is misspent on patronage, on promised services that are not delivered, on programs that don't work, and on agencies which have an excessive amount of personnel.

So we are requiring, under this proposal, that the United Nations put in very basic accounting procedures, that they actually be able to tell us where the dollars go, that they have a personnel policy that is accountable, a system of accounting for the programmatic activity they undertake.

More importantly, we are requiring and putting in conditions that allow us to determine that their procedures and structures work well, from a GAO auditing of their procedures.

In addition, we have seen the other conditions outlined by the Senator from Delaware and, I am sure, will be outlined by other Senators here, which will make the United Nations fee system, or payment system, or dues system more reflective of the burdens of other nations, as well as the United States. We pay a disproportionate amount of the cost for peacekeeping and for the fees at the United Nations and the dues of the United Nations. We are not talking about dramatic reduction in either our commitment to the United Nations, in peacekeeping, or in our commitment to the area of dues. But we are talking about bringing it more in line with the fact that other nations, since the initiation of the United Nations, have risen in their economic capability to bear some of this burden. That is reflective in this amendment.

So this is a good amendment. It is an amendment that brought together the various parties. And, believe me, when we started the negotiations, we were a long way apart. There wasn't much expectation that an agreement would be reached. But through the good counsel of the Senator from North Carolina, the Senator from Minnesota, the majority leader, and through the hard effort of the Secretary of State and the Ambassador to the United Nations, we have reached an accommodation and agreement. It is a positive one, one that will help the United Nations be a stronger institution that people can have confidence in, especially as to how and where it spends the dollars sent to it.

So it is a positive step forward to have these conditions in this bill. I, as an appropriator, would have a lot of problems passing any appropriation that didn't follow the outline set forth by this committee and set forth in the work of Senator HELMS and Senator BIDEN.

I yield the balance of my time.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, as the subcommittee chairman with jurisdiction over the bill before us today, I worked diligently with members on both sides of the aisle, and with the administration, to craft legislation which will strengthen America's leadership role in the international arena. This package reorganizes our foreign relations bureaucracy, establishes benchmarks for the payment of U.N. arrears, and prioritizes our international affairs expenditures. We need a more effective foreign affairs apparatus, both at home and at the United Nations, in order to confront the challenges to peace and security in the future.

This bipartisan agreement is the result of a good-faith effort to accommodate conflicting perspectives on how we, as a nation, should mobilize our resources. There were tough, lengthy negotiations on this package. We had to reconcile competing interests, and as a result, nobody is completely satisfied with the final product. I will be the first to say that this bill is not perfect. I would have preferred much more in the way of reforms and budget discipline. But this is a good agreement; and in this case, we should not let the perfect be the enemy of the good. I want to reassure my colleagues that I am open to oversight hearings that would address their concerns and closely examine the implementation of the changes we have made.

In order to effectively safeguard the national interest, we must reorganize our foreign policy apparatus. This nation is saddled with an unwieldy Cold War foreign policy bureaucracy in which many of the functions of AID, ACDA, USIA and the International Development Cooperation Agency could be better handled by the State Department. This legislation does not go as far as I would like in consolidating our foreign relations bureaucracy. But for now, this package has a major advantage over a more complete consolidation—this package is achievable. It is a solid first step. Hopefully, these reforms will lead to further streamlining in the future—the American people want our Government to not only reflect their wishes abroad, but they want it to do so coherently. We are more likely to achieve our goals if we have a single voice representing the administration's position in the conduct of foreign relations, rather than a number of competing fiefdoms which undercut the authority of the Secretary of State.

For example, under the new structure, we no longer should be stymied by a good-cop, bad-cop approach to foreign policy, whereby the entities who hand out U.S. foreign aid maintain good relations with client nations, while the Department of State essentially holds the line in protecting U.S. interests. We should not be handing out foreign aid to a country at a time when that very country is clearly acting against our interests. When we distribute foreign aid, it should be with an understanding that the United States entity asking for cooperation from a country in one arena is coordinating with the United States entity that will be delivering assistance to that country. Under this plan, the different parts of our foreign policy apparatus have a structural imperative to act in concert.

Granted, the United States is not alone in the need to downsize its bureaucracy and eliminate waste. The United Nations must do the same. My visits to the United Nations as the United States Congressional Delegate to the U.N. General Assembly served to reinforce my commitment to salvage

this organization. In this age, any organization burdened with a bloated bureaucracy and no mechanisms to control spending, will collapse under the weight of its own inefficiency. Most United Nations officials recognize the need for reform, and have started to work to achieve some of them. Indeed, in her former position as Ambassador to the United Nations, Secretary Albright was an outspoken critic of waste, fraud, and abuse and was instrumental in initiating an oversight process. However, most of her efforts were stymied by an entrenched bureaucracy. True reform will only occur when there are tangible incentives to change. I believe that the United Nations needs the discipline of actual benchmarks tied to the arrears to provide the impetus for fundamental change. We have seen how difficult it is to streamline our own bureaucracy. It is even more difficult to streamline an international organization where each member is involved in these decisions. We are not seeking to micro-manage U.N. reforms. We want to work with our fellow U.N. members to make the organization the best it can be.

This bill provides a 3-year payment of $819 million in arrears to the United Nations in conjunction with the achievement of specific benchmarks that will help us enhance the vitality of the United Nations. I joined Ambassador Richardson at the United Nations late last week to brief Secretary General Kofi Annan and the Permanent Representatives of many of our allies' delegations on the details of this package. I was repeatedly asked whether the $819 million was a firm number. I indicated that it is a carefully negotiated figure that I believe will remain firm. I would like to remind my colleagues that the House bill contains no provision at all for the payment of arrears. The U.N. officials also wanted to know whether the benchmarks were conditions or suggestions. The benchmarks are what I call, somewhat tongue-in-check, "mandatory suggestions." They are suggestions in the sense that the United Nations can choose whether or not to adopt them, and mandatory in the sense that if the U.N. wants the money it will have to implement the reforms.

If the United Nations ignores the need for reform, than the United Nations will have to forgo the $819 million.

I regret that a statement I made in New York last week was misinterpreted to suggest that somehow benchmarks were negotiable or optional.

My intent was to indicate that the details regarding the implementation of certain conditions could be worked out with our fellow U.N. members—as long as the benchmark goals are achieved.

You know, there is a difference here. Many of the benchmarks establish broad parameters on the direction we believe the United Nations should be going. The final small details and the micromanaging of how those are accomplished and reached will be the work of negotiations between member states. We are setting out a macropackage of reforms that I believe most members at the United Nations recognize need to be made. These reforms are heading the United Nations in the direction that it needs to go in order to become a very efficient organization.

There is significant interest in the Congress to withhold the payment of arrears until there is tangible evidence that reform has occurred. After all, this is not the U.S. Government's money, it is the taxpayers money. Americans should be able to ensure that their hard earned money will not be squandered.

I was greatly encouraged that the Secretary General remains committed to reforms and will work with us to achieve them.

I strongly believe that the United Nations is an important forum for debate between member states and a vehicle for joint action when warranted. It is not a world government.

However, the United Nations must endorse reforms that provide transparency and accountability so it is embraced as the former, instead of feared as the latter. I firmly believe that this package will improve the United Nations to the point where the United Nations can win back public support which has eroded over the years.

These reforms are critical to ensure the United Nations is effective and relevant.

I urge my colleagues to support the entire bipartisan package and, especially, to understand how difficult it was to arrive at an agreement on the arrears.

I commend the chairman and the ranking member of the Foreign Relations Committee for their diligence and perseverance in effecting this compromise, an effort which took many months. I am pleased that the Administration has agreed, albeit reluctantly, to this agreement.

I look forward to the implementation of the measures which will enhance America's ability to exert leadership in the international arena through the consolidation of our foreign relations apparatus.

I am hopeful that the United Nations will accept the reforms and in doing so, will increase its ability to perform its mission. This agreement is in America's best interest, and the best interest of the entire international community.

Thank you, very much. Mr. President, I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, just for the Record, I think I should emphasize that JUDD GREGG from whom we just heard, the chairman of the Commerce, Justice, State Subcommittee of the Senate Appropriations Committee, has worked with us every step of the way in crafting this U.N. reform provision.

Senator GRAMS, from whom we just heard, is chairman of the International Operations Subcommittee of the Foreign Relations Committee, and is our congressional delegate to the United Nations. He has been so instrumental in negotiating the provisions on U.N. reform.

I believe that Senator ROBB is prepared to speak. If he needs an extra couple of minutes, I will yield them to him.

Mr. ROBB addressed the Chair.

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

Mr. ROBB. Thank you, Mr. President. I thank the distinguished Senator from North Carolina.

Mr. President, it's hard to argue with the spirit of Senator LUGAR's amendment. And indeed I don't argue with its spirit. We owe the United Nations hundreds of millions of dollars. Our deadbeat status is an embarrassment for the country and undermines our standing and the vital work of this international organization.

That said, the political reality of the situation we find ourselves in is that a majority of this body is prepared only to pay our debts conditioned on comprehensive reforms being implemented at the United Nations. And I certainly don't disagree with reforming the United Nations, and making it more efficient and effective. Still, we are holding hostage money already owed to changes being invoked that suit our unilateral demands.

But the will of the majority is clear. While I may disagree with my friend the chairman of the Foreign Relations Committee on the unilateral means which he has chosen to affect reform at the United Nations, the negotiated package providing $819 million over 3 years I believe is the best we can hope for. Half a loaf is better than no loaf at all. And that is the alternative. This is a classic example of a situation where the perfect can become the enemy of the good.

Mr. President, I would favor an approach that pays our arrearages in full, not in the 2 years proposed by the distinguished Senator from Indiana or the 3 years sought by our distinguished chairman while conditioning future payments on reform. But that strategy fails the political litmus test laid down by the majority. I understand that reality, and I want an authorization bill that can become law. Hence, the circumstances persuade me that the only approach that can accomplish that objective, even though I may substantively disagree with part of it—is

the one negotiated between and offered by Senator HELMS and Senator BIDEN.

It represents a compromise in good faith on both sides to achieve an objective that we have not achieved in this body in some period of time. And for that reason, I support the bill and I oppose with regret the amendment that is offered by my distinguished friend, the Senator from Indiana.

With that, Mr. President, I yield back any time remaining.

Again, I thank the distinguished chairman of the Senate Foreign Relations Committee for yielding me an additional minute.

Mr. HELMS. The Senator is quite welcome.

Mr. President, I am very pleased with the progress that we are making today.

Mr. President, just for the record, in 1985 a very distinguished Senator named Nancy Kassebaum, and Mr. SOLOMON on the House side, offered legislation using this very same approach. And it was in enacted into to law for the State Department Authorization Act for fiscal years 1986 and 1987. Who do you reckon was the chairman of the Senate Foreign Relations Committee at that time? It was my very good friend, Senator LUGAR of Indiana. If my memory serves me correctly, he supported Nancy Kassebaum, I, and all the rest of us who were interested in the same thing.

The Clinton administration never requested some of the larger amounts of money involved in the so-called arrearage. Through a normal process of budgeting, the Congress overlooked paying this enormous sum for peacekeeping, principally to our allies in Europe. In fact, the nonpayment of U.N. peacekeeping expenditures in Bosnia was an explicit rebuff by the Congress to a policy, and any suggestion to the contrary is simply not so. But the Clinton administration never requested most of the funds in that budget. It never received congressional approval. The Congress to the contrary explicitly opposed these peacekeeping expenditures. But through a flawed mechanism at the United Nations the Clinton administration at that time could vote for the peacekeeping mission and then after the fact demand the Congress meet the so-called United States obligation to pay.

So it is a confusing set of circumstances. But the argument that we are somehow being less than honorable in applying some demands is just not reasonable.

Let's look at another thing. Do we really want to start down the path of who has spent how much on Bosnia? This is an argument which our allies are not going to win. Less than 2 years ago two Cabinet-level officials from the Clinton administration told the Foreign Relations Committee, of which Senator LUGAR is a member, and I believe he was present at that time, that the cost incurred for the peacekeeping mission in Bosnia is "going to be in excess of $1 billion, probably $1.5 billion." Just for the record, the United States has to date spent—guess how much on Bosnia? Mr. President, $6.5 billion. Who is going to reimburse our military and our taxpayers for this expenditure? So where does anybody get off saying we are doing something dishonorable, or unwise, or unreasonable if we are protesting a lot of this stuff that is going on at the United Nations?

Over $533 million of the so-called United States arrearages for peacekeeping is specifically related to the failed U.N. mission in Bosnia. In support of the amendment, it has been said that the United States did not have troops in Bosnia and, therefore, the United States has an obligation to pay those who did. That argument is not correct either.

During the period of the U.N. effort in Bosnia, the United States maintained an aircraft carrier battle group off the coast of the former Yugoslavia, a substantial commitment of aircraft to police the no-fly zone over Bosnia, and a military hospital unit in Croatia at an estimated cost of at least $3 billion. Because the Congress prohibited President Clinton from associating our military with the U.N. disaster, the United States did not seek reimbursement for our efforts to contain hostilities in Bosnia.

If we are going to start talking about paying bills for Bosnia and things like that, we can really, really have a strong argument, and I am going to insist that our military and our taxpayers get reimbursed as well.

So, for me the alternative to the payment of these funds with the conditions in the reform package will not be the no strings attached approach advocated by the Lugar amendment. I will instead oppose any amendment for any reimbursement for the failed U.N. peacekeeping effort in Bosnia. And that is a debate, Mr. President, if we have it, that will be worth having.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I ask that Senators support my amendment because it is the right thing to do. It is the right thing to pay our debts and to meet our contractual obligations in support of the United Nations, a vigorous vehicle for the conduct of our foreign policy.

The dispute that we have today is over two different tacks on which the Senators differ in terms of our effectiveness. I believe that the Lugar amendment is not only the right thing to do but I believe it is the most effective way to bring about reform, and to bring about cooperation with our allies, not only at the United Nations but in a host of international trade issues, in NATO and NATO-related concerns, and all of the planning that is vital to our foreign policy.

It makes no sense, Mr. President, to deny our allies funds that we owe them and to expect that they are going to be generous or thoughtful in negotiating settlements with us in a range of agreements around the globe.

So in terms of both the principle as well as its practicality, I believe the best course is to pay our debt and to do so promptly in a straightforward way and to negotiate firmly for reform of the United Nations, as we are doing, and as we will continue to do, after recognizing that 183 other countries are involved. There must finally be agreement with them, too.

I thank the Chair.

Mr. CHAFEE. Mr. President, I commend the Senators from North Carolina and Delaware for bringing this very important piece of legislation to the Senate floor. It has been many years since Congress has passed and the President signed a State Department authorization bill. U.S. interests will be very well served if we are able to accomplish this very difficult but important task.

I would like to address a key provision within S. 903, that being the U.N. reform plan. I have long had a deep interest in the world body, and this legislation offers the Senate an opportunity to better understand the many complex issues surrounding U.S. membership in the United Nations.

There have been a number of what I consider to be unfortunate misconceptions raised about the United Nations in recent years that, in the context of this legislation, ought to be addressed in a forthright manner. American taxpayers deserve to know what benefits does the United States derives from its participation in the United Nations? A misconception one hears repeatedly is that the United States pays billions of dollars in U.N. dues, but gets little or nothing to show for it in return. I think it is important to rebut this allegation in order to more effectively make a case for full payment of our arrearages.

The United Nations advances U.S. foreign policy goals in a number of ways, including isolation of nations that support terrorism, conflict resolution through diplomacy, the provision of humanitarian aid, and the promotion of democracy and human rights. These many successful ventures are too often overlooked as the more headline-grabbing failures of the United Nations seem to receive more attention by the news media.

For example, U.N. economic sanctions serve to isolate and weaken regimes of nations such as Iraq, Libya, and others that routinely challenge United States interests abroad. Although these outlaw regimes remain in power, their ability to influence world events and undermine our interests are

greatly reduced. I note the now-lifted U.N. sanctions on Serbia, which were instrumental in bringing that nation to the negotiations that eventually resulted in the Dayton peace accords. And we should also recall that Operation Desert Storm was conducted under the authority of a U.N.-passed resolution.

The United Nations has also been instrumental in a number of peacemaking endeavors, including the brokering and implementation of peace agreements in the nearby, formerly war-ravaged nations of El Salvador and Guatemala. While I recognize and acknowledge the imperfect record of U.N. peacekeeping missions, particularly in Somalia and Bosnia, there have been successes in a number of lesser known parts of the world that are infrequently publicized. In any event, it should also be understood that the number of troops involved in U.N. peacekeeping operations has been reduced two-thirds over the past 2 years.

What's more, the United Nations has been a forum in which international norms and standards of conduct are debated and established. These standards put the weight of international unity behind efforts to encourage good conduct on the part of all member states, particularly those that seek to do otherwise. During the 51st U.N. General Assembly alone, a number of important resolutions were adopted, with U.S. support, that promoted our national security interests. These resolutions sought to combat international crime, promote respect for human rights, and deplore the conduct of the repressive Burmese Government. I also note the work of the U.N. Human Rights Commission in Geneva, an important organization which, among other things, puts needed pressure on many nations to fully respect the fundamental rights of its citizens.

Mr. President, these are just some examples of how the United Nations and its affiliated organizations serve U.S. national security interests around the world. There are many more. It's vitally important that every Member of Congress understand exactly what we are receiving in return for our substantial investment at the United Nations in order to make the best judgment about how to proceed in addressing our unpaid dues.

Another important misconception about the United Nations is the characterization of it as a bloated, uncontrolled bureaucracy that is unresponsive to calls for restraint. It is true that the United Nations and its administrative activities had seen enormous growth during its first several decades of existence. This growth and associated bureaucracy led to justified calls for reform and reduction.

We must keep in mind that the United Nations has already undergone several reforms in the past decade, often at the urging of the U.S. Congress. Well before Secretary-General Kofi Annan assumed office, the United Nations had established an inspector general, reduced the number of high level posts, and cut both its peacekeeping and general budgets. And in the relatively short time since Annan has been Secretary-General, he has announced additional far-reaching reforms. On March 17, Annan specified a series of 10 reform benchmarks involving further budget cuts and restructuring. Included among these are a transfer of resources from administration to programs, establishment of a code of conduct for U.N. staff, and streamlining of his own office. Annan has done a great deal with the authority he has, while proposing additional measures that must be negotiated with member states.

So no one should be left with the understanding that the United Nations is somehow immune from accountability and unresponsive to criticism. The world body, especially through its new Secretary-General, has heard the call for reform. Its leadership recognizes that it must be responsive to the concerns of member states, particularly its biggest donor, the United States.

This brings us to today's debate. It has been my longstanding view that the United States absolutely must remain a full and active member of the United Nations. The many constructive activities of the United Nations. I have discussed, and the many U.S. interests that are served by our participation in the world body warrant a continued and strengthened U.S. role. Indeed, the 20th century has seen the tremendous consequences that result when the United States shrinks from its inevitable leading role in world affairs. In fact, I would argue that the increasing complexity of the challenges confronting the United States today make it more important than ever that we remain engaged internationally by, among other things, fully participating in the United Nations.

And we certainly cannot adequately participate in the United Nations by continuing to carry an arrearage of around $1 billion. Because of this arrearage, our respect and credibility there has diminished, thereby limiting United States ability to influence positively the United Nations' deliberations and activities. As the sole remaining superpower in an increasingly complex world, the United States simply must play a leading and unimpeded role at the United Nations.

While I am extremely pleased about the willingness of the Senator from North Carolina to engage in negotiations to clear up our arrearage, I believe that paying our back dues in full without the onerous conditions of title 22 is the appropriate course of action. It appears unlikely that the United Nations will, in fact, agree to this package as a whole, particularly given the lukewarm initial reaction of its leadership. This reaction is certainly understandable. Could you imagine if every member state made demands such as this in return for full payment of dues?

What would best serve U.S. interests is to pay off our arrearage now and encourage our diplomats to undertake a very serious effort to negotiate further reforms with a Secretary-General who appears strongly committed to genuine change. I am greatly concerned that the substantial progress we have already made in working with Kofi Annan could be jeopardized by enactment of these mandates. It is no surprise that many member states of the U.N. have said that these conditions are a mere starting point for further negotiations. Such an interpretation, if accepted by the body as a whole, would simply put us back at square one with a $1 billion arrearage.

Rather than debating how best to pay our back dues, we should instead focus on the more fundamental question of whether or not the United States ought to be a member of the United Nations at all. If we do decide that it's in our interests to remain there, then we should simply pay our dues and move on. It is imperative that the United States remain engaged, rather than withdraw, from world affairs and institutions such as the United Nations. I urge my colleagues to support the Lugar/Sarbanes amendment.

Mr. WELLSTONE. Mr. President I rise to express my strong support for the amendment introduced by Senator LUGAR. The amendment accomplishes a number of things, including funding arrears to the United Nations within 2 years and fully funding fiscal year 1998 U.S. regular and peacekeeping dues to the United Nations. The full funding for fiscal year 1998 is important in that it will help ensure that the United States does not perpetuate U.S. arrears by not meeting current U.S. obligations to the United Nations.

But as commendable and desirable as these provisions are, what I believe is most important is Senator LUGAR's proposal to strip from S. 903 some 38 unilaterally imposed benchmarks or conditions that the United Nations would have to meet before we fully pay the debts we acknowledge we owe the organization. Included in these benchmarks are a permanent cut in our annual dues from 25 percent to 20 percent of the regular U.N. budget and from 31 percent to 25 percent of the peacekeeping budget.

When I first joined the Senate Foreign Relations Committee, I was asked by a ranking State Department official what my position was on U.S. arrears to the United Nations. I said my position could be summed up in two-words: "pay up." At the time I had no inkling that the majority of my colleagues on the Foreign Relations Committee

would agree that our decision to finally pay up should be contingent on the U.N. complying with numerous U.S. conditions. And the conditions contained in S. 903 provide for payment of arrears over a 3-year period, with new conditions imposed each of the 3 years—conditions that the United Nations will have to meet in exchange for U.S. payments. To other nations, including some of our allies, this formula is likely to be viewed as being tantamount to blackmail on the installment plan. Moreover, if implemented there is no question it would greatly weaken the United Nations and undermine our leadership role in the world body.

What would happen to the United Nations if other member States were to follow suit and impose some of the same provisions contained in this bill as conditions for paying their arrears? Thus, they might refuse to pay their back dues and assessments until the United Nations agreed to make reductions they specify in their assessed rate for the U.N. budget and share of contributions to peacekeeping operations. Or they might condition repayment to specific reductions in the U.N. staff, reduced U.N job vacancy rates, or even providing their national counterparts to our GAO with access to U.N. financial data so that they may audit the U.N. books.

Is there any doubt that we would be enraged if the national legislature of any other member state were to mandate that the United Nations jump through a series of hoops before that state pays its debts to the United Nations? And we would have a right to be enraged, not only because our own dues and assessments might consequently be increased. But also because U.N. compliance with such a unilateral diktat could well lead to the organization's collapse. No international organization can be viable if its members have the power to unilaterally determine what they owe the organization, the conditions under which repayment should be made, and what their future financial obligations should be.

As Senator LUGAR has pointed out, only 5 percent, some $54 million, of the $1.021 billion we acknowledge we owe is actually owed to the United Nations. It is important to note that the single largest portion of our arrears, almost two-thirds, is owed to countries who contributed troops to peacekeeping operations which the U.S. backed in the U.N. Security Council. In most cases these were operations in which the United States refrained from participating with our own forces. The bulk of this peacekeeping debt is owed to our NATO allies, with the United Nations merely serving as a conduit to reimburse those countries who supported peacekeeping operations with troops and equipment.

There is no doubt that international peacekeeping eases our burden because other nations share the costs and risks. In fact, the United States will gain $107 million in reimbursements for U.N. peacekeeping costs, which we will credit against our U.N. debt obligations.

In effect, by withholding our debt payments and making repayment contingent on a host of conditions, we've imposed a double whammy on some of our closest allies. We have yet to pay them what we owe for the costs of peacekeeping operations they carried out which we had deemed to be in our national interest. And by unilaterally reducing our own future obligations to the United Nations as a condition of paying our arrears, our NATO allies will wind up paying more for peacekeeping operations and the U.N. budget. To me, this seems like a sure-fire formula for undermining our relations with our NATO partners.

Mr. President, I believe it is important to stress that the Lugar amendment enjoys strong and broad support. Among the backers is the Emergency Coalition for U.S. Financial Support of the United Nations which includes all the former Secretaries of State, and over 100 business, labor, humanitarian, faith-based, and civic organizations. Moreover, the premises of the Lugar amendments are consistent with the views of the American public. For example, a nationwide poll last year found that almost two-thirds of Americans believe the United States "should always pay its full dues to the United Nations on schedule."

Americans have long believed in having "a decent respect for the opinions of mankind." I hope my colleagues will agree with me that imposing unilateral, take it-or-leave it conditions on the United Nations hardly reflects "a decent respect for the opinions of mankind." Therefore, I urge my colleagues to strongly back the Lugar amendment.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 383, AS MODIFIED

Mr. BIDEN. Mr. President, I ask unanimous consent that it be in order for me to offer a perfecting amendment to Senator DEWINE's amendment No. 383. I offer this amendment on behalf of Senator DODD. It amends the pending amendment to add two additional categories of individuals who may be excluded under this amendment: First, members of the Haitian high command; and, second, members of the paramilitary organization known as FRAPH.

Both of these organizations were responsible for serious human rights abuses during the coup regime from 1991 to 1994.

I ask unanimous consent that the DeWine amendment be so modified to include the amendment which I send to the desk from Senator DODD.

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

The amendment (No. 383), as modified, is as follows:

At the end of title XVI of division B of the bill, insert the following new section:

SEC. . EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE BEEN INVOLVED IN EXTRAJUDICIAL AND POLITICAL KILLINGS IN HAITI.

(a) FINDINGS.—Congress makes the following findings:

(1) At the time of the enactment of this Act, there have been over eighty extrajudicial and political killing cases assigned to the Haitian Special Investigative Unit (SIU) by the Government of Haiti. Furthermore, the government has requested that the SIU investigate on a "priority basis" close to two dozen cases relating to extrajudicial and political killings.

(2) President Jean-Bertrand Aristide lived in exile in the United States after he was overthrown by a military coup on September 30, 1991. During his exile, political and extrajudicial killings occurred in Haiti including Aristide financial supporter Antoine Izmery, who was killed on September 11, 1993; Guy Malary, Aristide's Minister of Justice, who was killed on October 14, 1993; and Father Jean-Marie Vincent, a supporter of Aristide, was killed on August 28, 1992.

(3) President Aristide returned to Haiti on October 15, 1994, after some 20,000 United States troops, under the code name Operation Uphold Democracy, entered Haiti as the lead force in a multi-national force with the objective of restoring democratic rule.

(4) From June 25, 1995, through October 1995, elections were held where pro-Aristide candidates won a large share of the parliamentary and local government seats.

(5) On March 28, 1995, a leading opposition leader to Aristide, Attorney Mireille Durocher Bertin, and a client, Eugene Baillergeau, were gunned down in Ms. Bertin's car.

(6) On May 22, 1995, Michel Gonzalez, Haitian businessman and Aristide's next door neighbor, was killed in a drive-by shooting after alleged attempts by Aristide to acquire his property.

(7) After Aristide regained power, three former top Army officers were assassinated: Colonel Max Mayard on March 10, 1995; Colonel Michelange Hermann on May 24, 1995; and Brigadier General Romulus Dumarsais was killed on June 27, 1995.

(8) Presidential elections were held on December 17, 1995. Rene Preval, an Aristide supporter, won, with 89 percent of the votes cast, but with a low voter turnout of only 28 percent, and with many parties allegedly boycotting the election. Preval took office on February 7, 1996.

(9) On March 6,1996, police and ministerial security guards killed at least six men during a raid in Cite Soleil, a Port-au-Prince slum.

(10) On August 20,1996, two opposition politicians, Jacques Fleurival and Baptist Pastor Antoine Leroy were gunned down outside Fleurival's home.

(11) Other alleged extrajudicial and political killings include the deaths of Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, and Jean-Hubert Feuille.

(12) Although the Haitian Government claims to have terminated from employment several suspects in the killings, some whom have received training from United States advisors, there has been no substantial progress made in the investigation that has led to the prosecution of any of the above-referenced extrajudicial and political killings.

(13) The expiration of the mandate of the United Nations Support Mission in Haiti has been extended three times, the last to July 31, 1997. The Administration has indicated that a fourth extension through November 1997, may be necessary to ensure the transition to a democratic government.

(b) GROUNDS FOR EXCLUSION.—The Secretary of State shall deny a visa to, and the Attorney General shall exclude from the United States, any alien who the Secretary of State has reason to believe is a person who—

(1) has been credibly alleged to have ordered, carried out, or materially assisted, in the extrajudicial and political killings of Antoine Izmery, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

(2) has been included in the list presented to former president Jean-Bertrand Aristide by former National Security Council Advisor Anthony Lake in December 1995, and acted upon by President Rene Preval;

(3) was a member of the Haitian presidential security unit who has been credibly alleged to have ordered, carried out, or materially assisted, in the extrajudicial and political killings of Pastor Antoine Leroy and Jacques Fleurival, or who was suspended by President Preval for his involvement in or knowledge of the Leroy and Fleurival killings on August 20, 1996; or

(4) was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1995, murder of Mireille Durocher Bertin and Eugene Baillergeau, Jr., and were credibly alleged to have ordered, carried out, or materially assisted, in those murders, per a June 28, 1995, letter to the then Minister of Justice of the Government of Haiti, Jean-Joseph Exume.

(5) Any member of the Haitian High Command during the period 1991–1994, who has been credibly alleged to have planned, ordered, or participated with members of the Haitian Armed Forces in the September 1991 coup against the duly elected government of Haiti (and his family members) or the subsequent murders of as many as three thousand Haitians during that period;

(6) Any individual who has been credibly alleged to have been a member of the paramilitary organization known as FRAPH who planned, ordered, or participated in acts of violence against the Haitian people;

(c) EXEMPTION.—This section shall not apply where the Secretary of State finds, on a case by case basis, that the entry into the United States of the person who would otherwise be excluded under this section is necessary for medical reasons, or such person has cooperated fully with the investigation of these political murders. If the Secretary of State exempts such a person, the Secretary shall notify the appropriate congressional committees in writing.

(d) REPORTING REQUIREMENT.—(1) The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings mentioned in paragraph (1) of subsection (b).

(2) The Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees not later than three months after the date of enactment of this Act.

(3) The Secretary of State shall submit to the appropriate congressional committees a list of aliens denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of aliens refused entry to the United States as a result of this provision.

(4) The Secretary shall submit a report under this subsection not later than six months after the date of enactment of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed the investigation of the extrajudicial and political killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (b).

(e) DEFINITION.—In this section, 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.

Mr. DODD. Mr. President, I hope that Senator DEWINE would accept my perfecting amendment that I offer to his amendment. I understand that the managers of the bill are prepared to accept it, if the sponsor of the underlying amendment has no problem, which I understand he does not.

I believe that those who use violence as a political tool should not be rewarded with a United States visa for those actions. While his amendment covers a number of categories of individuals who have been involved in political killings and other illegal acts, there would seem to be two categories of individuals who played a very prominent role in the reign of terror that characterized Haiti between September 1991 and October 1994 when the duly elected government was restored to office with the assistance of the international community. I am of course talking about the High Command of the Haitian Armed Forces and the paramilitary organization known as FRAPH.

Clearly members of the Haitian High Command violated every norm of accepted international law with respect to their efforts to overthrow a democratically elected government. But more importantly, their treatment of the Haitian people during the coup regime was reprehensible. Surely granting entry to the United States of such individuals would serve no useful private or public purpose.

Similarly, the paramilitary organization which came to be known as FRAPH undertook such heinous acts as kidnaping, rape and murder as a concerted effort to intimidate the Haitian people. Individuals who were members of this organization should also be excluded from entry into the United States.

Mr. President I believe that this amendment adds the necessary balance to the pending amendment and I urge its adoption.

Mr. DEWINE. Mr. President, I thank my colleague from Delaware and I thank Senator DODD for this effective amendment. It is consistent with what we are trying to do and trying to say and are saying in the DeWine amendment. That simply is that the United States should not allow people who have committed political murders in the country of Haiti into the United States and whether these are from the left or the right, whether these occurred after Aristide or before Aristide, we should be consistent.

So I support the amendment and urge its adoption.

Mr. HELMS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from North Carolina has 1 minute remaining.

AMENDMENT NO. 382

Mr. HELMS. Mr. President, Senator LUGAR has repeatedly said it is the right thing to do, to vote for his amendment. It is the right thing to do, almost implying that those of us who do not agree with him have, indeed, a character defect. Let me tell you about the Lugar amendment. The effect of the Lugar amendment would be that the United Nations would have absolutely no incentive to reform—none—no incentive to cut the burden on the American taxpayers by reducing our regular budget assessment to 20 percent; no reduction in our peacekeeping assessment; no inspector general in the big three specialized agencies to root out waste, fraud, and corruption; no U.S. seat on the U.N. budgetary committee; no budgetary reductions in the specialized agencies; no sunset provisions for obsolete programs; no GAO access to U.N. financial data; no budgetary reform, and so on and on.

It may be the right thing to do in Senator LUGAR's opinion, but I expect that it is going to be the wrong thing to do, to vote for the Lugar amendment, when the tally is made in just a few minutes.

Have the yeas and nays been ordered on the amendments? I believe we did that last night.

I yield the remainder of my time.

VOTE ON AMENDMENT NO. 383

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 383, as modified, offered by the Senator from Ohio [Mr. DEWINE].

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE] and the Senator from Iowa [Mr. HARKIN] are necessarily absent.

I also announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

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

The result was announced, yeas 98, nays 0, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—98

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Ford	McCain
Ashcroft	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grams	Murray
Boxer	Grassley	Nickles
Breaux	Gregg	Reed
Brownback	Hagel	Reid
Bryan	Hatch	Robb
Bumpers	Helms	Roberts
Burns	Hollings	Rockefeller
Byrd	Hutchinson	Roth
Campbell	Hutchison	Santorum
Chafee	Inhofe	Sarbanes
Cleland	Inouye	Sessions
Coats	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kempthorne	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
D'Amato	Kohl	Thomas
DeWine	Kyl	Thompson
Dodd	Landrieu	Thurmond
Domenici	Lautenberg	Torricelli
Dorgan	Leahy	Warner
Durbin	Levin	Wellstone
Enzi	Lieberman	Wyden
Faircloth	Lott	

NOT VOTING—2

Daschle	Harkin

The amendment (No. 383), as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 382

The PRESIDING OFFICER. There will now be 2 minutes for debate equally divided on the Lugar amendment.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, my amendment calls for payment of our obligations to the United Nations to the extent of $819 million over 2 years without conditions; $658 million of that is owed to our friends and our allies for peacekeeping operations and expenses they undertook and for which we voted. We have a contractual obligation to pay.

Our effectiveness in bringing about reforms in dealing with NATO expansion, in dealing with a host of international trade issues depends upon our credibility with our friends. It is not an argument in favor of reform that unilaterally we decide not to pay or send our payments to other nations but insist on some with 38 conditions in 18 pages of agate type before we allocate the money. We have a straightforward vote, Mr. President. I believe it is the right thing to do. I think it is the most effective thing to do in terms of American diplomacy.

Mr. SARBANES. Will the Senator yield? I very strongly support the Senator from Indiana, and I very much hope our colleagues will vote in favor of this amendment.

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

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, the Senator from North Carolina has been kind enough to give me the minute to respond.

The Lugar amendment does not have one single penny more in it than this bill. We do pay all of our allies the arrearages that we owe them with the bill in the way it is drawn up. The administration has supported this compromise we have come up with.

This basically is the way to get the job done. But I emphasize, there is not one additional penny in the Lugar amendment. There is no distinction in how we get paid. The principle is, should there be any conditions placed on the United Nations? This bill does place conditions they can meet. The Senator, on principle, says none should be there. If you wish to put conditions at all, you should vote with us. If you want no conditions, vote with him. But it is the same amount of money.

I urge that you vote "no" on the Lugar amendment.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 382 offered by the Senator from Indiana [Mr. LUGAR]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE] and the Senator from Iowa [Mr. HARKIN] are necessarily absent.

I also announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

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

The result was announced—yeas 25, nays 73, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—25

Akaka	Jeffords	Lugar
Bingaman	Kennedy	Moseley-Braun
Boxer	Kerrey	Murray
Bumpers	Kerry	Reed
Chafee	Landrieu	Sarbanes
Dodd	Lautenberg	Specter
Durbin	Leahy	Wellstone
Feingold	Levin	
Glenn	Lieberman	

NAYS—73

Abraham	Cleland	Feinstein
Allard	Coats	Ford
Ashcroft	Cochran	Frist
Baucus	Collins	Gorton
Bennett	Conrad	Graham
Biden	Coverdell	Gramm
Bond	Craig	Grams
Breaux	D'Amato	Grassley
Brownback	DeWine	Gregg
Bryan	Domenici	Hagel
Burns	Dorgan	Hatch
Byrd	Enzi	Helms
Campbell	Faircloth	Hollings
Hutchinson	Mikulski	Smith (NH)
Hutchison	Moynihan	Smith (OR)
Inhofe	Murkowski	Snowe
Inouye	Nickles	Stevens
Johnson	Reid	Thomas
Kempthorne	Robb	Thompson
Kohl	Roberts	Thurmond
Kyl	Rockefeller	Torricelli
Lott	Roth	Warner
Mack	Santorum	Wyden
McCain	Sessions	
McConnell	Shelby	

NOT VOTING—2

Daschle	Harkin

The amendment (No. 382) was rejected.

LEAVE OF ABSENCE

Mr. JOHNSON. Mr. President, I ask unanimous consent, in accordance with paragraph 2 of rule VI of the Standing Rules of the Senate, that I be permitted to be absent from the work of the Senate for this afternoon and all day tomorrow to attend the funeral of Sebastian Daschle, the father of my colleague and good friend from South Dakota, Senate Minority Leader TOM DASCHLE.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. ASHCROFT. Mr. President, I ask unanimous consent I be allowed to speak for 8 minutes.

Mr. DURBIN. Mr. President, I do not know if it is appropriate to ask that might be amended so I ask to have an opportunity to speak for 10 minutes after the Senator from Missouri.

Mr. DOMENICI. Reserving the right to object——

The PRESIDING OFFICER. Will the Senator from Missouri modify his request?

Mr. ASHCROFT. I am happy to.

Mr. DOMENICI. I object. I want to ask a question. I wonder if I might, someplace in this, without waiting to hear the eloquence of both of your remarks, if I might have 2 minutes.

Mr. ASHCROFT. I am happy to defer for 2 minutes.

The PRESIDING OFFICER. Is there objection to the request? Two minutes to the Senator from New Mexico.

Ms. MOSELEY-BRAUN. Mr. President, I look forward to sharing the 10 minutes with the Senator from Illinois, and I have no objection to the Senator from New Mexico speaking for 2 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Missouri's request is agreed to, and the Senator from New Mexico is recognized.

(The remarks of Mr. DOMENICI pertaining to the submission of Senate Resolution 100 are printed in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

TRIBUTE TO CHARLES GENTRY

Mr. DOMENICI. Mr. President, within a few short days, Charles Gentry

will be leaving his post as my administrative assistant after many years of distinguished service in the legislative and executive branches of government and 11 years in the U.S. Army.

Charles has served on my staff twice. First as my legislative director and now as my administrative assistant.

During his first tour of duty on my staff Congress enacted the partial deregulation of natural gas. It was a major undertaking. It was complicated. It was contentious. Charles masters every aspect of this complicated piece of legislation. Looking back, natural gas deregulation proved to the country that our Nation has massive quantities of natural gas and that market forces would work to everyone's advantage.

Then, as now, no matter what the task, Charles has always been a leader. He has always excelled. I could count on him. He knows his substance. He knows his politics, and he knows New Mexico.

During the last 4 years Charles helped me with the critical issues facing New Mexico.

When Kirtland Air Force base was included on the Base Closure Commission preliminary list, Charles rolled up his sleeves, and in typical Gentry analytical style found out the facts surrounding this recommendation. It didn't take him long to pinpoint the shortcomings in the Commission's evaluation of Kirtland, and to professionally get the facts to the Commission so they could correct their error. Kirtland was saved and the defense readiness of the country benefited from Charles' hard work.

The administration's grazing fee hike proposal threatened the way of life for hundreds of hard working ranchers in New Mexico. Charles worked diligently to educate members of the Senate about the folly of this proposal. I will always remember the warm welcome we received when we visited southeastern New Mexico and the entire region turned out to thank us for delaying the fees.

Charles has a keen mind for complicated issues, and in New Mexico dealing with Sandia and Los Alamos National Laboratories the issues don't get much more complicated. Charles was one of my key advisors on stockpile stewardship, inhalation toxicology, Nunn-Lugar, and Nunn-Lugar-Domenici initiatives to minimize nuclear proliferation. He worked particularly hard on the Industrial Partnership Program intended to provide economic development to Russia. More importantly, this program is designed to keep Russian nuclear experts from moving to Iraq or Lybia. This is probably one of the most important defense initiatives since the Berlin wall came down.

He worked on minority contracting issues at Los Alamos and Sandia. When Lockheed Martin took over Sandia and initiated contract reform Charles ensured that small and minority contractors were able to maintain their relations with Sandia.

Two years ago, when I rewrote the energy title of the DOD authorization bill Charles initiated the negotiations with the Armed Services Committee and facilitated the friendly rewrite of more than 60 pages of this important legislation.

Charles has a big heart. New Mexico veterans are developing a beautiful Veterans' Memorial Park. When Charles heard about the effort during a meeting with me and the sponsors of the park, Charles opened his check book and bought the first commemorative tile.

Charles helped me start the Senate oil and gas forum. He is one of the most knowledgeable oil and gas lawyers in the country.

For the past 4 years, Charles has been my administrative assistant, but our association began many, many years ago. He was raised in Roswell, NM, where he attended the New Mexico Military Institute. While at NMMI, he was an extraordinary student and athlete. Charles was captain of the football team and the New Mexico Golden Gloves heavyweight boxing champion. Before earning his B.A. in science and mathematics at NMMI, he received many academic and athletic honors. In fact, he graduated first in his class. He later received a B.S. in civil engineering from the University of Missouri and a J.D. from Texas Tech University's School of Law.

He previously served for 6 years as my legislative director, during which he became known for his special expertise in natural resources and energy issues.

In the private sector, he has practiced law in both Austin and Dallas, TX, specializing in oil and gas, public lands, natural resources, and environmental law.

No recounting of Charles Gentry's life of public service would be complete without noting nearly 11 years in the U.S. Army, where he served with valor as a pilot of fixed and rotary-winged aircraft. When Charles's helicopter was shot down in combat in South Vietnam, he was severely wounded and ultimately medically discharged with the rank of major. His combat decorations include the Bronze Star, Air Medal, Army Commendation Medal with two Oak Leak Clusters, and the Purple Heart.

Following his years of military service, Charles became a White House fellow and was assigned as a special assistant to the Attorney General of the United States, after which he became Director of the Office of Special Projects at the Environmental Protection Agency.

To summarize our work together in the years that Charles has served me, this institution, and the people of New Mexico is a tough job, especially since I know that our relationship will not end with his leaving my staff. This is not the end of a book, rather merely the close of another chapter rich with memories and packed with accomplishment. I wish him much success and happiness as he opens the door to his new chapter in his life.

My wife, Nancy, and I look forward to many more years of friendship and send our best to Charles and his wife Gerrie, his parents, the Roy Gentrys now retired in Albuquerque, his son Geoffrey and daughter Cheryl.

For his fierce intellect, his incredible capacity for hard work, his political insight and his faithful friendship for so many years, I say from the bottom of my heart, "Thank you, Charles, for a job well done."

The PRESIDING OFFICER. The Senator from Missouri is recognized for 8 minutes.

FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997, ASHCROFT ANTITERRORIST PROVISION

Mr. ASHCROFT. Mr. President, the African nation of Sudan is a cradle and safe haven for the world's most vicious and violent terrorists. It is a country internationally renowned as a training base for terrorist groups.

The Armed Islamic Group, Hamas, Abu Nidal, Palestinian Islamic Jihad, Hezbollah, and the Islamic Group, all practice car bombing and hostage taking on the sands of Sudan's deserts.

Sudan also harbors and protects elements of Sheik Omar Abdel Rahman's Jihad network, the terrorist organization that was involved in the bombing of the World Trade Center.

Furthermore, Sudanese diplomats at the United Nations conspired with Jihad terrorists to bomb the U.N. complex. Sudan also reportedly provided false papers and weapons for assassins who attacked Egyptian President Hosni Mubarak.

There is no doubt that Sudan is a state sponsor of terrorism, and the State Department is right to classify it as such.

Along with this classification, the State Department should also enforce strict sanctions on financial transactions with Sudan, as it does with other officially recognized state sponsors of terrorism. Unfortunately, the State Department has taken steps to relax sanctions on financial transactions with Sudan. Congress passed legislation last year, the Antiterrorism and Effective Death Penalty Act, designed to prohibit all U.S. financial transactions with governments that support international terrorism.

Unfortunately, the manner in which the State Department implemented the law exempted at least two terrorist

states, Sudan and Syria, from this ban. The State Department reads this seemingly clear legislation to prohibit only the financial transactions which might further terrorism in the United States. Transactions which furthered terrorism outside of the United States would be perfectly legal.

The bureaucrats at the State Department evidently believe that transactions which further terrorism against citizens of foreign countries or terrorism against Americans abroad—such as the Pan Am 103 flight which exploded over Scotland killing 270 people—should not be prohibited

In our debate over foreign policy and foreign affairs reform, we need to clearly define a consistent anti-terrorism policy. The United States should not allow financial transactions with state sponsors of terrorism, regardless of whether those financial transactions enhance terrorism in the United States or abroad.

Congress clearly intended to outlaw all financial transactions with these rogue nations. Yet for reasons that have never been clearly explained, the administration has chosen to allow U.S. companies to continue to do business with regimes that are intent on killing Americans and terrorizing people around the globe.

For example, only mounting public concern and increasing congressional pressure prevented this administration from allowing an American petroleum company to participate in a $930 million oil deal with the Sudanese Government. This oil deal would have provided hundreds of millions of dollars to this state sponsor of terrorism, money which could easily have funded attacks on U.S. citizens.

The State Department's implementation of last year's antiterrorism law leaves a loophole large enough to drive a truck bomb through, a truck bomb similar to the one that killed 19 American military personnel and injured approximately 500 more in Saudi Arabia last year.

One would expect the State Department to use every tool available to them to curtail and smother terrorism, especially since lives are at stake. The terrorist groups that operate out of Sudan are responsible for hundreds of attacks around the world and the deaths of thousands of people, and yet our State Department refuses to use the full scope of the law to aggressively isolate this criminal regime.

Abu Nidal alone has been responsible for 90 terrorist attacks in 20 countries, killing or injuring almost 900 people. As I mentioned earlier, this terrorist organization uses Sudan as a base of operations.

I have introduced legislation, Senate bill 873, to close the administration's loophole allowing most financial transactions with terrorist states to proceed. This legislation has been included in section 1605 of the foreign affairs reform bill we are debating today and specifically prohibits all U.S. financial transactions with regimes classified as state sponsors of terrorism, regardless of whether or not the terrorist attack might occur in the United States or abroad.

There are some exceptions in the provision which allow certain financial transactions to proceed: transactions for humanitarian assistance; traveling journalists; and a national security waiver for classes of financial transactions that are vital to the security interests of the United States.

As I mentioned earlier, this is unfortunately the second time the Senate has had to consider legislation to prohibit financial transactions with state sponsors of terrorism. If the Clinton administration had chosen to implement this law correctly the first time, all transactions between U.S. citizens and state sponsors of terrorism would already be illegal.

International terrorism is going to be a topic of discussion at the upcoming G–7 summit this weekend in Denver. The financial resources available to international terrorists will be one area of discussion for G–7 leaders. President Clinton will probably speak very forcibly on this issue. I sincerely hope that he will also direct the State Department to implement the provisions in this legislation which undermine the financial resources of terrorist states. I hope the President interprets this legislation in accordance with congressional intent and limits the ability of American firms to provide financial resources to state sponsors of terrorism.

State sponsors of terrorism provide critical refuge and support to nefarious organizations committed to killing Americans and citizens of other countries. Business as usual should not proceed with such regimes, and President Clinton should not have to be coaxed into aggressively enforcing U.S. antiterrorism laws to isolate these countries. This provision will diminish the financial resources available to terrorist states for their campaign of violence and hatred, and I urge the President's firm support for this anti-terrorism weapon contained in the foreign affairs reform legislation before the Senate today.

I thank the Chair and yield the remainder of any time I might have.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Thank you, Mr. President.

CONGRATULATIONS TO THE CHICAGO BULLS

Mr. DURBIN. Mr. President, my colleague, Senator CAROL MOSELEY-BRAUN, and I would like to take the floor for 10 minutes to address an issue of great importance, one that is appropriate to consider as we debate the foreign affairs bill, because this is an issue, to us, of worldwide significance.

Is there a spot in the world so removed, so distant, so isolated that if you would go there today and say that you were from Chicago, that the people living in this far corner of the world would not immediately respond: "The home of the Chicago Bulls and Michael Jordan?" I don't think there is a spot in the world where you could find people who are not aware of what happened in the great City of Chicago—for in 5 of the last 7 years, our Chicago Bulls have won the championship of the National Basketball Association.

We believe, quite modestly, that Chicago has become the world's capital of basketball—of course, our chief of State none other than Michael Jordan. Those who watched the NBA finals, particularly that fifth game, will never forget the contribution made by this great athlete. Obviously suffering from some illness—flu or worse—he managed to muster the strength and courage to lead the Bulls to an important, absolutely critical victory. How many times we saw him running down that court, wondering if he could get from one end to the other, only to perform spectacularly when given the ball. That has been his hallmark, but not just as an athlete, but as a person. He is truly a good person. Unfortunately, in the game of sports, you can't say that about all of the champions. You can certainly say it about Michael Jordan.

Of course, the chief of intelligence in this world capital of basketball is none other than Coach Phil Jackson. Michael Jordan and Coach Jackson have a rare relationship, and Michael Jordan has made it clear that when he plays basketball, it will be with Phil Jackson. Phil Jackson, along with Jerry Reinsdorf as the owner, and others, can take pride in what the Bulls have brought to professional sports and basketball.

The Bulls' record of 171 victories and 30 losses over the last two seasons has set a new standard of excellence. Michael Jordan, in the last five full seasons, has earned five championship rings and five MVP awards in the playoffs. The numbers speak for themselves.

You could go through the list of Chicago Bulls and find the greatness and sportsmanship and the kinds of leadership we in Chicago are so proud of. I would be remiss to not mention the contributions of Scottie Pippen, Luc Longley, and so many others who are part of this great team, and Steve Kerr's clutch shot in the last game made the difference. He had had a tough time up to that moment, but when he was given the ball, he was there.

Yesterday, there was a big celebration in Chicago. The Sun came out for a few minutes. People gathered for a great rally. I thought the comment made by Michael Jordan was especially appropriate. He said yesterday:

This championship goes out to all the working people here in the City of Chicago, who go out every day and bust their butts to make a living.

Well, Michael Jordan reminded us that so many of us who take pleasure in watching professional sports can identify with all of the effort made on the court and on the field. There are no two stronger fans of the Chicago Bulls on the floor of the U.S. Senate than myself and my colleague, Senator CAROL MOSELEY-BRAUN. We want to salute the Bulls. We are proud of them. We are proud of the city of Chicago, the city that works. We are looking forward to making it a six pack next year under the leadership of Phil Jackson, Michael Jordan, and Scottie Pippen.

I yield to my colleague, Senator CAROL MOSELEY-BRAUN.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Illinois [Ms. MOSELEY-BRAUN] is recognized.

Ms. MOSELEY-BRAUN. I thank my colleague from Illinois. I just want to say that the Chicago Bulls have been such a source of joy to those of us from Illinois. But also, because of their longstanding pursuit of excellence and demonstration of excellence, they have become America's team. I don't think there is a single team in this country that can boast 5 years of National Basketball Association championships. We won in 1991 against the Lakers; in 1992, against the Trailblazers; in 1993, against the Suns; in 1996 against the Supersonics; and, of course, recently, against the Jazz.

It has been done because the players on the Chicago Bulls are—in the terms of a great football coach from our town—"Grabowski's." "Grabowski's" are people who work hard and keep focused and give it their all and their best, even under adverse circumstances. Certainly, that is what this team has proved over and over again that they can do. They can win, whether it is at the old Chicago Stadium, in L.A., in Phoenix, or in the new United Center. It doesn't matter where they play. They bring the same values, talent, and, most important, the same heart to the game. That is why they are world champions. That is why they are America's team.

Of course, in this last game Steve Kerr can distinguish himself with the 17-foot jumper, which was what some might call the "Hail Mary" play. You just held your breath while it was going on. He drew on the spirit of John Paxon and made the game-winning play toward the end of the game. But he could not do it alone; it was a team effort.

My colleague pointed to the special relationship between Michael Jordan and Scottie Pippen, two very unique, very special players. I think it can go without saying that Michael Jordan is the greatest player in the history of basketball, and we are really fortunate to have him as a leader of this team.

In terms of leadership, certainly Coach Phil Jackson gets high marks for the kind of calm, deliberative, thoughtful approach he brings to the game, which is more than just a sport. It really is an exercise and demonstration of human spirit and values that takes place out on the basketball court.

I have a special place in my heart for Jerry Reinsdorf, who recently worked out a situation in correcting an injustice. He single-handedly was able to encourage the baseball owners to award pensions to the players of the old Negro League that had been denied pensions, because when they went to the majors, there wasn't enough time to qualify for pensions. At my request, he took that issue up and took it to the owners and, after all these years, they have awarded pensions to those old baseball players. Jerry Reinsdorf, I think, demonstrates the best in sports and sports owners. Again, I know he has every reason to be as proud of this team, as we all are.

At the same time, I think it must be said that the Utah Jazz played a phenomenal game. They were a dignified team, a disciplined team. Karl Malone and John Stockton were the equivalent of Scottie Pippen and Michael Jordan, in a way, from another part of the country. They distinguished themselves in the gentlemanly way in which they handled themselves throughout the series. Utah has nothing to be ashamed of. If anything, they have everything to be proud of in the kind of game they played in the championship competition in which they engaged. They supported themselves very well. Utah and the rest of the country can be proud of them as well. Their coach, I think, has a great future. Working with that team, he has a lot of good material to work with there.

As my colleague pointed out, we are not satisfied with number 5. Grabowski's always want to do better, and we are looking for the six pack, or No. 6, next year. I want to thank the Chair for this opportunity to commend the team and all the players. It is a team sport by definition. It doesn't happen just because we have superstars. They are all stars and they are all great. We are so proud of them, and our country has every reason to be proud of America's basketball team.

Mr. DURBIN. Mr. President, in closing, there are 102 counties in Illinois, and of the 12 or 13 million people in the State, most are Bulls fans. There is one exception. Hamilton County, in southern Illinois, had a banner on its courthouse which said "go Jazz go." Why would this one county in the entire State be rooting for the Utah Jazz? Because Jerry Sloan, the coach of the Jazz, came from McLeansboro, IL. He played for the Bulls, and we think he learned a lot in that process.

I join my colleague in saluting the Jazz. What a fine team. They really put up great competition. There were those in Chicago who said, "We are going to win this easily." Many of us had second thoughts. We knew the Jazz was a talented, dedicated team, and they played very well. I salute Karl Malone and John Stockton, as well as Coach Sloan, and our colleagues, Senators HATCH and BENNETT, the best fans the Utah Jazz ever had. "Wait until next year," they will say, and that is what we say to. Wait until next year for a six pack from the Chicago Bulls.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:11 p.m., recessed until 2:15 p.m.; whereupon, the Senate, reassembled when called to order by the Presiding Officer (Mr. COATS).

FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 392

(Purpose: To express the sense of the Senate on enforcement of the Iran-Iraq Arms Non-Proliferation Act of 1992 with respect to the acquisition by Iran of C-802 cruise missiles)

Mr. BENNETT. Mr. President, I send an amendment to the desk

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT] proposes an amendment numbered 392.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE ON ENFORCEMENT OF THE IRAN-IRAQ ARMS NON-PROFILERATION ACT OF 1992 WITH RESPECT TO THE ACQUISITION BY IRAN OF C-802 CRUISE MISSILES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States escort vessel U.S.S. STARK was struck by a cruise missile, causing the death of 37 United States sailors.

(2) The China National Precision Machinery Import Export Corporation is marketing the C-802 model cruise missile for use against escort vessels such as the U.S.S. *Stark*.

(3) The China National Precision Machinery Import Export Corporation has delivered 60 C–802 cruise missiles to Iran for use by vessels of the Iranian Revolutionary Guard Navy.

(4) Iran is acquiring land batteries to launch C–802 cruise missiles which will provide its armed forces with a weapon of greater range, reliability, accuracy, and mobility than before.

(5) Iran has acquired air launched C–802 cruise missiles giving it a 360-degree attack capability.

(6) 5,000 members of the United States Armed Forces are stationed within range of the C–802 cruise missiles being acquired by Iran.

(7) The Department of State believes that "[t]hese cruise missiles pose new, direct threats to deployed United States forces".

(8) The delivery of cruise missiles to Iran is a violation of the Iran-Iraq Arms Non-Proliferation Act of 1992 (50 U.S.C. 1701 note).

(9) The Clinton Administration "has concluded at present that the known types [of C–802 cruise missiles] are not of a destabilizing number and type".

(b) SENSE OF SENATE.—It is the sense of the Senate to urge the Clinton Administration to enforce the provisions of the Iran-Iraq Arms Non-Proliferation Act of 1992 with respect to the acquisition by Iran of C–802 model cruise missiles.

Mr. BENNETT. Mr. President, I spoke on this amendment this morning when the bill was under consideration. So I will not repeat most of my arguments at this point. It is stimulated by a report this morning from the Secretary of Defense, which indicates that the Chinese Precision Machinery Import-Export Corp. has exported multiple versions of the C–802 missiles to Iran. I have notified the Senate in the past that this company has exported to Iran this particular missile for use first on ships, then for land-based operations, and today with Secretary Cohen's announcement we find that the missile will be made available to the Iranians—indeed, is available to the Iranians for use from the air. It can be fired either from an attacker or a helicopter.

This is a reproduction from the Chinese promotional material that was used to sell this missile.

One of the officers quoted in the briefing that the Secretary of Defense gave this morning said, with the addition of the air capability, the 15,000 American service men and women in the gulf now face a 360-degree threat from land, from sea, and from air.

To demonstrate the power of the missile involved here, I remind the Senate that an Exocet missile 10 years ago struck the U.S.S. *Stark* and killed 37 American sailors. This missile is a more modern, more powerful, and more deadly version.

Mr. President, I have been pressing the administration on this issue since the first of this year, having asked questions of Secretary Albright and submitting letters to Secretary Albright. All I have received is a comment from the State Department that they will "monitor" the situation.

Mr. President, that is simply not good enough. There are 15,000 American service men and women within the range of these missiles in the Persian Gulf, and we need to stop this trade and stop it now. There is an ability to do this under what is called the Gore-McCain Act, which gives the President the opportunity to put sanctions on companies that violate the law and says you will not export this kind of weaponry to Iran.

My amendment urges the administration to enforce the Gore-McCain Act and is nothing more complicated than that.

With that, Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BENNETT. Mr. President, I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, has the Senator from Utah concluded his explanation of his amendment?

Mr. BENNETT. Mr. President, I have, but I will remain for questions, if there are any. It is my understanding that the Senator from Alabama has a request for 5 minutes of morning business, for which I yield the floor so that he can make that request. But if the Senator from Maryland wishes to ask questions about my amendment, I will be happy to remain on the floor and respond.

Mr. SARBANES. Mr. President, actually I was going to seek a unanimous-consent request in order to continue the work on the bill and offer another amendment.

Mr. BENNETT. Mr. President, I have no objection to that request. It is my understanding that the Senator from Alabama has a unanimous-consent request.

Mr. SARBANES. Mr. President, I ask unanimous consent that the Senator from Alabama be recognized for 5 minutes to speak as if in morning business, and that when the Senator from Alabama completes his 5 minutes, I ask unanimous consent that the current amendment be set aside and that I be recognized to offer an amendment to the bill at that time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Alabama is recognized to speak as if in morning business for up to 5 minutes.

Mr. SESSIONS. Thank you, Mr. President.

I thank the Senators from Utah and Maryland for their hospitality.

S. 891 "THE FAMILY IMPACT STATEMENT ACT OF 1997"

Mr. SESSIONS. Mr. President, last Thursday, June 12, I along with Senators DEWINE, FAIRCLOTH, HUTCHINSON, COATS, COVERDELL, and ASHCROFT cosponsored S. 891, Senator SPENCER ABRAHAM's Family Impact Statement Act of 1997. I rise today in strong support of this important piece of legislation and to voice my complete disagreement with the recent antifamily action taken by President Clinton.

In 1987, President Ronald Reagan, realizing the importance of the America family and the need to be constantly aware of the negative impact that Federal laws and regulations can have on the family, signed Executive Order 12606. The purpose of this order was to ensure that the rights of the family are considered in the construction and carrying out of policies by executive departments and agencies.

Mr. President, even though we are faced with the staggering increase in out-of-wedlock births, rising rates of divorce, and increases in the number of child abuse cases, apparently President Clinton does not believe that considering the impact of Government regulations on families is good policy.

Much to my dismay, on April 21, 1997, President Clinton signed Executive Order 13045, thus stripping the American family any existing protection from harm in the formulation and application of Federal policies.

President Reagan's Executive order placed special emphasis on the relationship between the family and the Federal Government. President Reagan directed every Federal agency to assess all regulatory and statutory provisions "that may have significant potential negative impact on the family well-being." Before implementing any Federal policy, agency directors had to make certain that the programs they managed and the regulations they issued met certain family-friendly criteria. Specifically, they had to ask:

Does this action strengthen or erode the authority and rights of parents in educating, nurturing, and supervising their children ?

Does it strengthen or erode the stability of the family, particularly the marital commitment?

Does it help the family perform its function, or does it substitute Government activity for that function ?

Does it increase or decrease family earnings, and do the proposed benefits justify the impact on the family budget?

Can the activity be carried out by a lower level of government or by the family itself?

What message, intended or otherwise, does this program send concerning the status of the family?

What message does it send to young people concerning the relationship between their behavior, their personal responsibility, and the norms of our society?

The elimination of President Reagan's Executive order is just the latest

in a series of decisions that indicates the Clinton administration's very different approach to family issues. From the outset of President Clinton's first term, it became clear that his administration intended to pursue policies sharply at odds with traditional American moral principles. White House actions have ranged from the incorporation of homosexuals into the military to the protection of partial birth abortion procedures.

Mr. President, many have suggested it is community villages, in other words government, that raise children. But the real truth is, families raise children. Families are the ones who are there night and day to love, to care for, and to nurture children.

Many bureaucratic regulations produce little benefit, but can have unintended consequences. The examples are too numerous to mention. What our legislation will do is require the regulators to stop and take a moment to think through their regulations to make sure that, the most fundamental institution in civilization—the family, is not damaged by their actions. This is a reasonable and wise policy.

Mr. President, I find it very odd that of all the Executive Orders that exist, President Clinton would reach down and lift this one up for elimination. This body should speak out forcefully on this subject and I am confident we will. The families of America deserve no less.

S. 819, The Family Impact Statement Act of 1997, is a sound and reasonable piece of legislation which will restore a valuable pro-family policy that has been established for ten years.

I urge all my colleagues to stand united, Republicans and Democrats, to show that the preservation of the family is not a partisan issue. Our voices united will send a loud and clear message to the President and to this nation that we consider family protection to be one of America's most important issues and that we will not accept decisions which mark a retreat from our steadfast commitment to our Nation's families.

Mr. President, I strongly believe that American families must be considered when the Federal Government develops and implements policies and regulations that affect families. Therefore, I am honored to be an original cosponsor S. 891 the Family Impact Statement Act of 1997 which will reinstate the pro-family Executive order of President Reagan.

I would like to thank my colleagues, Senators ABRAHAM, DEWINE, FAIRCLOTH, HUTCHINSON, COATS, COVERDELL, and ASHCROFT for their dedicated work and help on this issue.

Mr. President, I yield the floor.

FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

AMENDMENT NO. 393

(Purpose: To strike section 2101(g), limiting funding for U.S. memberships in international organizations and requiring withdrawal from organizations which exceed that limitation)

Mr. SARBANES. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES] proposes an amendment numbered 393.

The amendment is as follows:

On page 160, strike line 18 and all that follows through line 7 on page 162.

Mr. SARBANES. Mr. President, this amendment, referring to pages 160 to 162 of the bill, takes out subsection (g), which is a subsection that puts forward the possibility that the United States might withdraw from the United Nations. I am very frank to tell you that I don't think the prospect of that eventuality ought to be raised in this legislation.

This legislation, in effect, says that if the amount of funds made available for U.S. membership exceed a certain figure, then withdrawal is required. Of course, we determine the amount of funds that are made available. In any event, even if the figure is exceeded, I don't think a withdrawal sanction ought to be incorporated in this legislation. If you stop and think about it, that is quite a sweeping proposition.

Let me quote from paragraph (2) of that subsection:

Notwithstanding any other provision of law, the United States shall withdraw from an international organization. . . .

It then goes on to set out the procedures for doing so, and the deadline for doing so. Let me read for a second.

Unless otherwise provided for in the instrument concerned, a withdrawal under this subsection shall be completed within one year in which the withdrawal is required.

Then it requires the President to submit a report on the withdrawal.

I hope that the managers of the bill, upon reflection, will agree with me that we ought not to be including in the legislation any provisions that carry with them the implication of withdrawal from the United Nations.

The United Nations is too important an organization, and our participation in it is too critical a matter to include in this legislation a provision of this sort. The provision on which I am focusing runs from pages 160 to 162, providing for the withdrawal of the United States from the United Nations.

My amendment is focused on a limited part of this bill. I have a lot of differences with other parts of this bill, as Members well know. I supported the effort earlier in the day to take out the conditionality of the payment of our arrearages, which did not prove successful. But I am very frank to tell you that I find it a matter of very deep concern—even of dismay—that this legislation should even include within it the possibility for the consideration of the withdrawal of the United States from the United Nations. To suggest that we are thinking of withdrawal, or that withdrawal would be required under certain circumstances, in my judgment is very detrimental to our international leadership. It affects our credibility at the United Nations, and around the world.

What is sought in this bill, to stay within certain funding limitations, is within the control of the Congress in any event. So there would be other ways for the Congress, in making its decision on resources to be provided, to adhere to that standard. But I do not think we should put it in this legislation.

If we are going to withdraw from the United Nations, we ought to have a full-scale debate about withdrawing from the United Nations. Withdrawal from the United Nations is not some minor course of action to be taken lightly, not some form of discipline to address a problem that can be addressed in other ways. It is a very serious matter. I think even raising the prospect of withdrawal from the United Nations is harmful to American interests. I very much hope the managers of the bill will find it possible to accept this amendment.

I do not understand why we are, in effect, bringing in the most extreme remedy one could imagine, the one that most sharply affects our international leadership and our position in the United Nations, namely the remedy of withdrawal. I do not think this legislation ought to have any mention of withdrawal from the United Nations and I very much hope we will be able to take this particular section out of this legislation.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I ask for immediate consideration of my measure.

Mr. HELMS. Is there not a pending amendment?

The PRESIDING OFFICER. Is there objection to setting aside the two pending amendments? Without objection, it is so ordered.

AMENDMENT NO. 376

(Purpose: To authorize appropriations for the Center for Cultural and Technical Interchange Between East and West)

Mr. INOUYE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for himself, Mr. HATCH, Mr. HOLLINGS, and Mr.

AKAKA, proposes an amendment numbered 376.

The amendment is as follows:

At the end of section 1301(a) of the bill, insert the following new paragraph:

(6) "Center for Cultural and Technical Interchange between East and West", $18,000,000 for the fiscal year 1998 and $15,000,000 for the fiscal year 1999.

Mr. AKAKA. Mr. President, I am pleased to join my friend, the senior Senator from Hawaii, in offering this amendment to restore funding for the East-West Center in fiscal years 1998 and 1999.

Over the past 37 years, the East-West Center has established its reputation as one of the most respected and authoritative institutions dedicated to the advancement of international cooperation throughout Asia and the Pacific. The Center has played a key role in promoting constructive American involvement in the Asia-Pacific region through its education, dialogue, research, and outreach programs. The Center addresses critical issues of importance to the Asia-Pacific region and U.S. interests in the area, including international trade, economic cooperation and politics, security, energy and natural resources, population, the environment, technology, and culture.

The achievements of the East-West Center bear repetition. Since its creation by Congress in 1960, the Center has welcomed more than 53,000 participants from over 60 nations and territories to research, education, and conference programs. Over 45,000 alumni have pursued degrees and participated in research, training, and dialogue under East-West Center grants.

Scholars, statesmen, government officials, journalists, teachers, and business executives from the United States and the nations of Asia and the Pacific have benefited from studies at the Center. These government and private sector leaders comprise an influential network of East-West Center alumni throughout the Asia-Pacific region. The EWC alumni association has 35 chapters throughout Asia. I continually encounter proud Center alumni in meetings with Asian and Pacific island government officials and business leaders.

The success of the Center as a forum for the promotion of international cooperation and the strength of the positive personal relationships developed at the Center are reflected in the prestige it enjoys in the region. Japan, Korea, Taiwan, Indonesia, Fiji, Papua New Guinea, Pakistan, and other American allies in the region—over 20 countries in all—support the Center's programs with contributions. The Center has also received endowments from benefactors in recognition of its contributions and value.

Mr. President, the countries of Asia and the Pacific are critically important to the United States and our political and economic interests into the next century. By the year 2000, the Asia-Pacific region will be the world's largest producer and consumer of goods and services. Their markets for energy resources, telecommunications, and air travel are fast becoming the world's largest.

Future economic growth and job creation in the United States is closely linked to our ability to identify and secure opportunities in the world's fastest growing economies. The East-West Center provides leadership and advice on economic issues, including APEC [Asia Pacific Economic Cooperation] and the U.S.-Pacific Island Joint Commercial Commission [JCC].

Mr. President, given the strategic and economic importance of the Asia-Pacific region to U.S. interests, and the credibility and trust enjoyed by the East-West Center in the region, I believe it is short-sighted to slash funding for the Center. While issues and developments in Asia are the focus of increased attention, and foreign affairs mandarins speak of the dawn of the Asian century, the United States has closed AID offices in the region and slashed funding for programs and organizations—like the East-West Center. These institutions are valuable to our Nation's understanding of Asia and the Pacific rim and our interaction with regional scholars, executives, and government leaders. Withdrawing our support sends signals to our friends and others in the region that our commitment and engagement are tenuous.

For over three decades we have invested in the East-West Center, creating an important resource that promotes regional understanding and cooperation, provides expertise on complex regional issues, and informs our foreign policy decisionmaking. The amendment we offer seeks to ensure the continued existence of the East-West Center and the quality of its programs. If the Congress ends funding for the Center, its viability will be threatened and its future brought into doubt. This amendment authorizes a modest, but essential, level of support for the continued operation of the East-West Center.

It communicates the importance our country places on exchange and cooperation with nations of the Asia-Pacific region and the lead role played by the East-West Center in promoting regional interaction and cooperation.

Mr. President, I want to conclude by thanking my friend and colleague from Hawaii for his leadership in this effort to preserve the mission and good work of the East-West Center. I also want to express my appreciation to our colleagues who have cosponsored this amendment and expressed support for the East-West Center.

I urge the adoption of the amendment.

Mr. INOUYE. Mr. President, I ask this matter be temporarily set aside for final disposition.

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

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 394

(Purpose: To limit the use of United States funds for certain activities by the United Nations and affiliated organizations)

Mr. ENZI. Mr. President, I rise to offer an amendment to the underlying legislation.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI] proposes an amendment numbered 394.

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

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

The amendment is as follows:

At an appropriate place in the bill, insert the new section as follows:

SEC. . LIMITATION ON THE USE OF UNITED STATES FUNDS FOR CERTAIN UNITED NATIONS ACTIVITIES.

(a) Notwithstanding any other provision of law, no United States funds shall be used by the United Nations, or any affiliated international organization, for the purpose of promulgating rules or recommendations, or negotiating or entering into treaties, that would require or recommend that the United States Congress, or any Federal Agency which is funded by the U.S. Congress, make changes to United States environmental laws, rules, or regulations that would impose additional costs on American consumers or businesses.

(b) Any violation of subsection (a) by the United Nations or any affiliated organization shall result in an immediate fifty percent reduction of all funds paid by the United States to the United Nations for the fiscal year in which the violation occurs and for all subsequent years until the United Nations or affiliated organizations revokes or repeals such rule, regulation, or treaty described in subsection (a).

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, my amendment would ensure that American taxpayers get a fair deal when it comes to the $900 million this bill authorizes us to pay in dues to international organizations. My amendment would ensure that the United Nations does not spend U.S. taxpayer money to sponsor conventions that result in stricter—and more expensive—environmental standards for Americans than other members have to bear.

I know the chairman has worked very diligently to ensure that our money is carefully accounted for by these international organizations. He has placed some strict limitations on the use of our funds, both at the United Nations and by the various international boards in charge of spending our money, but frankly, I would like

those limitations to be a little more explicit.

My amendment would prohibit the use of U.S. funds by the United Nations or any affiliated international organization to propose or promulgate treaties that impose new environmental costs on the United States—until, all other members of the United Nations have reached our level of environmental standards and enforcement.

Many Americans, and surely my constituents in Wyoming, have a hard time understanding why we are writing a $1 billion check to international organizations and then exercising little oversight on how the money is spent. I ask you to consider for a moment, the accountability requirements we place on our own citizens when it comes to use of public property or receipt of Government payments.

Ask a farmer what paperwork he or she had to fill out for the Farm Services Agency and the Natural Resource Conservation Service in order to get that corn or wheat payment last year—or what bureaucratic tests disaster victims must endure to enlist support from the Federal Government.

Ask an independent oil or gas producer how many reports they have to file with the Minerals Management Service or with the Bureau of Land Management in order to maintain a lease on Federal land.

Or ask a small business owner what records they have to keep in order to prove to Government inspectors that they are complying with OSHA regulations and with EPA regulations—or to prove they are complying with the Family and Medical Leave Act or the Fair Labor Standards Act.

Ask them how much it costs to have their taxes done. I raise these examples to show how much we expect of our own citizens. We place enormous levels of accountability on anybody who takes initiative in this country and we weigh them down with paperwork. We even hold them accountable to tell us exactly how much we will take from them in taxes.

And then we turn around and hand out their money. We spread it around, far and wide. There are $900 million in payments to international organizations in this bill and there is almost no accountability. My constituents want fairness.

I am particularly concerned by our participation in the United Nations Framework Convention on Climate Change and my amendment is drafted to challenge that issue, among others. I am pleased that the committee wants to require the administration to tell Americans how much the treaty is going to cost. Americans should know how much it will cost and who will have to pay for it. We are using their money to negotiate this treaty. Let's be honest with them.

I think they might be surprised at what is being proposed. According to one independent estimate, complying with United Nations targets for greenhouse gas emissions could cost this country as much as $350 billion per year! That is nearly $1500 for every man, woman and child.

And while you are adding up that bill for the folks back home, don't forget to point out that we could also lose nearly 5 million jobs directly related to energy use and production. Then there will be several million more that are indirectly related.

That should make an impact on those hardworking American taxpayers in your home State. But I'll tell you what will really get them—when they find out that developing countries don't have to comply. Countries like China, India, Brazil, and Mexico will only have to report on their emissions, not do anything about them.

All of this information may seem reasonable to some, but I will tell you, they don't buy it in Wyoming. International organizations should not be using American money to impose unfair requirements on Americans.

I understand the difficulty the chairman has had with these issues and I recognize his efforts in this bill to restrict the taxation authority of the United Nations. I would like to direct a question to the chairman from North Carolina, if I may.

Mr. Chairman, is it your belief that this bill adequately safeguards American taxpayers from any unauthorized use of United States funds by the United Nations or its affiliated environmental organizations?

Mr. HELMS. Mr. President, I thank the Senator for his amendment and I, of course, share his concern with the increasing number of United Nations treaties that impose regulatory burdens and, as he puts it, infringe on the rights of the American people. In fact, the pending bill, S. 903, addresses many of his concerns. I demanded that this legislation prohibit any funding to the United Nations until the Secretary of State certifies that the sovereignty of the United States has not been violated.

A lot of people giggled about that. But as the Senator knows, it is a very real problem, potentially. As the Senator also knows, many of us have worked for months to develop this comprehensive United Nations reform package. I think the Senator will understand, and I find myself in a position where I simply must be faithful to the deal into which I have made entry and participated. Senator BIDEN has been so cooperative. He is sticking to his bargain and I shall stick to mine. This bill requires a number of key reforms at the United Nations, but it certainly does not require every reform that I wanted.

Let me say again to the Senator from Wyoming, I support his efforts but I cannot support any amendment to change this package. But I will assure him that the Foreign Relations Committee this week will have hearings to consider United Nations climate change negotiations, and will hold additional hearings on actions by the United Nations that impose international regulatory burdens on the American people.

Mr. ENZI. Mr. President, in light of the assurances I have received from the chairman of the committee, and from his staff regarding the Presidential reporting requirements contained in the bill, I will withdraw my amendment.

I look forward to debating this issue again when we receive the Presidential reporting information.

Let me say before I close that this bill is a good example of a bipartisan effort to reduce the size of the Federal Government by consolidating agencies into the State Department. Furthermore, reform of our policies with regard to the U.N. are long overdue. The chairman has shown great leadership in negotiating this important bill.

I yield the floor.

The amendment (No. 394) was withdrawn.

Mr. HELMS. I thank the Senator and I assure him we will not forget his interests.

AMENDMENT NO. 392

Mr. HELMS. Mr. President, Senator BENNETT offered an amendment which regular order would make the pending business, would it not?

The PRESIDING OFFICER. Regular order does put us back on the Bennett amendment.

Mr. HELMS. I thank the Chair. Let me make a few comments before we consider regular order.

On February 8 of last year, 1996, I sent a letter to President Clinton urging that he no longer tolerate Chinese-Iranian missile cooperation and transfers. At that time I noted that U.S. nonproliferation laws provided "a clear, legal requirement"—and I am quoting from my letter—"that sanctions be levied against China for its missile sales to Iran," and I appealed to the President at that time to act decisively. In response, the President assured me that he would, in fact, and in deed, implement the missile sanctions law, and he used the words, "faithfully and fully" when the United States had determined that sanctionable activities have occurred.

Senator BENNETT and I were speaking about that a while ago. We have been waiting for more than a year. Meanwhile, repeated media reports have confirmed beyond any peradventure whatsoever that Chinese-Iranian missile cooperation continues apace, and that the United States is well aware of these activities and that the administration has deliberately elected to ignore Sections 73 and 81 of the Arms Export Control Act, and the 1992 Iran-Iraq nonproliferation act.

In fact, an article in the Washington Times last November 21, I believe it was, purports to quote from a classified October 2, 1996 CIA report entitled, "Arms Transfers to State Sponsors of Terrorism." Among the transfers reported are missile guidance components, 400 metric tons of chemicals for Iran's chemical warfare program, and advanced cruise missiles.

There can be no doubt that China's provision of advanced missile technology and equipment to Iran directly threatens our national security interests and directly contravenes U.S. law. Over the past several years, Iran has purchased Sunburn, C-801 and C-802 antiship cruise missiles, fast attack missile boats, diesel submarines, and naval mine warfare capabilities.

In addition, Iran has reportedly been constructing tunnels along the coast of the Persian Gulf to shelter ballistic missiles. And Iran may have deployed antishipping missiles on islands at the mouth of the Persian Gulf—which, as anybody who has been there knows, is a natural choke point, useful for strangling our flow of oil through the gulf.

These new capabilities pose a serious risk to the U.S. naval presence in the region, and to Saudi Arabia, Bahrain and Qatar's oil and natural gas refineries along the coast.

The point is, the White House should be prepared to, as it promised, fully and faithfully respond with the sanctions required by law for China's proliferation activities, as the President assured me he would in a letter last year.

In closing, I welcome Senator BENNETT's remarks and his amendment.

Let me inquire of the Chair if the yeas and nays have been obtained on the amendment.

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment.

Mr. HELMS. I think this would be a good time to have a rollcall vote.

Mr. KERRY addressed the Chair.

Mr. HELMS. How long will the Senator need?

Mr. KERRY. Mr. President, if I can ask the Senator if Senator WELLSTONE and I can proceed as we had discussed for a few moments outside of the legislative business.

Mr. HELMS. That is what I am inquiring about.

Mr. KERRY. Somewhere, say, around 12 minutes I think we should be able to finish; 12 minutes, Mr. President, divided between the two of us.

Mr. HELMS. That is fine.

The PRESIDING OFFICER. Is there a unanimous-consent request?

Mr. KERRY. Mr. President, I ask unanimous consent that Senator WELLSTONE and I be permitted to proceed as in morning business, with the interruption not to show in the course of the legislative day on the foreign relations bill.

The PRESIDING OFFICER (Mr. BENNETT). Is there objection?

Mr. SARBANES. Reserving the right to object. Can I ask the parliamentary situation? I take it the Bennett amendment was offered and set aside, and then I offered an amendment and that was set aside. Is there another amendment pending?

The PRESIDING OFFICER. The Senator from Hawaii offered an amendment, and that has been set aside, and the regular order is the Bennett amendment.

Mr. SARBANES. I simply say to the chairman, I am quite happy to cooperate with the committee in setting aside the amendments, but I ask the chairman if I can have the courtesy of being given a little bit of notice—not much—just in order to get here when the chairman thinks he may go back to considering my amendment.

Mr. HELMS. Very well. I give that assurance to Senator SARBANES.

Mr. SARBANES. I thank the Chair. I have no objection.

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

Mr. HELMS. Just one moment, Mr. President. I suggest that the Cloakrooms be notified of the proximity of the vote.

The PRESIDING OFFICER. The Senator from Massachusetts.

(The remarks of Mr. KERRY and Mr. WELLSTONE pertaining to the introduction of S. 918 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. In connection with the pending amendment to be voted on shortly by the distinguished Senator from Utah, I hope that my request will be approved that we await the arrival of Senator BIDEN, because he may want to have some comments on it, too.

So in that context, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HELMS. I suggest we go to the vote.

The PRESIDING OFFICER (Mr. SANTORUM). The question is on agreeing to the amendment offered by the Senator from Utah, amendment No. 392. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho [Mr. KEMPTHORNE] is necessarily absent.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE], the Senator from Iowa [Mr. HARKIN], the Senator from South Dakota [Mr. JOHNSON] are necessarily absent.

I further announce that the Senator from South Dakota [Mr. JOHNSON] is absent to attend a funeral.

I also announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—96

Abraham	Faircloth	Lugar
Akaka	Feingold	Mack
Allard	Feinstein	McCain
Ashcroft	Ford	McConnell
Baucus	Frist	Mikulski
Bennett	Glenn	Moseley-Braun
Biden	Gorton	Moynihan
Bingaman	Graham	Murkowski
Bond	Gramm	Murray
Boxer	Grams	Nickles
Breaux	Grassley	Reed
Brownback	Gregg	Reid
Bryan	Hagel	Robb
Bumpers	Hatch	Roberts
Burns	Helms	Rockefeller
Byrd	Hollings	Roth
Campbell	Hutchinson	Santorum
Chafee	Hutchison	Sarbanes
Cleland	Inhofe	Sessions
Coats	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Coverdell	Kerry	Specter
Craig	Kohl	Stevens
D'Amato	Kyl	Thomas
DeWine	Landrieu	Thompson
Dodd	Lautenberg	Thurmond
Domenici	Leahy	Torricelli
Dorgan	Levin	Warner
Durbin	Lieberman	Wellstone
Enzi	Lott	Wyden

NOT VOTING—4

Daschle	Johnson
Harkin	Kempthorne

The amendment (No. 392) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. What is the pending business now?

The PRESIDING OFFICER. The Sarbanes amendment numbered 393.

Mr. HELMS. Is there any other amendment behind that one?

The PRESIDING OFFICER. The Inouye amendment No. 376.

Mr. HELMS. Just those two?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. I have just proposed to the majority leader we move in cycles of three amendments, certainly for rollcall purposes, and he thinks that would be a good idea. It may be that we will be able to handle some of these on a voice vote, but I do not know.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. FEINGOLD. Mr. President, I ask unanimous consent the pending business be set aside.

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

AMENDMENT NO. 395

(Purpose: To eliminate provisions creating new Federal agency)

Mr. FEINGOLD. Mr. President, I send an amendment to the desk on behalf of myself, the Senator from Iowa [Mr. HARKIN] and the Senator from Oregon [Mr. WYDEN] and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. HARKIN, and Mr. WYDEN, proposes an amendment numbered 395.

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

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

The amendment is as follows:

Strike sections 321 through 326 and insert the following:

"SEC. 321.—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 in that Act to the Director of the United States Information Agency shall be deemed to refer to the Under Secretary of State for Public Diplomacy."

Mr. FEINGOLD. Mr. President, I rise to offer an amendment to S. 903, the State Department authorization bill for fiscal year 1998. What my amendment would do is strike the provisions in division A of the bill concerning international broadcasting activities in the United States.

Mr. President, I find it rather extraordinary that in the very bill that seeks to reorganize and consolidate the foreign policy apparatus of the U.S. Government, we find language to create a new independent Federal agency to administer the U.S. international broadcasting program. Let me be clear on this: This bill creates a new Federal agency. It grants that agency the authorities and mandates that all Federal agencies have under title 5. It also gives the agency the authority to hire temporary workers and to grant them reimbursement for their services, and it also gives the agency the authority to receive donations. So despite the claims you will shortly hear that are to the contrary, make no mistake, Mr. President, this is a new agency.

Now, some will argue, of course, that there is no net increase in Federal agencies since at the same time that we create a new independent agency to operate the international broadcasting operations, we are also abolishing the U.S. Information Agency. So you will probably hear the argument that we are giving up one and adding a new one. I am afraid, though, Mr. President, that that argument hardly passes the laugh test. It is a new agency. You can be sure of one thing: It is going to act like an agency, too.

This language simply makes no sense in light of the hard work that the Congress invested in 1993 and 1994 in restructuring the United States' role in overseas broadcasting. We consolidated various programs and we took some very clear steps to move Radio Free Europe and Radio Liberty down the road to privatization.

In the United States International Broadcasting Act of 1994, the Foreign Relations Committee took the lead in doing something that is all too unusual. It is unusual to find a program eliminated in Washington, but we, in that committee, and on this floor, Mr. President, actually wiped out a Federal agency. At the time, that agency was called the Board for International Broadcasting or the BIB. We consolidated all of our Government's international broadcasting programs, including the Voice of America, as well as the so-called surrogate programs, such as RFE/RL. We did it within one Federal agency—the U.S. Information Agency, which is the government's public diplomacy arm.

The 1994 act imposed tight fiscal controls on the two programs that were rife with fiscal abuse and mismanagement. It mandated steps toward privatization for Radio Free Europe and Radio Liberty. Very importantly, it also ensured an active role by the inspector general. As a result, Mr. President—and this is no small matter—of this one series of actions and consolidation, we saved the Federal Government, the taxpayers of this country, on this one change alone, close to $1 billion over a 9-year period. This isn't me talking about what can be done if we do something—we did it. We started in 1993 and we saved $1 billion. That was my first bill here as a Member of the Senate. I am extremely pleased that the changes proposed in this bill cannot undo the fiscal progress that we have made in the past. I add that, at this time, when we are trying so hard to finalize our promising work on balancing the budget that this $1 billion in savings was an important step in that direction.

But there was more to the story—a story of abuse. At the time Congress took this action, the RFE/RL was spending 25 percent of their budget on administrative costs, while the Voice of America was spending less than half of that—only 12 percent. Lavish salaries. Mr. President, there were salaries of $200,000 to $300,000, paid by the American taxpayers; and perks for executives that were a deeply ingrained way of life in these programs. These excesses are what inspired me and other Members of Congress to take a long hard look at how to fix this problem. This, of course, is our role—to oversee the programs of the executive branch and protect the dollars of the people who elect us.

In this particular case, we actually did a pretty good job, after many years. Now, though, Mr. President, I am concerned about what will happen in the future. Now the Foreign Relations Committee has reported out a bill that includes language to recreate what, to me, looks virtually identical to this old BIB, the agency we finally got rid of. It creates an independent Federal agency, governed by a board of directors. Others may say that the Broadcasting Board of Governors, or the BBG, under the arrangement assumed by this bill, is very different from the old BIB. I will agree that the BBG is a stronger, more disciplined body than its predecessor; but because of its worldwide presence, international broadcasting is unfortunately an area that is almost inherently vulnerable to mismanagement and abuse. It is very hard to oversee, especially if it is constituted through an independent agency.

In the past, the BIB fell prey to these vulnerabilities and exercised virtually no control over the abuse of the radios under its jurisdiction. There were two decades worth of GAO and inspector general reports noting fiscal and other problems with the radios, but the BIB just chose to ignore them. Spending abuses were brought under control under the BBG structure because of very detailed congressional mandates contained in the 1994 legislation. That didn't happen because the board suddenly decided to clean up its act nor because of any inherent qualities of the BBG itself; it is because we here in Congress did our job and mandated that this organization clean up its act.

Mr. President, it is my view that recreating this independent structure is a roadmap for a return to where we started out 3 years ago. I find it simply incomprehensible that just as we are consolidating our foreign policy apparatus under the reorganization plan in this bill, we would create a new Federal agency that is virtually identical to the one we wiped out less than 3 years ago.

Mr. President, let me outline briefly the problems I have with this broadcasting section of the bill. First, fiscal abuse. The structure proposed by the bill, as I have indicated, has historically been a breeding ground for fiscal abuses. These weren't just uncovered 3 years ago. I have a stack of GAO reports and IG reports going back two decades documenting the fiscal abuses

that this independent structure generated. It was this independent structure, sitting out by itself, not being managed or controlled by any part of our Federal Government directly, that had these problems.

A colleague from many years ago, Senator John Pastore, in 1976, said of the problems of this organization, "The abuse has reached the point of becoming almost scandalous * * *" That is what we put an end to in 1994. We put an end, finally, to two decades of abuse.

A second problem, Mr. President, is privatization. We made a clear commitment in 1994 that Radio Free Europe and Radio Liberty would be privatized by the end of this century, only 2½ years from now. Mr. President, why would we now recreate an independent agency to administer the grants for Radio Free Europe and Radio Liberty for such a short period of time? If we create this new entity, I can assure you that somehow it will find a justification to continue. All of the hard work and all of the consensus that was developed around the basic idea that it is high time that RFE/RL be privatized will be under attack. We have a chance to finally privatize something. We are almost there. But this bill seeks to undo that.

Third, Mr. President, as I have indicated several times, and will again, this bill creates a new Federal agency. I find it hard to believe that this Congress, which has been dedicated to downsizing the Federal Government and achieving deficit reduction, would choose to create today a new Federal agency—an agency that isn't even needed. That is exactly what these provisions will do—create an unnecessary, new Federal agency, with all the overhead, all the bureaucracy, and all of the trappings of a brand new agency.

Mr. President, I also wish to respond briefly to the arguments made by the proponents of this proposal and, in particular, my good friend and leader on these issues, the Senator from Delaware, Senator BIDEN, who cares deeply about this issue.

First, Mr. President, he asserts that the fiscal controls and measures designed to curb the kinds of flagrant abuses that plagued RFE/RL in the past will be retained under the new structure, and that nothing we achieved in terms of deficit reduction will be lost as a result of the new structure he has proposed. I sure hope he is right; but I doubt it. I appreciate the intent, but I am concerned that history has shown that just the opposite is going to happen, that what we have achieved could well be undermined by recreating the kind of structure and incentives that led to these problems in the first place.

Now, what do I mean by incentives? I mean the natural propensity of any institution—especially an entirely independent institution—to protect itself, to try to expand itself, and to relentlessly try to find a way to justify its existence. That is inherent in the nature of independent agencies.

If the radios are actually going to be privatized by the end of 1999, what is this new Federal agency going to be doing in 2½ years? Are they going to be running the Voice of America? Is there a reason, all of a sudden, after all these years, to create a new agency to run the Voice of America? I don't think so. I don't think the Senator from Delaware would be proposing this structure if his concern was the independence of the Voice of America. Rather, his concern has been clearly stated in the past, and it is to house the surrogate radios, Radio Free Europe/Radio Liberty, and others that are scheduled to lose their Federal support in 1999.

Even Radio Free Asia, RFA, has a sunset date in the authorizing legislation that terminates its authority in 1998. So what is the agency going to do after all these rather up and coming dates arrive? What are they going to do, Mr. President? Are they going to lobby Members to extend these deadlines? I am concerned that they will. Is there any doubt in the minds of anyone in this room that if we create a new Federal agency, it will do all it can to find good reasons to argue that it has to continue to exist.

Secondly, the proponents of these provisions will say that we are talking about something different here because the broadcasting functions have been successfully consolidated into one agency. We mandated the consolidation intentionally, Mr. President, to save money and to eliminate duplication. Mr. President, if these provisions are adopted, the gains we made in both of these areas could be lost. Rather than using, in the name of efficiency, the accounting, personnel, and support services that already exist in the State Department—as it has with the services of USIA—this new entity will have to have its own legal office; it will have to have its own personnel department; it will have to have its own publication office, and who knows what else. That is what you get when you set up a new Federal agency. That agency needs all of those new things, instead of having the State Department handle it under its current budget.

Again, these provisions—and, Mr. President, I hope I am making the case—head in completely the opposite direction, not only of the whole spirit of the last couple of Congresses, but specifically in the opposite direction of the whole point of the bill the distinguished chairman of the Foreign Relations Committee has put forward in terms of consolidation and reorganization.

Now, some may say that Congress can protect the taxpayer by maintaining the spending caps we put into the 1994 legislation. I am certainly glad those caps are still there, and that may be true for those programs that are capped. But what is not clear is what happens with administrative costs.

Mr. President, the comptroller's office of USIA has explained to my staff that some $28 million in administrative services are currently provided to the broadcasting operations by the United States Information Agency. This represents expenditures that are over and above the annual operating budget for the broadcasting operations. Instead, these costs are borne by USIA for property and for housekeeping functions, such as payroll, the payment and vouchers, accounting, contracting, and security. On these latter items, broadcasting "borrows" partial time from USIA employees to carry out highly specialized tasks. If the broadcasting operations are to be separated out from USIA, as is contemplated by this bill now, it remains very unclear how broadcasting would get these services. Would the new public diplomacy bureau at the State Department have to provide these services and, if so, how would that be calculated? Or what would concern me the most is, will the new broadcasting entity, this new Federal agency, simply have to hire its own people, new Federal employees, new Federal positions to carry out those services?

The point, Mr. President, is that the broadcasting operations currently appear to gain significant economies of scale by using the infrastructure of the USIA. That is what we caused to happen a few years ago. After decades of abuse, we finally forced this Government to show some efficiency and consolidation, and we got some economic benefit out of it. Instead, creating a new agency may lead us to lose those savings and force this new entity to come to Congress for new funds, or it may lead to a situation in which the broadcasting activities lose out when, for every new attorney, or office, or light bulb, and all the bureaucracy that goes with it, there will be less broadcasting hours to some far-flung place in the world to which we believe it is in our national interest to communicate. I guess this doesn't make any sense to me.

Third, Mr. President—and this is really the most philosophical of the arguments—there are those who really passionately believe that an independent structure is required or is necessary in order to protect what is called the "journalistic independence" of these programs, and really this question gets to the core of what is going on.

Either you think it is our national interest to continue to pay for—not just subsidize, but pay for—independent radio programs, or you don't! I, for one, think it is essential to compare the surrogate radios to the Voice

of America. VOA was created to be, and remains, an essential tool for the U.S. government to communicate U.S. policies and prerogatives to the rest of the world. Let me quote directly from the President's budget request concerning VOA's mission: "The Voice of America was founded in 1942 to provide accurate, objective and comprehensive news and information about America and the world to listeners in other countries." VOA now broadcasts in more than 50 languages. WORLDNET television similarly supports and explains U.S. policy objectives to foreign audiences worldwide. VOA and WORLDNET employees are U.S. government employees, and no one doubts that a primary mission is to communicate the views of the U.S. government.

The surrogates—Radio Free Europe and Radio Liberty—on the other hand, concentrate their resources on reporting and analyzing domestic and regional events in the countries to which they broadcast. As someone who believes strongly in the rights of free speech and expression, I do not doubt that the development of independent media is perhaps one of the most important challenges for a newly democratizing country. And I do not question those who think that the United States should actively support or encourage such outlets. But that does not necessarily imply that we should bear the cost of running an entire service! The fact that U.S. tax payers are still subsidizing RFE/RL broadcasts to Poland astounds me. We are, in fact, subsidizing the competition in Poland and, in so doing, may even be preventing the development of other alternatives for this kind of activity in that country. But setting aside for a moment whether we should continue to pay for broadcasting in countries like Poland, let me focus upon the issue of so-called "journalistic independence."

Mr. President, let me just briefly review some of the history.

First, Radio Free Europe and Radio Liberty were established by the CIA, a fact widely known, for the purpose of undermining communist governments.

Second, they have been funded by the US taxpayers from their inception, a fact that is also widely known and not disputed.

Third, the Board of Directors for this new entity, like the current one, is appointed by the President of the United States. I would like to know how you can be independent of the U.S. government when your governing board is appointed by the President of the United States!

Let me make sure everyone understands the bizarre relationship between the BBG and RFE/RL. This is an interlocking board of directors: the members of the BBG are—by statute—identical to the members of the RFE/RL board. As bizarre as it may be to an outsider, the BBG gives a grant to RFE/RL, even through they each have the same board. And these board members are all appointed by the President of the United States!

Fourth, their budget is debated by Congress each year. Numerous Congressional committees call them up to account for how this money is being spent. We are even debating it right now.

So how can you even make any kind of claim to be independent on those facts? No one is going to buy it.

In fact, as the fifth point, let us be honest. The rest of the world views these radios as belonging to—guess who? The United States. Whatever games you want to play with their names or their governing structures, everybody knows these broadcasts represent the views of the United States. U.S. officials parade through these facilities abroad all the time.

When President Clinton was in Prague in early 1994, the President of the Czech Republic offered the United States facilities within Prague to house RFE/RL. The Czech President offered the buildings to the U.S. President, because he knew, as the whole world knows, that these radios are 100 percent owned by the US government, paid for by the US taxpayers, and subject to oversight by the US Congress.

Frankly, Mr. President, I do not see how these programs can ever really be independent as long as they are dependent upon federal funding. If they want journalistic independence, the best way is the old-fashioned way: stop taking Federal dollars.

If these programs need autonomy and independence, the best thing they can do is to privatize.

Mr. President, I know the debate over "journalistic independence" and over how the United States can best support newly emerging democracies is one that can be highly emotional for many Members of this Chamber. But whichever side my colleagues come out on, I urge you to consider what I find to be the most offensive part of this bill, and that is the provision to create a new, independent federal agency.

I do not want to be repetitive, but I just can't believe that the Senate, that this body that is working so hard to eliminate inefficiencies and duplications in the Government, would have supported provisions such as these in a bill such as this.

So Mr. President, let me point out that my amendment has been endorsed by groups who have worked hard to reduce the Federal deficit and eliminate unnecessary spending programs, including Citizens Against Government Waste and Taxpayers for Common Sense.

Mr. President, I ask unanimous consent that a letter from Taxpayers for Common Sense regarding this amendment and in support of the amendment be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. FEINGOLD. Mr. President, to conclude, the letter from Taxpayers for Common Sense really did a good job of reiterating that the question underlying this debate is whether the Senate is capable of following through on budget cuts. If we today recreate the same BIB structure we abolished just 3 years ago, the savings achieved in the 1994 act could be jeopardized and the effort to privatize these radios could be undermined by this new agency as it desperately struggles to justify its existence.

I hope that the Members of the Senate will reject the creation of this new Federal agency and adopt my amendment.

Mr. President, I yield the floor.

EXHIBIT 1

TAXPAYERS FOR COMMON SENSE,
Washington, DC, June 13, 1997.

Attn: Foreign Relations L.A.—floor action Monday, June 16.

TAXPAYERS ASK: WHY CAN'T SENATE CUT?

SUPPORT FEINGOLD AMENDMENT ON STATE DEPT. AUTHORIZATION

THE 1994 LAW TERMINATED THE BIB AND SAID RADIO FREE EUROPE WILL BE PRIVATIZED

WHY DOES COMMITTEE BILL CREATE NEW AGENCY FOR RFE

DEAR SENATOR: When the Senate considers the State Department Reauthorization bill, Taxpayers for Common Sense strongly urges you to support the Feingold amendment.

In 1994, Congress passed legislation terminating the Board of International Broadcasting (BIB), an independent federal agency responsible for administering Radio Free Europe and Radio Liberty [RFE/RL]. In doing so, the legislation mandated that steps be taken to privatize RFE/RL. The legislation also established a Broadcasting Board of Governors within the U.S. Information Agency in order to curb extensive internal problems that plagued the programs under the BIB structure.

Contrary to the law and to congressional intent—and contrary to the House bill—the version of the State Department Authorization Bill recently reported by the Foreign Relations Committee would actually create a new federal agency strikingly similar to the old BIB. Congress terminated the BIB just three years ago with overwhelming bipartisan support. The BIB structure fostered rampant fiscal abuses, lavish executive salaries and executive perks, despite numerous GAO and Inspector General reports noting fiscal problems over the course of two decades.

The Feingold amendment would strike the provisions that would create a new federal agency and ensure that RFE/RL is privatized by December 31, 1999, as indicated by the International Broadcasting Act of 1994. TCS supports this amendment. While the budgetary savings may be relatively small compared to the entire federal budget, the questions at stake are large: Can the Senate follow through on budget cuts? Is the Senate incapable of maintaining even this tiny budget cut? Is foreign spending exempt from the budget cuts that impact Americans at home? The Feingold amendment is a step toward restoring the confidence of American

taxpayers that U.S. international programs are wise expenditures.

Sincerely,

RALPH DEGENNARO,
Executive Director.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I admire the Senator's tenacity, and I admire his commitment to save the American taxpayers money. His tenacity on this score has exceeded his savings. Let me explain what I mean by that. He won. If this is about deficits, he won. He was right. He saved the taxpayers millions and millions of dollars. He, through his leadership, changed the way in which we used to deal with all these radios. He has won.

If I wouldn't be taken out of context—he would understand the humor in this—I wish he would take that old speech and send it home and say, "I won." I mean, take credit for what you did. You did a wonderful thing. You really did. You did a wonderful thing. But their ain't no more money to save. You saved it. This doesn't cost another penny.

That is No. 1.

This is not about deficits. It was about deficits, but you won. You did a good thing. You reorganized the radios.

It is like that famous line, I guess it was President Reagan's, "The Russians just do not know how to take yes for an answer." You won. And I am not being solicitous when I say the Nation owes you a debt of gratitude.

Now, on the second point, your tenacity: Your tenacity is well known, but I think in this case it is misplaced. This isn't about deficits anymore. Let's talk about what it really is about.

It is about whether or not Radio Free Europe and Radio Liberty are anachronisms or still have a relevance—no matter how well run they are, no matter how streamlined they are, no matter how efficient they are, no matter how cost effective they are.

That is the core of the debate between the Senator and I, although I suspect he would characterize it differently. I think they are vitally important.

It is not communism now. It is chaos now. It is not communism. It is the threat of totalitarianism. It is not communism. It is freedom, market economies, and it is about journalistic integrity and independence.

Everything the Senator said is factually correct except one thing. How do I explain it? I think the rhetorical question is: Tell me how these are independent? I will tell you: Forty years of history. All of Eastern Europe said, "When I hear VOA, I hear the State Department. When I hear Radio Liberty and Radio Free Europe, I hear an independent voice." That is literally how it worked.

I don't presume to compete with my friend from Wisconsin—and I am not being solicitous when I say this—who is a Rhodes scholar and a man of significant accomplishment, with my knowledge of history. I am not trying to play games and educate him, except I suggest to him that he ask those Eastern European freedom fighters of the past 40 years. They knew that the Federal Government paid for Radio Free Europe or Radio Liberty. Why did they listen to it and take what it said as gospel and not the Voice of America, or other pronouncements that came out? The reason was the same reason that exists today in China. We set up a thing called Radio Free Asia, the same category Radio Free Europe used to be in—still is in.

What is the difference? Our Ambassador in Beijing can say with all honesty—and the Chinese Government knows that it is true—"I can't control those guys."

What do they do? Let me give you an example of what would not happen if these radios, as we call them, were within the State Department where we moved the USIA. They would not at this moment be able to read on air the memoirs of Wei Jing Sheng, one of China's leading dissidents who is in prison. It is driving the Chinese Government crazy that the people of China can hear unobstructed his memoirs being read on air.

Do you think the Secretary of State—this one or the last one—would have the nerve in the mix of negotiations with the Chinese on everything from proliferation to trade to upset the apple cart? I can see it now. Beijing picking up the phone, and saying, "Stop, or we do the following with regard to these other negotiations." We have seen it happen a hundred times. But Beijing knows that the way we have set this up means that the President cannot control it. He can come up to us and say, "Don't fund it any longer." Or he can try to stack the board to get people on the board who will not allow journalistic independence.

But the reason why it works is that we have 40 years' experience—40 years of watching it work. The bona fides of these radios have been proven.

So the Senator is correct. Absent this history, one would say this is a veil. There are only four or five veils between the radios and independence and they are nothing but veils. History indicates that they are walls, and that they brought walls tumbling down—the Berlin wall.

I acknowledge that I probably feel more strongly about the radios and their independence than a majority of my colleagues. But I truly believe, Mr. President, if they were needed during the cold war, they are needed in this decade of chaos as much as they were then.

Look, what happens in China, in large part, is going to be a product of what the people of China know is happening.

My friend, Senator KERRY, who shares the view of my friend from Wisconsin, says, "Look, we have CNN." That is true. "Look, we have the Internet." That is true. They are all very positive and they are real and they are genuine, but I would argue they make my case. Because really what my friends are saying—I will speak for Senator KERRY—is that, although the radios are independent, we don't need this other independent voice now because we have this independent thing called CNN and we have this thing called the Worldnet. I say to you, things are better than they were because we do have CNN. I say to you things are better in the world in terms of the access to information throughout China because we have the Worldnet. But I say to you, we will be, in the ultimate sense, penny-wise and pound-foolish if we take what also is a proven, genuinely important, worldwide, respected vehicle called the radios and do them in.

And what for? What money are we going to save? What are we saving here? Let us get this straight—not that the Senator has not been straight; he has been. But, for me, because I am kind of simple-minded, let's reorganize this and lay it out. For me, it is important to understand the pieces. The first piece of this is, the Senator says that there is all this bloated bureaucracy in this board that used to run the radios. He is right. There was leadership. We changed that. We cut these bloated salaries. We cut out the fat. We made them use the same transmitters. We consolidated the ability to transmit these messages over the air. We literally moved our operation in Europe into Prague from Germany. We did a lot of things. This bill does not change one single solitary bit of the reform that has taken place.

Then my friend says we are going to spend more money. We put caps—through his leadership—on the amount of money that could be spent in these functions. We maintained these caps. If I can find my place in my notes here, I will find out exactly what the caps are. What page am I on? The caps for RFE/RL are $75 million a year; Radio Free Asia, $22 million a year. These caps are kept on this legislation.

My friend says we have created this new bureaucracy. We have created no new bureaucracy. We created this new board in 1994 through his leadership. It upsets my friend that I am not sucking that board into the State Department. There is USIA. It is sitting out here and it has, within USIA, that board. In the reorganization, led by the Senator from North Carolina, we take all the agencies that are sitting outside there and bring them into the State Department. So we take all of the USIA out except for one thing: We leave this

board sitting there. We do not recreate it. We just leave it where it was, independent. But still with all the strings attached as to how much money it can spend, all the requirements for RFE and RFL regarding privatization. They all remain, but what also remains is the journalistic integrity, the inability of the Secretary of State to say, hey, don't—don't broadcast those memoirs.

I am not suggesting this Secretary would say that. I do not know what she would say. But there is nothing she can do about that, or that a future Secretary can do about that.

The Senator suggests there is going to be a new bloated bureaucracy. We have a thing in the law that exists right now called the Economy Act, which means that any lawyers that are needed by RFE/RFL, any lawyers needed by the board that is going to conduct overseas radios, can be lawyers that can be borrowed from the existing lawyers in USIA. There is no requirement to hire anybody new. And you have caps on what we can spend on them anyway.

That is how it works right now. VOA—my friend always talks about RFE and RL, Radio Liberty. There is the Voice of America, Radio and TV Marti, and Radio Free Asia. They are sitting there. We have to privatize, under the law, RFE and RL, by the same date required in the original legislation. We kept that in. But we still have these other three major pieces out there. So the notion of the board's responsibilities rests in the management of those as well, even when privatization occurs.

The other rhetorical question I would ask my friend is, he says this undermines privatization, that this proposal to privatize the European radios, which we urged in the sense of Congress in 1994, would be undermined. This provision remains intact. Moreover, the Senator is sponsor of an amendment asking for periodic reports toward this objective, which the committee included in this bill. And, as I said, the board oversees more than the European radios, so they will have plenty to do after privatization. The others are not part of the privatization scheme.

Keep in mind the overarching rationale for privatization. It is, hey, we don't need this message going into Eastern Europe or Central Europe or the former Soviet Republics.

I want to tell you, I sure would like that message going into Byelarus. I am glad it is going in now. I sure like the idea the message is going into Bosnia. I sure like the messages going into these former Soviet states or Soviet-client states. But I acknowledge that is a debate for another day, whether or not these radios make sense anyway. I think they make a great deal of sense.

But make no mistake about it, that is the core of the distinction between what the Senator from Wisconsin and I view to be the right course of action. You notice that the Senator is always painfully honest. He points out and acknowledges he had the privatization language still in here, but he presumes it will not be privatized now that the board is sitting out here and staying out here. I would argue that the likelihood of privatization occurring is in direct proportion to how much light is shed on the process. When you have this board sitting out here by itself, justifying its existence and its actions, it is a lot more likely that we are going to pay attention to it, particularly when we have to confirm the head of the board. As a matter of fact, the whole board requires Senate confirmation.

The Senate worries about the radios not going toward privatization. How many members of the board are there, eight? He is going to have eight shots, plus Mr. Duffy, who is going to be the new Under Secretary of State for Public Diplomacy. He has plenty of chances. He has nine chances in confirmation hearings before our committee. Put the board inside and it's a different story.

The other point I would like to raise—and there is so much to say on this, but you have heard me so many times I will try not to say all there is to say. The cost will go up, is the second argument. He indicates that the cost will increase by $25 to $30 million. He said the board and the radios now receive $28 million in administrative services from the USIA, the U.S. Information Agency. All this is true, but who does he think is paying the $28 million now? The $28 million that went for them administering the agency will not go to them now. The net cost to the American taxpayer will not change. Chairman HELMS and I received a letter from David Burke, the chairman of the board. I ask unanimous consent it be printed in the RECORD.

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

BROADCASTING BOARD OF GOVERNORS, UNITED STATES OF AMERICA,

Washington, DC, June 17, 1997.

Hon. JESSE HELMS,
Chairman, Committee on Foreign Relations, U.S. Senate.

Hon. JOSEPH R. BIDEN, Jr.,
Committee on Foreign Relations, U.S. Senate.

DEAR CHAIRMAN HELMS AND SENATOR BIDEN: I have been advised of the provisions related to international broadcasting contained in Division B of S. 903, the Foreign Affairs Reform and Restructuring Act of 1997, as reported by the Committee on Foreign Relations.

My colleagues and I agree with Senator Biden that, under any reorganization scenario, an independent, bipartisan governing board, nominated by the President and confirmed by the Senate, is essential to ensuring the coherence, quality, and journalistic integrity which preserves the credibility, and therefore effectiveness, of the broadcasting services.

Further, with respect to concerns about additional costs expressed by Senators Feingold and Kerry during the Committee's markup last Thursday, the Board believes that a transfer of existing broadcasting support costs and personnel from USIA to the international broadcasting entity would be a "cost neutral" transaction within the foreign affairs budget function. Such a transfer would cover space costs and management support services currently provided by USIA, including security, accounting, payroll, training, and procurement. This transfer from USIA to the international broadcasting entity would coincide with the consolidation of USIA into the Department of State, and would not represent a net increase in total funds or employment.

The BBG is committed to ensuring that America's international broadcasting services remain a cost-efficient, highly effective means of promoting this nation's interests abroad.

Sincerely,

DAVID W. BURKE,
Chairman.

Mr. BIDEN. This is just one paragraph from it.

. . . the Board believes that a transfer of existing broadcasting support costs and personnel from USIA to the international broadcasting entity would be a "cost neutral" transaction within the foreign affairs budget function. Such a transfer could cover space costs and management support services currently provided by USIA, including security, accounting, payroll, training, and procurement.

This notion that salaries would explode isn't realistic. We can't even get a raise for judges here, which most of my colleagues tell me we should get. They have to come with an appropriation every year. You think these salaries are going to explode and that this is going to be a sitting duck?

My view is, if I can see it, if I can feel it, if I have to confirm it and it is not buried in an organization, I have a lot more impact on it. Look, as I said, there is a lot to say, but the former VOA directors, the Voice of America directors, they do not argue, Democrat and Republican, that we should put the radios and VOA into the State Department. They say keep it where it is.

So, I really admire the Senator. I will say again, the people of Wisconsin should be thankful and appreciative that he kept his commitment. He saved them money. Like in that movie, "Show me the money." You saved them the money. Now, move on, Senator. There ain't no more money to save unless you are eliminating all of the radios. And if you move them into the State Department, which your amendment would do, that will be the effect.

I asked my colleague, because we are good friends, I asked, how long are you going to go on this? He said, well, I am going to make my points and then go as long as required to have to respond to your responses. I said, you mean if I don't keep responding, you won't respond?

I think he implicitly said yes. So I am going to stop responding to his responses in the hope that he will stop responding and we can get on with the vote. Hopefully, the vote will be like it was in the Senate Foreign Relations Committee, overwhelmingly, a majority of Democrats and majority of Republicans staying committed to the savings he has initiated and staying committed to the radios.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am enjoying this debate and also enjoying the Senator's command of popular culture. I think this has been a very instructive thing for me over the past few years to work with him on this. I admire his passion. It is born of a lot of experience and knowledge of foreign policy over the years, to which I defer. So I do respect him on this and appreciate the kind words about the savings we have achieved. The Senator is right. And I do try to be straightforward. The Senator from Delaware would say, in fact, he is correct. We have made those savings working together, including with the chairman, whose good support also made that possible.

That is a victory that we can be happy about. But I can't just look at this bill and feel this is the end of the story. Whatever analogy you want to use, winning the inning but not winning the game, it is not terribly satisfying if you achieve something and then find out a few years later that you set up a scenario—not a fact, I again give you that, but a scenario—where you have the feeling that it might come undone, that there is a good chance it will come undone. Because we are making what appear to be the same mistakes that were made in the past, in terms of how this was set up, that led to the abuses, that led to the need for the agreement that the Senator and I put together several years ago.

It reminds me of the expression, I still can't find out who said it, I don't know if it was President Reagan or President Bush, something along the lines that "the only thing that is immortal in Washington, DC, is a Federal agency," this concern that somehow we can't ever wean ourselves from the structure of an independent agency, that once they exist they have their own constituency and they exist forever.

Mr. BIDEN. Will the Senator yield for one point on that?

Mr. FEINGOLD. I yield for a question.

Mr. BIDEN. Mr. President, again, the Senator is always straightforward. He indicates he worries that this is a scenario for reenacting a set of circumstances, putting in place a set of circumstances, that will allow the abuses that took place before to come around again. I am not being smart when I say this, but you, Senator FEINGOLD are going to be here. The likelihood of that happening with you sitting here in this Chamber and with it sitting out there by itself is zero, unless all of a sudden you go back to Wisconsin and decide that you don't like your—and I mean this positively—your crusade for fiscal responsibility anymore.

I pointed out in the beginning, one thing I have found out about you is your tenacity. I can't believe there is any reasonable prospect that the scenario you fear has any prospect of occurring while you are here. I don't think it is occurring period, but in terms of what is likely to happen, I don't want to be a board member when they come back and tell you, "By the way, we're not privatizing," and "By the way, we want more money," and "By the way, we're increasing our salaries," all of which would have to come through here.

I will argue again, if it is buried inside the State Department, you have a much better chance of it occurring there than if it is sitting out in the cold light of day, and I mean that sincerely.

Mr. FEINGOLD. Mr. President, to answer the Senator's question, I appreciate his very positive political prognosis for me, and I hope he is right. I would rather not, after all the work I have done on this and all the work he has done on this, simply leave this issue to the hope that I or others in the future will have the time, the energy and the interest to focus on this particular matter. There are so many things we need to work on to cut the fat out of the Federal Government. It is incredible.

We go home and tell people we finally passed a bipartisan balanced budget, and they look at us skeptically. The first thing I say to them is, "Don't kid yourself, there is still an awful lot of fat in Washington, an incredible amount." The energy it takes to focus on this one particular piece and clean it up is very, very taxing. I can't simply hope that my own ability to pursue this will last forever.

Let's face it, these radios have been there for 50 years. I know there are Members here who approach that kind of tenure, but for most of us, we have to try to set something up that we hope will last after we are gone.

This is relevant to an interesting point that the Senator from Delaware was making where he eloquently outlined the past, the important role that Radio Free Europe and Radio Liberty played during the cold war. But in so doing, he made an interesting comment about how things are different now. He said "We have gone from cold war to chaos." I think that was well said.

But the problem is that this new world that we are living in is much more complicated than it used to be, involving a lot of different forums for different ideologies, different constellations in power. But there are also different technologies, technologies that did not exist at the time the assumptions that the Senator from Delaware was speaking about were made. Things like the BBC, things like CNN, things like the Internet.

That is not to say that radios do not have an important role, and perhaps a unique role, as you were indicating, in a number of these situations. But, Mr. President, it is a different world than the world that required us to set up Radio Free Europe and Radio Liberty in the way that we did as a surrogate radio.

Who is to say that we cannot at this point, without using Federal dollars, have our official Government broadcasting done by the Voice of America and then have these alternatives that we have described function as they are doing and didn't in the past, such as BBC, CNN and the Internet and then, yes, perhaps, and here I actually do not disagree with the Senator from Delaware, perhaps have a fully privatized Radio Free Europe and Radio Liberty, a fully privatized Radio Free Asia, and whatever else can be established, be a part of that combined effort to make sure that people who live under any kind of authoritarian government, such as China or any other type of government like that, whether Communist or not, would have the opportunity to get the information they need?

Mr. President, what the Senator from Delaware has really pointed out by his excellent description is what I said from the beginning. This Radio Free Europe and Radio Liberty, as a Government-funded entity, not as an entity on its own, but as a Government-funded entity, based on the notion of a need for a surrogate, is a cold-war relic. The concept of the surrogate that is somehow a part of the Government but not really part of the Government is, in my view, a relic. It is a fact and important part of the history of the 20th century. It is not a guidepost for the 21st century.

But the most important point is this. The Senator cleverly tries to take the argument as to whether or not I think radios are needed for freedom. I am not necessarily disputing that at all. Let's for the sake of argument agree that some kind of radios of this kind are a part of the constellation of services and technologies that are needed for freedom. The question here today is whether we need an independent, federally funded agency to get that job done, this sort of hybrid that claims to be independent but, obviously, isn't because it is funded by the taxpayers and the President of the United States appoints the board. This isn't independence. No one thinks it is independence, although, yes, as the Senator from

Delaware points out, perhaps during the heart of the cold war, in that context at that time, there may have been this mythical distinction which I question just how many people actually believe.

So the question here isn't do we need the radios—let's concede that for the moment—the question is, do we need a new independent agency to run the radios when the Senator himself just said this whole thing is supposed to be completely privatized by 1999 anyway. How important can it be to have an independent agency to do this funded by the Federal Government when he himself just said we are going to privatize the whole thing by 1999?

What it comes down to is this. The Senator from Delaware has given a great speech, a very accurate speech, but it is most appropriately a speech given to people in this country who have a lot of money, who want to privatize and pay for a privatized Radio Free Europe and Radio Liberty. That is to whom these words should be spoken, people like Steve Forbes who would be able to put in this kind of money and is interested in it. That is who should hear the plea, not the U.S. taxpayers who have paid enough already in this area.

Let's just review the facts about independence and lack of independence.

Fact: The Board for International Broadcasting was an independent agency, and during its tenure as an independent agency, there were horrible revelations of fiscal abuse. That is the fact. The Senator from Delaware says, what would you rather have, an agency that stands out there alone or one that is in the State Department? The fact is, when the Board for International Broadcasting stood alone, that is when the huge abuses, the $200,000 and $300,000 salaries paid by the American taxpayers, occurred, when it was independent.

Fact No. 2: That there has been a time period when this board was not independent, when, under our agreement, it went under the United States Information Agency. And what happened during that tenure when it was not independent, when it was supervised, when it did have to submit its budget to the head of USIA? What happened is we achieved these things, we achieved these efficiencies. That is when it happened.

So I will go with the same test the Senator from Delaware has suggested: When it was on its own, it failed and was abusive; when it has been under the supervision of another agency that is dedicated to controlling it, it has been under control. We cannot simply create a new pleader here in the form of a new Federal agency. It will need its own staff and personnel. The Senator from Delaware says it won't be required to, but it is allowed to.

I simply cannot understand how any of us believe after the record of Radio Free Europe and Radio Liberty under the Board for International Broadcasting, that letting it be free—subject only to appointment and confirmation hearings—that somehow that will lead to a better situation. That is the history, two different scenarios: the record, when it was independent, which is one of terrible fiscal abuse, and the record since it was put under another department under the USIA, which everyone has conceded has been much better.

Mr. President, I strongly suggest we should avoid this step of creating a new Federal agency. I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I always enjoy debating my friend from Wisconsin. It has been a hundred years since I have been a trial lawyer, but one of the things a fellow I used to work for, a great trial lawyer in Delaware named Sid Balick, used to say was, when you have said what you wanted to say, you made the points the best you can, it is best to sit down. I yield the floor.

Mr. McCAIN. Mr. President, I rise today to speak in support of the public diplomacy conducted by the United States Information Agency, which, under the terms of the legislation before us, will be folded into the Department of State, USIA, as we are all aware, oversees the Voice of America and, more recently, Radio Free Europe/Radio Liberty.

It has often been pointed out that, after the guns fall silent, the United States rushes to disarm. Many in this chamber would argue that such disarmament is being undertaken once again in the wake of the demise of the Soviet Union and consequent end to the cold war. We are not here, however, to debate issues of military strategy and force structure. That discussion will take place in the near future when the defense authorization bill comes to the floor.

The issue I wish to address today, however, is closely related to the phenomenon involving large-scale reductions in the size and aggregate capability of our Armed Forces in times of peace. There is another element to what has been called the arsenal of democracy that is vital to our national defense, yet which receives little attention and operates with minimal funding. That instrument of foreign policy is public diplomacy—the conveyance of accurate, objective news to people who otherwise are not exposed to a free flow of information, who have the misfortune of living in countries ruled by dictatorial regimes.

Mr. President, there is little that an authoritarian or totalitarian government fears as much as the dissemination of truth. Whether broadcasts into German-occupied France or Radio Free Europe and Radio Liberty transmissions behind the Iron Curtain, the truth is a powerful weapon when wielded with fortitude in the struggle against tyranny. The images of individuals and families hiding in darkened basements, gathered around a radio, volume kept low so as to avoid detection, is compelling. It is an image that has captured millions over the decades. Distribution of radio sets and literature can play as important a role in the fight for freedom as the aircraft, tanks, and ships on which we expend billions of dollars.

The post-cold-war era coincides with the explosion in what has come to be known as the "Information Age." As portable and home computers become more readily available, the ability to disseminate information has reached levels previously only imagined. It is very important that the United States not ignore this potential in the continuing fight for self-determination and democratization.

I remain a strong supporter of the public diplomacy activities of the U.S. Government. It is true that the end of the cold war has diminished the need for Radio Free Europe. It has not, however, eliminated that need, as political turmoil in Albania and the ongoing problems in Bosnia-Herzegovina, as well as in Serbia itself, attest. Furthermore, while I am a strong supporter of maintaining open ties with China, including in the area of trade, the advent of Radio Free Asia is an essential element in our long-term effort at facilitating a transformation in that country toward a more liberal political system characterized by free speech.

The bill currently before us restructures our public diplomacy apparatus to both streamline the bureaucracies and ensure their continued vitality and independence. Those are worthy goals deserving of our support. While I am concerned about the effort to retain Radio Free Europe/Radio Liberty within the U.S. Government rather than privatize it as directed in the Foreign Relations Authorization Act for fiscal years 1994–1995, the attention afforded public diplomacy in the State Department authorization bill for fiscal year 1998 is highly commendable.

Public diplomacy remains an important instrument of our foreign policy. The free flow of information will never wane as an essential element of our national security apparatus. Truth remains the greatest enemy of tyranny, and until liberal democracies are firmly entrenched in every country of every region of the world, we must continue to support such activities.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I inquire of the Senator if he desires a rollcall vote on this?

Mr. FEINGOLD. Mr. President, I would like a rollcall vote.

Mr. HELMS. Very well. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. Mr. President, I have the greatest respect for the Senator from Wisconsin. I think he knows that. I know his mother-in-law and I put in every personal reference I can, but he is simply wrong on this. He is operating in perfectly good faith, but this is wrong. This provision does not create a new Government agency. What it does is simply keep a current function of USIA and move the rest of them out. It is the only thing left.

The radios—Radio Free Europe and Radio Liberty and Radio Free Asia and Radio Free Iran, the Voice of America and the Cuban radio, Radio Marti—will be separate from the Department of State. No new missions are created, no new bureaucracies are established. We simply maintain the independence and editorial integrity of the already-existing radios.

Warnings that this bill will return us to the old age of corruption and mismanagement are simply not so. As a matter of fact, I was dealing with these radios a long time before the Senator came to the Senate. As the saying goes, I fought the Battle of Jericho many times on this and generally I won.

This bill simply extends the authority of the State Department inspector general giving the inspector general full oversight over the radios and the entire bureau of broadcasting and gives the Under Secretary of State for Public Diplomacy a permanent seat on the broadcasting Board of Governors, ensuring that their management will come under the scrutiny of the State Department. And under this legislation, the Director of broadcasting will serve not at the pleasure of the board, as he does today, but rather at the pleasure of the President with the advice and consent of the Senate.

Lastly, I have heard from the head of every one of these radio entities. And to a man, to a woman, they are opposed to the Senator's amendment.

Mr. President, I am tempted to move to table, but because of my affection for the distinguished Senator I shall not do that. I will let him have an up-or-down vote.

I thank the Chair. And we may proceed to a vote.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 395. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming [Mr. ENZI], the Senator from Idaho [Mr. KEMPTHONE], and the Senator from Kansas [Mr. ROBERTS] are necessarily absent.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE] and the Senator from South Dakota [Mr. JOHNSON] are necessarily absent.

I further announce that the Senator from South Dakota [Mr. JOHNSON] is absent attending a funeral.

I also announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

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

The result was announced—yeas 21, nays 74, as follows:

The result was announced—yeas 21, nays 74, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—21

Baucus	Feingold	Moseley-Braun
Bingaman	Harkin	Reed
Boxer	Kennedy	Reid
Bryan	Kerrey	Rockefeller
Bumpers	Kerry	Sarbanes
Conrad	Kohl	Wellstone
Dorgan	Leahy	Wyden

NAYS—74

Abraham	Feinstein	Lugar
Akaka	Ford	Mack
Allard	Frist	McCain
Ashcroft	Glenn	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moynihan
Bond	Gramm	Murkowski
Breaux	Grams	Murray
Brownback	Grassley	Nickles
Burns	Gregg	Robb
Byrd	Hagel	Roth
Campbell	Hatch	Santorum
Chafee	Helms	Sessions
Cleland	Hollings	Shelby
Coats	Hutchinson	Smith (NH)
Cochran	Hutchison	Smith (OR)
Collins	Inhofe	Snowe
Coverdell	Inouye	Specter
Craig	Jeffords	Stevens
D'Amato	Kyl	Thomas
DeWine	Landrieu	Thompson
Dodd	Lautenberg	Thurmond
Domenici	Levin	Torricelli
Durbin	Lieberman	Warner
Faircloth	Lott	

NOT VOTING—5

Daschle	Johnson	Roberts
Enzi	Kempthorne	

The amendment (No. 395) was rejected.

Mr. HELMS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I want to say how much I appreciate the good work that has been done on this legislation. It is truly a bipartisan compromise. The distinguished chairman and ranking member, the Senator from Delaware, have really worked hard and have come together, I think, on a good bill. It is obvious that the bill is going to be supported by the overwhelming votes that we have seen here today.

It is important that we finish this bill tonight. There are not a lot of amendments left. I hope that the Senators who have amendments they are seriously interested in will come to the floor right away and talk to the chairman so that we can finish this up in the next hour and a half or 2 hours.

I thank the Senator from Kentucky, who is acting as leader in the absence of our good friend, Senator DASCHLE. Let's really stay behind this and see if we can't finish in the next couple of hours. I wanted to make that point.

Several Senators addressed the Chair.

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

Mr. HELMS. Mr. President, the regular order would bring up the Sarbanes amendment. We have worked that out. I think we have two others that we are willing to accept and are agreeable to accept. That would be Senator DAN INOUYE on the East-West Center and Senator SMITH of Oregon on China.

I ask unanimous consent that it be in order for those three to be handled in tandem.

Mr. SARBANES. Mr. President, is the Sarbanes amendment now pending?

The PRESIDING OFFICER. Is there objection to the unanimous-consent request by the Senator from North Carolina?

The Senator from North Carolina has sought consent to consider these amendments in the following order: The Senator from Maryland, Senator SARBANES; the Senator from Hawaii, Senator INOUYE; and the Senator from Oregon, Senator SMITH.

Is there objection?

There being no objection, it is so ordered.

The Senator from Maryland is recognized.

AMENDMENT NO. 393, AS MODIFIED

Mr. SARBANES. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment will be so modified.

The amendment (No. 393), as modified, is as follows:

On page 160, strike line 21 and all that follows through line 7 on page 162, and insert in lieu thereof the following: "international organizations under the heading 'Assessed Contributions to International Organizations' may not exceed $900,000,000 for each of fiscal years 1999 and 2000."

Mr. SARBANES. This modification has been worked out with the managers of the bill. I appreciate their accommodation on this.

Mr. HELMS. Mr. President, I urge approval of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 393), as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

AMENDMENT NO. 376, AS MODIFIED

Mr. INOUYE. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment (No. 376), as modified, is as follows:

At the end of section 1301 of the bill, insert the following new paragraph:

(C) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—There are authorized to be appropriated no more than $10,000,000 for fiscal year 1998 and no more than $10,000,000 for fiscal year 1999.

Mr. INOUYE. Mr. President, this modification has been cleared and approved by the Senator from Minnesota [Mr. GRAMS], and the distinguished managers of the measure.

Mr. HELMS. Mr. President, I urge approval of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 376), as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

AMENDMENT NO. 396

Mr. SMITH of Oregon. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH], for himself and Mr. THOMAS, proposes an amendment numbered 396.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new section, and renumber the remaining sections accordingly:

SEC. . SENSE OF THE SENATE ON PERSECUTION OF CHRISTIAN MINORITIES IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) The Senate finds that—

(1) Chinese law requires all religious congregations, including Christian congregations, to "register" with the Bureau of Religious Affairs, and Christian congregations, depending on denominational affiliation, to be monitored by either the "Three Self Patriotic Movement Committee of the Protestant Churches of China," the "Chinese Christian Council," the "Chinese Patriotic Catholic Association," or the "Chinese Catholic Bishops College;"

(2) the manner in which these registration requirements are implemented and enforced allows the government to exercise direct control over all congregations and their religious activities, and also discourages congregants who fear government persecution and harassment on account of their religious beliefs;

(3) in the past several years, unofficial Protestant and Catholic communities have been targeted by the Chinese government in an effort to force all churches to register with the government or face forced dissolution;

(4) this campaign has resulted in the beating and harassment of congregants by Chinese public security forces, the closure of churches, and numerous arrests, fines, and criminal and administrative sentences. For example, as reported by credible American and multinational nongovernmental organizations,

—in February 1995, 500 to 600 evangelical Christians from Jiangsu and Zhejiang Provinces met in Huaian, Jiangsu Province. Public Security Bureau personnel broke up the meeting, beat several participants, imprisoned several of the organizers, and levied severe fines on others;

—in April 1996 government authorities in Shanghai closed more than 300 home churches or meeting places;

—from January through May, 1996, security forces fanned out through northern Hebei Province, a Catholic stronghold, in order to prevent an annual attendance at a major Marian shrine by arresting clergy and lay Catholics and confining prospective attendees to their villages.

—a communist party document dated November 20, 1996 entitled "The Legal Procedures for Implementing the Eradication of the Illegal Activities of the Underground Catholic Church" details steps for eliminating the Catholic movement in Chongren, Xian, Fuzhou and Jiangxi Provinces and accuses believers of "seriously disturbing the social order and affecting [the] political stability" of the country; and

—in March 1997, public security officials raided the home of the "underground" Bishop of Shanghai, confiscating religious articles and $2,500 belonging to the church;

(b) It is, therefore, the sense of the Senate that—

(1) the government of the People's Republic of China be urged to release from incarceration all those held for participation in religious activities outside the aegis of the official churches, and cease prosecuting or detaining those who participate in such religious activities;

(2) the government of the People's Republic of China be urged to abolish its present church registration process;

(3) the government of the People's Republic of China fully adhere to the religious principles protected by the U.N. Universal Declaration of Human Rights; and

(4) the Administration should raise the United States' concerns over the persecution of Protestant and Catholic believers with the government of the People's Republic of China, including at the proposed state visit by President Jiang Zemin to the United States, and at other high-level meetings which may take place.

Mr. SMITH of Oregon. Mr. President, one of the threshold rights that we as Americans hold dear is the right to worship God according to the dictates of one's own conscience. It is for that reason that many Christians and people of all faiths are disturbed by news headlines about the persecution of Christians, specifically, and other religious minorities generally in the nation of the People's Republic of China.

This body is about to engage in a great debate on the issue of China and how the religious minorities of that great nation are treated by its government. Many of us are concerned about this issue and find it appalling to read accounts of the persecution of Christians in that nation. I, for one, believe that the best way to help China change its internal affairs toward religious minorities is not by escalating a trade war or military competition with them, but rather to engage them and to focus the spotlight upon this issue in every forum that we can find. I think businesses have an obligation to do that, and I believe we, as U.S. Senators, have an obligation to do that.

For that reason, today, I rise to offer this amendment, which is a sense-of-the-Senate amendment, that will focus on the issue of religious persecution in the People's Republic of China. Specifically, it says that:

It is, therefore, the sense of the Senate that:

(1) the government of the People's Republic of China be urged to release from incarceration all those held for participation in religious activities outside the aegis of official churches, and cease prosecuting or detaining those who participate in such religious activities;

(2) the government of the People's Republic of China be urged to abolish its present church registration process;

(3) the government of the People's Republic of China fully adhere to the religious principles protected by the United Nations Universal Declaration of Human Rights; and

(4) the Administration should raise the United States' concerns over the persecution of Protestant and Catholic believers with the government of the People's Republic of China, including at the proposed state visit by President Jiang Zemin to the United States, and at other high-level meetings that may take place.

I believe this amendment has the approval on both sides. I thank the Chair and the managers of the bill for this time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. FORD. Does the manager want to pass this amendment?

Mr. HELMS. Mr. President, first of all, I ask unanimous consent that I be added as a cosponsor to the Senator's amendment.

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

Mr. HELMS. I urge adoption of the amendment.

Mr. FORD. Mr. President, we agree to the amendment.

The PRESIDING OFFICER. If there is no further debate, the amendment is agreed to.

The amendment (No. 396) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. KERREY. Mr. President, I rise today to discuss my thoughts on the State Department authorization bill. I am afraid that too often we minimize the importance of legislation that deals with foreign policy because it is an issue that fails to capture the interest of our constituents. In my opinion, this lack of interest is a sign of failure on our part to explain to our constituents the importance of sound foreign policy to their lives.

At the same time, more and more people in my home State are coming to know the importance of trade in developing our economy and creating new markets for Nebraska agricultural and industrial products. Essential to a profitable trade environment is a stable diplomatic relationship. It is our State Department that takes a leading role in creating the ties that will lead to new markets and prosperous trade relations. We must do a better job of explaining the link between foreign policy and a healthy economy based on free trade.

Mr. President, it is also important that we remember that failure of foreign policy can have deadly consequences. Our investment in the State Department and international organizations such as the United Nations represents a fraction of the monetary investment required for the United States to respond militarily to a threat to our interests that may have been averted through diplomacy, not to mention the investment in human lives.

Mr. President, this bill is a significant improvement over similar legislation that has come before the Senate in that it addresses very difficult and contentious issues with fewer of the controversial policy provisions that have doomed past legislation. This is not to say that this bill is void of provisions that cause me concern, but I am hopeful that as the process moves forward these issues will be worked out.

Division A of this bill addresses the consolidation and restructuring of our foreign policy agencies. Aside from streamlining these agencies, I am hopeful this legislation will help us construct a foreign policy structure better prepared to respond to the challenges it will face in the post-cold-war world. By consolidating the Arms Control and Disarmament Agency and the U.S. Information Agency into the State Department, we are not saying that arms control and public diplomacy are less important than during the cold war. Instead, we are reaffirming their importance by placing these tasks under the direct control of the Secretary of State. On this point, I would like to praise the administration, the chairman, and ranking member of the Foreign Relations Committee for pursuing a reorganization plan that will strengthen U.S. foreign policy by strengthening the role of our Secretary of State. I do share the concerns expressed by the administration and believe that it is important for the President and the Secretary of State to have a sufficient amount of flexibility during the process of restructuring in order to ensure the greatest amount of efficiency and ability to meet the challenges of the 21st century.

Division B of this bill contains the authorizations of appropriations for the State Department and related agencies. I recognize the fiscal constraint under which we are operating, but I am very concerned by the failure of this bill to fully fund our foreign policy agencies. While the $6.08 billion authorized in the bill is close to the $6.15 billion requested by the President, funding levels fall short in several key accounts.

First, this bill authorizes $59 million less than was requested by the President for contributions to international organizations; there is also a $40 million shortfall from the amount requested for international peacekeeping. Finally, the bill reduces ACDA's authorization level from $46 million to $39 million. At a time in which we are calling for ACDA to be integrated into the State Department, it is important that we not shortchange this agency. Each of these funding shortfalls threatens the effectiveness of agencies and calls into question our commitment to maintaining a strong foreign policy.

Mr. President, the final section of the bill, division C, is of particular interest and concern to me. Once again, I am pleased that the Senate has finally chosen to address the issue of US arrears to the United Nations, but I am concerned about the approach that is taken in this bill.

Mr. President, let me first state that I fully support U.S. participation in the United Nations. In helping to create the United Nations in 1945, the United States sought to create an organization of countries that could work together to achieve common goals. Today, the United Nations remains an important forum of consultation and cooperation in which the United States can work with other nations to advance our interests. However, I fear that the ability of the United States to use its power in the United Nations will be jeopardized by our inability to pay our bills.

I do not disagree with those who push for continued reforms within the United Nations. However, I am concerned that many of the benchmarks and conditions contained in this bill play to the unfounded fears of a few in our society and go too far in dictating policy to the United Nations. Mr. President, I do not believe that the United States should put itself in the position of micromanaging the United Nations. While the United States remains the most influential country in the United Nations we must recognize the need to work with, rather than dictate to, the remaining 183 countries. We in the United States are groping with our own fiscal problems, we should not be so quick to assume we have a monopoly on reform.

It is for this reason that I supported Senator LUGAR's amendment. Aside from fully funding the $819 million in arrears payments over 2 years, Senator LUGAR's amendment would have deleted the benchmarks and conditions contained in the bill. In my opinion, we must live up to our international commitments or be prepared to face the consequences of surrendering our leadership role in the world.

Mr. President, while I have many concerns, and I believe that this bill could have been crafted in a way that would have further advanced our foreign policy goals, on balance I believe this bill represents a positive step forward and I will vote in favor of final passage. By radically reorganizing our foreign policy apparatus, we better prepare ourselves to meet the foreign policy challenges we are certain to face in the future. Finally, despite the concerns I have about our approach, I believe that this bill will move us toward paying our debts to the United Nations and reestablishing U.S. leadership.

SECTION 2108

Mr. HELMS. Mr. President, the section of the Foreign Relations Committee report on S. 903, the Foreign Affairs Reform and Restructuring Act of 1997 (Report No. 105-28), describing section 2108 on the Organization of American States was inadvertently left out of the printed report. In order to establish the legislative history of section 2108 of S. 903, I ask unanimous consent that a description be in the RECORD.

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

Section 2108—Organization of American States

Expresses the sense of Congress that the Secretary of State should make every effort to pay the United States assessed funding levels for the Organization of American States (OAS).

The Committee recognizes the unique relationship and importance of the OAS to the United States. The Committee also notes that the OAS is disproportionately reliant on the United States assessed contribution, with the United States providing 59 percent of the organization's assessed budget.

The Committee has encouraged reform of international organizations. The OAS, to its credit, has taken a number of positive steps

to reform, including establishing an independent Inspector General, mandating annual independent financial audits, establishing a Unit for the Promotion of Democracy, while holding the line on the budget and reducing personnel from 1700 to 600. Section 2108 acknowledges the progress made by the OAS in streamlining the institution and maximizing its resources.

The Committee also takes note of the work of the OAS, especially in promoting democratic processes and institutions, most recently in Nicaragua and the Dominican Republic, and in contributing to reconciliation in Central America, most notably the work of the International Support and Verification Commission (CIAV) in Nicaragua.

REAUTHORIZATION OF AU PAIR PROGRAM

Mr. KENNEDY. Mr. President, section 1314 of the State Department authorization bill reauthorizes the Au Pair Cultural Exchange Program in the United States Information Agency.

Over the years, this program has won broad support in Congress and across the country, helping working families with their child care needs while providing valuable experience of life in America for young men and women from overseas.

However, earlier this year, the people of Massachusetts were stunned by the tragic death of a child in Newton at the hands of a participant in the program. I wrote to USIA immediately, requesting an urgent review of current procedures for screening participants in the program and requesting USIA's recommendations for strengthening them.

As the Senate votes today to approve this legislation, USIA is in the process of promulgating new regulations for the au pair program which will be published in the next few days. I believe that these regulations will provide greater assurance to the thousands of American families who have come to rely on this program that the au pairs who participate are better trained and better screened. I understand that the new rules will enhance the training and experience requirements for au pairs to qualify for the program. The regulations should enhance the involvement of American families in selecting the au pairs to care for their children. In addition, new regulations will ensure that au pairs are not overworked and are able to participate in educational programs that strengthens the cultural and educational exchanges at the heart of this important program.

Finally, this program will remain under periodic review. In fact, every fifth year, a comprehensive re-examination of the program is required to determine whether the program will be continued.

These are welcome improvements in the au pair program. They will benefit American families with child care needs, and benefit the cultural exchange programs that are such an important aspect of ours with other countries. This reauthorization is a key part of this overall bill, and I urge members of the Senate to support it.

Mr. LIEBERMAN. Mr. President, I rise this afternoon to congratulate Senator HELMS, Senator BIDEN and the members of the Senate Foreign Relations Committee for the bipartisan spirit reflected in the Foreign Affairs Reform bill, and particularly for their efforts to restructure the foreign affairs agencies for the 21st century.

When a proposal to consolidate agencies came to the floor last year, I offered an amendment that would have struck provisions integrating the United States Information Agency into the Department of State. At that time, there appeared to be a serious risk that the valuable mission of USIA, public diplomacy, would be harmed in a consolidation process overly inspired by a zeal to slash budgets and bureaucracies. I will continue to watch this closely.

Those of us who shared this concern are pleased that the effort being made now will strengthen and not diminish public diplomacy by keeping the focus on the team responsible for its conduct. Despite the wonderful capabilities of technology, we cannot count on it alone to carry America's message to foreign countries. There will always be the problem that Edward R. Murrow described as taking the message "the last three feet."

What I imagine Murrow meant was that foreign publics will be open to understanding America's case only when they know us and respect us, and when we know enough about them to relate to their interests and values. This means more than shouting at them through technology's loudspeakers. It means "being there," having foreign service professionals in the field whose work it is to cultivate relationships that go beyond government-to-government communiques.

American interests and values will be served through effective use of the international media, the internet, and government broadcasting capabilities such as the Voice of America. But we must not allow these tools of mass communications to become separated from the professionals on the ground who follow the pulse of the people, whether in the market or at the University. American foreign policy needs engagement, up close and personal, now more than ever.

And so I am heartened by the efforts this legislation makes to advance public diplomacy and I encourage my colleagues here in Congress, and the Administration, to remain focused on the importance of the mission at hand rather than on the potential for modest savings later on.

In that same vein, Mr. President, I also would like to thank Senator LUGAR for introducing in this legislation a foreign affairs review process as a necessary corollary to agency reorganization. Senator LUGAR and I worked together to craft this approach because we believe it is time to examine systematically what our diplomacy must do for us in the 21st century. The review, which has been endorsed by a large, distinguished, and diverse group of foreign affairs experts and others with a great deal of public and private international experience, will look at the functions of all the federal departments and agencies with interests and assets overseas.

Some describe the way we do America's business abroad as "a 40 agency conundrum." Dozens of agencies, in addition to State, USIA, AID and the other "traditional" members of the foreign affairs community, pursue separate overseas agendas with little coordination or cooperation between them. It is an inefficient and, as the world continues to change from the stark East-West split of the Cold War, an ineffective way to advance our interests and values around the globe.

The end of the Cold War has brought new challenges and opportunities to our international relations. We have seen how these can erupt into conflicts that disrupt economic life, produce waves of desperate refugees, threaten public health and the environment, and sometimes provoke horrible violence. We cannot respond to these new circumstances by relying on old methods.

Streamlining bureaucracies is an important step in the right direction. But we need to do more. It will not serve our interests to do the wrong things more efficiently. We need to look inside the organizations themselves to see what they do and how they do it. We need to evaluate both the necessity and the manner of their work. Our representatives overseas often are locked in mind-numbing endeavors with no discernible value apart from feeding an insatiable Cold War dinosaur. Jurassic Park was a terrific movie; but it's a lousy model for foreign policy.

This legislation addresses that problem. It creates an outside commission to examine the way America conducts its international relations and it reinforces that effort with parallel study by the Secretary of State. Ultimately, the Secretary, the official with responsibility for the conduct of our foreign relations, will reconcile the reviews and make proposals to the Congress for any needed changes. Our goal here is not just to improve the way we organize foreign policy. It is to improve the way we conduct foreign policy.

Mr. President, the key to continued American leadership in the 21st century will be our ability to create more options. Not just to identify the trends and possibilities that circumstances present to us, but to create the opportunities for action that reflect our values and advance our interests. We are the world's indispensable country because we are the only nation with the resonating ideals, the geographical size

and location, the economic and military strength, and the political and social diversity to make our presence felt and to exert our influence in every corner of the globe. No other nation can provide that leadership to the world's democratic nations, the leadership to shape a world in which our people can pursue their destiny less encumbered by the unnecessary divisions among the world's people. We in Congress have the privilege and responsibility of safeguarding and enhancing America's moral and material leadership around the world. We do that, in part, by supporting and renewing the agencies and people charged with representing us overseas. We do that by focusing on their mission, and giving them the resources to carry it out.

This bill is a an important step forward. It recognizes that we need more money for aggressive, smart diplomacy—that we cannot continue to conduct it on a frayed shoestring. It recognizes that our world has changed, and is continuing to change, by directing that we begin to conduct our diplomacy more effectively and to begin to think seriously about what our foreign affairs agencies must be able to do so that the 21st century will not be, in the words of one diplomat, a repeat of the 20th century. And by resolving a serious, lingering conflict over the UN, it recognizes that we are an inseperable part of the family of nations, and that we must work to make the only global organization for this family better—not withdraw from it.

Mr. GRAMS. Mr. President, this historic, bipartisan deal was the result of arduous, delicate negotiations—nearly 5 months of painstaking talks with the chairman, the administration, Senator BIDEN, and his staff. After all that work, after all that effort, we have succeeded in hammering out a fragile bipartisan deal—a deal which saves the American taxpayers money, reforms our foreign affairs apparatus, and requires much needed reform at the United Nations. None of us got everything we wanted. All of us had to make concessions. But the result is a package that, while far from perfect, is something we should all be able to live with.

I strongly support the U.N. reform measures. These reforms will help the American taxpayer, and help the international community by creating a United Nations that works. History shows that reforms at the United Nations only happen when Congress mandates those reforms by making its U.N. payments conditional on the implementation of reforms. Consider the recent record: Congress withheld funding until the United Nations established an Independent Office of Internal Oversight—and it happened, and Congress withheld funding until the United Nations appointed an inspector general—and it happened.

Under the terms of this legislation, we reduce our regular budget assessment to 20 percent. We reduce our peacekeeping assessment to 25 percent. We reimburse the American taxpayers for U.S. assistance to U.N. peacekeeping operations. We establish an inspector general in the big three agencies to root out waste, fraud, and corruption. We ensure a U.S. seat on the budget committee. These are some of the conditions which must be accepted by the United Nations in order to receive the payment of the $819 million in arrears. They are not radical; they are not extreme; they provide a framework for change so the United Nations can become more effective. We have crafted a reform package that is necessary. This is a package that will work.

This is a historic piece of legislation. We are dismantling our cold war foreign relations bureaucracy; we are creating a more effective United Nations, and we are prioritizing our international affairs expenditures. We need a more effective foreign affairs apparatus, both at home and at the United Nations, in order to confront the challenges to peace and security in the future. This bill will help us to provide the structure that we will need for America to secure its leadership role in the international arena.

Mr. HELMS. Mr. President, we are trying to assemble a list, and there is a fair hope that we can finish in maybe an hour, hour and a half if Senators who have made indications that they have amendments will let us know if they really intend to offer the amendments.

So while that is working, I will suggest the absence of a quorum.

Mr. FORD. If the Senator will withhold that, Mr. President, I understand there are basically no amendments on this side, maybe a technical amendment or two. So we are very close to being ready to move forward with third reading and final passage. So anything we can do to encourage others to do that or anything we can do to help, please let us know.

Mr. HELMS. I thank the Senator.

I yield the floor.

Mr. SPECTER. Mr. President, I have conferred with the distinguished chairman of the committee and have his agreement that I might interrupt, since we are about to go into a quorum call anyway, to ask unanimous consent for up to 5 minutes to introduce a separate piece of legislation.

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

The Senator from Pennsylvania is recognized.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 923 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HELMS. Mr. President, we have about six or eight possible amendments remaining. Some of them were submitted by staff. We have not heard anything from any of the Senators involved.

I ask unanimous consent that by 25 minutes until 6—which is about 20 minutes from now—if we have not heard from Senators themselves that they wish to call up an amendment or an amendment on the list, we will assume they no longer are interested in such an amendment, and we will proceed to third reading.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HELMS. I ask that the distinguished Senator from Texas be recognized to offer an amendment.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 397

(Purpose: To express the Sense of the Congress that the North Atlantic Treaty Organization should consider a formal dispute resolution process)

Mrs. HUTCHISON. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 397.

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

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

The amendment is as follows:

At the end of title XVI, add the following (and conform the table of contents accordingly:)

SEC. . SENSE OF CONGRESS REGARDING THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—Congress finds the following:

(1) The West's victory in the Cold War dramatically changed the political and national security landscape in Europe;

(2) The unity, resolve, and strength of the North Atlantic Treaty Organization was the principal factor behind that victory;

(3) The North Atlantic Treaty was signed in April 1949 and created the most successful defense alliance in history;

(4) The President of the United States and leaders of other NATO countries have indicated their intention to enlarge alliance membership to include at least three new countries;

(5) The Senate expressed its approval of the enlargement process by voting 81–16 in favor of the NATO Enlargement Facilitation Act of 1996.

(6) The United States is bound by Article Five of the North Atlantic Treaty to respond

to an attack on any NATO member as it would to an attack on the United States itself;

(7) Although the prospect of NATO membership has provided the impetus for several countries to resolve long standing disputes, the North Atlantic Treaty does not provide for a formal dispute resolution process by which members can resolve differences among themselves without undermining Article Five obligations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the North Atlantic Treaty Organization should consider a formal dispute resolution process within the Alliance prior to its December 1997 ministerial meeting.

Mrs. HUTCHISON. Mr. President, this is an amendment that I believe is agreed to by both sides. I am very pleased that both sides have agreed to this because it deals with NATO expansion and is something that I think will strengthen our ability to expand NATO, will make sure that we have considered many of the potential problems that could arise, and have a dispute resolution process to deal with those so that we will not have to call on Article Five.

As everyone knows, Article Five says that any attack on any NATO country is an attack on the United States or any of the other NATO allies.

We want to make sure that, if there is a border dispute or some sort of internal dispute within a country or between two neighboring countries or between any two countries who are members of NATO, we have a dispute resolution process so that we can have a way for people to go to the bargaining table, and the process is a binding arbitration—much like binding arbitration in labor negotiations in the United States—so that rather than have a question about whether we are going to be on one side or the other in a military conflict, that we have a process that everyone who is a present member of NATO and any future members of NATO would agree to that would be perhaps—this is not in the agreement yet—perhaps where each country in the dispute would pick one other country in NATO as their representative. Those two representative countries would then pick a neutral representative to arbitrate the differences.

The important thing is there would be an agreement for binding arbitration. So, if there was a flare-up between two present members of NATO—say Greece and Turkey, or a future member of NATO, Hungary and Romania, for instance—there would be a way for us to have a process that everyone agreed to before there were new members added and that could be brought into fruition right at the time of the dispute so that there would not be a problem, so there would be no dilution of Article Five.

So, Mr. President, this amendment is a sense of Congress that NATO would consider a formal dispute resolution process and that it would do so within NATO prior to the December 1997 ministerial meeting. It is a sense of Congress that says to our NATO allies, let's sit down and think of all the ramifications of the NATO organization as it is now and any future members that would come in. Let's look at any of the ramifications that might come—a border dispute, or disputes among countries—let's have a process that does not include warfare where everyone agrees to abide by the decision as the process is set.

I am very pleased that this sense of Congress will be accepted. I think it will strengthen any future members coming into NATO. And, frankly, Mr. President, best of all, I think it will strengthen the alliance as it stands today because I think this will avoid many future conflicts. I think the more we can do today to settle questions that might arise, the stronger this alliance will be.

Mr. President, I do think NATO is the best defense alliance in the history of the world. I want to keep it strong.

So I appreciate the acceptance of this amendment.

I urge its adoption.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I thank the Senator from Texas for streamlining her amendment. I appreciate it very much. It is acceptable to the minority.

I urge its adoption.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 397) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I am considering pursuing an amendment which would take a firm stand against the terrorism of the Palestinian Authority, Chairman Yasser Arafat, and I have thought through the possibility of offering an amendment on this bill. But after consulting with members of the Administration, I have decided to await a remedy of reprogramming, with my option remaining to offer this amendment on the foreign aid bill which will be marked up in the Appropriations Committee this week and offered on the floor sometime in the near future. But I do want to make a comment or two about it, as to what I think needs to be done on the modification of U.S. law as it relates to funding for the Palestinian Authority.

In existing law, under an amendment offered by the Senator from Alabama, Senator SHELBY, and myself, the $500 million in aid to the Palestinians, the Palestinian Authority is conditioned on a maximum effort by Chairman Yasser Arafat and the Palestinians to fight terrorism and also to change the PLO charter to rescind the provision calling for the destruction of Israel. Certain events have occurred in the immediate past which, in my view, raise a question as to whether there is compliance with the Specter-Shelby amendment and whether there is a need for further statutory language to act against terrorism which has been promoted by the Palestinians.

The two specific matters that I have referred to are the bombing of the Tel Aviv restaurant resulting in the murder of three Israelis and the wounding of many more on March 21, 1997, where Prime Minister Netanyahu made a statement that Chairman Arafat had given a green light for that act of terrorism. When Secretary of State, Madeleine Albright, was before the Subcommittee on Foreign Operations Appropriations a few weeks ago, I questioned her about that, and she said that there had not been a green light, but said that Arafat had not given a red light either.

I do not want to become involved in what shade of amber, what shade of red, there is in using the expression of "lights given by Chairman Arafat." But I believe it is indispensable, if the United States is to give assistance to the Palestinians and the Palestinian Authority, that there be a maximum effort made by the Palestinian Authority and by Chairman Arafat to stop terrorism. Short of that, it is my view that we ought not to be providing U.S. funds.

The amendment that I have in my hand that I have been considering offering—I have had discussions with the distinguished chairman and ranking member and members of the Administration—calls for conditioning payment to the Palestinian Authority on the determination by the State Department that Chairman Arafat did not act in a way which failed to give a red light to stop terrorism.

The second factor of concern to me is a report by Deputy Minister of Education of Israel, Moshe Peled, that Arafat had knowledge of the proposed bombing, a terrorist act against the Trade Center in 1993, which resulted in the killing of six United States citizens and the wounding of many, many more people, and that, if in fact that allegation is true, then Arafat—Mr. President, the Senate is not in order. May we have the Senate be in order please?

The PRESIDING OFFICER. The Senate will be in order.

Mr. SPECTER. If it is in fact true that Chairman Arafat had knowledge of that proposed bombing before it occurred, that would make him an accessory before the fact and a co-conspirator and subject to extradition under the so-called long-arm statutes which we enacted in 1984 and again in 1986. I think that ought to be done.

Upon learning about Chairman Arafat's possible knowledge of that bombing, I wrote to the Attorney General, asking for an investigation, received back a vacuous answer from a subordinate, wrote again asking for a detailed investigation, and I am awaiting a response from the Department of Justice on that point.

The amendment which I have been considering offering on this bill and may offer on the foreign aid bill would condition payment to the Palestinian Authority on the determination by the Department of Justice that Chairman Arafat was, in fact, not involved, having prior knowledge of the Trade Center bombing. At the conclusion of my remarks, I will make part of the RECORD, the exchange of correspondence on this issue.

I then placed a telephone call to Moshe Peled, the Deputy Minister for Education of Israel, to find out more about his assertions. I found out that he spoke Hebrew and not English, and I spoke English and not Hebrew. Then I had one of my deputies, David Brog, who speaks Hebrew, talk to him. The upshot of that conversation was that Mr. Peled stood by what had been reported but referred us to Israeli authorities to find out more about it. That, obviously, is a matter for the Department of Justice, perhaps for the Department of State. It is my view that before we make these payments, there ought to be a certification that Chairman Arafat was not in fact involved as an accessory before the fact nor was he a co-conspirator having knowledge of that matter.

In conversations with the Administration, it may be that this objective can be achieved by a reprogramming of the funds which are going to the Palestinian Authority, some $10 million, and that this would, in fact, not affect some of the other funding going to the infrastructure, which is not in Chairman Arafat's control and not in the control of the PLO or the Palestinian Authority. It may be that my objective can be achieved without offering this amendment.

I am informed by the distinguished Senator from Delaware that my proposed amendment is opposed by the Administration, and the President was sending a letter over, because it would complicate the peace process. If the Administration is prepared to deal with the Palestinian Authority and Chairman Yasser Arafat in the context where there are outstanding allegations that Arafat was an accessory before the fact or a co-conspirator on the Trade Center bombing, then I think the Administration is dead wrong. If the Administration is prepared to deal with Arafat, give him U.S. money in a context where he has given a green light or has failed to put up a red light, there again, I think they are dead wrong—maybe totally wrong. Dead wrong would be a bad expression, in the light of all the people killed by PLO terrorists.

In any event, I am prepared not to resolve the issue this afternoon in light of the fact that we may be able to accomplish it by reprogramming and in light of the fact that we may be able to bring the matter to a head if it is necessary for the Senate to vote on the foreign aid bill, which will be up before the Senate in the very near future.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, we are awaiting just a few more items of information to be included. No Senator has appeared as of 5:35, so it is presumed that there will be none.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. Mr. President, while we are waiting for the one remaining amendment to be offered by the Senator from Alaska, let me pay my respects to the young people on the staff of the Senate Foreign Relations Committee, both Republican and Democrat. But I will speak to and about the young people on the Republican staff, headed by the one and only Admiral James Wilson Nance, moreover known as Bud Nance, who is the chief of staff of the committee, a gentleman whom I have known since we were little boys in Monroe, and who has built that staff to one of the best that has ever been in charge of the foreign affairs side of the Foreign Relations Committee down through the years.

Then there is Tom Klein, himself a remarkable young man; Chris Walker, he is delightful; Marshall Billingslea, he is my anchor when the wind begins to blow; Ellen Bork, and, yes, she is the daughter of him, and I tell him that the daughter is smarter than he is; Dan Fiske; Garrett Grigsby; Patti McNerney, who you have seen working so diligently this afternoon and on previous occasions; Dany Pletka; Marc Theissen; Beth Wilson; Michael Westphal.

While I am thanking the Republican staff, I thank JOE BIDEN for his exceptional cooperation. It has been sort of an arduous task to do all of the detail work that had to be done, but he and I and our mutual staffs, our respective staffs, really, spent many, many hours working together, and here we are almost to the point of asking for third reading.

The reason I paused, Mr. President, is that we are finishing a fairly long list of en bloc amendments, technical amendments, which is not yet ready. In the meantime, the distinguished Senator from Alaska [Mr. MURKOWSKI] is on the floor. I welcome him and yield the floor.

Mr. MURKOWSKI. I thank my friend for accommodating my schedule. I am most appreciative of him allowing a few moments so that I may offer what I assume is the concluding amendment.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 398

(Purpose: To establish within the Department of State the position of Coordinator of Taiwan Affairs for the coordination of United States Government activities relating to the American Institute on Taiwan)

Mr. MURKOWSKI. Mr. President, I rise to offer an amendment that would increase dramatically cooperation between the Congress and Department of State on issues relating to Taiwan.

There have been a lot of problems over the last few years relative to Executive Branch-Congressional dealings with regard to Taiwan. We had a situation back in 1993, I think, when President Lee of Taiwan attempted to overnight in Hawaii on a flight from Taiwan that was traversing the Pacific Ocean to a Central American destination. Unfortunately, that was not handled very well, and I think that it reflected poorly on U.S. hospitality. I recognize the sensitivity of the issue, but, nevertheless, I think most Americans agree that it was poorly handled by the State Department.

The administration, at that time, refused to work with the Congress on this issue until 1994, when an amendment which I offered went to a vote and prevailed.

More recently, some in this Chamber might remember the controversy created by the selection of the Director of the American Institute in Taiwan, Director James Wood.

It is important to note that this directorship is not a formal ambassadorial position. It is our recognition of the uniqueness, if you will, of the existence of Taiwan that the President selects a Representative to Taiwan.

Mr. James Wood resigned from his position on January 17, 1997. There were various charges and countercharges with regard to foreign contributions during the election campaign, and the legitimacy of that I will leave to the investigators. However, a February 10 Los Angeles Times story quoted a U.S. investigator as saying

the variety of allegations constituted the "most bold and blatant" example veteran State Department officials could recall of the abuse of a diplomatic post.

I am not going to argue the merits of Mr. Wood. But the Senate knows very little about Mr. Wood or any other official with direct responsibility for Taiwan affairs, because they do not come before the Senate Foreign Relations Committee for confirmation.

In the case of Mr. Wood, it is not for lack of effort on the part of the Senate. My very good friend and chairman of the Foreign Relations Committee, Senator HELMS, is very familiar with the lack of consultation between the State Department and Congress over Mr. Wood's appointment. After receiving information from outside sources regarding the qualifications of Mr. Wood for this sensitive post, both Senator HELMS and I asked the State Department to allow us to have a meeting with Mr. Wood before his appointment. For reasons that have never been made clear, the State Department did not arrange the meeting prior to the appointment. Instead, Mr. Wood's appointment was announced while, I believe, the chairman was on the floor debating the 1995 version of the very same bill we are debating today, regarding State Department Authorization.

It is important to note that our request for consultation was certainly consistent with the spirit of the Taiwan Relations Act, which is a very unusual but workable agreement. The TRA requires the Committee on Foreign Relations to oversee the implementation of the act and the operations and procedures of the American Institute in Taiwan. I repeat that. The act itself requires the Committee on Foreign Relations to oversee the implementation of the act and the operations and procedures of the American Institute in Taiwan.

Now, "procedures" certainly suggests an oversight on the Director. Furthermore, then Secretary of State Vance at that time assured the Foreign Relations Committee in a letter to then Chairman Frank Church that—and I quote—"the names of prospective trustees and officers will be forwarded to the Foreign Relations Committee. If the Committee expresses reservations about a prospective trustee, [the Department of State] will undertake to discuss the matter fully with the Committee before proceeding."

Well, that is fine. The only problem is, the State Department did not seem to be able to get around to it. So what I am proposing is that the Senate more formally assert, or reassert, I should say, itself into this process by passing my amendment, which would require—it is very important now, Mr. President, we get this—require the coordinator for Taiwan affairs, a position that now exists at the State Department, to simply be subject to Senate confirmation.

The administration would maintain the flexibility of the appointment, but we would have the opportunity for confirmation.

So let me make it clear. Although I would have liked to propose an amendment that would have made the AIT Chairman and AIT Director subject to Senate confirmation, I have been advised that because of the particular and unusual nature of the American Institute in Taiwan, it would violate the Constitution to make these officers subject to advise and consent.

Instead, therefore, I am trying to at least get more accountability from the State Department in our Taiwan policy. It has nothing to do with the sensitivity between Taiwan and PRC. This has to do about Senate perogative to have consent and accountability associated with the process. After all, Taiwan is our eighth largest trading partner. It is an important ally. I think we should have someone at the State Department who is more accountable to the Congress as we move forward on important issues like Taiwan's bid to join the World Trade Organization.

Mr. BIDEN. Will the Senator yield?

Mr. MURKOWSKI. I urge you to support my amendment.

I would be happy to respond to questions.

Mr. BIDEN. Mr. President, I really have no question, just a statement.

I thank the Senator from Alaska for the way he is handling this. I literally just got off the phone with the Secretary of State, who said, knowing you were speaking now, that when you finished, or at any time that is convenient for you, she is willing to personally assure you, and authorized me to tell you as well, that she makes a personal commitment that she will coordinate more closely with you and any Member of the Senate on Taiwan policy in a contemporaneous fashion. She is willing to assert that to you.

I know no one here doubts her word. But I realize time is close in terms of the schedule here. But she is prepared and ready and willing to take your call and anxious to personally make that commitment to you. But she authorized me to be able to say what I just said on the floor.

I thank the Senator for the way in which he has concluded to handle this matter, and I appreciate the Secretary's willingness to be available and contemporaneously discuss these issues with the Senator from Alaska, who, obviously, along with the Senator from North Carolina, I do not know of any two people that have shown a greater interest in Taiwan than those two of my colleagues.

Mr. MURKOWSKI. I wonder if my friend from Delaware can advise me since he recently just talked to the Secretary, does he interpret her intention to provide an opportunity for the Committee on Foreign Relations to review the potential director so that there would be some oversight?

Mr. BIDEN. The answer to that question is, I do not know. I did not ask her that specific question, so I do not want to give a specific answer, except to suggest to you I am confident that she would be willing to come before you in your capacity as the chairman of that subcommittee and/or you and the committee, or you personally, to indicate to you how that process of coordination would be carried out. But I do not want to put words in her mouth. I did not ask that explicit question.

Mr. MURKOWSKI. Maybe if I put the Senate in a quorum call very briefly while I talk to the Secretary and see what kind of assurance I can get.

Mr. BIDEN. I think that would be appropriate. I gave your staff her phone number. She is literally waiting by the phone.

And I might note, Mr. President, I have not found, in my 25 years here, a more accommodating Secretary of State. So she is literally waiting for your call, as they say. If there is business we can conduct in your absence—I do not know if there is any—if there is, maybe we can do that.

I ask unanimous consent to temporarily lay aside, if there is an amendment—is there an amendment at the desk?

The PRESIDING OFFICER. The amendment has not been proposed.

Mr. BIDEN. I assure the Senator that after the Senator has his conversation, we can go back to this and he can have the floor.

Mr. MURKOWSKI. Mr. President, while we are waiting, I offer the amendment for its consideration at this time.

The PRESIDING OFFICER. The clerk will report.

Mr. MURKOWSKI. And I would propose that we lay it aside after it is read.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 398.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . COORDINATOR FOR TAIWAN AFFAIRS.

(a) IN GENERAL.—Section 6 of the Taiwan Relations Act (22 U.S.C. 3305) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c)(1) There shall be in the Department of State a Coordinator for Taiwan Affairs who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The Coordinator shall be responsible to the Secretary of State, under the direction of the President, for the coordination of all activities of the United States Government that relate to the American Institute on Taiwan.".

(b) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end of the following:

"Coordinator for Taiwan Affairs.".

Mr. BIDEN. I ask unanimous consent that the Murkowski amendment be temporarily laid aside.

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

Mr. BIDEN. I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 399

Mr. HELMS. Mr. President, I send to the desk a series of amendments on behalf of myself and the distinguished Senator from Delaware, Mr. BIDEN, and I ask that these amendments be considered en bloc. And these en bloc amendments make technical conforming changes to the bill. I understand there is no objection to these technical changes to the bill. I now ask unanimous consent that these amendments be adopted en bloc. I know that the distinguished Senator from Delaware will be delighted to say OK.

Mr. BIDEN. I have no objection, I say to the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself and Mr. BIDEN, proposes amendment numbered 399.

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

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

The amendment is as follows:

On page 108, line 8, before the word "Director", insert the words "Attorney General and the".

On page 137, line 11, after the word "the", insert "United States Head of Delegation to the".

On page 137, line 12, strike "a resolution" and insert "resolutions".

On page 137, line 13, add after "Nations" the words "and the OSCE".

On page 77, strike line 24; and

On page 78, strike lines 3–4.

On page 185, strike lines 24 and 25, and on page 186, strike lines 1–6, and redesignate sections (B) and (C) of section 2211(8), as (A) and (B), respectively.

On page 23, beginning on line 19, strike "United" and all that follows through "1997" on line 20 and insert "Foreign Affairs Agencies Consolidation Act of 1997".

On page 26, line 13, insert "and" after the semicolon.

On page 47, line 11, strike "agency" and insert "Agency".

On page 63, line 23, strike "Act" and insert "title".

On page 70, line 22, strike "Act" and insert "title".

On page 71, line 1, strike "Act" and insert "title".

On page 72, line 5, strike "Act" and insert "title".

On page 74, line 11, strike "Act" and insert "title".

On page 77, line 2, strike "Act" and insert "title".

On page 86, line 6, insert "OF" after "JUDICIAL REVIEW".

On page 100, line 5, strike "(a) GRANT AUTHORITY.—".

On page 102, line 6, insert double quotation marks immediately before "(1)".

On page 102, line 8, insert double quotation marks immediately before "(2)".

On page 102, line 10, insert double quotation marks immediately before "(A)".

On page 102, line 13, insert double quotation marks immediately before "(B)".

On page 102, line 17, insert double quotation marks immediately before "(3)".

On page 113, line 19, strike "and" and insert "or".

On page 122, line 13, strike "+".

On page 156, line 18, strike "United Nations led" and insert "United Nations-led".

On page 178, line 10, strike "peacekeeping operation" and insert "United Nations peace operation".

On page 197, line 18, strike "chapter" and insert "title".

On page 198, line 8, strike "chapter" and insert "title".

Redesignate sections 1141 through 1151 as sections 1131 through 1141, respectively.

Redesignate sections 1161 through 1166 as sections 1151 through 1156, respectively.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

The amendment (No. 399) was agreed to.

Mr. HELMS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, pursuant to the unanimous consent previously, the Murkowski amendment was the last that qualified under the conditions that were set forth at that time. So no further amendments will be accepted.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, while we are waiting for Senator MURKOWSKI to have his conversation, I would ask if the Chair will indulge me for just 2 minutes here.

It is remarkable, quite frankly, that we have made the progress that we have as rapidly as we have. I want to publicly thank the chairman, for we both stuck with this compromise notwithstanding there are individual amendments we would have liked to have voted for. I want the record to show that the chairman did the same thing.

But there is one issue which I realize we cannot resolve now, and that is this issue of whether or not we could work out the ability of the administration to negotiate how to handle the $107 million that is owed from the U.N. We cannot do that now, I agree.

I just want to suggest to the chairman that although I will not change anything, that between now and the dance, now and the conference, we will be working hard with the chairman and his colleagues to see if we can figure out some solution to that. But I understand there is no commitment to that at all.

As we move toward final passage, Mr. President, of this bill, I would like to acknowledge the tremendous work and help that the chairman and I have received from the staff of the Foreign Relations Committee.

On the chairman's side—he will obviously thank people; and it is usually the tradition for us to thank our own staff—but I must tell the chairman that everything he ever advertised about Admiral Nance is correct, and more. I hope he will forgive me for thanking his staff first on this, but Admiral Nance and Tom Kleine, who has been sitting with the chairman the whole time, Patty McNerney and Chris Walker of his staff have been a pleasure to work with. I guess when staffers come up to the Hill they wonder whether or not they are going to get to deal with the principals. I am probably one of the principals they hope they do not have to deal with. They have seen more of me than their families over the last 4 months, but I want to thank them for their consideration.

I would also like to thank the minority staff. Especially I want to thank my staff director, Ed Hall, who has had—and this is the way it works here. It is not sufficient here that the Members have a good relationship. It is also important that the corresponding staffs have a good relationship. I know that Ed Hall has an inordinately high regard for Admiral Nance. I know the feeling is mutual. I want to particularly thank Ed Hall, if you excuse the point of personal privilege here, for agreeing to stay on. He was the former chairman's and former ranking member's staff director. And I asked him to stay in that capacity for me, and he was incredibly useful to me, and, thankfully, he decided to stay on.

I also want to thank my minority counsel, Brian McKeon. Brian came to work with me, I might point out, Mr. President, right out of college, I guess almost 18 years ago. While he was working with me, he went to law school at night. He was a first-rate student at Georgetown, went off to the Court, clerked for the Court, was going to practice law, and I talked him into coming back here. And I just want to thank him. He handled all of the details of this bill.

I was kidding the other day, if we have an MVP on my side, it is Puneet

Talwar. Puneet was the guy who, along with Tom on your staff, Mr. Chairman, got stuck with the detailed negotiations on chemical weapons, on the U.N., on everything else. And on my team, if there is an MVP, Puneet is going to get it.

Mike Haltzel, a professor, has been invaluable to me on European matters. Frank Jannuzi, Munro Richardson, and Ed Levine of my staff, and Diana Ohlbaum, Nancy Stetson, and Janice O'Connell on my colleagues' staff—that is, DODD, KERRY and SARBANES—have been incredibly helpful to me.

I also want to thank Dawn Ratliff, Kathi Taylor, and John Lis, who is one of our fellows, and also thank Ursula McManus and Erin Logan, and our interns who have given up their valuable time.

Let me conclude—and I will do it now while we are waiting so that I do not take the time of my colleagues. For my colleagues who are listening, I am not holding up your plans. We cannot move anyway until the distinguished Senator from Alaska finishes his conversation with the Secretary of State.

But, Mr. President, the passage today—and I am hoping and expecting that we will pass the Foreign Relations authorization —represents a significant bipartisan commitment to the United States' continued engagement in the world.

First, the basic authorization legislation for the Department of State, the U.S. Information Agency, the Arms Control Disarmament Agency and the Peace Corps marks a bipartisan commitment to restore funding which will enhance our diplomatic readiness abroad.

We all know that funding for foreign policy spending is the lowest it has been in 20 years. Today's action by the Senate is a heartening expression of bipartisan support for our diplomats on the front lines of American engagement abroad.

We have restored full funding for the State Department's core missions, fully funded the education and cultural exchange programs, the National Endowment for Democracy, the Peace Corps, and international broadcasting. We have increased the funding for Radio Free Asia at a critical time in that region's history. We have done a great deal.

Second, the Senate has passed landmark legislation that provides a framework for reorganization of the foreign affairs agency that is totally consistent with the plan announced by the President of the United States on April 18. Like the President's plan, this bill provides for integration of ACDA within the State Department within 1 year, the integration of the USIA within 2 years, and the partial integration for the Agency for International Development in the State Department.

Additionally, it maintains the current structure for U.S.-sponsored international broadcasting but keeps it outside the Department of State so as to ensure its journalistic independence.

Finally, Mr. President, the Senate enacted a bipartisan comprehensive package—is about to, I hope—which provides for payment of $819 million in U.S. arrearages to the United Nations. This proposal, Mr. President, will go a long way toward restoring the fiscal health of the United Nations while spurring needed reforms for that world body.

Equally important, this agreement, a bipartisan plan supported by the administration, will allow us to get a very difficult and contentious issue behind us so we can move forward on the important issues on the foreign policy agenda. Ideally, we should not have attached the conditions, but I am a pragmatist and I recognize, as does the administration, that there will be no approval of U.N. arrearages in Congress absent some conditions, and the conditions which the chairman has asked for are reasonable.

So we had a choice. We can continue to press unconditional payment for arrearages and let this issue fester for another Congress or agree to a reasonable set of conditions that permits us to pay our debts. I believe the action the Senate is about to take will be a correct decision, one in the best interests of the United States. It has been a long time and it is time to end the long-festering feud between the United Nations and Washington and our unpaid back dues, and it is time to bring up needed reform to that world body so it can more efficiently perform its missions. It is time to move forward together to restore the bipartisan commitment to the United States which has been part of that Nation's proud heritage for 50 years.

Mr. President, the people in my State—small, I acknowledge—are used to bipartisanship. Senator ROTH and I are close political allies and friends. Our lone Congressman MIKE CASTLE, who is a Republican, our Democratic Governor, we are all used to getting things done in a bipartisan way in my State. I have always felt if that tradition could be carried back to the Senate, it would better serve our Nation.

I want to say I did not doubt it, but I am sure a number of neutral observers would have doubted it, the Secretary of State is not only a friend of the chairman, so am I. The idea that JOE BIDEN, a Democratic Senator from Delaware, and JESSE HELMS, a Republican Senator from North Carolina, could operate in this way does not surprise either of us, but I am sure it surprises the living devil out of an awful lot of other people.

I am reminded of something that was said to me once by Jim Eastland. It is a true story. I was in a difficult campaign fight in the late 1980's, and I saw Chairman Eastland. I was flunking, you might say, what I call the slope-of-the-shoulder test. When you ask a candidate how they are doing in a race and they go, "Oh, I am doing fine," you know they are not doing very well. I guess I had that look like I'm losing. The Chairman pulled me aside and said, "JOE, what could Jim Eastland do for you in Delaware?" I said, "Mr. Chairman, in some places you would help and some you would hurt." He said, "I will make a commitment. I will campaign for you or against you, whichever will help the most."

I realize my saying nice things about the chairman may not help him, but I mean it sincerely when I say that he has been an absolute gentleman. He has kept his commitment, which I never doubted he would, and this is evidence of the fact that if reasonable men are willing to sit down and talk—we had a real sit-down meeting, when I took over this committee for the Democrats, with the chairman of the full committee, and we agreed on the broad outlines of each of our agendas. The most important one was to make the committee work and make foreign policy function and be a positive force. He has kept every one of those commitments. He has won some and lost some. I have won some and lost some. But I think the Nation is better served for it.

I conclude, Mr. President, with this last comment. If Senator HELMS and I had come to the floor in January and said to this body, "By the way, by midsummer we will present to you a bipartisan plan on the floor of the five most contentious issues to face the U.S. Senate in foreign policy," I think you would have thought that it was time for both of us to leave because we might have been certifiable. We knew we could do that, and with the great help of the staff that I have mentioned, we have been able to do that, and with the cooperation and assistance of the administration.

So I want to thank the President for committing his administration to deal forthrightly and in detail with us, and I want to thank the chairman and his staff for accommodating an arrangement by which we hammered these things out. We produced a significant package here. Neither one of us are naive enough to suggest we know what will happen, if and when it passes here, with any degree of certainty, but we each kept our commitment to one another. I think the body, based on the votes we have seen today, I hope it reflects the feeling on the part of our colleagues that we have, that a bipartisan foreign policy is in the best interests of the United States.

I again thank the chairman, and I yield the floor. I will not say any more at the end of the process after Senator MURKOWSKI comes out.

Mr. HELMS. I thank the distinguished ranking member of the committee, and I look forward to working with him. He is a good guy.

AMENDMENTS NOS. 400 THROUGH 411

Mr. HELMS. Mr. President, I send to the desk a series of amendments which have been agreed to on both sides of the aisle. These include two amendments from Senator MURKOWSKI regarding United States-Japan relations, an amendment offered by Senator GRAHAM of Florida regarding international aviation safety, an amendment offered by Senator ABRAHAM regarding the U.S. policy toward China, an amendment offered by Senator FEINSTEIN regarding rule of law in China, an amendment by Senator D'AMATO regarding the Middle East, an amendment offered by Senator HOLLINGS regarding embassy construction, an amendment by Senator FEINGOLD regarding broadcasting, an amendment offered by Senator GRAMS regarding victims of torture, an amendment by Senator MCCAIN regarding Vietnamese refugees, and an amendment by Senator COVERDELL regarding narcotics.

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes amendments No. 400 through No. 411, en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 400 through 411) were agreed to, en bloc, as follows:

AMENDMENT NO. 400

(Purpose: Relating to the Japan-United States Friendship Commission)

After appropriate place in the bill, insert the following:

SEC. . JAPAN-UNITED STATES FRIENDSHIP COMMISSION.

(a) RELIEF FROM RESTRICTION OF INTERCHANGE-ABILITY 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) The Japan-United States Friendship Commission is hereby 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 deemed to be a reference to the United States-Japan Commission.

(2) The Japan-United States Friendship Act (22 U.S.C. 2901 et seq.) is amended by striking "Japan-United States Friendship Commission" each place it appears and inserting "United States-Japan Commission".

(3) 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"

(c) REVISION OF NAME OF TRUST FUND.—

(1) The Japan-United States Friendship Trust Fund is hereby 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 deemed to be a reference to the United States-Japan Trust Fund.

(2)(A) Subsection (a) of section 3 of the Japan-United States Friendship Act (22 U.S.C. 2902) is amended by striking "Japan-United States Friendship Trust Fund" and inserting "United States-Japan Trust Fund".

(B) The section heading of that section is amended to read as follows:

"UNITED STATES-JAPAN TRUST FUND"

AMENDMENT NO. 401

(Purpose: To state the sense of the Senate on the use of funds in the Japan-United States Friendship Trust Fund)

On page 118, between lines 16 and 17, insert the following:

SEC. 1215. SENSE OF THE SENATE ON USE OF FUNDS IN JAPAN-UNITED STATES FRIENDSHIP TRUST FUND.

(a) FINDINGS.—The Senate makes the following findings:

(1) The funds used to create the Japan-United States Friendship Trust Fund established under section 3 of the Japan-United States Friendship Act (22 U.S.C. 2902) originated from payments by the Government of Japan to the Government of the United States.

(2) Among other things, amounts in the Fund were intended to be used for cultural and educational exchanges and scholarly research.

(3) The Japan-United States Friendship Commission was created to manage the Fund and to fulfill a mandate agreed upon by the Government of Japan and the Government of the United States.

(4) The statute establishing the Commission includes provisions which make the availability of funds in the Fund contingent upon appropriations of such funds.

(5) These provisions impair the operations of the Commission and hinder it from fulfilling its mandate in a satisfactory manner.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Japan-United States Friendship Commission shall be able to use amounts in the Japan-United States Friendship Trust Fund in pursuit of the original mandate of the Commission; and

(2) the Office of Management and Budget should—

(A) review the statute establishing the Commission; and

(B) submit to Congress a report on whether or not modifications to the statute are required in order to permit the Commission to pursue fully its original mandate and to use amounts in the Fund as contemplated at the time of the establishment of the Fund.

AMENDMENT NO. 402

(Purpose: To express the sense of Congress that aviation safety be placed on the agenda for the Summit of the Americas to be held in Santiago, Chile, in March 1998)

At the appropriate place, insert the following:

SEC. . AVIATION SAFETY.

It is the sense of Congress that the need for cooperative efforts in transportation and aviation safety be placed on the agenda for the Summit of the Americas to be held in Santiago, Chile, in March 1998. Since April 1996, when ministers and transportation officials from 23 countries in the Western Hemisphere met in Santiago, Chile, in order to develop the Hemispheric Transportation Initiative, aviation safety and transportation standardization has become an increasingly important issue. The adoption of comprehensive Hemisphere-wide measures to enhance transportation safety, including standards for equipment, infrastructure, and operations as well as harmonization of regulations relating to equipment, operations, and transportation safety are imperative. This initiative will increase the efficiency and safety of the current system and consequently facilitate trade.

AMENDMENT NO. 403

(Purpose: Expressing the sense of the Senate regarding United States policy toward the People's Republic of China, and for other purposes)

At the end of title XVI of division B, add the following:

SEC. . SENSE OF THE SENATE ON UNITED STATES POLICY TOWARD THE PEOPLE'S REPUBLIC OF CHINA.

(a) FINDINGS.—Congress makes the followings findings:

(1) As the world's leading democracy, the United States cannot ignore the Government of the People's Republic of China's record on human rights and religious persecution.

(2) According to Amnesty International, "A fifth of the world's people are ruled by a government that treats fundamental human rights with contempt. Human rights violations continue on a massive scale.".

(3) According to Human Rights Watch/Asia reported that: "Unofficial Christian and Catholic communities were targeted by the government during 1996. A renewed campaign aimed at forcing all churches to register or face dissolution, resulted in beating and harassment of congregants, closure of churches, and numerous arrests, fines, and sentences. In Shanghai, for example, more than 300 house churches or meeting points were closed down by the security authorities in April alone.".

(4) The People's Republic of China's compulsory family planning policies include forced abortions.

(5) China's attempts to intimidate Taiwan and the activities of its military, the People's Liberation Army, both in the United States and abroad, are of major concern.

(6) The Chinese government has threatened international stability through its weapons sales to regimes, including Iran and Iraq, that sponsor terrorism and pose a direct threat to American military personnel and interests.

(7) The efforts of two Chinese companies, the China North Industries Group (NORINCO) and the China Poly Group (POLY), deserve special rebuke for their involvement in the sale of AK-47 machine guns to California street gangs.

(8) Allegations of the Chinese government's involvement in our political system may involve both civil and criminal violations of our laws.

(9) The Senate is concerned that China may violate the 1984 Sino-British Joint Declaration transferring Hong Kong from British to Chinese rule by limiting political and economic freedom in Hong Kong.

(10) The Senate strongly believes time has come to take steps that would signal to Chinese leaders that religious persecution,

human rights abuses, forced abortions, military threats and weapons proliferation, and attempts to influence American elections are unacceptable to the American people.

(11) The United States should signal its disapproval of Chinese government actions through targeted sanctions, while at the same time encouraging worthwhile economic and cultural exchanges that can lead to positive change in China.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should—

(1) limit the granting of United States visas to Chinese government offices who work in entities the implementation of China's laws and directives on religious practices and coercive family planning, and those officials materially involved in the massacre of Chinese students in Tiananmen square;

(2) limit United States taxpayer subsidies for the Chinese government through multilateral development institutions such as the World Bank, Asian Development Bank, and the International Monetary Fund;

(3) publish a list of all companies owned in part or wholly by the People's Liberation Army (PLA) of the Chinese government who export to, or have an office in, the United States;

(4) consider imposing targeted sanctions on NORINCO and POLY by not allowing them to export to, nor to maintain a physical presence in, the United States for a period of one year; and

(5) promote democratic values in China by increasing United States Government funding of Radio Free Asia, the National Endowment for Democracy's programs in China and existing student, cultural, and legislative exchange programs between the United States and the People's Republic of China.

Mr. ABRAHAM. Mr. President, I want to thank Senator HELMS for accepting my Sense of the Senate amendment. This amendment expresses the sense of the Senate that Congress should impose certain, targeted sanctions against officials and companies working for the Government of the People's Republic of China. The purpose is to express the indignation of our country at the abuses of human rights going on now in that country, as well as recent attempts by entities controlled in whole or in part by the Chinese Government to violate American laws and influence American policy.

Mr. President, everyone knows that the Chinese Government is violating basic human rights and international norms of behavior. The question is, what should the United States do about it? Until now the debate has focused almost exclusively on whether we should extend or revoke China's Most Favored Nation trading status [MFN]. It is time, in my view, to move the discussion out of the MFN "box" and find common means to achieve common American goals.

Revoking MFN would punish Americans with higher prices without significantly affecting the Chinese Government. And it would punish innocent Chinese citizens by withdrawing economic opportunities provided by U.S. trade and investment. Even in the short term, in my view, we should not underestimate trade and investment's positive impact. Already, writes China expert Stephen J. Yates of the Heritage Foundation, Chinese "employees at U.S. firms earn higher wages and are free to choose where to live, what to eat, and how to educate and care for their children."

Regardless of their views on MFN, Americans should be able to agree on measures pressuring the Chinese Government to stop its current policies while encouraging greater openness in that country.

The list of objectionable Chinese Government practices is long. It includes religious persecution, abuses against minorities, forced abortion, military threats and weapons proliferation, and attempts to improperly influence American elections.

Mr. President, to pressure China's Government to stop these policies without punishing average citizens, I have introduced S. 810, "The China Sanctions and Human Rights Advancement Act." This bill would implement the findings of the current Sense of the Senate Resolution. Let me discuss the provisions of this bill. Under S. 810, the United States Government would refuse visas to human rights violators, including high ranking Chinese officials implementing and enforcing directives on religious practices. The same would go for those involved in the massacre of students in Tianenman Square. To allow a proscribed individual into the United States, the President would have to send Congress written notification explaining why this would be in America's national interest and override United States concerns about China's human rights practices.

The bill also would require United States representatives to vote "no" on all loans to China at the World Bank, Asian Development Bank, and International Monetary Fund. An exception would be made for humanitarian relief in the event of natural disaster.

In addition, for every dollar a multilateral development bank or international family planning organization gives to China, S. 810 would subtract out a dollar in American taxpayer funding to those bodies. Simply put, instead of raising taxes on Americans, we should stop taxpayer subsidies to the Chinese Government. If China continues its current behavior, it can fund development programs by reducing expenditures on its military and State enterprises.

The legislation also targets Chinese companies engaged in improper conduct. The Clinton administration already has imposed sanctions on two companies found to have sold chemical weapons components to Iran. Top executives from two other Chinese companies—Polytechnologies Incorporated [POLY], and China North Industries Group [NORINCO]—have been indicted for attempting to sell automatic weapons to California street gangs. This bill would ban POLY and NORINCO from exporting to or being physically present in the United States for 1 year.

Even as we implement these tough measures, we should maintain valuable interchange with China. That is why the legislation doubles funding for United States-China exchange programs, Radio Free Asia, and programs in China operated through the National Endowment for Democracy.

Finally, the legislation requires the President to file an annual report on whether China has improved its human rights record, including its behavior during the transition to Chinese control in Hong Kong. The sanctions sunset after 1 year, allowing Congress to evaluate the situation and determine whether and in what form sanctions should continue.

Mr. President, the United States must stay engaged with China, and trade and investment provide a valuable avenue for that engagement. But signaling our disapproval and refusing to subsidize oppressive policies need not interfere with expanding basic interaction between the American and Chinese people.

America can stand with the Chinese people, and stand by the principles of political, religious, and economic liberty on which our Nation was founded. Let's not punish American and Chinese families by raising tariffs. Instead, let's punish specific abuses and encourage further development of the economic and political liberties we cherish.

AMENDMENT NO. 404

(Purpose: To express the Sense of the Senate encouraging programs by the National Endowment For Democracy regarding the rule of law in China)

At the appropriate place insert the following:

(a) FINDINGS.—

(1) The establishment of the rule of law is a necessary prerequisite for the success of democratic governance and the respect for human rights.

(2) In recent years efforts by the United States and United States-based organizations, including the National Endowment for Democracy, have been integral to legal training and the promotion of the rule of law in China drawing upon both western and Chinese experience and tradition.

(3) The National Endowment for Democracy has already begun to work on these issues, including funding a project to enable independent scholars in China to conduct research on constitutional reform issues and the Hong Kong-China Law Database Network.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate to encourage the National Endowment for Democracy to expand its activities in China and Hong Kong on projects which encourage the rule of law, including the study and dissemination of information on comparative constitutions, federalism, civil codes of law, civil and penal code reform, legal education, freedom of the press, and contracts.

AMENDMENT NO. 405

(Purpose: Concerning the Palestinian Authority)

At the appropriate place insert the following:

SEC. . CONCERNING THE PALESTINIAN AUTHORITY.

(a) Congress finds that—

(1) The Palestinian Authority Justice Minister Freih Abu Medein announced in April 1997, that anyone selling land to Jews was committing a crime punishable by death;

(2) Since this announcement, three Palestinians were allegedly murdered in the Jerusalem and Ramallah areas for, selling real estate to Jews;

(3) Israeli police managed to foil the attempted abduction of a fourth person;

(4) Israeli security services have acquired evidence indicating that the intelligence services of the Palestinian Authority were directly involved in at least two of these murders;

(5) Subsequent statements by high-ranking Palestinian Authority officials have justified these murders further encouraging this intolerable policy;

(b) It is the Sense of the Congress that—

(1) The Secretary of State should thoroughly investigate the Palestinian Authority's role in any killings connected with this policy and should immediately report its findings to the Congress;

(2) The Palestinian Authority, with Yasser Arafat as its chairman, must immediately issue a public and unequivocal statement denouncing these acts and reversing this policy;

(3) This policy is an affront to all those who place high value on peace and basic human rights; and

(4) The United States should rehear the provision of assistance to the Palestinian Authority in light of this policy.

AMENDMENT NO. 406

At the appropriate place in the bill, insert the following:

SEC. . Of the amounts authorized to be appropriated pursuant to section 1101 in this Act, up to $90,000,000 are authorized to be appropriated for the renovation, acquisition and construction of housing and secure diplomatic facilities at the United States Embassy Beijing and the United States Consulate in Shanghai, People's Republic of China.

Mr. HOLLINGS. Mr. President, I want to thank Chairman HELMS and Senator BIDEN for accepting this amendment regarding facilities to support our men and women serving in the United States' Diplomatic Service in the People's Republic of China.

Our United States diplomatic facilities in China are in poor shape. The housing is in disrepair and for our chancery we occupy a building that formerly was used as the Pakistani Embassy. We spend years training our diplomatic personnel to be China hands who speak Chinese fluently. They are the best and the brightest in our foreign service. And, then we send them and their families to live and work in substandard facilities. It sends the wrong message.

Mr. President, it hurts morale and retention. With the fall of the wall, these Americans are our front-line—our State Department economic officers, our commerce Department commercial officers, our consular officers who help Americans in distress overseas, our Customs Service employees who enforce our trade laws, and other agency personnel.

Regardless of what your position is with China, on human rights or trade, the fact remains that the United States and China have and will have one of the most important bilateral relationships in the world. The People's Republic of China is our fifth largest trading partner and the Chinese economy is growing at over 10 percent per partner and the Chinese economy is growing at over 10 percent per year. They are becoming the preeminent geo-political power in Asia.

I have raised this issue with former Secretary Christopher and Secretary of State Albright. I have discussed it with Ambassador Sasser. They all agree that something must be done to invest in our facilities to support our people who are serving in China. This amendment provides that from within the total amounts authorized in this bill, up to $90 million is provided for renovation, acquisition, and construction of housing and secure diplomatic facilities at the United States Embassy in Beijing and the consulate in Shanghai. It does so without adding additional funds. It requires the Appropriations committee, on which I serve as ranking member on the Commerce, Justice and State Subcommittee, to actually scrub the budget and find the money and address this issue.

Mr. President, this amendment is the right thing to do. It is cosponsored by Senator MURRAY from Washington who has been to Beijing recently and who has seen firsthand the need for modernization of facilities.

Again, I thank Chairman HELMS and Senator BIDEN for their support.

AMENDMENT NO. 407

(Purpose: To provide for an independent Inspector General for the Broadcasting Board of Governors)

On page 20, beginning on line 4, strike all through page 24, line 8, and insert the following:

(1) in paragraph (1), by striking "the United States Information Agency" and inserting "the Broadcasting Board of Governors"; and

(2) in paragraph (2), by striking "the United States Information Agency," and inserting "the Broadcasting Board of Governors,".

(c) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended—

(1) by striking the following:

"Inspector General, United States Information Agency."; and

(2) by inserting the following:

"Inspector General, Broadcasting Board of Governors.".

(d) AMENDMENTS TO PUBLIC LAW 103-236.—Subsections (i) and (j) of section 308 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207 (i) and (j)) are amended—

(1) by striking "Inspector General of the United States Information Agency" each place it appears and inserting "Inspector General of the Broadcasting Board of Governors"; and

(2) by striking "the Director of the United States Information Agency,".

(e) TRANSFER OF FUNCTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), there are transferred to the Office of the Inspector General of the Department of State and the Foreign Service 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).

(2) TRANSFER TO INSPECTOR GENERAL OF BROADCASTING BOARD OF GOVERNORS.—There are transferred to the Inspector General of the Broadcasting Board of Governors the functions (including related functions) that the Office of Inspector General of the United States Information Agency exercised with respect to the International Broadcasting Bureau, Voice of America, WORLDNET TV and Film Service, the office of Cuba Broadcasting, and RFE/RL, Incorporated, before the effective date of this title.

(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.

SEC. 315. INTERIM TRANSFER OF FUNCTIONS.

(a) INTERIM TRANSFER.—Except as otherwise provided in this division, there are transferred to the Secretary of State the following functions of the United States Information Agency exercised as of the day before the effective date of this section:

(1) The functions exercised by the Office of Public Liaison of the Agency.

(2) The functions exercised by the Office of Congressional and Intergovernmental Affairs of the Agency.

(b) EFFECTIVE DATE.—This section shall take effect on the earlier of—

(1) October 1, 1998, or

(2) the date of the proposed transfer of functions described in this section pursuant to the reorganization plan described in section 601.

CHAPTER 3—INTERNATIONAL BROADCASTING

SEC. 321. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Congress finds that—

(1) it is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom "to seek, receive, and impart information and ideas through any media and regardless of frontiers," in accordance with Article 19 of the Universal Declaration of Human Rights;

(2) open communication of information and ideas among the peoples of the world contributes to international peace and stability and the promotion of such communication is in the interests of the United States;

(3) it is in the interest of the United States to support broadcasting to other nations consistent with the requirements of this chapter and the United States International Broadcasting Act of 1994; and

(4) international broadcasting is, and should remain, an essential instrument of the United States foreign policy.

SEC. 322. CONTINUED EXISTENCE OF BROADCASTING BOARD OF GOVERNORS.

Section 304(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(a)) is amended to read as follows:

"(a) CONTINUED EXISTENCE WITHIN EXECUTIVE BRANCH.—

"(1) IN GENERAL.—The Broadcasting Board of Governors shall continue to exist within the Executive branch of Government as an entity described in section 104 of title 5, United States Code.

"(2) RETENTION OF EXISTING BOARD MEMBERS.—The members of the Broadcasting Board of Governors appointed by the President pursuant to subsection (b)(1)(A) before the effective date of the Foreign Affairs Agencies Consolidation Act of 1997 and holding office as of that date shall serve the remainder of their terms of office without reappointments.

(3) ESTABLISHMENT OF INSPECTOR GENERAL OF BROADCASTING BOARD OF GOVERNORS.—There shall be established an Inspector General of the Broadcasting Board of Governors.

"(4) INSPECTOR GENERAL AUTHORITIES.—The Inspector General of the Broadcasting Board of Governors shall exercise the same authorities with respect to the Broadcasting Board of Governors as the Inspector General of the Department of State and the Foreign Service exercises under section 209 of the Foreign Service Act of 1980 with respect to the Department of State. The Inspector General of the Broadcasting Board of Governors, in carrying out the functions of the Inspector General, shall respect the professional independence and integrity of all the broadcasters covered by this title.".

Mr. FEINGOLD. Mr. President, this amendment would establish an independent inspector general for the new agency. Under the committee-reported legislation, the State Department's IG would assume responsibility for the new agency.

An independent IG was designated for the Board for International Broadcasting in the 1988 inspector general legislation. When we consolidated BIB into USIA in the 1994 broadcasting legislation, those functions were assumed by the USIA Inspector General. More recently, the USIA inspector general's office was merged with the State Department inspector general.

Because of the problems that had plagued the BIB and the role that the then-BIB inspector general's office had played in bringing those problems to public attention through a series of well-documented reviews, I authored provisions in the 1994 legislation that required continuous on-site monitoring by the inspector general of the activities of RFE/RL.

Frankly, Mr. President, I have been disappointed at the level of attention and quality of work that has been provided by the State Department IG since that office assumed responsibilities for the broadcasting programs. History has demonstrated, over and over, that these programs have been fertile grounds for fiscal abuses and mismanagement. Between 1988 and 1994, the independent IG assigned solely to the BIB produced detailed reports to Congress every 6 months on the problem areas, in addition to a series of special reports that helped identify the abuses in the areas of excessive salaries, deferred compensation, housing allowances, travel improprieties, and other problem areas within BIB.

If we are going down the path of recreating the BIB structure, then I think it is very important that we recreate the watchdog entity that helped bring to light what fiscal abuses were rampant in these programs under the independent agency structure.

I am very concerned that the IG's office in the State Department may have little incentive to provide the broadcasting programs the kinds of scrutiny that is warranted, given the history of abuse.

Therefore, the amendment that I am offering will reestablish the independent IG's office within the new agency in the same manner that its predecessor, BIB, had an independent IG.

I appreciate the willingness of the managers to accept this amendment.

AMENDMENT NO. 408

(Purpose: To assist victims of torture by providing funding for the United Nations Voluntary Fund for Victims of Torture)

At the end of section 2101(a) of the bill, insert the following: "Of the funds made available under this subsection $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.".

AMENDMENT NO. 409

(Purpose: To clarify that unmarried adult children of Vietnamese reeducation camp internees are eligible for refugee status under the Orderly Departure Program)

At the appropriate place, insert the following new section:

SEC. . ELIGIBILITY FOR REFUGEE STATUS.

Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-171) is amended—

(1) in subsection (a)—

(A) by striking "For purposes" and inserting "Notwithstanding any other provision of law, for purposes"; and

(B) by striking "fiscal year 1997" and inserting "fiscal years 1997 and 1998"; and

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

"(b) ALIENS COVERED.—

"(1) IN GENERAL.—An alien described in this subsection is an alien who—

"(A) is the son or daughter of a qualified national;

"(B) is 21 years of age of older; and

"(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

"(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term 'qualified national' means a national of Vietnam who—

"(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

"(ii) is the widow or widower of an individual described in clause (i); and

"(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

"(ii) on or after April 1, 1995, is accepted—

"(I) for resettlement as a refugee; or

"(II) for admission as an immigrant under the Orderly Departure Program.".

Mr. McCAIN. Mr. President, this amendment is basically a technical correction to language that I had included in the Fiscal Year 1997 Omnibus Consolidated Appropriations Act. That language, and the amendment I offer today, are designed to make humanitarian exceptions for the unmarried adult children of former re-education camp detainees seeking to emigrate to the United States under the Orderly Departure Program. Despite what I considered to have been pretty unambiguous legislation in both word and intent, the Immigration and Naturalization Service and Department of State interpreted my amendment to the 1997 bill so as to exclude the very people to whom the provision was targeted.

Prior to April 1995, the adult married children of former Vietnamese re-education camp prisoners were granted derivative refugee status and were permitted to accompany their parents to the United States under a sub-program of the Orderly Departure Program [ODP].

This policy changed in April 1995. My amendment to FY1997 Foreign Operations Appropriations Bill, which comprises part of the Omnibus Appropriations Act, was intended to restore the status quo ante regarding the adult unmarried children of former prisoners. My comments in the CONGRESSIONAL RECORD from July 25, 1996 clearly spelled this out.

Unfortunately, certain categories of children who, prior to April 1995 had received derivative refugee status and whom Congress intended to be covered by last year's amendment, are now considered ineligible to benefit from that legislation.

To ask these widows to come to the United States without their children is equal to denying them entry under the program. Many of these women are elderly and in poor health, and the presence of their children is essential to providing the semblance of a family unit with the care that includes.

The second problem stemming from INS and the State Department's interpretation of the 1997 language involves the roughly 20 percent of former Vietnamese re-education camp prisoners resettled in the United States who were processed as immigrants, at the convenience of the United States Government.

Their unmarried adult children, prior to April 1995, were still given derivative refugee status, however, the position of INS and State is that these children are now ineligible because the language in the FY 1997 bill included

the phrase "processed as refugees for resettlement in the United States."

That phrase was intended to identify the children of former prisoners being brought to the United States under the subprogram of the ODP and eligible to be processed as a refugee—which all clearly were—as distinct from the children of former prisoners who were not being processed for resettlement in the United States.

The fact that a former prisoner, eligible to be processed as a refugee under the ODP subprogram, was processed as an immigrant had no effect prior to April 1995, and their children were granted refugee status. The intention of last year's legislation was to restore the status quo ante, including for the unmarried adult children of former prisoners eligible for and included in this subprogram but resettled as immigrants.

AMENDMENT NO. 410

(Purpose: To facilitate the counterdrug and anti-crime activities of the Department of State)

On page 89, between lines 9 and 10, insert the following:

SEC. 1128. COUNTERDRUG AND ANTI-CRIME ACTIVITIES OF THE DEPARTMENT OF STATE.

(a) COUNTERDRUG AND LAW ENFORCEMENT STRATEGY.—

(1) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall establish, implement, and submit to Congress a comprehensive, long-term strategy to carry out the counterdrug responsibilities of the Department of State in a manner consistent with the National Drug Control Strategy. The strategy shall involve all elements of the Department in the United States and abroad.

(2) OBJECTIVES.—In establishing the strategy, the Secretary shall—

(A) coordinate with the Office of National Drug Control Policy in the development of clear, specific, and measurable counterdrug objectives for the Department that support the goals and objectives of the National Drug Control Strategy;

(B) develop specific, and to the maximum extent practicable, quantifiable measures of performance relating to the objectives, including annual and long-term measures of performance, for purposes of assessing the success of the Department in meeting the objectives;

(C) assign responsibilities for meeting the objectives to appropriate elements of the Department;

(D) develop an operational structure within the Department that minimizes impediments to meeting the objectives;

(E) ensure that every United States ambassador or chief of mission is fully briefed on the strategy and works to achieve the objectives; and

(F) ensure that all budgetary requests and transfers of equipment (including the financing of foreign military sales and the transfer of excess defense articles) relating to international counterdrug efforts conforms to meet the objectives.

(3) REPORTS.—Not later than February 15 each year, the Secretary shall submit to Congress an update of the strategy submitted under paragraph (1). The update shall include an outline of the proposed activities with respect to the strategy during the succeeding year, including the manner in which such activities will meet the objectives set forth in paragraph (2).

(4) LIMITATION ON DELEGATION.—The Secretary shall designate an official in the Department who reports directly to the Secretary to oversee the implementation of the strategy throughout the Department.

(b) INFORMATION ON INTERNATIONAL CRIMINALS.—

(1) INFORMATION SYSTEM.—The Secretary shall, in consultation with the heads of appropriate United States law enforcement agencies, including the Attorney General and the Secretary of the Treasury take appropriate actions to establish an information system or improve existing information system containing comprehensive information on serious crimes committed by foreign nationals. The information system shall be available to United States embassies and missions abroad for use in consideration of applications for visas for entry into the United States.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the actions taken under paragraph (1)

(c) OVERSEAS COORDINATION OF COUNTERDRUG AND ANTI-CRIME PROGRAMS, POLICY, AND ASSISTANCE.—

(1) STRENGTHENING COORDINATION.—The responsibilities of every foreign mission of the United States shall include the strengthening of cooperation between and among the United States and foreign governmental entities and multilateral entities with respect to activities relating to international narcotics and crime.

(2) DESIGNATION OF OFFICERS.—

(A) IN GENERAL.—The chief of mission of every foreign mission shall designate an officer or officers within the mission to carry out the responsibility of the mission under paragraph (1), including the coordination of counterdrug programs, policy, and assistance and law enforcement programs, policy, and assistance. Such officer or officers shall report to the chief of mission, or the designee of the chief of mission, on a regular basis regarding activities undertaken in carrying out such responsibility.

(B) REPORTS.—The chief of mission of every foreign mission shall submit to the Secretary on a regular basis a report on the actions undertaken by the mission to carry out such responsibility.

(3) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the status of any proposals for action or on action undertaken to improve staffing and personnel management at foreign missions in order to carry out the responsibility set forth in paragraph (1).

Mr. COVERDELL. Mr. President, as the cold war fades into memory, our foreign affairs establishment must aggressively target and confront the new threats facing America. The crime and violence sown by international narcotics mafias requires a new thinking and focus. While diplomatic efforts for most of our Nation's history have focused on checking unfriendly governments, the challenge of narcotics trafficking and organized crime forces us to grapple with a more shadowy and elusive adversary. These cartels are not confined by borders and operate outside of the bright scrutiny of international affairs. They respect no nation's laws or ethics, outmaneuver government bureaucracies with a ruthless efficiency and have financial resources which dwarf many national budgets. In the face of this great menace, our State Department cannot hope to make progress without a forward looking strategy, clearly defined goals, and the ability to learn from experience and agilely adapt to match this constantly changing threat.

Far too often our diplomatic structures have not adopted to address these new, transnational problems and remained locked in a bilateral mind set. The State Department's strong efforts in an individual country can be easily foiled as these elusive mafias shift operations across borders. In order to effect a new transnational mind set and give the threats of narcotics and international crime the focus they demand, direction must come from the highest levels of the State Department. The various bureaus and country teams under the State Department must operate under coordinated plan with specific goals which they are held responsible for achieving. Like the adversaries which it must confront, our diplomatic effort must learn from its mistakes and recalibrate its strategies to adjust to new situations.

Mr. President, the Coverdell-Kerry amendment seeks to do just that. This amendment does not seek to dictate the policy of the State Department or expand its role in counterdrug matters. It merely requires that the State Department formulate its own plan of action in coordination with the dictate of the President's National Drug Control Strategy. If, as some have claimed, the State Department is already following a clear strategy, this amendment will ensure that its goals and objectives are clear to the Congress which is responsible for its oversight and funding. In any event, it is crucial that we defend America's children and our national interest in the most effective manner possible. As we work to regain ground in our international struggle against drug trafficking, it is our responsibility to ensure that our resources are focused on strategic objectives and are specifically targeted to have an impact in the war on drugs.

This amendment also calls on the State Department to work with Federal law enforcement agencies to further shield Americans from international criminals. Currently the failure of our Federal agencies to coordinate has allowed terrorists and other violent criminals to slip into our Nation. The establishment of the new information sharing system called for in this amendment will help ensure that

our State Department has the information necessary to keep violent international criminals off America's streets.

The reforms called for in the Coverdell-Kerry amendment are just first steps in what must be a thorough rethinking of how our national policies should be adapted to protect Americans from these new threats. I look forward to working with Senator KERRY and others as we approach the difficult task of preparing our Nation to meet these important challenges.

Mr. KERRY. Mr. President, I am pleased to cosponsor the amendment by the Senator from Georgia and I congratulate him for leading this effort to get the State Department to better focus its counternarcotics resources.

For too long our fight against drugs has suffered from a lack of quantifiable goals by which to measure progress. Year after year we spend hundreds of millions of dollars on our international drug control programs without a clear idea of how these programs fit into the overall counterdrug effort and with no way to determine whether these programs are having the desired effect.

This amendment will require the State Department to come up with a plan for implementing its portion of the President's national strategy and to establish specific goals that will allow us to know how well we are doing. This is a very simple concept that anyone who has been in private business understands. You devise a strategy and then you set goals and objectives that will let you know that you are on target in implementing that strategy. That is what we want the State Department to do.

I want to emphasize that the amendment requires the Secretary of State to submit to Congress a long-term strategy that is consistent with the national drug control strategy. This is not an attempt to undermine the President's Office of National Drug Control Policy [ONDCP] and its role in devising the national drug control strategy. General McCafferey has done a good job at defining the national strategy and setting broad national objectives. I know that he is working to develop a comprehensive performance measurement system that would give us a better sense of how well programs are working. This amendment supports that effort.

We want the State Department to follow the lead of the drug czar's office and to develop a long-term plan that supports the national strategy. Likewise we want to see quantifiable measures of performance that conform to whatever comprehensive measurement system that ONDCP develops.

The second part of this amendment is also straight forward. For several years the State Department has used a database to identify narcotics traffickers and deny them visas. This amendment expands that effort to include other international crime figures.

Finally, the amendment seeks to strengthen the coordination of U.S. crime fighting efforts by designating an officer in every U.S. Embassy that will be responsible for ensuring the fullest possible cooperation with the host nation on these issues. This is particularly, important in countries where we do not have a full-time law enforcement officer assigned to the embassy.

These may seem like modest steps but they are the kinds of initiatives that will greatly enhance the effectiveness of our efforts to battle the international criminal organizations. Again I thank the Senator from Georgia for his leadership and I urge my colleagues to support this amendment.

AMENDMENT NO. 411

(Purpose: To clarify section 1166)

On line 17 on page 110, delete "knowingly assists or has" and insert in lieu thereof: "is known by the Department of State to have intentionally".

On line 20 on page 110, delete "is providing or has provided" and insert in lieu thereof: "is known by the Department of State to be intentionally providing".

At the end of line 3 on page 111 insert the following: "as designated at the discretion of the Secretary of State,".

On line 7 on page 111 before the period, insert the following: ", and such person and child are permitted to return to the United States. Nothing in clauses (i) or (ii) of this section shall be deemed to apply to a government official of the United States who is acting within the scope of his or her official duties. Nothing in clause (i) or (ii) of this section shall be deemed to apply to a government official of any foreign government if such person has been designated by the Secretary of State at the Secretary's discretion".

Mrs. FEINSTEIN. Mr. President, I am pleased to have had the opportunity to work with my colleagues and the administration to perfect section 1166 of this bill, relating to the inadmissibility of persons supporting international child abductors.

This section of the bill, which was included at my request in the chairman's mark considered last week by the Foreign Relations Committee, was inspired by the case of Patricia Roush, a constituent of mine whose two daughters were abducted by her ex-husband and taken to his home country of Saudi Arabia 11 years ago in direct violation of the custody order of an Illinois court.

Since then, she has seen the girls only once for 2 hours. All efforts to negotiate a resolution have been rebuffed by the father.

This section attempts to address tragic situations like Ms. Roush's. Current law, section 212(a)(10)(C) of the Immigration and Nationality Act, says that any alien who holds a child overseas in violation of a custody order of a U.S. court may not receive a visa to come to the United States until the child has been returned to the parent with rightful custody.

This new section would expand the visa restriction to three categories of people: Anyone who helped carry out the abduction of the child; anyone providing material support or safe haven to the abducting parent; and immediate family members of the abducting parent.

Any of these people already in the United States would also be deportable.

This law would not apply if the child is located in a country which is a signatory to the Hague Convention, which is an international agreement designed to resolve international child abduction cases.

The goal of this legislation is to expand the circle of people affected when an American child is abducted. There can be no doubt that persons who assist in the abduction of such a child should be subject to the same restrictions as the abductor him or herself. The same goes for those who support and protect the abductor subsequent to the abduction.

The only area that has raised questions is the provision applying the restriction to immediate family members of the abductor. We decided to proceed in this fashion because of Ms. Roush's experience during the tenure of the previous United States Ambassador to Saudi Arabia, Ray Mabus.

After years without any progress toward a resolution, Ambassador Mabus implied to relatives of Ms. Roush's exhusband that he might withhold their visas to the United States unless the case was solved. He never actually threatened to withhold the visas, which he lacked the authority to do, but he hoped to at least get information about the girls' condition and the father's thinking throught this tactic.

Ambassador Mabus discovered that even the implied threat of withholding visas from family members produced a new spirit of flexibility on the part of the father. By the time he returned to the United States, they had come close to negotiating a resolution, but that fell through after Mabus left.

But this experience suggests that withholding visas from family members and other associates of the abducting parent is an effective way to put pressure on that parent to negotiate a resolution.

There is a precedent for withholding visas from family members. In the Helms-Burton law on Cuba passed in 1996—Public Law 104–114, spouses and minor children of officers of corporations doing prohibited business with Cuba were made excludable.

I thank the chairman and ranking member of the Foreign Relations Committee and the Senator from Maryland, Senator SARBANES, for their cooperation and for helping perfect this amendment.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BROWNBACK. I rise today, while we are just about to finish up on this historic State Department reorganization bill, to say a couple of things about it and the people who have been involved.

I was in the House of Representatives on the Foreign Affairs Committee where we started the attempt to reorganize the State Department. We were able to pass it through, and the bill got vetoed by the President. I think that is what is historic and taking place here.

We are now working together to do the thing we need to do, which is to make the overall operation run more efficiently, to eliminate some of the apparatus created by the cold war, and to try to create a foreign policy agency and a setup that is more forward looking, more organized, and that I think can represent our interests better in this post-cold-war atmosphere.

I think it is a real tribute to the people who have been involved in this that we have been able to get this done. Overhauling the American foreign policy bureaucracy needed to be done, and this bill will abolish agencies and bureaus born of the cold war imperatives that are no longer necessary. Achievement was hard won and something the American people can be proud of. Now we can reduce the size of the Federal Government, something I have certainly long supported. I want to thank those people involved.

There are two other things I want to quickly note that have taken place in here as well. I chair the Middle East Subcommittee. One of the things we have been focused on is how do we contain some of the radical elements of that region that seek to terrorize us around the world? One of the things that is contained in this bill is Radio Free Iran, and that will be broadcast into the Iranian airwaves to send forward clear and accurate information about what is taking place around the rest of the world.

I think this is a very important tool that we can use to be able to work with the Iranian people, who are some of the most repressed around the world. They have recently voted to elect a more moderate leader, yet most have said they will not really be able to express what they want to do because the leader they elected will not have the power or the authority to get that done.

Yet, I think we can continue to fight for the Iranian people by putting forward good information, true information, of how much we support what they are doing on the cause in the battle of freedom. I think Radio Free Iran will be a very helpful signal, something important, as we move forward in working to contain those terroristic elements in the world that seek to do us harm and seek harm in much of the rest of the world.

Also, I look forward in the future to encouraging other countries to further engage with us in initiatives to expand democracy, free markets and capitalism around the world. I look forward in the future to working with Central Asian countries to link them more with the democracies and the democracy movement and free markets that are gaining strength all around the world. Some dub this a silk road strategy, and I think it is important that we do this in moving forward a positive agenda, not just one that is always negative toward others but one that is very open and positive toward encouraging the rest of the world.

I look forward to working with other chairmen, including Chairman SMITH, also on the Foreign Relations Committee, as we seek to open up the Central Asian regions to further democracy, to free markets, to capitalism, to liberty. I think that is a good move on our part. Part of it is going to be contained in the future of the world. Radio Free Iran is in this bill and I think that is a positive move. It doesn't diminish the act of privatizing Radio Free Europe. It is important to move forward in that regard. This is a win for the American people, and a win for people around the world who seek freedom for themselves and their marketplace, their future and their families. With that, I yield the floor.

The PRESIDING OFFICER. Who seeks time?

AMENDMENT NO. 398 WITHDRAWN

Mr. MURKOWSKI. Mr. President, I believe I have an amendment that is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. Mr. President, I just had a conversation with the Secretary of State, Madeleine Albright, relative to the reasons why I have offered an amendment which would require that the Foreign Relations Committee confirm the coordinator of Taiwan affairs at the State Department.

As the Chair is aware, the Taiwan Relations Act requires the Committee on Foreign Relations to oversee the implementation of the TRA and the operations and procedures of the American Institute in Taiwan. And, furthermore, then Secretary of State Vance assured the committee in a letter to then Chairman Frank Church that "the names of prospective trustees and officers will be forwarded to the Foreign Relations Committee. If the Committee expresses reservations about a prospective trusteer, [the Department of State] will undertake to discuss the matter fully with the Committee before proceeding."

The Secretary of State assured me that she will put into a formal letter that the State Department will agree to consult with the Foreign Relations Committee prior to appointing any director or chairman of the American Institute in Taiwan. The letter will, of course, be directed to the chairman of the Foreign Relations Committee. A copy will be given to the minority, as well as to me, and Secretary of State Madeleine Albright agreed to refer, specifically, in her letter, to the assurance that Chairman Frank Church received from Secretary of State Vance regarding the intent and interpretation of the committee's role under the Taiwan Relations Act.

So as a consequence of that assurance, Mr. President, and with thanks to the chairman of the Foreign Relations Committee, I think that Secretary Albright has met my concern by assuring the chairman of the Foreign Relations Committee that, indeed, the State Department will put into writing its agreement to consult with the committee prior to appointing the director or chairman of the American Institute in Taiwan. As we all know, and the concern we have is that, previously, the appointments took place before the consultations took place. That will not be the case. I thank Senator BIDEN for his role in taking the first call from the Secretary and, again, I appreciate Senator HELMS' indulgence in providing me with the time to come to the floor, as well as to talk to the Secretary. As a consequence of that, Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. Amendment No. 398 is withdrawn.

Mr. HELMS. If the Senator will yield, I think he has done a good day's work. I commend him.

Mr. President, I ask unanimous consent to discharge H.R. 1757 from the committee, and all after the enacting clause be stricken and that the language of S. 903, as amended, be inserted, and the bill be read the third time.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

The amendments were ordered to be engrossed, and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

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

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming [Mr. ENZI], the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Kansas [Mr. ROBERTS] are necessarily absent.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE]

and the Senator from South Dakota [Mr. JOHNSON] are necessarily absent.

I further announce that the Senator from South Dakota [Mr. JOHNSON] is absent attending a funeral.

I also announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

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

The result was announced—yeas 90, nays 5, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—90

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Allard	Ford	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moseley-Braun
Bond	Gramm	Moynihan
Boxer	Grams	Murkowski
Breaux	Grassley	Murray
Brownback	Gregg	Nickles
Bryan	Hagel	Reed
Bumpers	Hatch	Reid
Burns	Helms	Robb
Campbell	Hollings	Rockefeller
Chafee	Hutchinson	Roth
Cleland	Hutchison	Santorum
Coats	Inhofe	Sessions
Cochran	Inouye	Shelby
Collins	Jeffords	Smith (NH)
Conrad	Kennedy	Smith (OR)
Coverdell	Kerrey	Snowe
Craig	Kerry	Specter
D'Amato	Kohl	Stevens
DeWine	Kyl	Thomas
Dodd	Landrieu	Thompson
Domenici	Lautenberg	Thurmond
Dorgan	Leahy	Torricelli
Durbin	Levin	Warner
Faircloth	Lieberman	Wyden

NAYS—5

Bingaman	Harkin	Wellstone
Byrd	Sarbanes	

NOT VOTING—5

Daschle	Johnson	Roberts
Enzi	Kempthorne	

So the bill (H.R. 1757), as amended, was passed as follows:

Resolved, That the bill from the House of Representatives (H.R. 1757) entitled "An Act to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with 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.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Affairs Reform and Restructuring Act of 1997".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) DIVISION A.—Foreign Affairs Agencies Consolidation Act of 1997.

(2) DIVISION B.—Foreign Relations Authorization Act, Fiscal Years 1998 and 1999.

(3) DIVISION C.—United Nations Reform Act of 1997.

(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. Purposes.
Sec. 103. Definitions.
Sec. 104. Report on budgetary cost savings resulting from reorganization.

TITLE II—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 201. Effective date.

CHAPTER 2—ABOLITION 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. Reporting requirements.
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. Compensation of officers.

TITLE III—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 301. Effective date.

CHAPTER 2—ABOLITION 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. Abolition of Office of Inspector General of United States Information Agency and transfer of functions.
Sec. 315. Interim transfer of functions.

CHAPTER 3—INTERNATIONAL BROADCASTING

Sec. 321. Congressional findings and declaration of purpose.
Sec. 322. Continued existence of Broadcasting Board of Governors.
Sec. 323. Conforming amendments to the United States International Broadcasting Act of 1994.
Sec. 324. Amendments to the Radio Broadcasting to Cuba Act.
Sec. 325. Amendments to the Television Broadcasting to Cuba Act.
Sec. 326. Savings provisions.
Sec. 327. Report on the privatization of RFE/RL, Incorporated.

CHAPTER 4—CONFORMING AMENDMENTS

Sec. 331. References.
Sec. 332. Amendments to title 5, United States Code.
Sec. 333. Ban on domestic activities.

TITLE IV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 401. Effective date.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

Sec. 411. Abolition of United States International Development Cooperation Agency.
Sec. 412. Transfer of functions.
Sec. 413. Status of AID.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 421. References.
Sec. 422. Conforming amendments.

TITLE V—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

Sec. 501. Effective date.

CHAPTER 2—REORGANIZATION AND TRANSFER OF FUNCTIONS

Sec. 511. Reorganization of Agency for International Development.

CHAPTER 3—AUTHORITIES OF THE SECRETARY OF STATE

Sec. 521. Definition of United States assistance.
Sec. 522. Placement of Administrator of AID under the direct authority of the Secretary of State.
Sec. 523. Assistance programs coordination, implementation, and oversight.
Sec. 524. Sense of the Senate regarding apportionment of certain funds to the Secretary of State.

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. Savings provisions.
Sec. 615. Property and facilities.
Sec. 616. Authority of Secretary of State to facilitate transition.
Sec. 617. Final report.

TITLE VII—FUNCTIONS, CONDUCT, AND STRUCTURE OF UNITED STATES FOREIGN POLICY FOR THE 21ST CENTURY.

Sec. 701. Findings.
Sec. 702. Establishment.
Sec. 703. Composition and qualifications.
Sec. 704. Duties of the Commission.
Sec. 705. Commission reports.
Sec. 706. Powers.
Sec. 707. Personnel.
Sec. 708. Payment of Commission expenses.
Sec. 709. Termination.
Sec. 710. Executive branch action.
Sec. 711. Annual foreign affairs strategy report.
Sec. 712. Definition of foreign affairs agencies.

DIVISION B—FOREIGN RELATIONS AUTHORIZATION

TITLE X—GENERAL PROVISIONS

Sec. 1001. Short title.
Sec. 1002. Definition.

TITLE XI—DEPARTMENT OF STATE AND RELATED AGENCIES

CHAPTER 1—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 1101. Authorizations of appropriations for Administration of Foreign Affairs.
Sec. 1102. Migration and refugee assistance.
Sec. 1103. Asia Foundation.

CHAPTER 2—AUTHORITIES AND ACTIVITIES

Sec. 1121. Reduction in required reports.
Sec. 1122. Authority of the Foreign Claims Settlement Commission.
Sec. 1123. Procurement of services.
Sec. 1124. Fee for use of diplomatic reception rooms.
Sec. 1125. Prohibition on judicial review Department of State counterterrorism and narcotics-related rewards program.
Sec. 1126. Office of the Inspector General.
Sec. 1127. Reaffirming United States international telecommunications policy.

Sec. 1128. Counterdrug and anti-crime activities of the Department of State.

CHAPTER 3—PERSONNEL

Sec. 1131. Elimination of position of Deputy Assistant Secretary of State for Burdensharing.
Sec. 1132. Restriction on lobbying activities of former United States chiefs of mission.
Sec. 1133. Recovery of costs of health care services.
Sec. 1134. Nonovertime differential pay.
Sec. 1135. Pilot program for foreign affairs reimbursement.
Sec. 1136. Grants to overseas educational facilities.
Sec. 1137. Grants to remedy international child abductions.
Sec. 1138. Foreign Service reform.
Sec. 1139. Law enforcement availability pay.
Sec. 1140. Law enforcement authority of DS special agents overseas.
Sec. 1141. Limitations on management assignments.

CHAPTER 4—CONSULAR AND RELATED ACTIVITIES

Sec. 1151. Consular officers.
Sec. 1152. Repeal of outdated consular receipt requirements.
Sec. 1153. Elimination of duplicate Federal Register publication for travel advisories.
Sec. 1154. Inadmissibility of members of former Soviet Union intelligence services.
Sec. 1155. Denial of visas to aliens who have confiscated property claimed by nationals of the United States.
Sec. 1156. Inadmissibility of aliens supporting international child abductors.

TITLE XII—OTHER INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

Sec. 1201. International conferences and contingencies.
Sec. 1202. International commissions.

CHAPTER 2—GENERAL PROVISIONS

Sec. 1211. International criminal court participation.
Sec. 1212. Withholding of assistance for parking fines owed by foreign countries.
Sec. 1213. United States membership in the Interparliamentary Union.
Sec. 1214. Reporting of foreign travel by United States officials.
Sec. 1215. Sense of the Senate on use of funds in Japan-United States Friendship Trust Fund.

TITLE XIII—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

Sec. 1301. Authorization of appropriations.
Sec. 1302. National Endowment for Democracy.

CHAPTER 2—USIA AND RELATED AGENCIES AUTHORITIES AND ACTIVITIES

Sec. 1311. Authorization to receive and recycle fees.
Sec. 1312. Appropriations transfer authority.
Sec. 1313. Expansion of Muskie Fellowship Program.
Sec. 1314. Au pair extension.
Sec. 1315. Radio broadcasting to Iran in the Farsi language.
Sec. 1316. Voice of America broadcasts.
Sec. 1317. Working group on government-sponsored international exchanges and training.
Sec. 1318. International information programs.
Sec. 1319. Authority to administer summer travel and work programs.

TITLE XIV—PEACE CORPS

Sec. 1401. Short title.
Sec. 1402. Authorization of appropriations.
Sec. 1403. Amendments to the Peace Corps Act.

TITLE XV—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

Sec. 1501. Authorization of appropriations.

CHAPTER 2—AUTHORITIES

Sec. 1511. Statutory construction.

TITLE XVI—FOREIGN POLICY

Sec. 1601. Payment of Iraqi claims.
Sec. 1602. United Nations membership for Belarus.
Sec. 1603. United States policy with respect to Jerusalem as the capital of Israel.
Sec. 1604. Special envoy for Tibet.
Sec. 1605. Financial transactions with state sponsors of international terrorism.
Sec. 1606. United States policy with respect to the involuntary return of persons in danger of subjection to torture.
Sec. 1607. Reports on the situation in Haiti.
Sec. 1608. Report on an alliance against narcotics trafficking in the Western Hemisphere.
Sec. 1609. Report on greenhouse gas emissions agreement.
Sec. 1610. Reports and policy concerning diplomatic immunity.
Sec. 1611. Italian confiscation of property case.
Sec. 1612. Designation of additional countries eligible for NATO enlargement assistance.
Sec. 1613. Sense of Senate regarding United States citizens held in prisons in Peru.
Sec. 1614. Exclusion from the United States of aliens who have been involved in extrajudicial and political killings in Haiti.
Sec. 1615. Sense of the Senate on enforcement of the Iran-Iraq Arms Non-Proliferation Act of 1992 with respect to the acquisition by Iran of C-802 cruise missiles.
Sec. 1616. Sense of the Senate on persecution of Christian minorities in the People's Republic of China.
Sec. 1617. Sense of Congress regarding the North Atlantic Treaty Organization.
Sec. 1618. Japan-United States Friendship Commission.
Sec. 1619. Aviation safety.
Sec. 1620. Sense of the Senate on United States policy toward the People's Republic of China.
Sec. 1621. Sense of the Senate encouraging programs by the National Endowment for Democracy regarding the rule of law in China.
Sec. 1622. Concerning the Palestinian authority.
Sec. 1623. Authorization of Appropriations for facilities in Beijing and Shanghai.
Sec. 1624. Eligibility for refugee status.

DIVISION C—UNITED NATIONS REFORM

TITLE XX—GENERAL PROVISIONS

Sec. 2001. Short title.
Sec. 2002. Definitions.
Sec. 2003. Nondelegation of certification requirements.

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS

Sec. 2101. Assessed contributions to the United Nations and affiliated organizations.
Sec. 2102. United Nations policy on Israel and the Palestinians.
Sec. 2103. Assessed contributions for international peacekeeping activities.
Sec. 2104. Data on costs incurred in support of United Nations peace and security operations.
Sec. 2105. Reimbursement for goods and services provided by the United States to the United Nations.
Sec. 2106. Restriction on United States funding for United Nations peace operations.
Sec. 2107. United States policy regarding United Nations peacekeeping missions.
Sec. 2108. Organization of American States.

TITLE XXII—ARREARS PAYMENTS AND REFORM

CHAPTER 1—ARREARAGES TO THE UNITED NATIONS

SUBCHAPTER A—AUTHORIZATION OF APPROPRIATIONS; DISBURSEMENT OF FUNDS

Sec. 2201. Authorization of appropriations.
Sec. 2202. Disbursement of funds.

SUBCHAPTER B—UNITED STATES SOVEREIGNTY

Sec. 2211. Certification requirements.

SUBCHAPTER C—REFORM OF ASSESSMENTS AND UNITED NATIONS PEACE OPERATIONS

Sec. 2221. Certification requirements.

SUBCHAPTER D—BUDGET AND PERSONNEL REFORM

Sec. 2231. Certification requirements.

CHAPTER 2—MISCELLANEOUS PROVISIONS

Sec. 2241. Statutory construction on relation to existing laws.
Sec. 2242. Prohibition on payments relating to UNIDO and other organizations from which the United States has withdrawn or rescinded funding.

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. PURPOSES.

The purposes of this division are—

(1) 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;

(2) to consolidate and reinvigorate the foreign affairs functions of the United States within the Department of State by—

(A) abolishing the United States Arms Control and Disarmament Agency, the United States Information Agency, the United States International Development Cooperation Agency, and transferring the functions of these agencies to the Department of State while preserving the quality and integrity of these functions;

(B) transferring certain functions of the Agency for International Development to the Department of State; and

(C) providing for the reorganization of the Department of State to maximize the efficient use of resources, which may lead to budget savings, eliminated redundancy in functions, and improvement in the management of the Department of State;

(3) to ensure that programs critical to the promotion of United States national interests be maintained;

(4) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;

(5) to ensure that the United States maintains effective representation abroad within budgetary restraints; and

(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.

SEC. 103. 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 "appropriate congressional committees" means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(3) The term "Department" means the Department of State.

(4) The term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code.

(5) The term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(6) The term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(7) The term "Secretary" means the Secretary of State.

(8) The term "USIA" means the United States Information Agency.

SEC. 104. REPORT ON BUDGETARY COST SAVINGS RESULTING FROM REORGANIZATION.

Not later than 90 days after the date of enactment of this Act, and every 180 days thereafter through the end of fiscal year 2000, the Secretary of State shall submit a report to the appropriate congressional committees describing the total anticipated and achieved cost savings in budget outlays and budget authority related to the reorganization made under this Act, including cost savings by each of the following categories:

(1) Reductions in personnel.

(2) Administrative consolidation.

(3) Program consolidation.

(4) Sales of real property.

(5) Termination of property leases.

(6) Coordinated procurement.

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) October 1, 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 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.

Except as otherwise provided in this division, there are transferred to the Secretary of State—

(1) all functions of the Director of the United States Arms Control and Disarmament Agency, and

(2) 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.

SEC. 213. 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 international security policy, arms control, and nonproliferation matters. Subject to the direction of the President, the Under Secretary may attend and participate in meetings of the National Security Council in his role as advisor on arms control and nonproliferation matters.".

SEC. 214. REPORTING REQUIREMENTS.

(a) VERIFICATION OF COMPLIANCE.—Section 37 of the Arms Control and Disarmament Act (22 U.S.C. 2577) is amended—

(1) in subsection (a), by striking "Director" each place it appears and inserting "Under Secretary of State for Arms Control and International Security";

(2) in subsection (d), by striking "Director" each place it appears and inserting "Under Secretary of State";

(3) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(4) by inserting after subsection (a) the following:

"(b) INCLUSION OF COMMENTS BY THE SECRETARY OF STATE.—In the preparation of each report under subsection (a), the Under Secretary of State for Arms Control and International Security shall include the comments, if any, of the Secretary of State after the Secretary has had an opportunity to review the report for a period of not to exceed 14 days.".

(b) ANNUAL REPORT.—Section 51 of that Act (22 U.S.C. 2593a) is amended—

(1) in subsection (a)—

(A) by striking "Director" and inserting "Under Secretary of State for Arms Control and International Security"; and

(B) by striking "the Secretary of State,";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following:

"(b) INCLUSION OF COMMENTS BY THE SECRETARY OF STATE.—In the preparation of each report under subsection (a), the Under Secretary of State for Arms Control and International Security shall include the comments, if any, of the Secretary of State after the Secretary has had an opportunity to review the report for a period of not to exceed 14 days.".

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.

Except as provided in section 214, 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. COMPENSATION OF OFFICERS.

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.".

TITLE III—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 301. EFFECTIVE DATE.

Except as otherwise provided, this title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 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 AND TRANSFER OF FUNCTIONS

SEC. 311. ABOLITION OF UNITED STATES INFORMATION AGENCY.

The United States Information Agency (other than the Broadcasting Board of Governors) is abolished.

SEC. 312. TRANSFER OF FUNCTIONS.

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.

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 striking "There" and inserting the following:

"(1) IN GENERAL.—There"; and

(2) by adding at the end the following:

"(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 formation and implementation of United States public diplomacy policies and activities, including international educational and cultural exchange programs, information, and international broadcasting.".

SEC. 314. 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 United States Information Agency" and inserting "the Broadcasting Board of Governors"; and

(2) in paragraph (2), by striking "the United States Information Agency," and inserting "the Broadcasting Board of Governors,".

(c) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended—

(1) by striking the following:

"Inspector General, United States Information Agency."; and

(2) by inserting the following:

"Inspector General, Broadcasting Board of Governors.".

(d) AMENDMENTS TO PUBLIC LAW 103–236.—Subsections (i) and (j) of section 308 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207 (i) and (j)) are amended—

(1) by striking "Inspector General of the United States Information Agency" each place it appears and inserting "Inspector General of the Broadcasting Board of Governors"; and

(2) by striking "the Director of the United States Information Agency,".

(e) TRANSFER OF FUNCTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), there are transferred to the Office of the Inspector General of the Department of State and the Foreign Service 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).

(2) TRANSFER TO INSPECTOR GENERAL OF BROADCASTING BOARD OF GOVERNORS.—There are transferred to the Inspector General of the Broadcasting Board of Governors the functions (including related functions) that the Office of Inspector General of the United States Information Agency exercised with respect to the International Broadcasting Bureau, Voice of America, WORLDNET TV and Film Service, the office of Cuba Broadcasting, and RFE/RL, Incorporated, before the effective date of this title.

(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.

SEC. 315. INTERIM TRANSFER OF FUNCTIONS.

(a) INTERIM TRANSFER.—Except as otherwise provided in this division, there are transferred to the Secretary of State the following functions of the United States Information Agency exercised as of the day before the effective date of this section:

(1) The functions exercised by the Office of Public Liaison of the Agency.

(2) The functions exercised by the Office of Congressional and Intergovernmental Affairs of the Agency.

(b) EFFECTIVE DATE.—This section shall take effect on the earlier of—

(1) October 1, 1998, or

(2) the date of the proposed transfer of functions described in this section pursuant to the reorganization plan described in section 601.

CHAPTER 3—INTERNATIONAL BROADCASTING

SEC. 321. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Congress finds that—

(1) it is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom "to seek, receive, and impart information and ideas through any media and regardless of frontiers," in accordance with Article 19 of the Universal Declaration of Human Rights;

(2) open communication of information and ideas among the peoples of the world contributes to international peace and stability and the promotion of such communication is in the interests of the United States;

(3) it is in the interest of the United States to support broadcasting to other nations consistent with the requirements of this chapter and the United States International Broadcasting Act of 1994; and

(4) international broadcasting is, and should remain, an essential instrument of United States foreign policy.

SEC. 322. CONTINUED EXISTENCE OF BROADCASTING BOARD OF GOVERNORS.

Section 304(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(a)) is amended to read as follows:

"(a) CONTINUED EXISTENCE WITHIN EXECUTIVE BRANCH.—

"(1) IN GENERAL.—The Broadcasting Board of Governors shall continue to exist within the Executive branch of Government as an entity described in section 104 of title 5, United States Code.

"(2) RETENTION OF EXISTING BOARD MEMBERS.—The members of the Broadcasting Board of Governors appointed by the President pursuant to subsection (b)(1)(A) before the effective date of the Foreign Affairs Agencies Consolidation Act of 1997 and holding office as of that date shall serve the remainder of their terms of office without reappointment.

"(3) ESTABLISHMENT OF INSPECTOR GENERAL OF BROADCASTING BOARD OF GOVERNORS.—There shall be established an Inspector General of the Broadcasting Board of Governors.

"(4) INSPECTOR GENERAL AUTHORITIES.—The Inspector General of the Broadcasting Board of Governors shall exercise the same authorities with respect to the Broadcasting Board of Governors as the Inspector General of the Department of State and the Foreign Service exercises under section 209 of the Foreign Service Act of 1980 with respect to the Department of State. The Inspector General of the Broadcasting Board of Governors, in carrying out the functions of the Inspector General, shall respect the professional independence and integrity of all the broadcasters covered by this title.".

SEC. 323. CONFORMING AMENDMENTS TO THE UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994.

(a) REFERENCES IN 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 International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.).

(b) SUBSTITUTION OF UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.—Sections 304(b)(1)(B), 304(b) (2) and (3), 304(c), 304(e), 305(c), and 306 (22 U.S.C. 6203(b)(1)(B), 6203(b) (2) and (3), 6203(c), 6203(e), 6204(c), and 6205) are amended by striking "Director of the United States Information Agency" each place it appears and inserting "Under Secretary of State for Public Diplomacy".

(c) SUBSTITUTION OF ACTING UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.—Section 304(c) (22 U.S.C. 6203(c)) is amended by striking "acting Director of the agency" and inserting "Acting Under Secretary of State for Public Diplomacy".

(d) STANDARDS AND PRINCIPLES OF INTERNATIONAL BROADCASTING.—Section 303 (22 U.S.C. 6202) is amended—

(1) in paragraph (3), by inserting ", including editorials, broadcast by the Voice of America, which present the views of the United States Government" after "policies";

(2) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively; and

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

"(4) the capability to provide a surge capacity to support United States foreign policy objectives during crises abroad;";

(e) AUTHORITIES OF THE BOARD.—Section 305(a) (22 U.S.C. 6204(a)) is amended—

(1) in paragraph (1), by striking "direct and";

(2) in paragraph (4), by inserting ", after consultation with the Secretary of State," after "annually,";

(3) in paragraph (9), by striking ", through the Director of the United States Information Agency,";

(4) in paragraph (12)—

(A) by striking "1994 and 1995" and inserting "1998 and 1999"; and

(B) by striking "to the Board for International Broadcasting for such purposes for fiscal year 1993" and inserting "to the Board and the International Broadcasting Bureau for such purposes for fiscal year 1997"; and

(5) by adding at the end the following new paragraphs:

"(15)(A) To procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for positions classified above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code.

"(B) To allow those providing such services, while away from their homes or their regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

"(16) To receive donations, bequests, devises, gifts, and other forms of contributions of cash, services, and other property, from persons, corporations, foundations, and all other groups and entities both within the United States and abroad, and, pursuant to the Federal Property and Administrative Services Act of 1949, to use, sell, or otherwise dispose of such property for the carrying out of its functions. For the purposes of sections 170, 2055, and 2522 of the Internal Revenue Code of 1986 (26 U.S.C. 170, 2055, or 2522), the Board shall be deemed to be a corporation described in section 170(c)(2), 2055(a)(2), or 2522(a)(2) of the Code, as the case may be.".

(f) BROADCASTING BUDGETS.—Section 305(b)(1) (22 U.S.C. 6204(b)(1)) is amended—

(1) by striking "(1)" before "The Director"; and

(2) by striking "the Director of the United States Information Agency for the consideration of the Director as a part of the Agency's budget submission to".

(g) REPEAL.—Section 305(b)(2) (22 U.S.C. 6204(b)(2)) is repealed.

(h) IMPLEMENTATION.—Section 305(c) (22 U.S.C. 6204(c)) is amended—

(1) by striking "Director of the United States Information Agency and the"; and

(2) by striking "their" and inserting "its".

(i) FOREIGN POLICY GUIDANCE.—Section 306 (22 U.S.C. 6205) is amended by inserting before the period at the end the following: ", as the Secretary may deem appropriate".

(j) INTERNATIONAL BROADCASTING BUREAU.—Section 307 (22 U.S.C. 6206) is amended—

(1) in subsection (a), by striking "within the United States Information Agency" and inserting "under the Board";

(2) in subsection (b)(1), by striking "Chairman of the Board, in consultation with the Director of the United States Information Agency and with the concurrence of a majority of the Board" and inserting "President, by and with the advice and consent of the Senate"; and

(3) by redesignating subsection (b)(1) as subsection (b).

(k) REPEALS.—The following provisions of law are repealed:

(1) Subsections (k) and (l) of section 308 (22 U.S.C. 6207(k).

(2) Section 310 (22 U.S.C. 6209).

(l) ADDITIONAL REFERENCE TO DIRECTOR OF USIA.—Section 311 (22 U.S.C. 6210) is amended by striking "the Director of the United States Information Agency and".

SEC. 324. AMENDMENTS TO THE RADIO BROADCASTING TO CUBA ACT.

The Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.) is amended—

(1) by striking "United States Information Agency" each place it appears and inserting "Broadcasting Board of Governors";

(2) by striking "Agency" each place it appears and inserting "Board";

(3) by striking "the Director of the United States Information Agency" each place it appears and inserting "the Chairman of the Broadcasting Board of Governors";

(4) in section 4 (22 U.S.C. 1465b), by striking "the Director of the Voice of America" and inserting "the International Broadcasting Bureau"; and

(5) by striking any other reference to "Director" not amended by paragraph (3) each place it appears and inserting "Chairman".

SEC. 325. AMENDMENTS TO THE TELEVISION BROADCASTING TO CUBA ACT.

The Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.) is amended—

(1) by striking "United States Information Agency" and inserting "Broadcasting Board of Governors" each place it appears;

(2) by striking "Agency" and inserting "Board" each place it appears;

(3) by striking "Director of the United States Information Agency" each place it appears and inserting "Chairman of the Broadcasting Board of Governors";

(4) in section 244a. (22 U.S.C. 1465cc(a)), by striking "the Director of the Voice of America" and inserting "the International Broadcasting Bureau"; and

(5) by striking any other reference to "Director" not amended by paragraph (3) or (4) each place it appears and inserting "Chairman".

SEC. 326. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which 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 exercised by the Broadcasting Board of Governors of the United States Information Agency on the day before the effective date of this chapter, and

(2) which are in effect at the time this chapter takes effect, or were final before the effective date of this chapter and are to become effective on or after the effective date of this chapter,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Broadcasting Board of Governors, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this chapter, or amendments made by this chapter, shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Broadcasting Board of Governors of the United States Information Agency at the time this chapter takes effect, with respect to functions exercised by the Board as of the effective date of this chapter but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this chapter had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection 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 chapter had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this chapter, and amendments made by this chapter, shall not affect suits commenced before the effective date of this chapter, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this chapter had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Board, or by or against any individual in the official capacity of such individual as an officer of the Board, shall abate by reason of the enactment of this chapter.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Board relating to a function exercised by the Board before the effective date of this chapter may be continued by the Board with the same effect as if this chapter had not been enacted.

(f) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Broadcasting Board of Governors of the United States Information Agency with regard to functions exercised before the effective date of this chapter, shall be deemed to refer to the Board.

SEC. 327. REPORT ON THE PRIVATIZATION OF RFE/RL, INCORPORATED.

(a) FINDINGS.—Congress makes the following findings:

(1) The Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, set a limitation on the operating costs of RFE/RL, Incorporated, at $75,000,000 for any fiscal year after fiscal year 1995.

(2) Section 312(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, expressed the sense of Congress that, in furtherance of the objectives of section 302 of that Act, the funding of RFE/RL, Incorporated, should be assumed by the private sector not later than December 31, 1999.

(3) The conference report on the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (House Report 103–482) noted that "The committee on the conference expects that the Broadcasting Board of Governors will do everything possible, within available resources, to support this privatization effort".

(b) DECLARATION OF POLICY.—It is the sense of Congress that RFE/RL, Incorporated, should act in accordance with subsection (a)(2), that is, that the United States Government should cease Federal support for RFE/RL, Incorporated, prior to December 31, 1999.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act and every 180 days thereafter, the President acting through the Chairman of the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report on the progress of the Board and of RFE/RL, Incorporated, in implementing section 312(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995. The report under this subsection shall include the following:

(1) Efforts by RFE/RL, Incorporated, to terminate individual language services.

(2) A detailed description of steps taken to comply with subsection (a)(2).

(3) An analysis of prospects for privatization over the coming year.

(d) DEFINITIONS.—In this section, the term "the Board" means the Broadcasting Board of Governors.

CHAPTER 4—CONFORMING AMENDMENTS

SEC. 331. 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 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, except as otherwise provided by this division.

SEC. 332. 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—

(A) by striking "Deputy Director of the United States Information Agency."; and

(B) by adding at the end the following:

"Director of the International Broadcasting Bureau."; 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. 333. 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".

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) October 1, 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 AND TRANSFER OF FUNCTIONS

SEC. 411. ABOLITION OF UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY.

(a) IN GENERAL.—Except for the components described in subsection (b), the United States International Development Cooperation Agency (including the Institute for Scientific and Technological Cooperation) is abolished.

(b) OPIC AND AID EXEMPTED.—Subsection (a) does not apply to the Agency for International Development or the Overseas Private Investment Corporation.

SEC. 412. TRANSFER OF FUNCTIONS.

(a) TO THE SECRETARY OF STATE.—There are transferred to the Secretary of State the functions of the Director of the United States International Development Cooperation Agency and of the United States International Development Cooperation Agency, as of the day before the effective date of this title, in allocating the funds described in subsection (d).

(b) WITH RESPECT TO THE OVERSEAS PRIVATE INVESTMENT CORPORATION.—There are transferred to the Administrator of the Agency for International Development all functions of the Director of the United States International Development Cooperation Agency as of the day before the effective date of this title with respect to the Overseas Private Investment Corporation.

(c) TO ANOTHER AGENCY OR AGENCIES.—

(1) PURSUANT TO A REORGANIZATION PLAN.—Except as provided in paragraph (2), there are transferred to such agency or agencies as may be specified in the reorganization plan transmitted under section 601 all functions not transferred under subsection (a) of the Director of the United States International Development Cooperation Agency and the United States International Development Cooperation Agency as of the day before the effective date of this title.

(2) FAILURE TO SUBMIT A REORGANIZATION PLAN.—In the event that the President fails to submit a reorganization plan under section 601, all functions not transferred under subsection (a) or (b) of the Director of the United States International Development Cooperation Agency and the United States International Development Cooperation Agency as of the day before the effective date of this title shall be transferred to the Secretary of State.

(d) ALLOCATION OF FUNDS.—Funds under the categories of assistance deemed allocated to the Director of the International Development Cooperation Agency under section 1–801 of Executive Order No. 12163 (22 U.S.C. 2381 note) as of the day before the effective date of this title shall be deemed allocated to the Secretary of State on and after that date without further action by the President.

SEC. 413. STATUS OF AID.

(a) IN GENERAL.—Unless abolished pursuant to the reorganization plan submitted under section 601, and except as provided in section 412, there is within the Executive branch of Government the United States Agency for International Development as an entity described in section 104 of title 5, United States Code.

(b) RETENTION OF OFFICERS.—Nothing in this section shall require the reappointment of any officer of the United States serving in the Agency for International Development of the United States International Development Cooperation Agency as of the day before the effective date of this title.

(c) UTILIZATION OF THE FOREIGN SERVICE PERSONNEL SYSTEM.—Section 202(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3922(a)(1)) is amended to read as follows:

"(a)(1) The Administrator of the United States Agency for International Development may utilize the Foreign Service personnel system with respect to the Agency in accordance with this Act.".

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 421. REFERENCES.

Except as otherwise provided in this title, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the Director or any other officer or employee of the United States International Development Cooperation Agency (IDCA) or the Agency—

(1) insofar as such references relate to functions transferred under section 412(a), shall be deemed to refer to the Secretary of State;

(2) insofar as such references relate to functions transferred under section 412(b), shall be deemed to refer to the Administrator of the Agency for International Development; and

(3) insofar as such references relate to functions transferred under section 412(c), shall be deemed to refer to such agency or agencies as may be specified in the reorganization plan submitted under section 601.

SEC. 422. CONFORMING AMENDMENTS.

The following shall cease to be effective:

(1) Reorganization Plan Numbered 2 of 1979 (5 U.S.C. App.).

(2) Section 1–101 through 1–103, sections 1–401 through 1–403, section 1–801(a), and such other provisions that relate to the United States International Development Cooperation Agency or the Director of such Agency, of Executive Order No. 12163 (22 U.S.C. 2381 note; relating to administration of foreign assistance and related functions).

(3) The International Development Cooperation Agency Delegation of Authority Numbered 1 (44 Fed. Reg. 57521), except for section 1–6 of such Delegation of Authority.

(4) Section 3 of Executive Order No. 12884 (58 Fed. Reg. 64099; relating to the delegation of functions under the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, the Foreign Assistance Act of 1961, the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1993, and section 301 of title 3, United States Code).

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) October 1, 1998; or

(2) the date of reorganization of the Agency for International Development pursuant to the reorganization plan described in section 601.

CHAPTER 2—REORGANIZATION 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) Press and public affairs.

(2) Legislative affairs.

CHAPTER 3—AUTHORITIES OF THE SECRETARY OF STATE

SEC. 521. DEFINITION OF UNITED STATES ASSISTANCE.

In this chapter, the term "United States assistance" means development and other economic assistance, including assistance made available under the following provisions of law:

(1) Chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance).

(2) Chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund).

(3) Chapter 10 of part I of the Foreign Assistance Act of 1961 (relating to the Development Fund for Africa).

(4) Chapter 11 of part I of the Foreign Assistance Act of 1961 (relating to assistance for the independent states of the former Soviet Union).

(5) The Support for East European Democracy Act (22 U.S.C. 5401 et seq.).

(6) The FREEDOM Support Act (22 U.S.C. 5801 et seq.).

SEC. 522. PLACEMENT OF ADMINISTRATOR OF AID UNDER THE DIRECT AUTHORITY OF THE SECRETARY OF STATE.

The Administrator of the Agency for International Development, appointed pursuant to section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)), shall serve under the direct authority of the Secretary of State.

SEC. 523. ASSISTANCE PROGRAMS COORDINATION, IMPLEMENTATION, AND OVERSIGHT.

(a) AUTHORITY OF THE SECRETARY OF STATE.—

(1) IN GENERAL.—Under the direction of the President, the Secretary of State shall coordinate all programs, projects, and activities of United States assistance in accordance with this section, except as provided in paragraphs (2) and (3).

(2) EXPORT PROMOTION ACTIVITIES.—Coordination of activities relating to promotion of exports of United States goods and services shall continue to be primarily the responsibility of the Secretary of Commerce.

(3) INTERNATIONAL ECONOMIC ACTIVITIES.—Coordination of activities relating to United States participation in international financial institutions and relating to organization of multilateral efforts aimed at currency stabilization, currency convertibility, debt reduction, and comprehensive economic reform programs shall continue to be primarily the responsibility of the Secretary of the Treasury.

(4) RELATION TO EXISTING LAW.—The responsibilities of the Secretary of State under this section are in addition to responsibilities of the Secretary under section 622(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2382(c)).

(b) COORDINATION ACTIVITIES.—Coordination activities of the Secretary of State under subsection (a) shall include—

(1) designing an overall assistance and economic cooperation strategy;

(2) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in the Foreign Assistance Act of 1961, the Arms Export Control Act, and other relevant assistance Acts;

(3) pursuing coordination with other countries and international organizations;

(4) ensuring proper management, implementation, and oversight by agencies responsible for assistance programs; and

(5) resolving policy, program, and funding disputes among United States Government agencies.

(c) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to lessen the accountability of any Federal agency administering any program, project, or activity of United States assistance for any funds made available to the agency for that purpose.

(d) AUTHORITY TO PROVIDE PERSONNEL OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.—The Administrator of the Agency for International Development shall, upon request, detail to the Department of State on a nonreimbursable basis such personnel employed by

the Agency as the Secretary of State may require to carry out this section.

SEC. 524. SENSE OF THE SENATE REGARDING APPORTIONMENT OF CERTAIN FUNDS TO THE SECRETARY OF STATE.

It is the sense of the Senate that the Director of the Office of Management and Budget should apportion United States assistance funds appropriated to the President under major functional budget category 150 (relating to international affairs) to the Secretary of State in lieu of the apportionment of those funds to the head of any other Federal agency.

TITLE VI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN

SEC. 601. REORGANIZATION PLAN.

(a) SUBMISSION OF PLAN.—Not later than October 1, 1997, or the date that is 15 days after 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 section 511;

(3) with respect to the United States Information Agency, the transfer of certain functions of the Agency to the Department in accordance with section 313;

(4) 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;

(5) the transfer to the Department of the functions and personnel of each agency consistent with the provisions of this division; and

(6) 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:

(1) The United States Arms Control and Disarmament Agency.

(2) The United States Information Agency.

(3) The United States International Development Cooperation Agency.

(4) 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 number of personnel and number of 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 number of personnel and number of 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 steps to be taken by the Secretary of State to reorganize internally the functions of the Department, including the consolidation of offices and functions, that will be required under the plan in order to permit the Department to carry out the functions transferred to it 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;

(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; and

(8) recommend legislation necessary to carry out changes made by this division relating to personnel and to incidental transfers.

(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) may provide for the abolition of the Agency for International Development and the transfer of all its functions to the Department of State; or

(2) in lieu of the abolition and transfer of functions under paragraph (1)—

(A) shall provide for the transfer to and consolidation within the Department of the functions of the agency set forth in section 511; and

(B) may provide for additional consolidation, reorganization, and streamlining of the Agency, including—

(i) the termination of functions and reductions in personnel of the Agency;

(ii) the transfer of functions of the Agency, and the personnel associated with such functions, to the Department; and

(iii) 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) IN GENERAL.—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 the date for the respective agency specified in paragraph (2) or the date announced by the President under paragraph (3).

(2) STATUTORY EFFECTIVE DATES.—The effective dates under this paragraph for the reorganization plan described in this section are the following:

(A) October 1, 1998, with respect to functions of the Agency for International Development described in section 511.

(B) October 1, 1998, with respect to functions of the United States Information Agency described in section 313.

(C) October 1, 1998, with respect to the abolition of the United States Arms Control and Disarmament Agency and the United States International Development Cooperation Agency.

(D) October 1, 1999, with respect to the abolition of the United States Information Agency (other than as described in subparagraph (B)).

(3) EFFECTIVE DATE BY PRESIDENTIAL DETERMINATION.—An effective date under this paragraph for a reorganization plan described in this section is 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).

(4) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to require the transfer of functions, personnel, records, balance of appropriations, or other assets of an agency on a single date.

(5) SUPERSEDES EXISTING LAW.—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.

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. 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) NONABATEMENT 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. 615. 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. 616. 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. 617. FINAL REPORT.

Not later than January 1, 2000, 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.

TITLE VII—FUNCTIONS, CONDUCT, AND STRUCTURE OF UNITED STATES FOREIGN POLICY FOR THE 21ST CENTURY.

SEC. 701. FINDINGS.

Congress makes the following findings:

(1) The United States has prevailed after a half-century of Cold War and must now redesign diplomacy to meet the different challenges of a new and changed international context.

(2) The security of the United States requires that the United States maintain an effective, professional diplomacy, working in concert with the national intelligence and defense forces of the United States.

(3) With modern communications and accelerating technological change, the world is ever more interdependent.

(4) Because 30 percent of the United States gross domestic product is trade-related and every one billion dollars of United States exports represents 20,000 American jobs, national prosperity requires assured access to foreign markets and our diplomacy promotes and defends that access.

(5) American consumers and American industry count upon the availability of foreign goods and raw materials.

(6) The new international agenda includes the following pressing issues, which the Cold War diplomatic structure of the United States is not framed to address adequately: intellectual property rights, refugee migrations, runaway immigration, ethnic conflict, narcotics, international terrorism, epidemic disease, human rights, the advancement of democracy and of market economic systems in developing countries, and a hospitable natural environment.

(7) The United States, as the one remaining global power, must provide global leadership to address these issues that affect Americans.

(8) It is in the national interest to review the functions, conduct, and structure of United States foreign policy for the 21st century.

SEC. 702. ESTABLISHMENT.

There is established a commission to be known as the Commission on the Functions, Conduct, and Structure of United States Foreign Policy for the 21st Century (in this title referred to as the "Commission").

SEC. 703. COMPOSITION AND QUALIFICATIONS.

(a) MEMBERSHIP.—The Commission shall be composed of 9 members who shall be United States citizens who have substantial experience with and expertise in the operations of the foreign affairs agencies of the Federal Government, to be selected as follows:

(1) Five members shall be appointed by the President, at least 3 of whom shall have held senior positions in at least 1 foreign affairs agency of the Federal Government, except that not more than 3 members may be appointed from the same political party.

(2) One member shall be appointed by the Majority Leader of the Senate.

(3) One member shall be appointed by the Minority Leader of the Senate.

(4) One member shall be appointed by the Speaker of the House of Representatives.

(5) One member shall be appointed by the Minority Leader of the House of Representatives.

(b) CHAIR AND VICE CHAIR.—The President shall designate, in consultation with the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives, 2 of the members of the Commission to serve as Chair and Vice Chair, respectively.

(c) PERIOD OF APPOINTMENT, VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled expeditiously in the same manner as the original appointment.

(d) DEADLINE FOR APPOINTMENTS.—The appointments required by subsection (a) shall, to the extent practicable, be made within 30 days after the date of enactment of this Act.

(e) MEETINGS.—

(1) FREQUENCY OF MEETINGS.—The Commission shall meet upon request of the Chair but not less than once every 2 months for the duration of the Commission.

(2) FIRST MEETING.—The Commission shall hold its first meeting not later than 2 months after the date of enactment of this Act.

(f) QUORUM.—Five members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings, take testimony, or receive evidence.

(g) SECURITY CLEARANCES.—Appropriate security clearances shall be required for members of the Commission. Such clearances shall be processed and completed on an expedited basis by appropriate elements of the executive branch of Government and shall, in any case, be completed within 60 days after the date such members are appointed.

SEC. 704. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Commission—

(1) to review the functions required of United States foreign policy to assure continued United States global leadership in the 21st century;

(2) to assess the effectiveness and adequacy of the current structures, procedures, and priorities of foreign policy decisionmaking and management, and, if necessary, to consider alternatives;

(3) to evaluate the general level and apportionment of resources necessary to promote United States interests, values, and principles abroad and to assess the contribution of diplomatic functions to the national security of the United States; and

(4) to submit reports and recommendations as described in section 705.

(b) IMPLEMENTATION.—In carrying out subsection (a), the Commission shall consult with appropriate officers of the executive branch of Government and appropriate Members of Congress and shall specifically consider the following:

(1) What should be the operating principles and functions of the foreign affairs bureaucracies of the United States?

(2) Is the apparatus for formulating and executing the foreign affairs policies of the United States organized most effectively to achieve its aims, particularly with respect to the nonmilitary aspects of the President's national security strategy?

(3) What are the implications for the functions, resources, and structures of the foreign affairs agencies of the United States of fundamental changes in the international environment, especially advances in information technology, economic interdependence, and the emergence of rival countries or interests?

(4) Is the overseas representation of the United States Government of adequate size, properly distributed, and supported with sufficient resources to advocate effectively the national interests, values, and principles of the United States?

(5) Are the foreign affairs agencies structured to best advance the national interests, values, and principles of the United States?

(6) Do the current personnel systems of the foreign affairs agencies produce individuals trained and supported in the skills necessary to project American leadership abroad in the 21st century?

(7) What level and allocation among foreign affairs agencies and functions of resources are necessary to promote effectively United States national interests, values, and principles?

(8) What is the rationale, mission, and mechanism for delivering foreign assistance? Could such resources be better managed and delivered through private entities or other organizations?

(9) How should multilateral institutions, coalition building, and unilateral actions be used to promote American national interests, values, and principles abroad? What is the most effective way to coordinate the foreign policy interests of special interest groups, including nongovernmental organizations?

(10) How should coordination be improved and resources be allocated between all the United States foreign affairs agencies?

(11) What is the appropriate mechanism for determining the appropriate level of representation overseas of each department or agency of the United States?

(12) What is the appropriate mechanism to foster cooperation and coordination between the Department of the State and all departments or agencies of the United States abroad?

(13) How can consultation and cooperation be improved between the executive and legislative branches of Government in the formulation, execution, and evaluation of American foreign policy interests so that the United States can maximize its international effectiveness and speak with a strong voice on vital American interests, values, and principles?

SEC. 705. COMMISSION REPORTS.

(a) INITIAL REPORT.—Not later than 2 months after the date of enactment of this Act, the Commission shall transmit to Congress, the President, and the Secretary of State a report describing its plan to carry out the work of the Commission.

(b) PRELIMINARY REPORT.—Before the submission of the report required by subsection (c), but not later than 6 months after the date of enactment of this Act, the Commission shall submit a report to the Secretary of State a report on its preliminary findings and recommendations.

(c) FINAL REPORT ON FINDINGS AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Commission shall submit to the President, the Secretary of State, and Congress a report describing the activities, findings, and recommendations of the Commission.

(2) LEGISLATIVE RECOMMENDATIONS.—In addition to the requirements of paragraph (1), the report shall make recommendations that may be implemented through the enactment of legislation or the issuance of an Executive order, as appropriate.

(d) INTERIM REPORTS ON IMPLEMENTATION.—The Commission shall submit to the President, the Secretary of State, and Congress such interim reports on the status of implementation of recommendations as it deems necessary and appropriate.

(e) EVALUATION OF IMPLEMENTATION.—The members of the Commission shall make themselves available to relevant committees of Congress to discuss their views of the implementation of recommendations and proposals submitted by the Secretary of State in compliance with the provisions of this title.

SEC. 706. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel of members of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel considers advisable.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this section. Upon the request of the Chair of the Commission, the head of any such department or agency shall furnish such information expeditiously to the Commission.

(c) POSTAL, PRINTING, AND BINDING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The action of each panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved as such by the Commission.

(e) AUTHORITY OF INDIVIDUALS TO ACT FOR THE COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 707. PERSONNEL.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is a private United States citizen shall be compensated at a level not greater than the daily equivalent of the annual rate of basic pay payable for level III of the Executive Schedule under section 5317 of title 5, United States Code, for each full day (including travel time) during which the member is engaged in the performance of the duties of the Commission. Any member of the Commission who is already a Government employee shall continue to be paid at the same rate by the employing department or agency on a nonreimbursable basis.

(b) TRAVEL EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 58 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chair of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive services, appoint a staff director, subject to the approval of the Commission, and such additional personnel as necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—The Chair of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level III of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS-15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Chair of the Commission, the head of any Federal department or agency is authorized and encouraged to detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its functions.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chair of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5316 of such title.

(f) ADMINISTRATIVE AND SUPPORT SERVICES.—The Secretary of State may furnish the Commission any administrative and support services requested by the Commission consistent with this title. The Department of State shall be reimbursed for any costs for these services by other appropriate Federal departments and agencies on a basis consistent with worldwide levels of international cooperative administrative support system participation and funding.

SEC. 708. PAYMENT OF COMMISSION EXPENSES.

The compensation, travel expenses, and per diem allowances of members and employees of the Commission, and other expenses of the Commission shall be paid out of funds appropriated by Congress.

SEC. 709. TERMINATION.

The Commission shall terminate upon submission of the final report on findings and recommendations, section 705(c), except as provided for in section 705(e).

SEC. 710. EXECUTIVE BRANCH ACTION.

(a) SECRETARY OF STATE'S REVIEW.—Promptly after the date of enactment of this Act, the Secretary of State, in consultation with the heads of all other affected Federal departments and agencies, shall initiate a review of the functions, conduct, and structure of United States foreign relations in the same manner and to the same extent as the review conducted by the Commission under section 704.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Secretary may secure directly from any Federal department or agency information necessary to carry out the responsibilities under this section. Upon the request of the Secretary, the head of any such department or agency shall furnish such information expeditiously.

(c) INITIAL REPORT.—Not later than 2 months after the date of enactment of this Act, the Secretary of State, in consultation with the heads of all other affected departments and agencies, shall transmit to Congress a report describing the plan of the Secretary of State to carry out the review.

(d) PRELIMINARY REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of State, in consultation with the heads of all other affected departments and agencies, shall submit to the Commission a report of preliminary findings and recommendations.

(e) FINAL REPORT ON FINDINGS AND PROPOSALS.—Not later than 18 months after the date of enactment of this Act, the Secretary of State, in consultation with the heads of all other affected foreign affairs agencies, shall submit to Congress a report describing the activities and findings of the Secretary's review and shall include specific proposals for recommended reforms, including those requiring legislative action or Executive order. The report shall respond to, and wherever appropriate, incorporate the findings and recommendations of the Commission as described in section 705(c).

SEC. 711. ANNUAL FOREIGN AFFAIRS STRATEGY REPORT.

Not later than 1 year after the date of enactment of this Act, and on an annual basis thereafter, the Secretary of State, consistent with section 306 of title 5, and section 1115 of title 31, United States Code, and in consultation with the heads of all other foreign affairs agencies, shall submit to Congress in both classified and unclassified versions an annual national foreign relations strategy report describing the priorities and resources required to advance successfully the national interests, values, and principles of the United States.

SEC. 712. DEFINITION OF FOREIGN AFFAIRS AGENCIES.

In this title, the term "foreign affairs agencies" includes the following:

(1) The Department of State.

(2) The United States Agency for International Development.

(3) The United States Information Agency.

(4) The United States Arms Control and Disarmament Agency.

(5) The Overseas Private Investment Corporation.

(6) Appropriate elements of the Department of the Treasury.

(7) Appropriate elements of the Department of Defense.

(8) Appropriate elements of the Department of Justice (including the Drug Enforcement Administration and the Federal Bureau of Investigation).

(9) Appropriate elements of the Department of Agriculture.

(10) Office of the United States Trade Representative.

(11) The National Security Council staff.

(12) The Trade and Development Agency.

(13) Appropriate elements of the Department of Commerce.

DIVISION B—FOREIGN RELATIONS AUTHORIZATION

TITLE X—GENERAL PROVISIONS

SEC. 1001. SHORT TITLE.

This division may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1998 and 1999".

SEC. 1002. DEFINITION.

In this division, the term "appropriate congressional committees" means the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives.

TITLE XI—DEPARTMENT OF STATE AND RELATED AGENCIES

CHAPTER 1—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 1101. AUTHORIZATIONS OF APPROPRIATIONS FOR 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, $1,746,977,000 for the fiscal year 1998, and $1,764,447,000 for the fiscal year 1999.

(2) SALARIES AND EXPENSES.—For "Salaries and Expenses" of the Department of State, $363,513,000 for the fiscal year 1998, and $367,148,000 for the fiscal year 1999.

(3) SECURITY AND MAINTENANCE OF BUILDINGS ABROAD.—For "Security and Maintenance of Buildings Abroad", $373,081,000 for the fiscal year 1998, and $376,811,000 for the fiscal year 1999.

(4) CAPITAL INVESTMENT FUND.—For the "Capital Investment Fund" of the Department of the State, $64,600,000 for the fiscal year 1998, and $64,600,000 for the fiscal year 1999.

(5) REPRESENTATION ALLOWANCES.—For "Representation Allowances", $4,100,000 for the fiscal year 1998, and $4,100,000 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 year 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 $14,600,000 for the fiscal year 1999.

(9) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—(A) For "Protection of Foreign Missions and Officials", $7,900,000 for the fiscal year 1998, and $8,000,000 for the fiscal year 1999.

(B) Each amount appropriated pursuant to this paragraph is authorized to remain available for two fiscal years.

(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. MIGRATION AND REFUGEE ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities, $650,000,000 for the fiscal year 1998, and $650,000,000 for the fiscal year 1999.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to subsection (a) are authorized to remain available until expended.

SEC. 1103. ASIA FOUNDATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of State to make grants to "The Asia Foundation", pursuant to The Asia Foundation Act (title IV of Public Law 98–164), $8,000,000 for the fiscal year 1998, and $8,000,000 for the fiscal year 1999.

(b) CONFORMING AMENDMENT.—The first sentence of section 403(a) of The Asia Foundation Act (22 U.S.C. 4402) is amended by striking "with" and all that follows through "404".

CHAPTER 2—AUTHORITIES AND ACTIVITIES

SEC. 1121. REDUCTION IN REQUIRED REPORTS.

(a) AMENDMENT AND REPEALS.—

(1) AMENDMENT.—Section 40(g)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2712(g)(2)) is amended by striking "six months" and inserting "12 months".

(2) REPEALS.—The following provisions of law are repealed:

(A) The second sentence of section 161(c) of the Foreign Relations Authorization Act, Fiscal Year 1990 and 1991 (22 U.S.C. 4171 note).

(B) Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)).

(C) Section 705(c) of the International Security and Development Cooperation Act of 1985 (Public Law 99–83).

(D) Section 123(e)(2) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93).

(E) Section 203(c) of the Special Foreign Assistance Act of 1986 (Public Law 99–529).

(F) Sections 5 and 6 of the Act entitled "An Act providing for the implementation of the International Sugar Agreement, 1977, and for other purposes" (Public Law 96–236; 7 U.S.C. 3605 and 3606).

(G) Section 514 of the Foreign Assistance and Related Programs Appropriations Act, 1982 (Public Law 97–121).

(H) Section 209 (c) and (d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204).

(I) Section 228(b) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138; 22 U.S.C. 2452 note).

(b) PROGRESS TOWARD REGIONAL NONPROLIFERATION.—Section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c); relating to periodic reports on progress toward regional nonproliferation) is amended by striking "Not later than April 1, 1993 and every six months thereafter," and inserting "Not later than April 1 of each year,".

(c) REPORT ON OVERSEAS VOTER PARTICIPATION.—Section 101(b)(6) of the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (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,".

SEC. 1122. AUTHORITY OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION.

Section 4(a) of the International Claims Settlement Act of 1949 (22 U.S.C. 1623) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in the first sentence, by striking "(a) The" and all that follows through the period and inserting the following:

"(a)(1) The Commission shall have jurisdiction to receive, examine, adjudicate, and render final decisions with respect to claims of the Government of the United States and of nationals of the United States—

"(A) included within the terms of the Yugoslav Claims Agreement of 1948;

"(B) included within the terms of any claims agreement concluded on or after March 10, 1954, between the Government of the United States and a foreign government (exclusive of governments against which the United States declared the existence of a state of war during World War II) similarly providing for the settlement and discharge of claims of the Government of the United States and of nationals of the United States against a foreign government, arising out of the nationalization or other taking of property, by the agreement of the Government of the United States to accept from that government a sum in en bloc settlement thereof; or

"(C) included in a category of claims against a foreign government which is referred to the Commission by the Secretary of State."; and

(3) by redesignating the second sentence as paragraph (2).

SEC. 1123. PROCUREMENT OF SERVICES.

Section 38(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710(c)) is amended by inserting "personal or" before "other support services".

SEC. 1124. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end 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 Department of State diplomatic reception rooms to recover the costs of such use. Fees 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. The Secretary shall, at the time of the submission of the budget pursuant to section 1105 of title 31, United States Code, submit a report to Congress describing each such transaction.".

SEC. 1125. PROHIBITION ON JUDICIAL REVIEW OF DEPARTMENT OF STATE COUNTERTERRORISM AND NARCOTICS-RELATED REWARDS PROGRAM.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) in subsection (a)(1), by inserting ", in the sole discretion of the Secretary," after "rewards may be paid";

(2) by redesignating subsection (i) as subsection (j); and

(3) by inserting after subsection (h) the following:

"(i) JUDICIAL REVIEW.—A determination made by the Secretary of State under this section shall be final and conclusive and shall not be subject to judicial review.".

SEC. 1126. 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 at the end the following:

"(4) 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.—

(1) IN GENERAL.—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:

(A) 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 United States Arms Control and Disarmament Agency.

(B) 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.

(2) EXCLUSION.—Disclosure of information to the public under this section does not include information shared by an employee of the Inspector General Office with Members of Congress.

SEC. 1127. REAFFIRMING UNITED STATES INTERNATIONAL TELECOMMUNICATIONS POLICY.

(a) PROCUREMENT POLICY.—It is the policy of the United States to foster and support procurement of goods and services from private, commercial companies.

(b) IMPLEMENTATION.—In order to achieve the policy set forth in subsection (a), the Diplomatic Telecommunications Service Program Office (DTS-PO) shall—

(1) utilize full and open competition in the procurement of telecommunications services, including satellite space segment, for the Department of State and each other Federal entity represented at United States diplomatic missions and consular ports overseas;

(2) make every effort to ensure and promote the participation of commercial private sector providers of satellite space segment who have no ownership or other connection with an intergovernmental satellite organization; and

(3) implement the competitive procedures required by paragraphs (1) and (2) at the prime contracting level and, to the greatest extent practicable, the subcontracting level.

SEC. 1128. COUNTERDRUG AND ANTI-CRIME ACTIVITIES OF THE DEPARTMENT OF STATE.

(a) COUNTERDRUG AND LAW ENFORCEMENT STRATEGY.—

(1) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall establish, implement, and submit to Congress a comprehensive, long-term strategy to carry out the counterdrug responsibilities of the Department of State in a manner consistent with the National Drug Control Strategy. The strategy shall involve all elements of the Department in the United States and abroad.

(2) OBJECTIVES.—In establishing the strategy, the Secretary shall—

(A) coordinate with the Office of National Drug Control Policy in the development of clear, specific, and measurable counterdrug objectives for the Department that support the goals and objectives of the National Drug Control Strategy;

(B) develop specific, and to the maximum extent practicable, quantifiable measures of performance relating to the objectives, including annual and long-term measures of performance, for purposes of assessing the success of the Department in meeting the objectives;

(C) assign responsibilities for meeting the objectives to appropriate elements of the Department;

(D) develop an operational structure within the Department that minimizes impediments to meeting the objectives;

(E) ensure that every United States ambassador or chief of mission is fully briefed on the strategy and works to achieve the objectives; and

(F) ensure that all budgetary requests and transfers of equipment (including the financing of foreign military sales and the transfer of excess defense articles) relating to international counterdrug efforts conforms to meet the objectives.

(3) REPORTS.—Not later than February 15 each year, the Secretary shall submit to Congress an update of the strategy submitted under paragraph (1). The update shall include an outline of the proposed activities with respect to the strategy during the succeeding year, including the manner in which such activities will meet the objectives set forth in paragraph (2).

(4) LIMITATION ON DELEGATION.—The Secretary shall designate an official in the Department who reports directly to the Secretary to oversee the implementation of the strategy throughout the Department.

(b) INFORMATION ON INTERNATIONAL CRIMINALS.—

(1) INFORMATION SYSTEM.—The Secretary shall, in consultation with the heads of appropriate United States law enforcement agencies, including the Attorney General and the Secretary of the Treasury, take appropriate actions to establish an information system or improve existing information systems containing comprehensive information on serious crimes committed by foreign nationals. The information system shall be available to United States embassies and missions abroad for use in consideration of applications for visas for entry into the United States.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the actions taken under paragraph (1).

(c) OVERSEAS COORDINATION OF COUNTERDRUG AND ANTI-CRIME PROGRAMS, POLICY, AND ASSISTANCE.—

(1) STRENGTHENING COORDINATION.—The responsibilities of every foreign mission of the United States shall include the strengthening of cooperation between and among the United States and foreign governmental entities and multilateral entities with respect to activities relating to international narcotics and crime.

(2) DESIGNATION OF OFFICERS.—

(A) IN GENERAL.—The chief of mission of every foreign mission shall designate an officer or officers within the mission to carry out the responsibility of the mission under paragraph (1), including the coordination of counterdrug programs, policy, and assistance and law enforcement programs, policy, and assistance. Such officer or officers shall report to the chief of mission, or the designee of the chief of mission, on a regular basis regarding activities undertaken in carrying out such responsibility.

(B) REPORTS.—The chief of mission of every foreign mission shall submit to the Secretary on a regular basis a report on the actions undertaken by the mission to carry out such responsibility.

(3) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the status of any proposals for action or on action undertaken to improve staffing and personnel management at foreign missions in order to carry out the responsibility set forth in paragraph (1).

CHAPTER 3—PERSONNEL

SEC. 1131. ELIMINATION OF POSITION OF 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).

SEC. 1132. RESTRICTION ON LOBBYING ACTIVITIES OF FORMER UNITED STATES CHIEFS OF MISSION.

Section 207(d)(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) in subparagraph (C), by inserting "or" after "title 3,"; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) serves in the position of chief of mission (as defined in section 102(3) of the Foreign Service Act of 1980),".

SEC. 1133. RECOVERY OF COSTS OF HEALTH CARE SERVICES.

(a) AUTHORITIES.—Section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4084) is amended—

(1) in subsection (a)—

(A) by striking "and" before "members of the families of such members and employees"; and

(B) by inserting before the period ", and (for care provided abroad) such other persons as are designated by the Secretary of State, except that such persons shall be considered persons other than covered beneficiaries for purposes of subsections (g) and (h)";

(2) in subsection (d) by inserting ", subject to the provisions of subsections (g) and (h)" before the period; and

(3) by adding the following new subsections at the end:

"(g)(1) In the case of a person who is a covered beneficiary, the Secretary of State is authorized to collect from a third-party payer the reasonable costs incurred by the Department of State on behalf of such person for health care services to the same extent that the covered beneficiary would be eligible to receive reimbursement or indemnification from the third-party payer for such costs.

"(2) If the insurance policy, plan, contract or similar agreement of that third-party payer includes a requirement for a deductible or copayment by the beneficiary of the plan, then the Secretary of State may collect from the third-party payer only the reasonable cost of the care provided less the deductible or copayment amount.

"(3) A covered beneficiary shall not be required to pay any deductible or copayment for health care services under this subsection.

"(4) No provision of any insurance, medical service, or health plan contract or agreement having the effect of excluding from coverage or limiting payment of charges for care in the following circumstances shall operate to prevent collection by the Secretary of State under paragraph (1) for—

"(A) care provided directly or indirectly by a governmental entity;

"(B) care provided to an individual who has not paid a required deductible or copayment; or

"(C) care provided by a provider with which the third party payer has no participation agreement.

"(5) No law of any State, or of any political subdivision of a State, and no provision of any contract or agreement shall operate to prevent or hinder recovery or collection by the United States under this section.

"(6) As to the authority provided in paragraph (1) of this subsection:

"(A) The United States shall be subrogated to any right or claim that the covered beneficiary may have against a third-party payer.

"(B) The United States may institute and prosecute legal proceedings against a third-party payer to enforce a right of the United States under this subsection.

"(C) The Secretary may compromise, settle, or waive a claim of the United States under this subsection.

"(7) The Secretary shall prescribe regulations for the administration of this subsection and subsection (h). Such regulations shall provide for computation of the reasonable cost of health care services.

"(8) Regulations prescribed under this subsection shall provide that medical records of a covered beneficiary receiving health care under this subsection shall be made available for inspection and review by representatives of the payer from which collection by the United States is sought for the sole purposes of permitting the third party to verify—

"(A) that the care or services for which recovery or collection is sought were furnished to the covered beneficiary; and

"(B) that the provision of such care or services to the covered beneficiary meets criteria generally applicable under the health plan contract involved, except that this subsection shall be subject to the provisions of paragraphs (2) and (4).

"(9) Amounts collected under this subsection, under subsection (h), or under any authority referred to in subsection (i), from a third-party payer or from any other payer shall be deposited as an offsetting collection to any Department of State appropriation and shall remain available until expended. Amounts deposited shall be obligated and expended only to the extent and in such amounts as are provided in advance in an appropriation Act.

"(10) In this section:

"(A) The term 'covered beneficiary' means an individual eligible to receive health care under this section whose health care costs are to be paid by a third-party payer under a contractual agreement with such payer.

"(B) The term 'services' as used in 'health care services' includes products.

"(C) The term 'third-party payer' means an entity that provides a fee-for-service insurance policy, contract or similar agreement through the Federal Employees Health Benefit program, under which the expenses of health care services for individuals are paid.

"(h) In the case of a person, other than a covered beneficiary, who receives health care services pursuant to this section, the Secretary of State is authorized to collect from such person the reasonable costs of health care services incurred by the Department of State on behalf of such person. The United States shall have the same rights against persons subject to the provisions of this subsection as against third-party payers covered by subsection (g).

"(i) Nothing in subsection (g) or (h) shall be construed as limiting any authority the Secretary otherwise has with respect to payment and obtaining reimbursement for the costs of medical treatment of an individual eligible under this section for health care.".

(b) EFFECTIVE DATE.—The authorities of this section shall be effective beginning October 1, 1998.

SEC. 1134. NONOVERTIME DIFFERENTIAL PAY.

Title 5, 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 in lieu of Sunday as the day with respect to which additional pay is authorized by the preceding sentence."; and

(2) in section 5546(a), by adding at the end 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 in lieu of Sunday as the day with respect to which additional pay is authorized by the preceding sentence.".

SEC. 1135. PILOT PROGRAM FOR FOREIGN AFFAIRS REIMBURSEMENT.

(a) FOREIGN AFFAIRS REIMBURSEMENT.—

(1) IN GENERAL.—Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(A) by redesignating subsection (d)(4) as subsection (g); and

(B) by inserting after subsection (d) the following new subsections:

"(e)(1) The Secretary of State may, as a matter of discretion, provide appropriate training and related services through the institution to employees of United States companies that are engaged in business abroad, and to the families of such employees.

"(2) In the case of companies that are 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 the companies' employees who are performing such services.

"(3) Training under this subsection shall be on a space-available and 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.

"(5) Training under this subsection is not available for foreign language services.

"(f)(1) The Secretary of State is authorized to provide on a reimbursable basis training programs to Members of Congress or the Judiciary.

"(2) Legislative Branch staff members and employees of the Judiciary may participate on a reimbursable 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 and of other agencies in the field of foreign relations.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 1997.

(3) TERMINATION OF PROGRAM.—Effective October 1, 1999, section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended by redesignating subsection (g) as subsection (d)(4) and by striking subsections (e) and (f).

(b) FEES FOR USE OF NATIONAL FOREIGN AFFAIRS TRAINING CENTER.—Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669 et seq.) is amended by adding at the end 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 Department of State's National Foreign Affairs Training Center Facility. Fees collected under 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.".

(c) REPORTING ON PILOT PROGRAM.—One year after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees on the number of persons, including their business or government affiliation, who have taken advantage of the pilot program established under subsections (e) and (f) of section 701 of the Foreign Service Act of 1980 and section 53 of the State Department Basic Authorities Act of 1956, the amount of fees collected, and the impact of the program on the primary mission of the institute.

SEC. 1136. 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. 1137. GRANTS TO REMEDY INTERNATIONAL CHILD ABDUCTIONS.

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.".

SEC. 1138. FOREIGN SERVICE REFORM.

(a) APPOINTMENTS BY THE PRESIDENT.—Section 302(b) of the Foreign Service Act of 1980 (22 U.S.C. 3942(b)) is amended in the second sentence—

(1) by striking "may elect to" and inserting "shall"; and

(2) by striking "Service," and all that follows and inserting "Service.".

(b) PERFORMANCE PAY.—Section 405 of the Foreign Service Act of 1980 (22 U.S.C. 3965) is amended—

(1) in subsection (a), by striking "Members" and inserting "Subject to subsection (e), members"; and

(2) by adding at the end the following new subsection:

"(e) Notwithstanding any other provision of law, the Secretary of State may provide for recognition of the meritorious or distinguished service of a member of the Foreign Service described in subsection (a) (including members of the Senior Foreign Service) by means other than an award of performance pay in lieu of making such an award under this section.".

(c) EXPEDITED SEPARATION OUT.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall develop and implement procedures to identify, and recommend for separation, members of the Foreign Service ranked by promotion boards in the bottom five percent of their class for any two of the five preceding years.

SEC. 1139. LAW ENFORCEMENT AVAILABILITY PAY.

(a) LAW ENFORCEMENT AVAILABILITY PAY.—Section 5545a of title 5, United States Code, is amended—

(1) in subsection (a)(2), by striking "(other than an officer occupying a position under title II of Public Law 99–399)" and inserting ", including any special agent of the Diplomatic Security Service,"; and

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

"(h) Availability pay under this section shall be—

"(1) 25 percent of the rate of basic pay for the position;

"(2) treated as part of basic pay for the purposes of—

"(A) sections 5595(c), 8114(e), 8331(3), 8431, and 8704(c) of this title and section 856 of the Foreign Service Act of 1980; and

"(B) such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulations prescribe; and

"(3) treated as part of salary for purposes of sections 609(b)(1), 805, and 806 of the Foreign Service Act of 1980.".

(b) CONFORMING AMENDMENT.—Section 5542(e) of title 5, United States Code, is amended by inserting ", or section 37(a)(3) of the State Department Basic Authorities Act of 1956," after "section 3056(a) of title 18,".

(c) IMPLEMENTATION.—Not later than the effective date of this section, each special agent of the Diplomatic Security Service under 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.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period which begins on or after the 90th day following the date of enactment of this Act.

SEC. 1140. LAW ENFORCEMENT AUTHORITY OF DS SPECIAL AGENTS OVERSEAS.

Section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) is amended—

(1) by striking "and" at the end of subsection (a)(4);

(2) by striking the period at the end of subsection (a)(5)(B) and inserting "; and";

(3) by adding at the end of subsection (a) the following:

"(6) conduct investigative leads or perform other law enforcement duties at the request of any duly authorized law enforcement agency while assigned to a United States Mission outside the United States.

Requests for investigative assistance from State and local law enforcement agencies under paragraph (6) shall be coordinated with the Federal law enforcement agency having jurisdiction over the subject matter for which assistance is requested."; and

(4) by adding at the end the following:

"(d) AGENCIES NOT AFFECTED.—Nothing in subsection (a)(6) may be construed to limit or impair the authority or responsibility of any other Federal or State law enforcement agency with respect to its law enforcement functions.".

SEC. 1141. LIMITATIONS ON MANAGEMENT ASSIGNMENTS.

Sec. 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.".

CHAPTER 4—CONSULAR AND RELATED ACTIVITIES

SEC. 1151. CONSULAR OFFICERS.

(a) PERSONS AUTHORIZED TO ISSUE REPORTS OF BIRTHS ABROAD.—Section 33(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2705) is amended by adding at the end the following: "For purposes of this paragraph, the term 'consular officer' includes any employee of the Department of State who is a United States citizen and who is designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe.".

(b) PROVISIONS APPLICABLE TO CONSULAR OFFICERS.—Section 31 of the Act of August 18, 1856 (Rev. Stat. 1689; 22 U.S.C. 4191), is amended by inserting after "such officers" the following: "and to such other employees of the Department of State who are United States citizens as may be designated by the Secretary of State pursuant to such regulations as the Secretary may prescribe".

(c) PERSONS AUTHORIZED TO AUTHENTICATE FOREIGN DOCUMENTS.—

(1) DEFINITION OF CONSULAR OFFICERS.—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, the term 'consular officers' includes any officer or employee of the United States Government who is a United States citizen and who is designated to perform notarial functions pursuant to section 24 of the Act of August 18, 1856 (Rev. Stat. 1750; 22 U.S.C. 4221).".

(2) DESIGNATED UNITED STATES CITIZENS PERFORMING NOTARIAL ACTS.—Section 24 of the Act of August 18, 1856 (Rev. Stat. 1750; 22 U.S.C. 4221) is amended by inserting after the first sentence: "At any post, port, or place where there is no consular officer, the Secretary of State may authorize any other officer or employee of the United States Government serving overseas including persons employed as United States Government contractors, to perform such acts.".

(d) PERSONS AUTHORIZED TO ADMINISTER OATHS.—Section 115 of title 35 of the United States Code is amended by adding at the end the following: "For purposes of this section, the term 'consular officer' includes any officer or employee of the United States Government who is a United States citizen and who is designated to perform notarial functions pursuant to section 24 of the Act of August 18, 1856 (Rev. Stat. 1750; 22 U.S.C. 4221).".

(e) NATURALIZATION FUNCTIONS.—Section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)) is amended by adding at the end the following new sentence: "As used in title III, the term 'consular officer' includes any employee of the Department of State who is a United States citizen and who is designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe.".

SEC. 1152. REPEAL OF OUTDATED CONSULAR RECEIPT REQUIREMENTS.

The Act of August 18, 1856 (Revised Statutes 1726–28; 22 U.S.C. 4212–14), concerning accounting for consular fees, is repealed.

SEC. 1153. ELIMINATION OF DUPLICATE FEDERAL REGISTER PUBLICATION FOR TRAVEL ADVISORIES.

(a) FOREIGN AIRPORTS.—Section 44908(a) of title 49, United States Code, is amended—

(1) by inserting "and" at the end of paragraph (1);

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) FOREIGN PORTS.—Section 908(a) of the International Maritime and Port Security Act of 1986 (46 U.S.C. App. 1804(a)) is amended by striking the second sentence, relating to Federal Register publication by the Secretary of State.

SEC. 1154. INADMISSIBILITY OF MEMBERS OF FORMER SOVIET UNION INTELLIGENCE SERVICES.

Section 212(a)(3) of the Immigration and Naturalization Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following new subparagraph:

"(F) MEMBERS OF FORMER SOVIET UNION INTELLIGENCE SERVICES.—Any alien who was employed by an intelligence service of the Soviet Union prior to the dissolution of the Soviet Union on December 31, 1991, is inadmissible, unless—

"(i) The Secretary of State, in consultation with the Attorney General and the Director of Central Intelligence, determines that it is in the national interest to admit the alien; or

"(ii) The admission of the alien is for the purpose of the alien's attendance at a scholarly conference or educational meeting in the United States.".

SEC. 1155. DENIAL OF VISAS TO ALIENS WHO HAVE CONFISCATED PROPERTY CLAIMED BY NATIONALS OF THE UNITED STATES.

(a) DENIAL OF VISAS.—Except as otherwise provided in section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104–114), and subject to subsection (b), the Secretary of State may deny the issuance of a visa to any alien who has confiscated or has directed or overseen the confiscation or expropriation of property the claim to which is owned by a national of the United States, or converts or has converted for personal gain confiscated or expropriated property the claim to which is owned by a national of the United States.

(b) EXCEPTION.—This section shall not apply to claims arising from any territory in dispute as a result of war between United Nations member states in which the ultimate resolution of the disputed territory has not been resolved.

(c) REPORTING REQUIREMENT.—

(1) LIST OF FOREIGN NATIONALS.—The Secretary of State shall direct the United States chief of mission in each country to provide the Secretary of State with a list of foreign nationals in that country who have confiscated or converted properties of nationals of the United States where the cases of confiscated or converted properties of nationals of the United States have not been fully resolved.

(2) REPORT.—Not later than 3 months after the date of enactment of this Act and not later than every 6 months thereafter, the Secretary of State shall submit to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives a report—

(A) listing foreign nationals who could have been denied a visa under subsection (a) but were given a visa to travel to the United States; and

(B) an explanation as to why the visa was given.

SEC. 1156. INADMISSIBILITY OF ALIENS SUPPORTING INTERNATIONAL CHILD ABDUCTORS.

(a) AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended—

(1) by redesignating clause (ii) as clause (iii);

(2) by inserting after clause (i) the following:

"(ii) ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.—Any alien who—

"(I) is known by the Department of State to have intentionally assisted an alien in the conduct described in clause (i),

"(II) is known by the Department of State to be intentionally providing material support or safe haven to an alien described in clause (i), or

"(III) is a spouse (other than the spouse who is the parent of the abducted child), child (other than the abducted child), parent, sibling, or agent of an alien described in clause (i), as designated at the discretion of the Secretary of State,

is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States. Nothing in clause (i) or (ii) of this section shall be deemed to apply to a government official of the United States who is acting within the scope of his or her official duties. Nothing in clause (i) or (ii) of this section shall be deemed to apply to a government official of any foreign government if such person has been designated by the Secretary of State at the Secretary's discretion.";

(3) in clause (i), by striking "clause (ii)" and inserting "clause (iii)"; and

(4) in clause (iii) (as redesignated), by striking "Clause (i)" and inserting "Clauses (i) and (ii)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to aliens seeking admission to the United States on or after the date of enactment of this Act.

TITLE XII—OTHER INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 1201. INTERNATIONAL CONFERENCES AND CONTINGENCIES.

There are authorized to be appropriated for "International Conferences and Contingencies", $3,944,000 for the fiscal year 1998 and $3,500,000 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.

SEC. 1202. INTERNATIONAL COMMISSIONS.

There are authorized to be appropriated for "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", $18,200,000 for the fiscal year 1998, and $18,200,000 for the fiscal year 1999; and

(B) for "Construction", $6,463,000 for the fiscal year 1998, and $6,463,000 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.

CHAPTER 2—GENERAL PROVISIONS

SEC. 1211. INTERNATIONAL CRIMINAL COURT PARTICIPATION.

The United States may not participate in an international criminal court with jurisdiction over crimes of an international character except—

(1) pursuant to a treaty made in accordance with Article II, section 2, clause 2 of the Constitution; or

(2) as specifically authorized by statute.

SEC. 1212. WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES.

(a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia, the City of New York, and jurisdictions in the States of Virginia and Maryland by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the governments of the District of Columbia, the City of New York, and the States of Virginia and Maryland, respectively.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

SEC. 1213. UNITED STATES MEMBERSHIP IN THE INTERPARLIAMENTARY UNION.

(a) INTERPARLIAMENTARY UNION LIMITATION.—The United States shall either—

(1) pay no more than $500,000 in annual dues for membership in the Interparliamentary Union in fiscal year 1998 and fiscal year 1999; or

(2) formally withdraw from the Organization.

(b) RETURN OF APPROPRIATED FUNDS.—

(1) PROHIBITION.—None of the funds made available under this Act to the Department of State may be used for congressional participation in the International Parliamentary Union.

(2) TRANSFER OF FUNDS.—Unobligated balances of appropriations for the International Parliamentary Union shall be transferred to, and merged with, funds available under the "Contributions for International Organizations" appropriations account of the Department of State, to be available only for payment in fiscal year 1998 of United States assessed contributions to international organizations covered by that account.

SEC. 1214. REPORTING OF FOREIGN TRAVEL BY UNITED STATES OFFICIALS.

(a) INITIAL REPORTS.—

(1) PROHIBITION.—Except as provided in paragraph (2), none of the funds made available under this Act may be used to pay—

(A) the expenses of foreign travel by any officer or employee of United States Executive agencies in attending any international conference or in engaging in any other foreign travel; or

(B) the routine services that a United States diplomatic mission or consular post provides in support of travel by such officer or employee,

unless, prior to the commencement of the travel, the individual submits a report to the Director that states the purpose, duration, and estimated cost of the travel.

(2) EXCEPTION.—Paragraph (1) shall not apply to—

(A) the President, the Vice President, or any person traveling on a delegation led by the President or Vice President, or any officer or employee of the Executive Office of the President;

(B) the foreign travel of officers or employees of United States Executive agencies who are carrying out intelligence or intelligence-related activities, or law enforcement activities;

(C) the deployment of members of the Armed Forces of the United States; or

(D) any United States Government official engaged in a sensitive diplomatic mission.

(b) UPDATED REPORTS.—Not later than 30 days after the conclusion of any travel for which a report is required to be submitted under subsection (a)(1), the officer or employee of the United States shall submit an updated report to the Director on the purpose, duration, or costs of the travel from those indicated in the initial report.

(c) QUARTERLY REPORTS.—The Director shall submit a quarterly report suitable for publication, containing the information required in subsection (b) to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives.

(d) EMERGENCY WAIVER.—Subsection (a)(1) shall not apply if the President determines that an emergency or other unforeseen event necessitates the travel and thus prevents the timely filing of the report required by that subsection, however nothing in this section shall be interpreted to authorize a waiver of subsection (a)(2)(b).

(e) DEFINITIONS.—For purposes of this section:

(1) DIRECTOR.—The term "Director" means the Director of the Office of International Conferences of the Department of State.

(2) EXECUTIVE AGENCIES.—The term "Executive agencies" means those entities, other than the General Accounting Office, defined in section 105 of title 5, United States Code.

(3) FOREIGN TRAVEL.—The term "foreign travel" refers to—

(A) travel between the United States and a foreign country or territory except home leave; and

(B) in the case of personnel assigned to a United States diplomatic mission or consular post in a foreign country or territory, travel outside that country or territory.

(4) UNITED STATES.—The term "United States" means the several States and the District of Columbia and the commonwealths, territories, and possessions of the United States.

(f) AVAILABLE FUNDS.—Funds available under section 1201 shall be available for purposes of carrying out this section.

SEC. 1215. SENSE OF THE SENATE ON USE OF FUNDS IN JAPAN-UNITED STATES FRIENDSHIP TRUST FUND.

(a) FINDINGS.—The Senate makes the following findings:

(1) The funds used to create the Japan-United States Friendship Trust Fund established under section 3 of the Japan-United States Friendship Act (22 U.S.C. 2902) originated from payments by the Government of Japan to the Government of the United States.

(2) Among other things, amounts in the Fund were intended to be used for cultural and educational exchanges and scholarly research.

(3) The Japan-United States Friendship Commission was created to manage the Fund and to fulfill a mandate agreed upon by the Government of Japan and the Government of the United States.

(4) The statute establishing the Commission includes provisions which make the availability of funds in the Fund contingent upon appropriations of such funds.

(5) These provisions impair the operations of the Commission and hinder it from fulfilling its mandate in a satisfactory manner.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Japan-United States Friendship Commission shall be able to use amounts in the Japan-United States Friendship Trust Fund in pursuit of the original mandate of the Commission; and

(2) the Office of Management and Budget should—

(A) review the statute establishing the Commission; and

(B) submit to Congress a report on whether or not modifications to the statute are required in order to permit the Commission to pursue fully its original mandate and to use amounts in the Fund as contemplated at the time of the establishment of the Fund.

TITLE XIII—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—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 Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the National Endowment for Democracy Act, the United States International Broadcasting Act of 1994, and to carry out other authorities in law consistent with such purposes:

(1) "International Information Programs", $427,097,000 for the fiscal year 1998 and $427,097,000 for the fiscal year 1999.

(2) "Educational and Cultural Exchange Programs":

(A) For the "Fulbright Academic Exchange Programs", $99,236,000 for the fiscal year 1998 and $99,236,000 for the fiscal year 1999.

(B) For other educational and cultural exchange programs authorized by law, $100,764,000 for the fiscal year 1998 and $100,764,000 for the fiscal year 1999.

(3) "International Broadcasting Activities":

(A) For the activities of Radio Free Asia, $20,000,000 for the fiscal year 1998 and $20,000,000 for the fiscal year 1999.

(B) For the activities of Broadcasting to Cuba, $22,095,000 for the fiscal year 1998 and $22,095,000 for the fiscal year 1999.

(C) For the activities of Radio Free Iran, $2,000,000 for the fiscal year 1998 and $2,000,000 for the fiscal year 1999.

(D) For other "International Broadcasting Activities", $331,168,000 for the fiscal year 1998 and $331,168,000 for the fiscal year 1999.

(4) "Radio Construction", $37,710,000 for the fiscal year 1998 and $31,000,000 for the fiscal year 1999.

(5) "Technology Fund", $5,050,000 for the fiscal year 1998 and $5,050,000 for the fiscal year 1999.

(b) VIETNAM FULBRIGHT SCHOLARSHIPS.—Of the funds authorized to be appropriated in subsection (a)(2)(A), $5,000,000 is authorized to be appropriated for fiscal year 1998 and $5,000,000 is authorized to be appropriated for fiscal year 1999 for the Vietnam scholarship program established by section 229 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138).

(c) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—There are authorized to be appropriated no more than $10,000,000 for fiscal year 1998 and no more than $10,000,000 for fiscal year 1999.

SEC. 1302. NATIONAL ENDOWMENT FOR DEMOCRACY.

There are authorized to be appropriated $30,000,000 for the fiscal year 1998 and $30,000,000 for the fiscal year 1999 to carry out the National Endowment for Democracy Act (title V of Public Law 98–164), of which amount for each fiscal year not more than 55 percent shall be available only for the following organizations, in equal allotments:

(1) The International Republican Institute (IRI).

(2) The National Democratic Institute (NDI).

(3) The Free Trade Union Institute (FTUI).

(4) The Center for International Private Enterprise (CIPE).

CHAPTER 2—USIA AND RELATED AGENCIES AUTHORITIES AND ACTIVITIES

SEC. 1311. AUTHORIZATION TO RECEIVE AND RECYCLE FEES.

Section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) is hereby amended by adding "educational advising and counselling, Exchange Visitor Programs Services, advertising sold by the Voice of America, receipts from cooperating international organizations and from the privatization of VOA Europe" after "library services" and before ", and Agency-produced publications,".

SEC. 1312. APPROPRIATIONS TRANSFER AUTHORITY.

Section 701(f) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476(f)) is amended—

(1) in paragraph (1), by striking ", for the second fiscal year of any 2-year authorization cycle may be appropriated for such second fiscal year" and inserting "for a fiscal year may be appropriated for such fiscal year"; and

(2) by striking paragraph (4).

SEC. 1313. EXPANSION OF MUSKIE FELLOWSHIP PROGRAM.

Section 227(c)(5) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) by inserting in the first sentence "journalism and communications, education administration, public policy, library and information science," immediately following "business administration,"; and

(2) by inserting in the second sentence "journalism and communications, education administration, public policy, library and information science," immediately following "business administration,".

SEC. 1314. AU PAIR EXTENSION.

Section 1(b) of Public Law 104–72 is amended by striking ", through fiscal year 1997".

SEC. 1315. RADIO BROADCASTING TO IRAN IN THE FARSI LANGUAGE.

(a) RADIO FREE IRAN.—Not more than $2,000,000 of the funds made available under section 1301(a)(3) for each of the fiscal years 1998 and 1999 for grants to RFE/RL, Incorporated, shall be available only for surrogate radio broadcasting by RFE/RL, Incorporated, to the Iranian people in the Farsi language, such broadcasts to be designated as "Radio Free Iran".

(b) REPORT TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Broadcasting Board of Governors of the United States Information Agency shall submit a detailed report to Congress describing the costs, implementation, and plans for creation of the surrogate broadcasting service to be designated as Radio Free Iran.

(c) AVAILABILITY OF FUNDS.—None of the funds made available under subsection (a) may be made available until submission of the report required under subsection (b).

SEC. 1316. VOICE OF AMERICA BROADCASTS.

(a) IN GENERAL.—The Voice of America shall devote programming time each day to broadcasting information on the individual States of the United States. The broadcasts shall include information on the products, and cultural and educational facilities of each State, potential trade with each State, and interactive discussions with State officials.

(b) REPORT.—Not later than July 1, 1998, the Broadcasting Board of Governors of the United States Information Agency shall submit a report to Congress detailing the actions that have been taken to carry out subsection (a).

SEC. 1317. WORKING GROUP ON 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)(1) In order to carry out the purposes of subsection (f) and to improve the coordination, efficiency and effectiveness of Government-sponsored international exchanges and training, there is established within the United States Information Agency a senior-level inter-agency Working Group on Government-Sponsored International Exchanges and Training (in this section referred to as 'the Working Group').

"(2) In this subsection, the term 'Government-sponsored international exchanges and training' refers to the movement of people between countries to promote the sharing of ideas, develop skills, and foster mutual understanding and cooperation, financed wholly or in part, directly or indirectly, with United States Government funds.

"(3) The Working Group shall consist of the Associate Director of the Bureau, who shall act

as Chairperson of the Working Group, and comparable senior representatives appointed by the Secretaries of State, Defense, Justice, and Education, and by the Administrator of the United States Agency for International Development. Other departments and agencies shall participate in the Working Group's meetings at the discretion of the Chairperson, and shall cooperate with the Working Group to help accomplish the purposes of the Working Group. The National Security Advisor and the Director of the Office of Management and Budget may, at their discretion, each appoint a representative to participate in the Working Group. The Working Group shall be supported by an interagency staff office established in the Bureau.

"(4) The Working Group shall have the following authority:

"(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 of information on international exchange and training activities in the governmental and non-governmental 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.

"(D) Not later than 1 year after the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to submit a report on Government-sponsored international exchange and training programs, along with the findings of the Working Group made under subparagraph (c).

"(E) To develop strategies for expanding public and private partnerships in, and leveraging private sector support for, Government-sponsored international exchange and training activities.

"(5) All reports prepared by the Working Group shall be made to the President through the Director of the United States Information Agency.

"(6) The Working Group shall meet at least on a quarterly basis.

"(7) Four of the members of the Working Group shall constitute a quorum. All decisions of the Working Group shall be by majority vote of the members present and voting.

"(8) The members of the Working Group shall serve without additional compensation for their service on the Working Group, and any expenses incurred by a member of the Working Group in connection with such member's service on the Working Group shall be borne by the member's respective department or agency.

"(9) If any member of the Working Group disagrees regarding to any matter in a report prepared pursuant to this subsection, the member may prepare a statement setting forth the reasons for such disagreement and such statement shall be appended to, and considered a part of, the report.".

SEC. 1318. INTERNATIONAL INFORMATION PROGRAMS.

Section 704(c) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1477b(c)) is amended—

(1) in paragraph (3), by striking "Salaries and Expenses" and inserting "the 'International Information Programs' appropriations account,"; and

(2) in paragraph (7), by striking "the 'Salaries and Expenses' account" and inserting "the 'International Information Programs' appropriations account,".

SEC. 1319. AUTHORITY TO ADMINISTER SUMMER TRAVEL AND WORK PROGRAMS.

The Director of the United States Information Agency is authorized to administer summer travel and work programs without regard to preplacement requirements.

TITLE XIV—PEACE CORPS

SEC. 1401. SHORT TITLE.

This title may be cited as the "Peace Corps Act Amendments of 1997".

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.

Section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) is amended to read as follows:

"(b) There are authorized to be appropriated to carry out the purposes of this Act $234,000,000 for fiscal year 1998, which are authorized to remain available until September 30, 1999 and $234,000,000 for fiscal year 1999.".

SEC. 1403. AMENDMENTS TO THE PEACE CORPS ACT.

(a) TERMS AND CONDITIONS OF VOLUNTEER SERVICE.—Section 5 of the Peace Corps Act (22 U.S.C. 2504) is amended—

(1) in subsection (f)(1)(B), by striking "Civil Service Commission" and inserting "Office of Personnel Management";

(2) in subsection (h), by striking "the Federal Voting Assistance Act of 1955" and all that follows through the end of the subsection and inserting "sections 5584 and 5732 of title 5, United States Code (and readjustment allowances paid under this Act shall be considered as pay for purposes of such section 5732), section 1 of the Act of June 4, 1920 (22 U.S.C. 214), and section 3342 of title 31, United States Code."; and

(3) in subsection (j), by striking "section 1757 of the Revised Statutes" and all that follows through the end of the subsection and inserting "section 3331 of title 5, United States Code.".

(b) GENERAL POWERS AND AUTHORITIES.—Section 10 of such Act (22 U.S.C. 2509) is amended—

(1) in subsection (a)(4), by striking "31 U.S.C. 665(b)" and inserting "section 1342 of title 31, United States Code"; and

(2) in subsection (a)(5), by striking ": Provided, That" and all that follows through the end of the paragraph and inserting ", except that such individuals shall not be deemed employees for the purpose of any law administered by the Office of Personnel Management.".

(c) UTILIZATION OF FUNDS.—Section 15 of such Act (22 U.S.C. 2514) is amended—

(1) in the first sentence of subsection (c)—

(A) by striking "Public Law 84–918 (7 U.S.C. 1881 et seq.)" and inserting "subchapter VI of chapter 33 of title 5, United States Code (5 U.S.C. 3371 et seq.)"; and

(B) by striking "specified in that Act" and inserting "or other organizations specified in section 3372(b) of such title"; and

(2) in subsection (d)—

(A) in paragraph (2), by striking "section 9 of Public Law 60–328 (31 U.S.C. 673)" and inserting "section 1346 of title 31, United States Code";

(B) in paragraph (6), by striking "without regard to section 3561 of the Revised Statutes (31 U.S.C. 543)";

(C) in paragraph (11)—

(i) by striking "Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.)," and inserting "Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.)"; and

(ii) by striking "and" at the end;

(D) in paragraph (12), by striking the period at the end and by inserting "; and"; and

(E) by adding at the end the following:

"(13) the transportation of Peace Corps employees, Peace Corps volunteers, dependents of employees and volunteers, and accompanying baggage, by a foreign air carrier when the transportation is between 2 places outside the United States without regard to section 40118 of title 49, United States Code.".

(d) PROHIBITION ON USE OF FUNDS FOR ABORTIONS.—Section 15 of such Act (22 U.S.C. 2514) is amended, as amended by this Act, is further amended by adding at the end the following new subsection:

"(e) Funds made available for the purposes of this Act may not be used to pay for abortions.".

TITLE XV—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 1501. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the purposes of the Arms Control and Disarmament Act $39,000,000 for fiscal year 1998.

CHAPTER 2—AUTHORITIES

SEC. 1511. STATUTORY CONSTRUCTION.

Section 33 of the Arms Control and Disarmament Act (22 U.S.C. 2573) is amended by adding at the end the following new subsection:

"(c) STATUTORY CONSTRUCTION.—Nothing contained in this chapter shall be construed to authorize any policy or action by any Government agency which would interfere with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the lawful purpose of personal defense, sport, recreation, education, or training.".

TITLE XVI—FOREIGN POLICY

SEC. 1601. PAYMENT OF IRAQI CLAIMS.

(a) VESTING OF ASSETS.—All nondiplomatic accounts of the Government of Iraq in the United States that have been blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) shall vest in the President, and the President, not later than 30 days after the date of the enactment of this Act, shall liquidate such accounts. Amounts from such liquidation shall be transferred into the Iraq Claims Fund established under subsection (b).

(b) IRAQ CLAIMS FUND.—Upon the vesting of accounts under subsection (a), the Secretary of the Treasury shall establish in the Treasury of the United States a fund to be known as the Iraq Claims Fund (hereafter in this section referred to as the "Fund") for payment of private claims or United States Government claims in accordance with subsection (c).

(c) PAYMENTS.—

(1) PAYMENTS ON PRIVATE CLAIMS.—Not later than 2 years after the date of the enactment of this Act, the Secretary of the Treasury shall make payment out of the Fund in ratable proportions on private claims certified under subsection (e) according to the proportions which the total amount of the private claims so certified bear to the total amount in the Fund that is available for distribution at the time such payments are made.

(2) PAYMENTS ON UNITED STATES GOVERNMENT CLAIMS.—After payment has been made in full out of the Fund on all private claims certified under subsection (e), any funds remaining in the Fund shall be made available to satisfy claims of the United States Government against the Government of Iraq determined under subsection (d).

(d) DETERMINATION OF VALIDITY OF UNITED STATES GOVERNMENT CLAIMS.—The President shall determine the validity and amounts of claims of the Government of the United States against the Government of Iraq which the Secretary of State has determined are outside the jurisdiction of the United Nations Commission, and, to the extent that such claims are not satisfied from funds made available by the Fund, the President is authorized and requested to enter into a settlement agreement with the Government of Iraq which would provide for the payment of such unsatisfied claims.

(e) DETERMINATION OF PRIVATE CLAIMS.—

(1) AUTHORITY OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION.—The Foreign Claims Settlement Commission of the United States is authorized to receive and determine, in accordance with substantive law, including international law, the validity and amounts of private claims. The Commission shall complete its affairs in connection with the determination of private claims under this section within such time as is necessary to allow the payment of the claims under subsection (c)(1).

(2) APPLICABILITY.—Except to the extent inconsistent with the provisions of this section, the provisions of title I of the International Claims Settlement Act of 1949 (22 U.S.C. 1621 et seq.) shall apply with respect to private claims under this section. Any reference in such provisions to "this title" shall be deemed to refer to those provisions and to this section.

(3) CERTIFICATION.—The Foreign Claims Settlement Commission shall certify to the Secretary of the Treasury the awards made in favor of each private claim under paragraph (1).

(f) UNSATISFIED CLAIMS.—Payment of any award made pursuant to this section shall not extinguish any unsatisfied claim, or be construed to have divested any claimant, or the United States on his or her behalf, of any rights against the Government of Iraq with respect to any unsatisfied claim.

(g) DEFINITIONS.—As used in this section—

(1) the term "Government of Iraq" includes agencies, instrumentalities, and controlled entities (including public sector enterprises) of that government;

(2) the term "private claims" mean claims of United States persons against the Government of Iraq that are determined by the Secretary of State to be outside the jurisdiction of the United Nations Commission;

(3) the term "United Nations Commission" means the United Nations Compensation Commission established pursuant to United Nations Security Council Resolution 687, adopted in 1991; and

(4) the term "United States person"—

(A) includes—

(i) any person, wherever located, who is a citizen of the United States;

(ii) any corporation, partnership, association, or other legal entity organized under the laws of the United States or of any State, the District of Columbia, or any commonwealth, territory, or possession of the United States; and

(iii) any corporation, partnership, association, or other organization, wherever organized or doing business, which is owned or controlled by persons described in clause (i) or (ii); and

(B) does not include the United States Government or any officer or employee of the United States Government acting in an official capacity.

SEC. 1602. UNITED NATIONS MEMBERSHIP FOR BELARUS.

It is the sense of Congress that, if Belarus concludes a treaty of unification with another country, the United States Permanent Representative to the United Nations and the United States Head of Delegation to the Organization for Security and Cooperation in Europe should introduce resolutions abrogating the sovereign status of Belarus within the United Nations and the OSCE.

SEC. 1603. UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated by section 1101(3) for "Security and Maintenance of Buildings Abroad", $25,000,000 for the fiscal year 1998 and $75,000,000 for the fiscal year 1999 are authorized to be appropriated for the construction of a United States Embassy in Jerusalem, Israel.

(b) LIMITATION ON USE OF FUNDS FOR CONSULATE IN JERUSALEM.—None of the funds authorized to be appropriated by this Act 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 Act may be available for the publication of any official government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

(d) RECORD OF PLACE OF BIRTH AS ISRAEL FOR PASSPORT PURPOSES.—For purposes of the registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon the request of the citizen, record the place of birth as Israel.

SEC. 1604. SPECIAL ENVOY FOR TIBET.

(a) UNITED STATES SPECIAL ENVOY FOR TIBET.—The President shall 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 shall—

(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. 1605. FINANCIAL TRANSACTIONS WITH STATE SPONSORS OF INTERNATIONAL TERRORISM.

(a) PROHIBITED TRANSACTIONS.—Section 2332d(a) of title 18, United States Code, is amended—

(1) by striking "Except as provided in regulations issued by the Secretary of the Treasury, in consultation with the Secretary of State, whoever" and inserting "(1) Except as provided in paragraph (2), whoever";

(2) by inserting "of 1979" after "Export Administration Act"; and

(3) by adding at the end the following:

"(2) Paragraph (1) does not apply to any financial transaction—

"(A) engaged in by an officer or employee of the United States acting within his or her official capacity;

"(B) for the sole purpose of providing humanitarian assistance in a country designated under section 6(j) of the Export Administration Act of 1979;

"(C) involving travel or other activity by any journalist or other member of the news media in a country designated under section 6(j) of the Export Administration Act of 1979; or

"(D) within a class of financial transactions, and with a specified country, covered by a determination of the President stating that it is vital to the national security interests of the United States that financial transactions of that class and with that country be permitted.

"(3) Each determination under paragraph (2)(D) shall be published in the Federal Register at least 15 days in advance of the transaction and shall include a statement of the determination, a detailed explanation of the types of financial transactions permitted, the estimated dollar amount of the financial transactions permitted, and an explanation of the manner in which those financial transactions would further the national interests of the United States.

"(4) The President shall submit a report to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives and the Speaker of the House of Representatives containing any determination under paragraph (2)(D) at least 30 days before the determination is to take effect. Any such determination shall be effective only for a period of 12 months but may be extended for an additional period or periods of 12 months each.".

(b) DEFINITION.—Section 2332d(b) of title 18, United States Code, is amended—

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

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) the term 'humanitarian assistance' includes, but is not limited to, the provision of medicines and religious materials; and".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to financial transactions entered into on or after the date of enactment of this Act.

SEC. 1606. 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 Senate 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. 1607. REPORTS ON THE SITUATION IN HAITI.

Section 3 of Public Law 103–423 is amended to read as follows:

"SEC. 3. REPORTS.

"(a) REPORTING REQUIREMENT.—Not later than January 1, 1998, and every six months thereafter, the President shall submit a report to Congress on the situation in Haiti, including—

"(1) a listing of the units of the United States Armed Forces or Coast Guard and of the police

and military units of other nations participating in operations in and around Haiti;

"(2) armed incidents or the use of force in or around Haiti involving United States Armed Forces or Coast Guard personnel during the period covered by the report;

"(3) the estimated cumulative cost, including incremental cost, of all United States activities in and around Haiti during the period covered by the report, including—

"(A) the cost of deployments of United States Armed Forces and Coast Guard personnel training, exercises, mobilization, and preparation activities, including the preparation of police and military units of other nations of any multilateral force involved in activities in and around Haiti; and

"(B) the costs of all other activities relating to United States policy toward Haiti, including humanitarian assistance, reconstruction assistance, assistance under part I of the Foreign Assistance Act of 1961, and other financial assistance, and all other costs to the United States Government; and

"(4) a detailed accounting of the source of funds obligated or expended to meet the costs described in paragraph (3), including—

"(A) in the case of amounts expended out of funds available to the Department of Defense budget, by military service or defense agency, line item and program; and

"(B) in the case of amounts expended out of funds available to departments and agencies other than the Department of Defense, by department or agency and program.

"(b) DEFINITION.—The term 'period covered by the report' means the six-month period prior to the date the report is required to be submitted, except that, in the case of the initial report, the term means the period since the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999.".

SEC. 1608. REPORT ON AN ALLIANCE AGAINST NARCOTICS TRAFFICKING IN THE WESTERN HEMISPHERE.

(a) SENSE OF CONGRESS ON DISCUSSIONS FOR ALLIANCE.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the President should discuss with the democratically-elected governments of the Western Hemisphere, during the President's trips in the region in 1997 and through other consultations, the prospect of forming a multilateral alliance to address problems relating to international drug trafficking in the Western Hemisphere.

(2) CONSULTATIONS.—In the consultations on the prospect of forming an alliance described in paragraph (1), the President should seek the input of such governments on the possibility of forming one or more structures within the alliance—

(A) to develop a regional, multilateral strategy to address the threat posed to nations in the Western Hemisphere by drug trafficking; and

(B) to establish a new mechanism for improving multilateral coordination of drug interdiction and drug-related law enforcement activities in the Western Hemisphere.

(b) REPORT.—

(1) REQUIREMENT.—Not later than October 1, 1997, the President shall submit to Congress a report on the proposal discussed under subsection (a). The report shall include the following:

(A) An analysis of the reactions of the governments concerned to the proposal.

(B) An assessment of the proposal, including an evaluation of the feasibility and advisability of forming the alliance.

(C) A determination in light of the analysis and assessment whether or not the formation of the alliance is in the national interests of the United States.

(D) If the President determines that the formation of the alliance is in the national interests of the United States, a plan for encouraging and facilitating the formation of the alliance.

(E) If the President determines that the formation of the alliance is not in the national interests of the United States, an alternative proposal to improve significantly efforts against the threats posed by narcotics trafficking in the Western Hemisphere, including an explanation of how the alternative proposal will—

(i) improve upon current cooperation and coordination of counter-drug efforts among nations in the Western Hemisphere;

(ii) provide for the allocation of the resources required to make significant progress in disrupting and disbanding the criminal organizations responsible for the trafficking of illegal drugs in the Western Hemisphere; and

(iii) differ from and improve upon past strategies adopted by the United States Government which have failed to make sufficient progress against the trafficking of illegal drugs in the Western Hemisphere.

(2) UNCLASSIFIED FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1609. REPORT ON GREENHOUSE GAS EMISSIONS AGREEMENT.

(a) ASSESSMENT OF PROPOSED AGREEMENT.—

(1) ASSESSMENT.—The President shall assess the effect on the United States economy and environment of any quantified objectives, targets, policies, or measures proposed for the control, limitation, or reduction of greenhouse gas emissions of Annex I Parties.

(2) ELEMENTS.—The assessment under paragraph (1) shall include—

(A) an assessment of the costs and benefits to the United States economy and the environment of pursuing a policy of reducing greenhouse gas emissions;

(B) an assessment of the schedules for achieving reductions in greenhouse gas emissions;

(C) an assessment of the ability of Annex I Parties to meet the schedules identified under subparagraph (B);

(D) an assessment of the effect of increased greenhouse gas emissions by non-Annex I Parties and all nonparticipating nations on the overall effort to reduce greenhouse gas emissions;

(E) an assessment of the long-term impact on the global economy and the environment of increased greenhouse gas emissions by Annex I Parties; and

(F) an assessment of consequences for employment, trade, consumer activities, competitiveness, and the environment in the United States of the requirements of paragraphs 3, 4, and 5 of Article 4 of the FCCC regarding the transfer by Annex I Parties of financial resources, technology, and other resources to non-Annex I Parties.

(b) NOTIFICATION OF CONGRESS.—Not later than six months before any vote by the parties to the FCCC on the final negotiating text of a proposed agreement to reduce greenhouse gas emissions under the FCCC, the President shall submit to Congress a comprehensive analysis of the effect of the proposed agreement on the United States economy and the environment, including the assessments made under subsection (a). To the extent practicable, the analysis shall include the text and negotiating notes of the proposed agreement.

(c) DEFINITIONS.—For the purposes of this section—

(1) FCCC.—The term "FCCC" means the United Nations Framework Convention on Climate Change, with annexes, done at New York May 9, 1992.

(2) ANNEX I PARTIES.—The term "Annex I Parties" means the Developed Country Parties of the FCCC, including the United States, Canada, the Russian Federation, the European Union Countries, Australia, Japan, and countries undergoing the process of transition to a market economy, as listed in Annex I of the FCCC.

(3) NON-ANNEX I PARTIES.—The term "Non-Annex I Parties" means the developing countries (including China, India, South Korea, Malaysia, Brazil, Mexico, other trading partners of the United States, and the Small Island Countries) that are parties to the FCCC but not listed in Annex I of the FCCC.

SEC. 1610. 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.—In this section, 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. 1611. ITALIAN CONFISCATION OF PROPERTY CASE.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States and the Italian Republic signed the Treaty of Friendship, Commerce and Navigation in 1948.

(2) Article V, paragraph 2 of the Treaty states that property owned by nationals of either treaty partner shall not be taken without "due process of law and without the prompt payment of just and effective compensation.".

(3) The Italian Republic confiscated the property of an American citizen, Mr. Pier Talenti, and has failed to compensate Mr. Talenti for his property.

(4) The failure of the Italian government to compensate Mr. Talenti runs counter to its treaty obligations and accepted international standards.

(5) Mr. Talenti has exhausted all remedies available to him within the Italian judicial system.

(6) To date, Mr. Talenti has not received "just and effective compensation" from the Italian government as called for in the Treaty.

(7) In view of the inability of Mr. Talenti to obtain any recourse within the Italian judicial system, on August 5, 1996, the Department of State agreed to espouse Mr. Talenti's claim and formally urged the Italian government to reach a settlement with Mr. Talenti.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Italian Republic must honor its Treaty obligations with regard to the confiscated property of Mr. Pier Talenti by negotiating a prompt resolution of Mr. Talenti's case, and that the Department of State should continue to press the Italian government to resolve Mr. Talenti's claim.

SEC. 1612. DESIGNATION OF ADDITIONAL COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.

(a) DESIGNATION OF ADDITIONAL COUNTRIES.—Effective 180 days after the date of the enactment of this Act, Romania, Estonia, Latvia, Lithuania, and Bulgaria are each designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act, except that any such country shall not be so designated if, prior to such effective date, the President certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the country fails to meet the criteria under section 203(d)(3) of the NATO Participation Act of 1994.

(b) RULE OF CONSTRUCTION.—The designation of countries pursuant to subsection (a) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(1) is in addition to the designation of other countries by law or pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act; and

(2) shall not preclude the designation by the President of other emerging democracies in Central and Eastern Europe pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that Romania, Estonia, Latvia, Lithuania, and Bulgaria—

(1) are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective NATO members;

(2) would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members; and

(3) upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date.

SEC. 1613. SENSE OF SENATE REGARDING UNITED STATES CITIZENS HELD IN PRISONS IN PERU.

It is the sense of the Senate that—

(1) as a signatory of the International Covenant on Civil and Political Rights, the Government of Peru is obligated to grant prisoners timely legal proceedings pursuant to Article 9 of the International Covenant on Civil and Political Rights which requires that "anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release;" and that "anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful;"; and

(2) the Government of Peru should take all necessary steps to ensure that any United States citizen charged with committing a crime in that country is accorded open and fair proceedings in a civilian court.

SEC. 1614. EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE BEEN INVOLVED IN EXTRAJUDICIAL AND POLITICAL KILLINGS IN HAITI.

(a) FINDINGS.—Congress makes the following findings:

(1) At the time of the enactment of this Act, there have been over eighty extrajudicial and political killing cases assigned to the Haitian Special Investigative Unit (SIU) by the Government of Haiti. Furthermore, the government has requested that the SIU investigate on a "priority basis" close to two dozen cases relating to extrajudicial and political killings.

(2) President Jean-Bertrand Aristide lived in exile in the United States after he was overthrown by a military coup on September 30, 1991. During his exile, political and extrajudicial killings occurred in Haiti including Aristide financial supporter Antoine Izmery, who was killed on September 11, 1993; Guy Malary, Aristide's Minister of Justice, who was killed on October 14, 1993; and Father Jean-Marie Vincent, a supporter of Aristide, was killed on August 28, 1992.

(3) President Aristide returned to Haiti on October 15, 1994, after some 20,000 United States troops, under the code name Operation Uphold Democracy, entered Haiti as the lead force in a multi-national force with the objective of restoring democratic rule.

(4) From June 25, 1995, through October 1995, elections were held where pro-Aristide candidates won a large share of the parliamentary and local government seats.

(5) On March 28, 1995, a leading opposition leader to Aristide, Attorney Mireille Durocher Bertin, and a client, Eugene Baillergeau, were gunned down in Ms. Bertin's car.

(6) On May 22, 1995, Michel Gonzalez, Haitian businessman and Aristide's next door neighbor, was killed in a drive-by shooting after alleged attempts by Aristide to acquire his property.

(7) After Aristide regained power, three former top Army officers were assassinated: Colonel Max Mayard on March 10, 1995; Colonel Michelange Hermann on May 24, 1995; and Brigadier General Romulus Dumarsais was killed on June 27, 1995.

(8) Presidential elections were held on December 17, 1995. Rene Preval, an Aristide supporter, won, with 89 percent of the votes cast, but with a low voter turnout of only 28 percent, and with many parties allegedly boycotting the election. Preval took office on February 7, 1996.

(9) On March 6,1996, police and ministerial security guards killed at least six men during a raid in Cite Soleil, a Port-au-Prince slum.

(10) On August 20,1996, two opposition politicians, Jacques Fleurival and Baptist Pastor Antoine Leroy were gunned down outside Fleurival's home.

(11) Other alleged extrajudicial and political killings include the deaths of Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, and Jean-Hubert Feuille.

(12) Although the Haitian Government claims to have terminated from employment several suspects in the killings, some whom have received training from United States advisors, there has been no substantial progress made in the investigation that has led to the prosecution of any of the above-referenced extrajudicial and political killings.

(13) The expiration of the mandate of the United Nations Support Mission in Haiti has been extended three times, the last to July 31, 1997. The Administration has indicated that a fourth extension through November 1997, may be necessary to ensure the transition to a democratic government.

(b) GROUNDS FOR EXCLUSION.—The Secretary of State shall deny a visa to, and the Attorney General shall exclude from the United States, any alien who the Secretary of State has reason to believe is a person who—

(1) has been credibly alleged to have ordered, carried out, or materially assisted, in the extrajudicial and political killings of Antoine Izmery, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

(2) has been included in the list presented to former president Jean-Bertrand Aristide by former National Security Council Advisor Anthony Lake in December 1995, and acted upon by President Rene Preval;

(3) was a member of the Haitian presidential security unit who has been credibly alleged to have ordered, carried out, or materially assisted, in the extrajudicial and political killings of Pastor Antoine Leroy and Jacques Fleurival, or who was suspended by President Preval for his involvement in or knowledge of the Leroy and Fleurival killings on August 20, 1996;

(4) was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1995, murder of Mireille Durocher Bertin and Eugene Baillergeau, Jr., and were credibly alleged to have ordered, carried out, or materially assisted, in those murders, per a June 28, 1995, letter to the then Minister of Justice of the Government of Haiti, Jean-Joseph Exume;

(5) any member of the Haitian High Command during the period 1991–1994, who has been credibly alleged to have planned, ordered, or participated with members of the Haitian Armed Forces in the September 1991 coup against the duly elected government of Haiti (and his family members) or the subsequent murders of as many as three thousand Haitians during that period; or

(6) any individual who has been credibly alleged to have been a member of the paramilitary organization known as FRAPH who planned, ordered, or participated in acts of violence against the Haitian people.

(c) EXEMPTION.—This section shall not apply where the Secretary of State finds, on a case by case basis, that the entry into the United States of the person who would otherwise be excluded under this section is necessary for medical reasons, or such person has cooperated fully with

the investigation of these political murders. If the Secretary of State exempts such a person, the Secretary shall notify the appropriate congressional committees in writing.

(d) REPORTING REQUIREMENT.—(1) The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings mentioned in paragraph (1) of subsection (b).

(2) The Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees not later than three months after the date of enactment of this Act.

(3) The Secretary of State shall submit to the appropriate congressional committees a list of aliens denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of aliens refused entry to the United States as a result of this provision.

(4) The Secretary shall submit a report under this subsection not later than six months after the date of enactment of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed the investigation of the extrajudicial and political killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (b).

(e) DEFINITION.—In this section, 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.

SEC. 1615. SENSE OF THE SENATE ON ENFORCEMENT OF THE IRAN-IRAQ ARMS NON-PROLIFERATION ACT OF 1992 WITH RESPECT TO THE ACQUISITION BY IRAN OF C-802 CRUISE MISSILES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States escort vessel U.S.S. Stark was struck by a cruise missile, causing the death of 37 United States sailors.

(2) The China National Precision Machinery Import Export Corporation is marketing the C-802 model cruise missile for use against escort vessels such as the U.S.S. Stark.

(3) The China National Precision Machinery Import Export Corporation has delivered 60 C-802 cruise missiles to Iran for use by vessels of the Iranian Revolutionary Guard Navy.

(4) Iran is acquiring land batteries to launch C-802 cruise missiles which will provide its armed forces with a weapon of greater range, reliability, accuracy, and mobility than before.

(5) Iran has acquired air launched C-802K cruise missiles giving it a 360 degree attack capability.

(6) 15,000 members of the United States Armed Forces are stationed within range of the C-802 cruise missiles being acquired by Iran.

(7) The Department of State believes that "[t]hese cruise missiles pose new, direct threats to deployed United States forces".

(8) The delivery of cruise missiles to Iran is a violation of the Iran-Iraq Arms Non-Proliferation Act of 1992 (50 U.S.C. 1701 note).

(9) The Clinton Administration "has concluded at present that the known types [of C-802 cruise missiles] are not of a destabilizing number and type".

(b) SENSE OF SENATE.—It is the sense of the Senate to urge the Clinton Administration to enforce the provisions of the Iran-Iraq Arms Non-Proliferation Act of 1992 with respect to the acquisition by Iran of C-802 model cruise missiles.

SEC. 1616. SENSE OF THE SENATE ON PERSECUTION OF CHRISTIAN MINORITIES IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) The Senate finds that—

(1) Chinese law requires all religious congregations, including Christian congregations, to "register" with the Bureau of Religious Affairs, and Christian congregations, depending on denominational affiliation, to be monitored by either the "Three Self Patriotic Movement Committee of the Protestant Churches of China", the "Chinese Christian Council", the "Chinese Patriotic Catholic Association", or the "Chinese Catholic Bishops College";

(2) the manner in which these registration requirements are implemented and enforced allows the government to exercise direct control over all congregations and their religious activities, and also discourages congregants who fear government persecution and harassment on account of their religious beliefs;

(3) in the past several years, unofficial Protestant and Catholic communities have been targeted by the Chinese government in an effort to force all churches to register with the government or face forced dissolution;

(4) this campaign has resulted in the beating and harassment of congregants by Chinese public security forces, the closure of churches, and numerous arrests, fines, and criminal and administrative sentences. For example, as reported by credible American and multinational nongovernmental organizations—

(A) in February 1995, 500 to 600 evangelical Christians from Jiangsu and Zhejiang Provinces met in Huaian, Jiangsu Province. Public Security Bureau personnel broke up the meeting, beat several participants, imprisoned several of the organizers, and levied severe fines on others;

(B) in April 1996 government authorities in Shanghai closed more than 300 home churches or meeting places;

(C) from January through May 1996, security forces fanned out through northern Hebei Province, a Catholic stronghold, in order to prevent an annual attendance at a major Marian shrine by arresting clergy and lay Catholics and confining prospective attendees to their villages;

(D) a communist party document dated November 20, 1996 entitled "The Legal Procedures for Implementing the Eradication of the Illegal Activities of the Underground Catholic Church" details steps for eliminating the Catholic movement in Chongren, Xian, Fuzhou and Jiangxi Provinces and accuses believers of "seriously disturbing the social order and affecting [the] political stability" of the country; and

(E) in March 1997, public security officials raided the home of the "underground" Bishop of Shanghai, confiscating religious articles and $2,500 belonging to the church.

(b) It is, therefore, the sense of the Senate that—

(1) the government of the People's Republic of China be urged to release from incarceration all those held for participation in religious activities outside the aegis of the official churches, and cease prosecuting or detaining those who participate in such religious activities;

(2) the government of the People's Republic of China be urged to abolish its present church registration process;

(3) the government of the People's Republic of China fully adhere to the religious principles protected by the United Nations Universal Declaration of Human Rights; and

(4) the Administration should raise the United States concerns over the persecution of Protestant and Catholic believers with the government of the People's Republic of China, including at the proposed state visit by President Jiang Zemin to the United States, and at other high-level meetings which may take place.

SEC. 1617. SENSE OF CONGRESS REGARDING THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—Congress finds the following:

(1) The West's victory in the Cold War dramatically changed the political and national security landscape in Europe.

(2) The unity, resolve, and strength of the North Atlantic Treaty Organization was the principal factor behind that victory.

(3) The North Atlantic Treaty was signed in April 1949 and created the most successful defense alliance in history.

(4) The President of the United States and leaders of other NATO countries have indicated their intention to enlarge alliance membership to include at least three new countries.

(5) The Senate expressed its approval of the enlargement process by voting 81-16 in favor of the NATO Enlargement Facilitation Act of 1996.

(6) The United States is bound by Article Five of the North Atlantic Treaty to respond to an attack on any NATO member as it would to an attack on the United States itself.

(7) Although the prospect of NATO membership has provided the impetus for several countries to resolve long standing disputes, the North Atlantic Treaty does not provide for a formal dispute resolution process by which members can resolve differences among themselves without undermining Article Five obligations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the North Atlantic Treaty Organization should consider a formal dispute resolution process within the Alliance prior to its December 1997 ministerial meeting.

SEC. 1618. JAPAN-UNITED STATES FRIENDSHIP 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) The Japan-United States Friendship Commission is hereby 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 deemed to be a reference to the United States-Japan Commission.

(2) The Japan-United States Friendship Act (22 U.S.C. 2901 et seq.) is amended by striking "Japan-United States Friendship Commission" each place it appears and inserting "United States-Japan Commission".

(3) 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".

(c) REVISION OF NAME OF TRUST FUND.—

(1) The Japan-United States Friendship Trust Fund is hereby 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 deemed to be a reference to the United States-Japan Trust Fund.

(2)(A) Subsection (a) of section 3 of the Japan-United States Friendship Act (22 U.S.C. 2902) is amended by striking "Japan-United States Friendship Trust Fund" and inserting "United States-Japan Trust Fund".

(B) The section heading of that section is amended to read as follows:

"UNITED STATES-JAPAN TRUST FUND".

SEC. 1619. AVIATION SAFETY.

It is the sense of Congress that the need for cooperative efforts in transportation and aviation safety be placed on the agenda for the Summit of the Americas to be held in Santiago,

Chile, in March 1998. Since April 1996, when ministers and transportation officials from 23 countries in the Western Hemisphere met in Santiago, Chile, in order to develop the Hemispheric Transportation Initiative, aviation safety and transportation standardization has become an increasingly important issue. The adoption of comprehensive Hemisphere-wide measures to enhance transportation safety, including standards for equipment, infrastructure, and operations as well as harmonization of regulations relating to equipment, operations, and transportation safety are imperative. This initiative will increase the efficiency and safety of the current system and consequently facilitate trade.

SEC. 1620. SENSE OF THE SENATE ON UNITED STATES POLICY TOWARD THE PEOPLE'S REPUBLIC OF CHINA.

(a) FINDINGS.—Congress makes the followings findings:

(1) As the world's leading democracy, the United States cannot ignore the Government of the People's Republic of China's record on human rights and religious persecution.

(2) According to Amnesty International, "A fifth of the world's people are ruled by a government that treats fundamental human rights with contempt. Human rights violations continue on a massive scale.".

(3) According to Human Rights Watch/Asia reported that: "Unofficial Christian and Catholic communities were targeted by the government during 1996. A renewed campaign aimed at forcing all churches to register or face dissolution, resulted in beating and harassment of congregants, closure of churches, and numerous arrests, fines, and sentences. In Shanghai, for example, more than 300 house churches or meeting points were closed down by the security authorities in April alone.".

(4) The People's Republic of China's compulsory family planning policies include forced abortions.

(5) China's attempts to intimidate Taiwan and the activities of its military, the People's Liberation Army, both in the United States and abroad, are of major concern.

(6) The Chinese government has threatened international stability through its weapons sales to regimes, including Iran and Iraq, that sponsor terrorism and pose a direct threat to American military personnel and interests.

(7) The efforts of two Chinese companies, the China North Industries Group (NORINCO) and the China Poly Group (POLY), deserve special rebuke for their involvement in the sale of AK-47 machine guns to California street gangs.

(8) Allegations of the Chinese government's involvement in our political system may involve both civil and criminal violations of our laws.

(9) The Senate is concerned that China may violate the 1984 Sino-British Joint Declaration transferring Hong Kong from British to Chinese rule by limiting political and economic freedom in Hong Kong.

(10) The Senate strongly believes time has come to take steps that would signal to Chinese leaders that religious persecution, human rights abuses, forced abortions, military threats and weapons proliferation, and attempts to influence American elections are unacceptable to the American people.

(11) The United States should signal its disapproval of Chinese government actions through targeted sanctions, while at the same time encouraging worthwhile economic and cultural exchanges that can lead to positive change in China.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should—

(1) limit the granting of United States visas to Chinese government offices who work in entities the implementation of China's laws and directives on religious practices and coercive family planning, and those officials materially involved in the massacre of Chinese students in Tiananmen square;

(2) limit United States taxpayer subsidies for the Chinese government through multilateral development institutions such as the World Bank, Asian Development Bank, and the International Monetary Fund;

(3) publish a list of all companies owned in part or wholly by the People's Liberation Army (PLA) of the Chinese government who export to, or have an office in, the United States;

(4) consider imposing targeted sanctions on NORINCO and POLY by not allowing them to export to, nor to maintain a physical presence in, the United States for a period of one year; and

(5) promote democratic values in China by increasing United States Government funding of Radio Free Asia, the National Endowment for Democracy's programs in China and existing student, cultural, and legislative exchange programs between the United States and the People's Republic of China.

SEC. 1621. SENSE OF THE SENATE ENCOURAGING PROGRAMS BY THE NATIONAL ENDOWMENT FOR DEMOCRACY REGARDING THE RULE OF LAW IN CHINA.

(a) FINDINGS.—

(1) The establishment of the rule of law is a necessary prerequisite for the success of democratic governance and the respect for human rights.

(2) In recent years efforts by the United States and United States-based organizations, including the National Endowment for Democracy, have been integral to legal training and the promotion of the rule of law in China drawing upon both western and Chinese experience and tradition.

(3) The National Endowment for Democracy has already begun to work on these issues, including funding a project to enable independent scholars in China to conduct research on constitutional reform issues and the Hong Kong-China Law Database Network.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate to encourage the National Endowment for Democracy to expand its activities in China and Hong Kong on projects which encourage the rule of law, including the study and dissemination of information on comparative constitutions, federalism, civil codes of law, civil and penal code reform, legal education, freedom of the press, and contracts.

SEC. 1622. CONCERNING THE PALESTINIAN AUTHORITY.

(a) Congress finds that:

(1) The Palestinian Authority Justice Minister Freih Abu Medein announced in April 1997 that anyone selling land to Jews was committing a crime punishable by death.

(2) Since this announcement, three Palestinians were allegedly murdered in the Jerusalem and Ramallah areas for selling real estate to Jews.

(3) Israeli police managed to foil the attempted abduction of a fourth person.

(4) Israeli security services have acquired evidence indicating that the intelligence services of the Palestinian Authority were directly involved in at least two of these murders.

(5) Subsequent statements by high-ranking Palestinian Authority officials have justified these murders, further encouraging this intolerable policy.

(b) It is the sense of the Congress that—

(1) the Secretary of State should thoroughly investigate the Palestinian Authority's role in any killings connected with this policy and should immediately report its findings to the Congress;

(2) the Palestinian Authority, with Yasser Arafat as its chairman, must immediately issue a public and unequivocal statement denouncing these acts and reversing this policy;

(3) this policy is an affront to all those who place high value on peace and basic human rights; and

(4) the United States should renew the provision of assistance to the Palestinian Authority in light of this policy.

SEC. 1623. AUTHORIZATION OF APPROPRIATIONS FOR FACILITIES IN BEIJING AND SHANGHAI.

Of the amounts authorized to be appropriated pursuant to section 1101 in this Act, up to $90,000,000 are authorized to be appropriated for the renovation, acquisition and construction of housing and secure diplomatic facilities at the United States Embassy in Beijing and the United States Consulate in Shanghai, People's Republic of China.

SEC. 1624. ELIGIBILITY FOR REFUGEE STATUS.

Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-171) is amended—

(1) in subsection (a)—

(A) by striking "For purposes" and inserting "Notwithstanding any other provision of law, for purposes"; and

(B) by striking "fiscal year 1997" and inserting "fiscal years 1997 and 1998"; and

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

"(b) ALIENS COVERED.—

"(1) IN GENERAL.— An alien described in this subsection is an alien who—

"(A) is the son or daughter of a qualified national;

"(B) is 21 years of age or older; and

"(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

"(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term 'qualified national' means a national of Vietnam who—

"(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

"(ii) is the widow or widower of an individual described in clause (i); and

"(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

"(ii) on or after April 1, 1995, is accepted—

"(I) for resettlement as a refugee; or

"(II) for admission as an immigrant under the Orderly Departure Program.".

DIVISION C—UNITED NATIONS REFORM

TITLE XX—GENERAL PROVISIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "United Nations Reform Act of 1997".

SEC. 2002. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(2) DESIGNATED SPECIALIZED AGENCY DEFINED.—In this section, the term "designated specialized agency" refers to the International Labor Organization, the World Health Organization, and the Food and Agriculture Organization.

(3) SECRETARY GENERAL.—The term "Secretary General" means the Secretary General of the United Nations.

(4) UNITED NATIONS MEMBER.—The term "United Nations member" means any country that is a member of the United Nations.

(5) UNITED NATIONS PEACE OPERATION.—The term "United Nations peace operation" means

any United Nations-led peace operation paid for from the assessed peacekeeping budget and authorized by the Security Council.

SEC. 2003. NONDELEGATION OF CERTIFICATION REQUIREMENTS.

The Secretary of State may not delegate the authority in this division to make any certification.

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS

SEC. 2101. ASSESSED CONTRIBUTIONS TO THE UNITED NATIONS AND AFFILIATED ORGANIZATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated under the heading "Assessed Contributions to International Organizations" $938,000,000 for the fiscal year 1998 and $900,000,000 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 organizations and to carry out other authorities in law consistent with such purposes. Of the funds made available under this subsection $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.

(b) NO GROWTH BUDGET.—Of the funds made available under subsection (a), $80,000,000 may be made available during each fiscal year only on a semi-annual basis and only after the Secretary of State certifies on a semi-annual basis that the United Nations has taken no action during the preceding six months to increase funding for any United Nations program without identifying an offsetting decrease during that six month period elsewhere in the United Nations budget of $2,533,000,000 and cause the United Nations to exceed its budget for the biennium 1998–99 adopted in December 1997.

(c) INSPECTOR GENERAL OF THE UNITED NATIONS.—

(1) WITHHOLDING OF FUNDS.—Twenty percent of the funds made available in each fiscal year under subsection (a) for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under paragraph (2).

(2) CERTIFICATION.—A certification under this paragraph is a certification by the Secretary of State in the fiscal year concerned that the following conditions are satisfied:

(A) ACTION BY THE UNITED NATIONS.—The United Nations—

(i) has met the requirements of paragraphs (1) through (6) of section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note); and

(ii) has established procedures that require the Under Secretary General of the Office of Internal Oversight Service to report directly to the Secretary General on the adequacy of the Office's resources to enable the Office to fulfill its mandate.

(B) ACTION BY OIOS.—The Office of Internal Oversight Services has authority to audit, inspect, or investigate each program, project, or activity funded by the United Nations, and each executive board created under the United Nations has been notified, in writing, of that authority.

(d) PROHIBITION ON CERTAIN GLOBAL CONFERENCES.—Funds made available under subsection (a) shall be withheld from disbursement until the Secretary of State certifies to Congress that the United States has not contributed any funds authorized to be appropriated in subsection (a) to pay for any expenses related to the holding of a United Nations Global Conference.

(e) REDUCTION IN NUMBER OF POSTS.—

(1) FISCAL YEAR 1998.—Of the funds appropriated for fiscal year 1998 for the United Nations pursuant to subsection (a), $50,000,000 shall be withheld from disbursement until the Secretary of State certifies to Congress that the number of posts established under the 1998–99 regular budget of the United Nations and authorized by the General Assembly has been reduced by at least 1,000 posts from those authorized by the 1996–97 biennium, as a result of a suppression of that number of posts.

(2) FISCAL YEAR 1999.—Of the funds appropriated for fiscal year 1999 for the United Nations, pursuant to subsection (a), $50,000,000 shall be withheld from disbursement until the Secretary of State certifies to Congress that the 1998–99 United Nations budget contains a vacancy rate of not less than 5 percent for professional staff and not less than 2.5 percent for general services staff.

(f) PROHIBITION ON FUNDING ORGANIZATIONS OTHER THAN UNITED NATIONS.—None of the funds made available under subsection (a) shall be available for disbursement until the Secretary of State certifies to Congress that no portion of the United States contribution will be used to fund any other organization other than the United Nations out of the United Nations regular budget, including the Framework Convention on Global Climate Change and the International Seabed Authority.

(g) LIMITATION.—

(1) IN GENERAL.—The total amount of funds made available for all United States memberships in international organizations under the heading "Assessed Contributions to International Organizations" may not exceed $900,000,000 for each of fiscal years 1999 and 2000.

(h) FOREIGN CURRENCY EXCHANGE RATES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 1998 and 1999 to offset adverse fluctuations in foreign currency exchange rates.

(2) AVAILABILITY OF FUNDS.—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.

(i) REFUND OF EXCESS CONTRIBUTIONS.—The United States shall continue to insist that the United Nations and its specialized and affiliated agencies shall establish and implement a procedure to credit or refund to each member of the agency concerned its proportionate share of the amount by which the total contributions to the agency exceed the expenditures of the regular assessed budgets of these agencies.

SEC. 2102. UNITED NATIONS POLICY ON ISRAEL AND THE PALESTINIANS.

(a) CONGRESSIONAL STATEMENT.—It shall be the policy of the United States to 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) POLICY ON ABOLITION OF CERTAIN UNITED NATIONS GROUPS.—It shall be the policy of the United States to seek abolition of certain United Nations groups the existence of which is inimical to the ongoing Middle East peace process, those groups being the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories; the Committee on the Exercise of the Inalienable Rights of the Palestinian People; the Division for the Palestinian Rights; and the Division on Public Information on the Question of Palestine.

(c) CONSULTATIONS WITH CONGRESS.—Not later than 90 days after the date of the enactment of this Act and on a semi-annual basis thereafter, the Secretary of State shall consult with the appropriate congressional committees (in classified or unclassified form as appropriate) on—

(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) 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;

(3) other measures being undertaken, and which will be undertaken, to ensure and promote Israel's full and equal participation in the United Nations; and

(4) steps taken by the United States to secure abolition by the United Nations of groups under subsection (b).

SEC. 2103. ASSESSED CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated under the heading "Assessed Contributions for International Peacekeeping Activities" $200,000,000 for the fiscal year 1998 and $205,000,000 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.

(b) CODIFICATION OF REQUIRED NOTICE OF PROPOSED UNITED NATIONS PEACEKEEPING OPERATIONS.—

(1) CODIFICATION.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(A) in subsection (a), by striking the second sentence;

(B) by striking subsection (e); and

(C) by adding after subsection (d) the following new subsections:

"(e) CONSULTATIONS AND REPORTS ON UNITED NATIONS PEACEKEEPING OPERATIONS.—

"(1) CONSULTATIONS.—Each month the President shall consult with Congress on the status of United Nations peacekeeping operations.

"(2) INFORMATION TO BE PROVIDED.—In connection with such consultations, the following information shall be provided each month to the designated congressional committees:

"(A) With respect to ongoing United Nations peacekeeping operations, the following:

"(i) A list of all resolutions of the United Nations Security Council anticipated to be voted on during such month that would extend or change the mandate of any United Nations peacekeeping operation.

"(ii) For each such operation, any changes in the duration, mandate, and command and control arrangements that are anticipated as a result of the adoption of the resolution.

"(iii) An estimate of the total cost to the United Nations of each such operation for the period covered by the resolution, and an estimate of the amount of that cost that will be assessed to the United States.

"(iv) Any anticipated significant changes in United States participation in or support for each such operation during the period covered by the resolution (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)) and the estimated costs to the United States of such changes.

"(B) With respect to each new United Nations peacekeeping operation that is anticipated to be authorized by a Security Council resolution during such month, the following information for the period covered by the resolution:

"(i) The anticipated duration, mandate, the command and control arrangements of such operation, the planned exit strategy, and the vital national interest to be served.

"(ii) An estimate of the total cost to the United Nations of the operation, an estimate of the amount of that cost that will be assessed to the United States, and a notice of intent to submit a reprogramming of funds to cover that cost.

"(iii) A description of the functions that would be performed by any United States Armed Forces participating in or otherwise operating in support of the operation, an estimate of the number of members of the Armed Forces that will participate in or otherwise operate in support of the operation, and an estimate of the cost to the United States of such participation or support.

"(iv) A description of any other United States assistance to or support for the operation (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)) and an estimate of the cost to the United States of such assistance or support.

"(3) FORM AND TIMING OF INFORMATION.—

"(A) FORM.—The President shall submit information under clauses (i) and (iii) of paragraph (2)(A) in writing.

"(B) TIMING.—

"(i) IN GENERAL.—The information required under paragraph (2)(A) for a month shall be submitted not later than the 10th day of the month.

"(ii) PARTICULAR INFORMATION.—The information required under paragraph (2)(B) shall be submitted in writing not less than 15 days before the anticipated date of the vote on the resolution concerned or, if a 15-day advance submission is not practicable, in as far advance of the vote as is practicable.

"(4) NEW UNITED NATIONS PEACEKEEPING OPERATION DEFINED.—As used in paragraph (2), the term 'new United Nations peacekeeping operation' includes any existing or otherwise ongoing United Nations peacekeeping operation—

"(A) in the case of an operation in existence, where the authorized force strength is to be expanded by more than 15 percent in an operation of less than 200 military or police personnel, or 10 percent in an operation of more than 200 military or police personnel during the period covered by the Security Council resolution;

"(B) that is to be authorized to operate in a country in which it was not previously authorized to operate; or

"(C) the mandate of which is to be changed so that the operation would be engaged in significant additional or different functions.

"(5) NOTIFICATION AND QUARTERLY REPORTS REGARDING UNITED STATES ASSISTANCE.—

"(A) NOTIFICATION OF CERTAIN ASSISTANCE.—

"(i) IN GENERAL.—The President shall notify the designated congressional committees at least 15 days before the United States provides any assistance to the United Nations to support peacekeeping operations.

"(ii) EXCEPTION.—This subparagraph does not apply to—

"(I) assistance having a value of less than $3,000,000 in the case of nonreimbursable assistance or less than $14,000,000 in the case of reimbursable assistance; or

"(II) assistance provided under the emergency drawdown authority of sections 506(a)(1) and 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1) and 2348a(c)(2)).

"(B) QUARTERLY REPORTS.—

"(i) IN GENERAL.—The President shall submit quarterly reports to the designated congressional committees on all assistance provided by the United States during the preceding calendar quarter to the United Nations to support peacekeeping operations.

"(ii) MATTERS INCLUDED.—Each report under this subparagraph shall describe the assistance provided for each such operation, listed by category of assistance.

"(iii) FOURTH QUARTER REPORT.—The report under this subparagraph for the fourth calendar quarter of each year shall be submitted as part of the annual report required by subsection (d) and shall include cumulative information for the preceding calendar year.

"(f) DESIGNATED CONGRESSIONAL COMMITTEES.—In this section, the term 'designated congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.".

(2) CONFORMING REPEAL.—Subsection (a) of section 407 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 22 U.S.C. 287b note; 108 Stat. 448) is repealed.

(c) RELATIONSHIP TO OTHER NOTICE REQUIREMENTS.—Section 4 of the United Nations Participation Act of 1945, as amended by subsection (c), is further amended by adding at the end the following:

"(g) RELATIONSHIP TO OTHER NOTIFICATION REQUIREMENTS.—Nothing in this section is intended to alter or supersede any notification requirement with respect to peacekeeping operations that is established under any other provision of law.".

SEC. 2104. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACE AND SECURITY OPERATIONS.

Chapter 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2348 et seq.) is amended by adding at the end the following:

"SEC. 555. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACE AND SECURITY OPERATIONS.

"(a) UNITED STATES COSTS.—The United States shall annually provide to the Secretary General of the United Nations data regarding all costs incurred by the United States in support of all United Nations authorized operations in support of international peace and security.

"(b) UNITED NATIONS MEMBER COSTS.—The United States shall request that the United Nations compile and publish information concerning costs incurred by United Nations members in support of such operations.".

SEC. 2105. REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS.

(a) REQUIREMENT TO OBTAIN REIMBURSEMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the President shall seek and obtain a commitment from the United Nations to provide reimbursement to the United States from the United Nations in a timely fashion whenever the United States Government furnishes assistance pursuant to the provisions of law described in subsection (c)—

(A) to the United Nations;

(B) for any United Nations peacekeeping operation that is authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping or regular budget assessment of the United Nations members; or

(C) to any country participating in any operation authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping assessments of United Nations members when the assistance is designed to facilitate or assist the participation of that country in the operation.

(2) EXCEPTION.—The requirement in paragraph (1) shall not apply to—

(A) expenses incurred by the United States for the direct benefit of the United States Armed Forces;

(B) assistance having a value of less than $3,000,000 per fiscal year per operation; or

(C) assistance furnished before the date of enactment of this Act.

(3) FORM AND AMOUNT.—

(A) AMOUNT.—The amount of any reimbursement under this subsection shall be determined at the usual rate established by the United Nations.

(B) FORM.—Reimbursement under this subsection may include credits against the United States assessed contributions for United States peacekeeping operations, if the expenses incurred by any United States department or agency providing the assistance have first been reimbursed.

(b) TREATMENT OF REIMBURSEMENTS.—

(1) CREDIT.—The amount of any reimbursement paid the United States under subsection (a) shall be credited to the current applicable appropriation, fund, or account of the United States department or agency providing the assistance for which the reimbursement is paid.

(2) AVAILABILITY.—Amounts credited under paragraph (1) shall be merged with the appropriations, or with appropriations in the fund or account, to which credited and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriations with which merged.

(c) COVERED ASSISTANCE.—Subsection (a) assistance provided under the following provisions of law:

(1) Sections 6 and 7 of the United Nations Participation Act of 1945.

(2) Sections 451, 506(a)(1), 516, 552(c), and 607 of the Foreign Assistance Act of 1961.

(3) Any other provisions of law pursuant to which assistance is provided by the United States to carry out the mandate of an assessed United Nations peacekeeping operation.

(d) WAIVER.—

(1) AUTHORITY.—

(A) IN GENERAL.—The President may authorize the furnishing assistance covered by this section without regard to subsection (a) if the President determines, and so notifies in writing the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives, that to do so is important to the security interests of the United States.

(B) CONGRESSIONAL NOTIFICATION.—Before exercising the authorities of subparagraph (A), the President shall notify the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(2) CONGRESSIONAL REVIEW.—Notwithstanding a notice under paragraph (1) with respect to assistance covered by this section, subsection (a) shall apply to the furnishing of the assistance if, not later than 15 calendar days after receipt of a notification under that paragraph, the Congress enacts a joint resolution disapproving the determination of the President contained in the notice.

(3) SENATE PROCEDURES.—Any joint resolution described in paragraph (2) 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.

(e) RELATIONSHIP TO OTHER REIMBURSEMENT AUTHORITY.—Nothing in this section shall preclude the President from seeking reimbursement

for assistance covered by this section that is in addition to the reimbursement sought for the assistance under in subsection (a).

(f) DEFINITION.—In this section, the term "assistance" includes personnel, services, supplies, equipment, facilities, and other assistance, provided by the United States Department of Defense or any other United States Government agency.

SEC. 2106. RESTRICTION ON UNITED STATES FUNDING FOR UNITED NATIONS PEACE OPERATIONS.

The President shall withhold from disbursement for any United Nations peace operation established after the date of enactment of this Act the United States proportionate share of any amount made available to that operation out of the regular budget of the United Nations, unless the President determines, and so notifies the appropriate congressional committees, that funding such a United Nations peace operation serves an important national security interest of the United States.

SEC. 2107. UNITED STATES POLICY REGARDING UNITED NATIONS PEACEKEEPING MISSIONS.

It shall be the policy of the United States—

(1) to ensure that major peacekeeping operations (in general, those comprised of more than 10,000 troops) authorized by the United Nations Security Council under Chapter VII of the United Nations Charter (or missions such as the United Nations Protection Force (UNPROFOR)) are undertaken by a competent regional organization such as NATO or a multinational force, and not established as a peacekeeping operation under United Nations operational control which would be paid for by assessment of United Nations members; and

(2) to consider, on a case-by-case basis, whether it is in the national interest of the United States to agree that smaller peacekeeping operations authorized by the United Nations Security Council under Chapter VII of the United Nations Charter and paid for by assessment of United Nations members (such as the United Nations Transitional Authority in Slavonia (UNTAES)) should be established as peacekeeping operations under United Nations operational control which would be paid for by assessment of United Nations members.

SEC. 2108. 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.

TITLE XXII—ARREARS PAYMENTS AND REFORM

CHAPTER 1—ARREARAGES TO THE UNITED NATIONS

Subchapter A—Authorization of Appropriations; Disbursement of Funds

SEC. 2201. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Department of State for payment of arrearages owed by the United States to the United Nations and its specialized agencies as of September 30, 1997—

(1) $100,000,000 for fiscal year 1998;

(2) $475,000,000 for fiscal year 1999; and

(3) $244,000,000 for fiscal year 2000.

(b) LIMITATION.—Amounts made available under subsection (a) are authorized to be available only—

(1) to pay the United States share of assessments for the regular budget of the United Nations (excluding the budgets of the United Nations specialized agencies);

(2) to pay the United States share of United Nations peace operations;

(3) to pay the United States share of United Nations specialized agencies; and

(4) to pay the United States share of other international organizations.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(d) STATUTORY CONSTRUCTION.—For purposes of payments made pursuant to subsection (a), section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) shall not apply to United Nations peace operation assessments received by the United States prior to October 1, 1995.

SEC. 2202. DISBURSEMENT OF FUNDS.

(a) IN GENERAL.—Funds made available pursuant to section 2201 may be disbursed only if the requirements of subsections (b) and (c) of this section are satisfied.

(b) DISBURSEMENTS UPON SATISFACTION OF CERTIFICATION REQUIREMENTS.—Funds made available pursuant to section 2201 may be disbursed only in the following allotments and upon the following certifications:

(1) Amounts authorized to be appropriated for fiscal year 1998, upon the certification described in section 2211.

(2) Amounts authorized to be appropriated for fiscal year 1999, upon the certification described in section 2221.

(3) Amounts authorized to be appropriated for fiscal year 2000, upon the certification described in section 2231.

(c) ADVANCE CONGRESSIONAL NOTIFICATION.—Funds made available pursuant to section 2201 may be disbursed only if the appropriate certification has been submitted to Congress 30 days prior to the payment of funds to the United Nations or its specialized agencies.

(d) TRANSMITTAL OF CERTIFICATIONS.—Certifications made under this chapter shall be transmitted by the Secretary of State to the appropriate congressional committees.

Subchapter B—United States Sovereignty

SEC. 2211. CERTIFICATION REQUIREMENTS.

(a) CONTENTS OF CERTIFICATION.—A certification described in this section is a certification by the Secretary of State that the following conditions are satisfied:

(1) CONTESTED ARREARAGES.—The United Nations has established an account or other appropriate mechanism with respect to all United States arrearages incurred before the date of enactment of this Act with respect to which payments are not authorized by this Act, and the failure to pay amounts specified in the account do not affect the application of Article 19 of the Charter of the United Nations. The account established under this paragraph may be referred to as the "contested arrearages account".

(2) SUPREMACY OF THE UNITED STATES CONSTITUTION.—No action has been taken on or after October 1, 1996, by the United Nations or any of its specialized or affiliated agencies that requires the United States to violate the United States Constitution or any law of the United States.

(3) NO UNITED NATIONS SOVEREIGNTY.—Neither the United Nations nor any of its specialized or affiliated agencies—

(A) has exercised sovereignty over the United States; or

(B) has taken any steps that require the United States to cede sovereignty.

(4) NO UNITED NATIONS TAXATION.—

(A) NO LEGAL AUTHORITY.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has the authority under United States law to impose taxes or fees on United States nationals.

(B) NO TAXES OR FEES.—Except as provided in subparagraph (D), a tax or fee has not been imposed on any United States national by the United Nations or any of its specialized or affiliated agencies.

(C) NO TAXATION PROPOSALS.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has officially approved any formal effort to develop, advocate, or promote any proposal concerning the imposition of a tax or fee on any United States national in order to raise revenue for the United Nations or any such agency.

(D) EXCEPTION.—This paragraph does not apply to—

(i) fees for publications or other kinds of fees that are not tantamount to a tax on United States citizens; or

(ii) the World Intellectual Property Organization.

(5) NO STANDING ARMY.—The United Nations has not budgeted any funds for, nor taken any official steps to develop, create, or establish any special agreement under Article 43 of the United Nations Charter to make available to the United Nations, on its call, the armed forces of any member of the United Nations.

(6) NO INTEREST FEES.—The United Nations has not levied interest penalties against the United States or any interest on arrearages on the annual assessment of the United States, and from the date of enactment of this Act, neither the United Nations nor its specialized agencies have amended their financial regulations or taken any other action that would permit interest penalties to be levied against or otherwise charge the United States any interest on arrearages on its annual assessment.

(7) UNITED STATES PROPERTY RIGHTS.—Neither the United Nations nor any of its specialized or affiliated agencies has exercised authority or control over any United States national park, wildlife preserve, monument, or property, nor has the United Nations nor any of its specialized or affiliated agencies implemented plans, regulations, programs, or agreements that exercise control or authority over the private property of United States citizens.

(8) TERMINATION OF BORROWING AUTHORITY.—

(A) PROHIBITION ON AUTHORIZATION OF EXTERNAL BORROWING.—On or after the date of enactment of this Act, neither the United Nations nor any specialized agency of the United Nations has amended its financial regulations to permit external borrowing.

(B) PROHIBITION OF UNITED STATES PAYMENT OF INTEREST COSTS.—The United States has not paid its share of any interest costs made known to or identified by the United States Government for loans incurred by the United Nations or any specialized agency of the United Nations through external borrowing.

(b) TRANSMITTAL.—The Secretary of State may transmit a certification under subsection (a) at any time during fiscal year 1998 or thereafter if the requirements of the certification are satisfied.

Subchapter C—Reform of Assessments and United Nations Peace Operations

SEC. 2221. CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.—A certification described in this section is a certification by the Secretary of State that the conditions in subsection (b) are satisfied. Such certification shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in section 2211 are no longer valid.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET.—The share of the total of all assessed contributions for the regular budget of

the United Nations, or any designated specialized agency of the United Nations, does not exceed 22 percent for any single United Nations member.

(2) LIMITATION ON ASSESSED SHARE OF BUDGET FOR PEACE OPERATIONS.—The assessed share of the budget for each assessed United Nations peace operation does not exceed 25 percent for any single United Nations member.

(3) TRANSFER OF REGULAR BUDGET-FUNDED PEACE OPERATIONS.—The mandates of the United Nations Truce Supervision Organization (UNTSO) and the United Nations Military Observer Group in India and Pakistan (UNMOGIP) are subject to annual review by members of the Security Council, and are subject to the notification requirements pursuant to section 2103(c).

Subchapter D—Budget and Personnel Reform

SEC. 2231. CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.—A certification described in this section is a certification by the Secretary of State that the following conditions in subsection (b) are satisfied. Such certification shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in sections 2211 and 2221 are no longer valid.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET.—The share of the total of all assessed contributions for the regular budget of the United Nations, or any specialized agency of the United Nations, does not exceed 20 percent for any single United Nations member.

(2) INSPECTORS GENERAL FOR CERTAIN ORGANIZATIONS.—

(A) ESTABLISHMENT OF OFFICES.—Each designated specialized agency has established an independent office of inspector general to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the organization.

(B) APPOINTMENT OF INSPECTORS GENERAL.—The Director General of each designated specialized agency has appointed an inspector general, with the approval of the member states, and that 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 investigations.

(C) ASSIGNED FUNCTIONS.—Each inspector general appointed under subparagraph (A) is authorized to—

(i) make investigations and reports relating to the administration of the programs and operations of the agency concerned;

(ii) have access to all records, documents, and other available materials relating to those programs and operations of the agency concerned; and

(iii) have direct and prompt access to any official of the agency concerned.

(D) COMPLAINTS.—Each designated specialized agency has procedures in place designed to protect the identity of, and to prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the inspector general of the agency.

(E) COMPLIANCE WITH RECOMMENDATIONS.—Each designated specialized agency has in place procedures designed to ensure compliance with the recommendations of the inspector general of the agency.

(F) AVAILABILITY OF REPORTS.—Each designated specialized agency has in place procedures to ensure that all annual and other relevant reports submitted by the inspector general to the agency are made available to the member states without modification.

(3) NEW BUDGET PROCEDURES FOR THE UNITED NATIONS.—The United Nations has established and is implementing budget procedures that—

(A) require the maintenance of a budget not in excess of the level agreed to by the General Assembly at the beginning of each United Nations budgetary biennium, unless increases are agreed to by consensus; and

(B) require the systemwide identification of expenditures by functional categories such as personnel, travel, and equipment.

(4) SUNSET POLICY FOR CERTAIN UNITED NATIONS PROGRAMS.—

(A) EXISTING AUTHORITY.—The Secretary General and the Director General of each designated specialized agency have used their existing authorities to require program managers within the United Nations Secretariat and the Secretariats of the designated specialized agencies to conduct evaluations of United Nations programs approved by the General Assembly and of programs of the designated specialized agencies in accordance with the standardized methodology referred to in subparagraph (B).

(B) DEVELOPMENT OF EVALUATION CRITERIA.—

(i) UNITED NATIONS.—The Office of Internal Oversight Services has developed a standardized methodology for the evaluation of United Nations programs approved by the General Assembly, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(ii) DESIGNATED SPECIALIZED AGENCIES.—Patterned on the work of the Office of Internal Oversight Services of the United Nations, the inspector general office equivalent of each designated specialized agency has developed a standardized methodology for the evaluation of programs of designated specialized agencies, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(C) PROCEDURES.—The United Nations and each designated specialized agency has established and is implementing procedures—

(i) requiring the Secretary General and the Director General of the agency, as the case may be, to report on the results of evaluations referred to in this paragraph, including the identification of programs that have met criteria for continuing relevance and effectiveness and proposals to terminate or modify programs that have not met such criteria; and

(ii) authorizing an appropriate body within the United Nations or the agency, as the case may be, to review each evaluation referred to in this paragraph and report to the General Assembly on means of improving the program concerned or on terminating the program.

(D) UNITED STATES POLICY.—It shall be the policy of the United States to seek adoption by the United Nations of a resolution requiring that each United Nations program approved by the General Assembly, and to seek adoption by each designated specialized agency of a resolution requiring that each program of the agency, be subject to an evaluation referred to in this paragraph and have a specific termination date so that the program will not be renewed unless the evaluation demonstrates the continuing relevance and effectiveness of the program.

(E) DEFINITION.—For purposes of this paragraph, the term "United Nations program approved by the General Assembly" means a program approved by the General Assembly of the United Nations that is administered or funded by the United Nations.

(5) UNITED NATIONS ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS.—

(A) IN GENERAL.—The United States has a seat on the United Nations Advisory Committee on Administrative and Budgetary Questions or the five largest member contributors each have a seat on the Advisory Committee.

(B) DEFINITION.—As used in this paragraph the term "5 largest member state contributors" means the 5 United Nations member states that, during a United Nations budgetary biennium, have more total assessed contributions than any other United Nations member states to the aggregate of the United Nations regular budget and the budget (or budgets) for United Nations peace operations.

(6) NATIONAL AUDITS.—The United Nations has in effect procedures providing access by the United States General Accounting Office to United Nations financial data so that the Office may perform nationally mandated reviews of United Nations operations.

(7) PERSONNEL.—

(A) APPOINTMENT AND SERVICE OF PERSONNEL.—The Secretary General—

(i) has established and is implementing procedures that ensure that staff employed by the United Nations is appointed on the basis of merit consistent with Article 101 of the United Nations charter; and

(ii) is enforcing those contractual obligations requiring worldwide availability of all professional staff of the United Nations to serve and be relocated based on the needs of the United Nations.

(B) CODE OF CONDUCT.—The General Assembly has adopted, and the Secretary General has the authority to enforce and is effectively enforcing, a code of conduct binding on all United Nations personnel, including the requirement of financial disclosure statements binding on senior United Nations personnel and the establishment of rules against nepotism that are binding on all United Nations officials.

(C) PERSONNEL EVALUATION SYSTEM.—The United Nations has adopted and is enforcing a personnel evaluation system.

(D) PERIODIC ASSESSMENTS.—The United Nations has established and is implementing a mechanism to conduct periodic assessments of the United Nations payroll to determine total staffing, and the results of such assessments are reported in an unabridged form to the General Assembly.

(E) REVIEW OF UNITED NATIONS ALLOWANCE SYSTEM.—The United States has completed a thorough review of the United Nations personnel allowance system. The review shall include a comparison to the United States civil service, and shall make recommendations to reduce entitlements to allowances and allowance funding levels from the levels in effect on January 1, 1998.

(8) REDUCTION IN BUDGET AUTHORITIES AND PERSONNEL LEVELS.—The designated specialized agencies have achieved a negative growth budget in the budget for 2000–01 from the 1998–99 biennium levels of the respective agencies.

(9) NEW BUDGET PROCEDURES AND FINANCIAL REGULATIONS.—Each designated specialized agency has established procedures to—

(A) require the maintenance of a budget that does not exceed the level agreed to by the member states of the organization at the beginning of each budgetary biennium, unless increases are agreed to by consensus;

(B) require the identification of expenditures by functional categories such as personnel, travel, and equipment; and

(C) require approval by the member states of the organization of supplemental budget requests to the Secretariat in advance of expenditures under those requests.

CHAPTER 2—MISCELLANEOUS PROVISIONS

SEC. 2241. STATUTORY CONSTRUCTION ON RELATION TO EXISTING LAWS.

Except as otherwise specifically provided, nothing in this title may be construed to make available funds in violation of any provision of law containing a specific prohibition or restriction on the use of the funds, including section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e

note) and section 151 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 287e note), and section 404 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note).

SEC. 2242. PROHIBITION ON PAYMENTS RELATING TO UNIDO AND OTHER ORGANIZATIONS FROM WHICH THE UNITED STATES HAS WITHDRAWN OR RESCINDED FUNDING.

None of the funds authorized to be appropriated by this title shall be used to pay any arrearage for—

(1) the United Nations Industrial Development Organization;

(2) any costs to merge that organization into the United Nations;

(3) the costs associated with any other organization of the United Nations from which the United States has withdrawn including the costs of the merger of such organization into the United Nations; or

(4) the World Tourism Organization, or any other organization with respect to which Congress has rescinded funding.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The bill, S. 903, is still pending before the Senate.

Mr. SARBANES. Mr. President, I ask unanimous consent to proceed for 2 minutes as if in morning business.

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

IN MEMORY OF BARRY SKLAR

Mr. SARBANES. Mr. President, I rise today to express my sadness at learning of the passing of Barry Sklar, a long-time staffer on the Senate Foreign Relations Committee, who died unexpectedly on Sunday. Barry was well known to a number of Members and staff who had occasion to work with him during the more than a decade he served on the professional staff of the Committee, as an able advisor on Latin American and Caribbean affairs.

In a recommendation for Barry just a few short months ago, I wrote that he "demonstrated an in-depth knowledge of the issues and great professionalism and integrity in his work." But that only describes the qualities that led to his intellectual accomplishments and career success. It does not begin to tell why Barry won the personal admiration, friendship and esteem of all who came to know him.

Barry Sklar was a warm, gentle, kind and unassuming man who was devoted to upholding moral principles in his work and his personal life. Despite his involvement in issues and policies that made frequent headlines, Barry maintained a sense of modesty and great humility. He never forgot that his family came first.

Throughout the turbulent decade of the 1980's for Latin America, Barry worked for peace and conflict resolution through international cooperation. Due to his work on human rights, as was noted at his funeral, many children today have mothers and fathers and sisters and brothers who might otherwise have been forgotten by the world when they disappeared from their villages. Barry's life reveals his commitment to keeping families safe and together, in his own case and around the world.

Mr. President, I would like to extend to Barry's wife, Judith, and his sons Joel Mark and Adam Benjamin my deepest condolences. I am sure I speak for my colleagues in expressing these sentiments. He will be greatly missed by all of us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

THANKING ART RYNEARSON

Mr. HELMS. Mr. President, before we wrap things up here today, let me express my appreciation to a very special gentleman for his tireless efforts, his hard work and cheerful disposition throughout the entire process of the drafting of the bill just approved by the Senate. Art Rynearson is legislative counsel to the Foreign Relations Committee, and we have truly overworked that gentleman during this year with the drafting sessions on the resolution of ratification for the CWC, often lasting until 2 a.m., and when we finished that we called upon Art to help the committee prepare the resolution of ratification for the CFE Flank Document. No sooner had we finished that, than we called upon him to help with the State Department legislation, and Art worked 70-hour weeks for the past 4 months. Throughout the entire process he has been cheerful and exceedingly helpful. Without him, the process would not have gone nearly so smoothly.

So, to Art Rynearson, all of us say thanks for everything.

MORNING BUSINESS

Mr. HELMS. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, June 16, 1997, the Federal debt stood at $5,355,412,554,888.33. (Five trillion, three hundred fifty-five billion, four hundred twelve million, five hundred fifty-four thousand, eight hundred eighty-eight dollars and thirty-three cents.)

Five years ago, June 16, 1992, the Federal debt stood at $3,945,016,000,000. (Three trillion, nine hundred forty-five billion, sixteen million.)

Ten years ago, June 16, 1987, the Federal debt stood at $2,293,493,000,000. (Two trillion, two hundred ninety-three billion, four hundred ninety-three million.)

Fifteen years ago, June 16, 1982, the Federal debt stood at $1,076,341,000,000. (One trillion, seventy-six billion, three hundred forty-one million.)

Twenty-five years ago, June 16, 1972, the Federal debt stood at $426,203,000,000 (Four hundred twenty-six billion, two hundred three million) which reflects a debt increase of nearly $5 trillion—$4,929,209,554,888.33 (Four trillion, nine hundred twenty-nine billion, two hundred nine million, five hundred fifty-four thousand, eight hundred eighty-eight dollars and thirty-three cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-2205. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a draft of proposed legislation to modify Medicare payments; to the Committee on Finance.

EC-2206. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report concerning increases in inpatient hospital payment rates and recommendations for hospitals subject to the Medicare prospective payment system; to the Committee on Finance.

EC-2207. A communication from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, transmitting, pursuant to law, two rules concerning the small producers' wine tax credit (RIN1512-AB65), received on June 2, 1997; to the Committee on Finance.

EC-2208. A communication from the Chief of the Regulations Unit, Internal Revenue

Service, Department of the Treasury, transmitting, pursuant to law, the report of Notice 97–36, received on June 11, 1997; to the Committee on Finance.

EC–2209. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation entitled "Veterans' Medical Care Funding Improvement Act of 1997"; to the Committee on Veterans' Affairs.

EC–2210. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on recissions and deferrals, received on June 16, 1997; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on Agriculture, Nutrition, and Forestry, Armed Services, Banking, Housing and Urban Affairs, Energy and Natural Resources, Finance, Foreign Relations, Governmental Affairs, and Judiciary.

EC–2211. A communication from the Administrator, Grain Inspection, Packers and Stockyards Administration, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule entitled "Fees for Official Inspection and Official Weighing Services" (RIN0508–AA52), received on June 17, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2212. A communication from the Acting Chairman of the Thrift Depositor Protection Board, under the Secretary for Domestic Finance, Department of the Treasury, transmitting, a draft of proposed legislation relative to abolishing the Thrift Depositor Protection Oversight Board; to the Committee on Banking, Housing, and Urban Affairs.

EC–2213. A communication from the Acting Executive Director, Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, a report relative to the Resolution Funding Corporation for calendar year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2214. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to direct spending or receipts legislation; to the Committee on the Budget.

EC–2215. A communication from the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule entitled "Spearmint Oil Produced in the Far West", received on June 16, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2216. A communication from the Administrator, Rural Development, U.S. Department of Agriculture, transmitting, pursuant to law, a rule relative to the Distance Learning and Telemedicine Grant Program (RIN0572–AB31), received on June 16, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

S. 924. An original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. No. 105–29).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 915. A bill to amend the Harmonized Tariff Schedule of the United States to suspend temporarily the duty on certain manufacturing equipment; to the Committee on Finance.

By Mr. COCHRAN:

S. 916. A bill to designate the United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, as the "Blaine H. Eaton Post Office Building"; to the Committee on Governmental Affairs.

By Mr. TORRICELLI (for himself, Mrs. FEINSTEIN, and Mr. BYRD):

S. 917. A bill to amend section 6105 of title 38, United States Code, to expand the range of criminal offenses resulting in forfeiture of veterans benefits; to the Committee on Veterans' Affairs.

By Mr. KERRY (for himself, Mr. WELLSTONE, Mr. GLENN, Mr. BIDEN, and Mr. LEAHY):

S. 918. A bill to reform the financing of Federal Elections; to the Committee on Rules and Administration.

By Mr. KOHL (for himself and Mr. BROWNBACK):

S. 919. A bill to establish the Independent Bipartisan Commission on Campaign Finance Reform to recommend reforms in the law relating to elections for Federal office; to the Committee on Rules and Administration.

By Mr. WYDEN:

S. 920. A bill to require the Secretary of Health and Human Services to issue an annual report card on the performance of the States in protecting children placed for adoption in foster care, or with a guardian, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COVERDELL (for himself, Mr. DODD, and Mr. DEWINE):

S. 921. A bill to immunize donations made in the form of charitable gift annuities and charitable remainder trusts from the antitrust laws and State laws similar to the antitrust laws; to the Committee on the Judiciary.

By Mr. LAUTENBERG:

S. 922. A bill to require the Secretary of the Treasury, acting through the Director of the Bureau of Alcohol, Tobacco, and Firearms, to issue minimum safety and security standards for dealers of firearms; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 923. A bill to deny veterans benefits to persons convicted of Federal capital offenses; to the Committee on Veterans' Affairs.

By Mr. THURMOND:

S. 924. An original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. COVERDELL:

S. 925. A bill to provide authority for women' business centers to enter into contracts with Federal departments and agencies to provide specific assistance to women and other under-served small business concerns; to the Committee on Small Business.

By Mr. HARKIN (for himself and Mrs. MURRAY):

S. 926. A bill to amend the Internal Revenue Code of 1986 to expand the child and dependent care credit, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. HOLLINGS, Mr. GREGG, Mr. KERRY, Mr. BREAUX, Mr. REED, and Mr. GLENN):

S. 927. A bill to reauthorize the Sea Grant Program; to the Committee on Commerce, Science, and Transportation.

By Mr. JEFFORDS:

S. 928. A bill to provide for a regional education and workforce training system in the metropolitan Washington area, to improve the school facilities of the District of Columbia, and to fund such activities in part by an income tax on nonresident workers in the District of Columbia, to be offset by tax credits; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI (for himself, Mr. CAMPBELL, Mr. INOUYE, Mr. JOHNSON, Mr. DORGAN, and Mr. WELLSTONE):

S. Res. 100. A resolution expressing the sense of the Senate that the Federal commitment for the education of American Indians and Alaska Natives should be affirmed through legislative actions of the 105th Congress to bring the quality of Indian education and educational facilities up to parity with the rest of America; to the Committee on Indian Affairs.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 101. A resolution to authorize representation of Members, officers, and employees of the Senate in the case of Douglas R. Page v. Richard Shelby, et al, considered and agreed to.

By Mr. DODD (for himself and Mr. ABRAHAM):

S. Con. Res. 33. A concurrent resolution authorizing the use of the Capitol Grounds for the National SAFE KIDS Campaign SAFE KIDS Buckle Up Car Seat Check Up; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 915. A bill to amend the Harmonized Tariff schedule of the United States to suspend temporarily the duty on certain manufacturing equipment; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. THURMOND. Mr. President, I rise today to introduce, along with Senator HOLLINGS, a bill which will suspend the duties imposed on certain equipment used to manufacture earthmoving tires. Currently, these machines are not manufactured in the United States nor is a substitute readily available. Therefore, suspending the duties on these items would not adversely affect domestic industries.

Mr. President, suspending the duty on these machines will benefit the consumers of earthmoving tires. Currently, demand for these tires exceeds supply and this suspension would not harm other manufacturers. I hope the Senate will consider this measure expeditiously.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 915

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

SECTION 1. SUSPENSION OF DUTY ON CERTAIN MANUFACTURING EQUIPMENT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

"9902.84.79	Calendaring or other rolling machines for rubber, valued at not less than $2,200,000 each, numerically controlled, or parts thereof (provided for in subheading 8420.10.90, 8420.91.90, or 8420.99.90) and material holding devices or similar attachments thereto	Free	No change	No change	On or before 12/31/2000
9902.84.81	Shearing machines used to cut metallic tissue capable of a straight cut of 5 m or more, valued at not less than $750,000 each, numerically controlled (provided for in subheading 8462.31.00)	Free	No change	No change	On or before 12/31/2000
9902.84.83	Machine tools for working wire of iron or steel for use in products provided for in subheading 4011.20.10, valued at not less than $375,000 each, numerically controlled, or parts thereof (provided for in subheading 8463.30.00)	Free	No change	No change	On or before 12/31/2000
9902.84.85	Extruders of a type used for processing rubber, valued at not less than $2,000,000 each, numerically controlled, or parts thereof (provided for in subheading 8477.20.00 or 8477.90.80)	Free	No change	No change	On or before 12/31/2000
9902.84.87	Machinery for molding, retreading, or otherwise forming uncured, unvulcanized rubber for use in processing products provided for in subheading 4011.20.10, valued at not less than $800,000 each, capable of holding cylinders measuring 114 centimeters or more in diameter, numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or 8477.90.80)	Free	No change	No change	On or before 12/31/2000
9902.84.89	Sector mold press machines used for curing or vulcanizing rubber, valued at not less than $1,000,000 each, weighing 135,000 kg or more, numerically controlled, or parts thereof (provided for in subheading 8477.90.80)	Free	No change	No change	On or before 12/31/2000
9902.84.91	Sawing machines, valued at not less than $600,000 each, weighing 18,000 kg or more, for working cured, vulcanized rubber described in heading 4011 (provided for in subheading 8465.91.00)	Free	No change	No change	On or before 12/31/2000."

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on the date that is 15 days after the date of enactment of this Act.

(2) RETROACTIVE APPLICATION TO CERTAIN ENTRIES.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of enactment of this Act, any entry, or withdrawal from warehouse for consumption, of any goods described in subheading 9902.84.79, 9902.84.81, 9902.84.83, 9902.84.85, 9902.84.87, 9902.84.89, or 9902.84.91 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) that was made—

(A) on or after May 1, 1997; and

(B) before the 15th day after the date of enactment of this Act;

shall be liquidated or reliquidated as though such entry or withdrawal occurred on the date that is 15 days after the date of enactment of this Act.

Mr. HOLLINGS. Madam President, today, I, along with Senator THURMOND, introduce duty suspension legislation designed to permit the import of certain tire manufacturing equipment into the United States duty free. U.S. companies do not manufacture the custom equipment to be imported, and therefore its importation will not displace domestic sourcing. Moreover, because the product at issue is manufacturing equipment, it will assist in the creation of additional jobs in the tire manufacturing industry.

I believe that this is the most appropriate use of duty suspension legislation. The custom imported product will not displace any product manufactured in the United States. Moreover, the imported product will assist in creating more productive capacity in the United States. This equipment will be used to manufacture a product that heretofore was not made in the United States. I am therefore hopeful that this new capacity can be used to supply both domestic and foreign needs and will increase employment in the tire manufacturing industry.

By Mr. COCHRAN:

S. 916. A bill to designate the U.S. Post Office building located at 750 Highway 28 East in Taylorsville, MS, as the "Blaine H. Eaton Post Office Building"; to the Committee on Governmental Affairs.

THE BLAINE H. EATON POST OFFICE BUILDING DESIGNATION ACT OF 1997

Mr. COCHRAN. Mr. President, I am pleased to introduce legislation designating the U.S. Post Office facility located in Taylorsville, MS, as the "Blaine H. Eaton Post Office Building."

A native of Smith County, Mississippi, Mr. Eaton attended Jones Junior College from 1932–34 and was named Alumni of the Year in 1984. He also attended the University of Mississippi and George Washington Law School.

He began his professional career as a farmer and cotton buyer for Anderson-Clayton Co. and in 1942, he became the first executive secretary to my predecessor in the Senate, U.S. Senator James O. Eastland. Blaine Eaton served our Nation in the U.S. Navy from 1944 to 1946. Upon returning home from the war, he was elected to serve in the Mississippi State House of Representatives, and he effectively served the people of Smith County for 12 years. His leadership as chairman of the Highway and Highway Finance Committee resulted in the successful passage of the Farm-to-Market legislation that is still benefiting Mississippians today as the State Aid Road Program. After leaving public office in 1958, Blaine became the manager of the Southern Pine Electric Power Association. His outstanding service and accomplishments were recognized by the National Rural Electric Cooperative Association with the Clyde T. Ellis Award for distinguished service and outstanding leadership.

Although retiring from his professional career in 1982, Blaine remained active in community service and enriched the lives of many by volunteering his time and leadership abilities to such organizations as the Lions International, the Hiram Masonic Lodge, the Southeast Mississippi Livestock Association and the Economic

Development Foundation. He was also a loyal member of the First Baptist Church of Taylorsville where he taught Sunday School classes for 25 years.

With the death of Blaine Eaton in 1995, our State lost one of its finest citizens. Designating the Taylorsville Post Office as the "Blaine H. Eaton Post Office Building" will commemorate the public service of this extraordinary Mississippian who dedicated his life to the betterment of the community and State he loved so much.

Mr. President, I ask unanimous consent the text of the bill be printed in the RECORD.

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

S. 916

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

SECTION 1. DESIGNATION OF BLAINE H. EATON POST OFFICE BUILDING.

The United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, shall be known and designated as the "Blaine H. Eaton Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the "Blaine H. Eaton Post Office Building".

By Mr. TORRICELLI (for himself and Mrs. FEINSTEIN):

S. 917. A bill to amend section 6105 of title 38, United States Code, to expand the range of criminal offenses resulting in forfeiture of veterans benefits; to the Committee on Veterans Affairs.

THE NATIONAL CEMETERIES SANCTITY ACT

Mr. TORRICELLI. Mr. President, I rise today, on behalf of myself and the distinguished ranking member of the Terrorism Subcommittee Senator FEINSTEIN, to introduce the Protection of the Sanctity of National Cemeteries Act.

In so doing, I urge my colleagues to join me in my effort to close a huge loophole in our laws, which will allow Timothy McVeigh a hero's burial in a national cemetery—even after the Federal Government puts him to death for his heinous act of terrorism.

Mr. President, current law lists a whole host of criminal acts by which even an honorably discharged veteran loses the right to burial in a national cemetery. These acts include espionage, treason, sedition, sabotage, rebellion and disclosure of national secrets, among other offenses.

But for some reason, the use of a weapon of mass destruction against the property or persons of the U.S. Government is not included in this list. Nor is the murder of Federal law enforcement officers or the rest of the offenses already included in the definition of a Federal crime of terrorism. Each of these offenses is as clear a threat to the National Security of the United States as the crimes already listed, and should clearly disqualify the perpetrator from an honorable burial at Government expense.

Because of this gaping loophole in the law, Timothy McVeigh—amazingly—remains entitled to burial next to true national heroes—men and women who have fought and died to defend this country and everything it stands for. He remains entitled to this hero's burial despite having committed the worst act of terrorism ever perpetrated on American soil.

This situation is unacceptable. It is an insult to the memories of the 168 victims killed in the Oklahoma City blast. It is an insult to the memories of the truly courageous men and women who have earned and maintained the right to a hero's burial by the Federal Government. And it is an insult to justice, plain and simple.

Today, I am introducing a bill to close this loophole once and for all. My bill would amend current law to include every crime listed as a Federal crime of terrorism, including McVeigh's crimes, in the list of disqualifiers for military burial. We should not provide honorable burials for persons who commit acts of terrorism against the U.S. Government. I urge my colleagues to support this bill, I ask unanimous-consent that the full text of the bill be printed in the RECORD.

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

S. 917

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Cemeteries Sanctity Act".

SEC. 2. EXPANSION OF CRIMINAL OFFENSES RESULTING IN FORFEITURE OF VETERANS BENEFITS.

(a) IN GENERAL.—Section 6105 of title 38, United States code, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting "32, 37, 81, 175," before "792,"; and

(ii) by inserting "831, 842(m), 842(n), 844(e), 844(f), 844(i), 930(c), 956, 1114, 1116, 1203, 1361, 1363, 1366, 1751, 1992, 2152, 2280, 2281, 2332, 2332a, 2332b, 2332c, 2339A, 2339B, 2340A," after "798,";

(B) in paragraph (3)—

(i) by striking out "and 226" and inserting in lieu thereof "226, and 236";

(ii) by striking out "and 2276" and inserting in lieu thereof "2276, and 2284"; and

(iii) by striking out "and" at the end;

(C) by redesignating paragraph (4) as paragraph (5); and

(D) by inserting after paragraph (3) the following new paragraph (4):

"(4) sections 46502 and 60123(b) of title 49; and"; and

(2) in the second sentence of subsection (c), by striking out "or (4)" and inserting in lieu thereof "(4), or (5)".

(b) CONFORMING AMENDMENTS.—(1) The section heading for such section is amended to read as follows:

"§ 6105. Forfeiture: subversive activities; terrorist activities; other criminal activities".

(2) The table of sections at the beginning of chapter 61 of that title is amended by striking out the item relating to section 6105 and inserting in lieu thereof the following new item:

"6105. Forfeiture: subversive activities; terrorist activities; other criminal activities.".

(c) APPLICABILITY.—The amendments made to section 6105 of title 38, United States Code, by subsection (a) shall apply to any person convicted under a provision of law added to such section by such amendments after December 31, 1996.

By Mr. KERRY (for himself, Mr. WELLSTONE, Mr. GLENN, Mr. BIDEN and Mr. LEAHY):

S. 918. A bill to reform the financing of Federal elections; to the Committee on Rules and Administration.

THE CLEAN MONEY CLEAN ELECTIONS ACT

Mr. KERRY. Mr. President, the Fourth of July will occur in a little over 2 weeks. That is the date by which the President challenged the Congress to act on campaign finance reform in this first session of the 105th Congress. I regret I must announce the obvious: not only has neither house of the Congress addressed this issue in serious floor debate and legislative action; there is virtually no prospect that either house will do so by the time we leave for the July 4 recess. Nor is it clear when or if the 105th Congress will address this issue.

The Fourth of July has other implications, of course, Mr. President—and some of these, too, are related to campaign finance reform. This is a peculiarly American holiday, when Americans throughout the Nation take time out to gather in parks and back yards, at barbecues and picnics and family reunions and community parades, to celebrate our democracy, our freedom.

But I think there would be widespread agreement, as we do this in 1997, that there is an unease across the Nation about the political process. The American people are concerned. Their concern is not primarily about who their elected officials are. Their frustration, cynicism, and anger run deep and broad—directed, as most of us realize, at the entire political system.

Americans believe that their Government has been hijacked by special interests, that the political system responds to the needs of wealthy special interests, not the interests of ordinary, hard-working citizens. They sense, in many ways, that the Congress is not necessarily "the people's house."

We see evidence of this in the feeling of powerlessness described by many Americans, and in the great gulf that grows wider between the American people and their elected officials. You can see it expressed frequently in town

meetings and in various polls. The people feel that Congress all too often fails to represent the real concerns of real Americans, and they sense that they are being left out.

The result is that more and more Americans are checking out of the system. If their democracy isn't going to respond to their concerns, then they ask themselves why they should respond to the request that they participate meaningfully in the political process. The reason for the disconnect is very simple, Mr. President. The amount of money in politics—money given to office seekers to campaign for office—disenfranchises the average person who knows that he or she can never hope to have the same kind of access as that money achieves for those who give it.

Special interest money is moving and dictating and governing the agenda of American politics, and most Americans understand that.

A few findings from a bipartisan poll tell the story: 49 percent of registered voters believe that lobbyists and special interests control the Federal Government; 92 percent of registered voters believe that special interest contributions affect the votes of Members of Congress; and 88 percent believe that people who make large campaign contributions get special favors from politicians.

The evidence of public discontent could hardly be more compelling, yet the Congress drifts on, with no apparent sense of urgency in trying to respond to that discontent. We all understand there are differences on each side of the aisle about the best way to address the problem, but I do not see how anyone can say in good conscience that there is a bona fide effort under way involving the leadership of both parties in the U.S. Congress to even try to work out those differences.

If we want to regain the respect and confidence of the American people and if we want to reconnect to them and reconnect them to our democracy, we have to get the special interest money out of politics. As my friend Ross Perot says, "It's just that simple."

The American people, however, are skeptical about either our willingness or ability to do that, and it doesn't help that the 105th Congress has yet to take up campaign finance reform. It doesn't help that the President and the Speaker of the House shook hands in a very public way 2 years ago and promised to do something about campaign finance, and nothing has transpired between then and now to fulfill that commitment, and from the perspective of the ordinary citizen who wants to see the special interest money removed from politics, it really looks like a conspiracy of inaction. Those who profit from the current system—special interests who know how to play the game, and politicians who know how to play the game—seem to be shutting down any prospect of real change.

Mr. President, I know why people feel that way. I have been working on campaign finance reform since I came to the Senate. I have worked for years with my colleagues JOE BIDEN and ROBERT BYRD and others, and with former Senators such as George Mitchell, David Boren, and Bill Bradley—searching for the right equation to bring about change. Although from my arrival in the Senate I have advocated sweeping overhaul of the system, in recent times I have been a strong supporter of the proposal advanced by JOHN MCCAIN and RUSS FEINGOLD, even though it is incremental in design, because they succeeded in assembling a package of reforms that bridged the party divide that so often has been permitted to poison this debate and prevent meaningful action—and because I believe so fervently that we must succeed to whatever extent it is possible in moving toward what should be our objective.

Throughout these years of activity—the 12 years of my service as a Senator—my goal has always been the same, to get special interest influence and special interest access out of politics.

Mr. President, we come to the floor this afternoon on an auspicious day—or, perhaps more accurately, an inauspicious day. In any event it is a red-letter day for America. It was the day 25 years ago that was the beginning of two very difficult years in American history. It was 25 years ago today that the famous burglary at the Watergate complex overlooking the Potomac in Washington, DC, took place, followed by coverup activities that reached into the Oval Office and resulted in the resignation in disgrace of an American President.

During the investigation of the illegal activities, there were multiple revelations of huge amounts of cash moving in brown paper bags and leather briefcases. The public revulsion triggered real reform, although that reform, sadly, was directed primarily toward only the Presidential election financing system. But even that spirit of reform, and the significant alterations of the system to which it led, has been broken by those who want to trample it with the exploitation of every loophole possible in the campaign finance system.

It is unfortunately fitting, then, Mr. President, that we return our attention on this day to that nemesis of the democratic process, the corrosive effect of money in politics.

This time, 25 years later, it is the no-holds-barred pursuit of quite stunning amounts of money by both parties in the 1996 Presidential and congressional elections that captures the attention and the condemnation of the American people—and the allegations that many of those who gave large sums to one or the other party, or one candidate or another, expected favors in return, ranging from the trivial to the significant.

The American people are not stupid. They know that there is no such thing as a free lunch. They believe—with considerable justification—that the scores of millions of dollars that flow from well-to-do individuals and special interest organizations usually are not donated out of absolute disinterested patriotism, admiration for the candidates, and support for our electoral system.

They watch repeatedly as public policy decisions made by the Congress and the Executive Branch appear to be influenced by those who have made the contributions. They conclude—again, I fear, with considerable good reason—that either those contributions directly affected the decision-making process, or, at the very least, purchased for those contributors a greater degree of access to the elected officials who make the decisions, so that the contributors can more effectively and persuasively make their case.

During this past election, 1996, not only in congressional races but also, distressingly, in the Presidential campaign—and it is especially distressing because many of us thought the Watergate reform legislation of 1974 had suitably repaired the system of presidential campaign finance—we saw a flood of special interest money the likes of which have never previously been seen here or anywhere.

Every day during the past year, it has been impossible to open a newspaper or turn on a television without being confronted by yet another new revelation about an alleged campaign finance irregularity or abuse—or a defense of the actions at which the charges are leveled.

And, I must say, the defenses are generally pretty lame. Those against whom the allegations are leveled may be able to find protection in the letter of the law, but they are unsuccessful in avoiding the opprobrium of the American people and consequent cynicism about our government system.

I am one who believes we absolutely must do something to reverse the trend if we are to save our precious democratic system. And I also have concluded that the forces arrayed against the kind of partial public financing approaches we previously have pushed are so strong that we must find a new approach behind which it will be possible to develop such strong consensus support across the nation that the Congress will be unable to resist it.

To the extent competent polling and other public opinion assessment techniques can make a reliable determination, the evidence is persuasive that, while the American people are willing to embrace radical change of campaign

financing—to take all special interest money and heave it over the side and shoulder all reasonable campaign costs—they have only passing interest and precious little enthusiasm for halfway measures. Their judgment appears to be that it would be a waste of effort and tax dollars to invest public resources in a system that retains any significant degree of special interest funding. They see such an approach as playing them for chumps—while the influence of special interests would remain as strong as it currently is.

What does seem to capture the attention and imagination—and support—of a significant majority of Americans is sweeping reform of campaign finance that removes all special interest money from the system. This is not a notion dreamed up here in Washington—either here on Capitol Hill or in an organization's office downtown. Activities to implement such an approach to campaign finance reform have been underway in a number of States, including my own State of Massachusetts. Maine voters took the boldest step, approving such a concept for State elections. Now Vermont has followed suit with a provision applying to the Governor's office, and Governor Howard Dean is poised to sign the proposal into law. Other State-level efforts are in various stages of advancement.

PAUL WELLSTONE and JOHN GLENN came early-on to the same conclusion to which I came—that we want to champion such an approach at the Federal level. And we have been joined by JOE BIDEN and PAT LEAHY, and other Senators are studying the idea carefully and we hope and trust we will be joined by some of them in the near future.

We come to the floor today to introduce the Clean Money, Clean Elections Act, a bill that, as its most important feature, takes all special interest money out of Federal elections. This initiative will offer a set amount of funding, based on a State's voting-age population, to each candidate who agrees to foreswear private contributions. It not only removes all special interest money from the system, but also removes the necessity for candidates to spend a huge amount of time fundraising and to pour massive amounts of the money they do raise into further fundraising efforts.

In addition, this legislation will shut down the so-called soft money, or unregulated money, loopholes that have permitted massive amounts of special interest money to enter the electoral process around even those restrictions that now exist.

This process takes a major step forward today with the introduction of this legislation. Comparable efforts are underway in the House of Representatives, and I understand a similar bill will be introduced there in coming weeks.

We believe the people are, once again, ahead of Washington—and, once again, ahead of the politicians. And we believe that ultimately this or a derivative approach is the only way effectively to restore people's confidence that, in America, anybody truly can run, and win—not just those who have access to wealth or who are wealthy themselves.

This is a bill to restore our own democracy and preserve what we think is the heart of our precious system. We hope and believe that—with a strong assist from their constituents—increasing numbers of our colleagues, over time, will come to recognize this and support the bill.

This will not be a rapidly completed process, Mr. President. We introduce this bill with the knowledge that it would not attract more than perhaps a quarter of the votes in the Senate today. This will be a journey, a journey of mobilizing the American people to require their elected representatives to take needed action. Our bill will be the objective, and it also will be the rallying point. And with the commitment of the organizations and individuals who advocate this approach, a movement will develop which cannot be stopped. Just as in Maine and now in Vermont, the support will grow to critical mass and these reforms will succeed.

I look forward to walking this road with all who support this approach—both my colleagues in the Senate and friends outside the Senate. We who introduce this bill are committed to fundamentally changing our electoral system, and returning control of our elected officials and their agenda to the people after wresting it back from the special interests.

I believe we will succeed, and can look back on this day—the 25th anniversary of a lamentable event in American history—as an important beginning point in that endeavor.

I want to commend those colleagues who join in introducing this legislation today—Senators WELLSTONE, GLENN, BIDEN, and LEAHY. I particularly want to compliment Senator WELLSTONE's capable staff, especially Brian Ahlberg, who have invested countless hours in the effort that is so essential but often unnoticed, of transforming complex policy objectives into legislative language, working hand-in-hand with Senate Legislative Counsel staff and representatives of organizations which have been developing this idea at the State level. My staff has greatly appreciated their contributions to this effort and enjoyed working with them, as I have enjoyed the cooperative efforts with Senator WELLSTONE and my other colleagues.

Mr. President, before I yield to Senator WELLSTONE and then, in turn, to other Senators who may wish to make remarks about this legislation, I ask unanimous consent that the full text of the bill be printed in the RECORD at the conclusion of my remarks, followed by a summary of the bill and a chart depicting the qualifying contribution requirement and the "Clean Money" allocation and spending limit for a general election that would apply to a candidate participating in the "Clean Money, Clean Election" system in each State.

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

S. 918

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Clean Money, Clean Elections Act".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—CLEAN MONEY FINANCING OF SENATE ELECTION CAMPAIGNS

Sec. 101. Findings and declarations.
Sec. 102. Eligibility requirements and benefits of clean money financing of Senate election campaigns.
Sec. 103. Reporting requirements for expenditures of private money candidates.
Sec. 104. Transition rule for current election cycle.

TITLE II—INDEPENDENT EXPENDITURES; COORDINATED EXPENDITURES

Sec. 201. Reporting requirements for independent expenditures.
Sec. 202. Definition of independent expenditure.
Sec. 203. Limit on expenditures by political party committees.
Sec. 204. Party independent expenditures and coordinated expenditures.

TITLE III—VOTER INFORMATION

Sec. 301. Free broadcast time.
Sec. 302. Broadcast rates and preemption.
Sec. 303. Campaign advertisements; issue advertisements.
Sec. 304. Limit on congressional use of the franking privilege.

TITLE IV—SOFT MONEY OF POLITICAL PARTY COMMITTEES

Sec. 401. Soft money of political party committee.
Sec. 402. State party grassroots funds.
Sec. 403. Reporting requirements.

TITLE V—RESTRUCTURING AND STRENGTHENING OF THE FEDERAL ELECTION COMMISSION

Sec. 501. Appointment and terms of commissioners.
Sec. 502. Audits.
Sec. 503. Authority to seek injunction.
Sec. 504. Standard for investigation.
Sec. 505. Petition for certiorari.
Sec. 506. Expedited procedures.
Sec. 507. Filing of reports using computers and facsimile machines.
Sec. 508. Power to issue subpoena without signature of chairperson.
Sec. 509. Prohibition of contributions by individuals not qualified to vote.

TITLE VI—EFFECTIVE DATE

Sec. 601. Effective date.

TITLE I—CLEAN MONEY FINANCING OF SENATE ELECTION CAMPAIGNS

SEC. 101. FINDINGS AND DECLARATIONS.

(a) UNDERMINING OF DEMOCRACY BY CAMPAIGN CONTRIBUTIONS FROM PRIVATE

SOURCES.—The Senate finds and declares that the current system of privately financed campaigns for election to the Senate undermines democracy in the United States by—

(1) violating the democratic principle of "one person, one vote" and diminishing the meaning of the right to vote by allowing monied interests to have a disproportionate and unfair influence within the political process;

(2) diminishing a Senator's accountability to constituents by compelling legislators to be accountable to the major contributors who finance their election campaigns;

(3) creating a conflict of interest, perceived and real, by encouraging Senators to take money from private interests that are directly affected by Federal legislation;

(4) imposing large, unwarranted costs on taxpayers through legislative and regulatory outcomes shaped by unequal access to lawmakers for campaign contributors;

(5) driving up the cost of election campaigns, making it difficult for qualified candidates without personal fortunes or access to campaign contributions from monied individuals and interest groups to mount competitive Senate election campaigns;

(6) disadvantaging challengers, because large campaign contributors tend to give their money to incumbent Senators, thus causing Senate elections to be less competitive; and

(7) burdening incumbents with a preoccupation with fundraising and thus decreasing the time available to carry out their public responsibilities.

(b) ENHANCEMENT OF DEMOCRACY BY PROVIDING CLEAN MONEY.—The Senate finds and declares that the replacement of private campaign contributions with clean money financing for all primary, runoff, and general elections to the Senate would enhance American democracy by—

(1) helping to eliminate access to wealth as a determinant of a citizen's influence within the political process and to restore meaning to the principle of "one person, one vote";

(2) increasing the accountability of Senators to the constituents who elect them;

(3) eliminating the inherent conflict of interest caused by the private financing of the election campaigns of public officials, thus restoring public confidence in the fairness of the electoral and legislative processes;

(4) reversing the escalating cost of elections and saving taxpayers billions of dollars that are currently misspent due to legislative and regulatory agendas skewed by the influence of contributions;

(5) creating a more level playing field for incumbents and challengers, creating genuine opportunities for all Americans to run for the Senate, and encouraging more competitive elections; and

(6) freeing Senators from the constant preoccupation with raising money, and allowing them more time to carry out their public responsibilities.

SEC. 102. ELIGIBILITY REQUIREMENTS AND BENEFITS OF CLEAN MONEY FINANCING OF SENATE ELECTION CAMPAIGNS.

The Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"TITLE V—CLEAN MONEY FINANCING OF SENATE ELECTION CAMPAIGNS

"SEC. 501. DEFINITIONS.

"In this title:

"(1) ALLOWABLE CONTRIBUTION.—The term 'allowable contribution' means a qualifying contribution or seed money contribution.

"(2) CLEAN MONEY.—The term 'clean money' means funds that are made available by the Commission to a clean money candidate under this title.

"(3) CLEAN MONEY CANDIDATE.—The term 'clean money candidate' means a candidate for the Senate who is certified under section 505 as being eligible to receive clean money.

"(4) CLEAN MONEY QUALIFYING PERIOD.—The term 'clean money qualifying period' means the period beginning on the date that is 270 days before the date of the primary election and ending on the date that is 30 days before the date of the general election.

"(5) GENERAL ELECTION PERIOD.—The term 'general election period' means, with respect to a candidate, the period beginning on the day after the date of the primary or primary runoff election for the specific office that the candidate is seeking, whichever is later, and ending on the earlier of—

"(A) the date of the general election; or

"(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election.

"(6) GENERAL RUNOFF ELECTION PERIOD.—The term 'general runoff election period' means, with respect to a candidate, the period beginning on the day following the date of the last general election for the specific office that the candidate is seeking and ending on the date of the runoff election for that office.

"(7) IMMEDIATE FAMILY.—The term 'immediate family' means—

"(A) a candidate's spouse;

"(B) a child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of any person described in subparagraph (B).

"(8) MAJOR PARTY CANDIDATE.—The term 'major party candidate' means a candidate of a political party of which a candidate for Senator, for President, or for Governor in the preceding 5 years received, as a candidate of that party, 25 percent or more of the total number of popular votes received in the State by all candidates for the same office.

"(9) PERSONAL FUNDS.—The term 'personal funds' means an amount that is derived from—

"(A) the personal funds of the candidate or a member of the candidate's immediate family; and

"(B) proceeds of indebtedness incurred by the candidate or a member of the candidate's immediate family.

"(10) PERSONAL USE.—

"(A) IN GENERAL.—The term 'personal use' means the use of funds to fulfill a commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal office.

"(B) INCLUSIONS.—The term 'personal use' includes—

"(i) a home mortgage, rent, or utility payment;

"(ii) a clothing purchase;

"(iii) a noncampaign-related automobile expense;

"(iv) a country club membership;

"(v) a vacation or other noncampaign-related trip;

"(vi) a household food item;

"(vii) a tuition payment;

"(viii) admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and

"(ix) dues, fees, and other payments to a health club or recreational facility.

"(11) PRIMARY ELECTION PERIOD.—The term 'primary election period' means the period beginning on the date that is 90 days before the date of the primary election and ending on the date of the primary election.

"(12) PRIMARY RUNOFF ELECTION PERIOD.—The term 'primary runoff election period' means, with respect to a candidate, the period beginning on the day following the date of the last primary election for the specific office that the candidate is seeking and ending on the date of the runoff election for that office.

"(13) PRIVATE MONEY CANDIDATE.—The term 'private money candidate' means a candidate for the Senate other than a clean money candidate.

"(14) QUALIFYING CONTRIBUTION.—The term 'qualifying contribution' means a contribution that—

"(A) is in the amount of $5 exactly;

"(B) is made by an individual who is registered to vote in the candidate's State;

"(C) is made during the clean money qualifying period; and

"(D) meets the requirements of section 502(a)(2)(D).

"(15) SEED MONEY CONTRIBUTION.—The term 'seed money contribution' means a contribution (or contributions in the aggregate made by any 1 person) of not more than $100.

"(16) SENATE ELECTION FUND.—The term 'Senate Election Fund' means the fund established by section 507(a).

"SEC. 502. ELIGIBILITY FOR CLEAN MONEY.

"(a) PRIMARY ELECTION PERIOD AND PRIMARY RUNOFF ELECTION PERIOD.—

"(1) IN GENERAL.—A candidate qualifies as a clean money candidate during the primary election period and primary runoff election period if the candidate files with the Commission a declaration, signed by the candidate and the treasurer of the candidate's principal campaign committee, that the candidate—

"(A) has complied and will comply with all of the requirements of this title;

"(B) will not run in the general election as a private money candidate; and

"(C) meets the qualifying contribution requirement of paragraph (2).

"(2) QUALIFYING CONTRIBUTION REQUIREMENT.—

"(A) MAJOR PARTY CANDIDATES.—The requirement of this paragraph is met if, during the clean money qualifying period, a major party candidate receives the greater of—

"(i) 1,000 qualifying contributions; or

"(ii) a number of qualifying contributions equal to 0.25 percent of the voting age population of the candidate's State.

"(B) CANDIDATES THAT ARE NOT MAJOR PARTY CANDIDATES.—The requirement of this paragraph is met if, during the clean money qualifying period, a candidate that is not a major party candidate receives a number of qualifying contributions that is at least 150 percent of the number of qualifying contributions that a major party candidate in the same election is required to receive under subparagraph (A).

"(C) RECEIPT OF QUALIFYING CONTRIBUTION.—A qualifying contribution shall—

"(i) be accompanied by the contributor's name and home address;

"(ii) be accompanied by a signed statement that the contributor understands the purpose of the qualifying contribution;

"(iii) be made by a personal check or money order payable to the Senate Election Fund or by cash; and

"(iv) be acknowledged by a receipt that is sent to the contributor with a copy kept by the candidate for the Commission and a copy kept by the candidate for the election authorities in the candidate's State.

"(D) DEPOSIT OF QUALIFYING CONTRIBUTIONS IN SENATE ELECTION FUND.—

"(i) IN GENERAL.—Not later than the date that is 1 day after the date on which the candidate is certified under section 505, a candidate shall remit all qualifying contributions to the Commission for deposit in the Senate Election Fund.

"(ii) CANDIDATES THAT ARE NOT CERTIFIED.—Not later than the last day of the clean money qualifying period, a candidate who has received qualifying contributions and is not certified under section 505 shall remit all qualifying contributions to the Commission for deposit in the Senate Election Fund.

"(3) TIME TO FILE DECLARATION.—A declaration under paragraph (1) shall be filed by a candidate not later than the date that is 30 days before the date of the primary election.

"(b) GENERAL ELECTION PERIOD.—

"(1) IN GENERAL.—A candidate qualifies as a clean money candidate during the general election period if—

"(A)(i) the candidate qualified as a clean money candidate during the primary election period (and primary runoff election period, if applicable); or

"(ii) the candidate files with the Commission a declaration, signed by the candidate and the treasurer of the candidate's principal committee, that the candidate—

"(I) has complied and will comply with all the requirements of this title; and

"(II) meets the qualifying contribution requirement of subsection (a)(2);

"(B) the candidate files with the Commission a written agreement between the candidate and the candidate's political party in which the political party agrees not to make any expenditures in connection with the general election of the candidate in excess of the limit in section 315(d)(3)(C); and

"(C) the candidate's party nominated the candidate to be placed on the ballot for the general election or the candidate qualified to be placed on the ballot as an independent candidate, and the candidate is qualified under State law to be on the ballot.

"(2) TIME TO FILE DECLARATION OR STATEMENT.—A declaration or statement required to be filed under paragraph (1) shall be filed by a candidate not later than the date that is 30 days before the date of the general election.

"(c) GENERAL RUNOFF ELECTION PERIOD.—A candidate qualifies as a clean money candidate during the general runoff election period if the candidate qualified as a clean money candidate during the general election period.

"SEC. 503. REQUIREMENTS APPLICABLE TO CLEAN MONEY CANDIDATES.

"(a) OBLIGATION TO COMPLY.—A clean money candidate who accepts benefits during the primary election period shall comply with all the requirements of this Act through the primary runoff election period, the general election period, and the general runoff election period (if applicable) whether the candidate continues to accept benefits or not.

"(b) CONTRIBUTIONS AND EXPENDITURES.—

"(1) PROHIBITION OF PRIVATE CONTRIBUTIONS.—Except as otherwise provided in this title, during the election cycle of a clean money candidate, the candidate shall not accept contributions other than clean money from any source.

"(2) PROHIBITION OF EXPENDITURES FROM PRIVATE SOURCES.—Except as otherwise provided in this title, during the election cycle of a clean money candidate, the candidate shall not make expenditures from any amounts other than clean money amounts.

"(c) USE OF PERSONAL FUNDS.—

"(1) IN GENERAL.—A clean money candidate shall not use personal funds to make an expenditure except as provided in paragraph (2).

"(2) EXCEPTIONS.—A seed money contribution or qualifying contribution from the candidate or a member of the candidate's immediate family shall not be considered to be use of personal funds.

"(d) DEBATES.—

"(1) NUMBER OF DEBATES.—A clean money candidate shall participate in at least—

"(A) 1 public debate with other clean money candidates from the same party for the same office during the primary election period; and

"(B) 2 public debates with other clean money candidates for the same office during the general election period.

"(2) REGULATION.—The Commission shall promulgate a regulation as necessary to carry out paragraph (1).

"SEC. 504. SEED MONEY.

"(a) SEED MONEY LIMIT.—A clean money candidate may accept seed money contributions in an aggregate amount not exceeding—

"(1) $50,000; plus

"(2) if there is more than 1 congressional district in the candidate's State, an amount that is equal to $5,000 times the number of additional congressional districts.

"(b) CONTRIBUTION LIMIT.—Except as provided in section 502(a)(2), a clean money candidate shall not accept a contribution from any person except a seed money contribution (as defined in section 501).

"(c) RECORDS.—A clean money candidate shall maintain a record of the contributor's name, street address, and amount of the contribution.

"(d) USE OF SEED MONEY.—

"(1) IN GENERAL.—A clean money candidate may expend seed money for any election campaign-related costs, including costs to open an office, fund a grassroots campaign, or hold community meetings.

"(2) PROHIBITED USES.—A clean money candidate shall not expend seed money for—

"(A) a television or radio broadcast; or

"(B) personal use.

"(e) REPORT.—Unless a seed money contribution or expenditure made with a seed money contribution has been reported previously under section 304, a clean money candidate shall file with the Commission a report disclosing all seed money contributions and expenditures not later than 48 hours after—

"(1) the earliest date on which the Commission makes funds available to the candidate for an election period under paragraph (1) or (2) of section 506(b); or

"(2) the end of the clean money qualifying period,

whichever occurs first.

"(f) TIME TO ACCEPT AND EXPEND SEED MONEY CONTRIBUTIONS.—A clean money candidate may accept and expend seed money contributions for an election during the time period beginning on the day after the date of the previous general election for the office to which the candidate is seeking election and ending on the earliest date on which the Commission makes funds available to the candidate for an election period under paragraph (1) or (2) of section 506(b).

"(g) DEPOSIT OF UNSPENT SEED MONEY CONTRIBUTIONS.—A clean money candidate shall remit any unspent seed money to the Commission, for deposit in the Senate Election Fund, not later than the earliest date on which the Commission makes funds available to the candidate for an election period under paragraph (1) or (2) of section 506(b).

"(h) NOT CONSIDERED AN EXPENDITURE.—An expenditure made with seed money shall not be treated as an expenditure for purposes of section 506(f)(2).

"SEC. 505. CERTIFICATION BY COMMISSION.

"(a) IN GENERAL.—Not later than 5 days after a candidate files a declaration under section 502, the Commission shall—

"(1) determine whether the candidate meets the eligibility requirements of section 502; and

"(2) certify whether or not the candidate is a clean money candidate.

"(b) REVOCATION OF CERTIFICATION.—The Commission may revoke a certification under subsection (a) if a candidate fails to comply with this title.

"(c) REPAYMENT OF BENEFITS.—If certification is revoked under subsection (b), the candidate shall repay to the Senate Election Fund an amount equal to the value of benefits received under this title.

"SEC. 506. BENEFITS FOR CLEAN MONEY CANDIDATES.

"(a) IN GENERAL.—A clean money candidate shall be entitled to—

"(1) a clean money amount for each election period to make or obligate to make expenditures during the election period for which the clean money is provided, as provided in subsection (c);

"(2) media benefits under section 315 of the Communications Act of 1934 (47 U.S.C. 315); and

"(3) an aggregate amount of increase in the clean money amount in response to certain independent expenditures and expenditures of a private money candidate under subsection (d) that, in the aggregate, are in excess of 125 percent of the clean money amount of the clean money candidate.

"(b) PAYMENT OF CLEAN MONEY AMOUNT.—

"(1) PRIMARY ELECTION.—The Commission shall make funds available to a clean money candidate on the later of—

"(A) the date on which the candidate is certified as a clean money candidate under section 505; or

"(B) the date on which the primary election period begins.

"(2) GENERAL ELECTION.—The Commission shall make funds available to a clean money candidate not later than 48 hours after—

"(A) certification of the primary election or primary runoff election result; or

"(B) the date on which the candidate is certified as a clean money candidate under section 505 for the general election,

whichever occurs first.

"(3) RUNOFF ELECTION.—The Commission shall make funds available to a clean money candidate not later than 48 hours after the certification of the primary or general election result (as applicable).

"(c) CLEAN MONEY AMOUNTS.—

"(1) PRIMARY ELECTION CLEAN MONEY AMOUNT.—

"(A) MAJOR PARTY CANDIDATES.—The primary election clean money amount with respect to a clean money candidate who is a major party candidate is 67 percent of the general election clean money amount with respect to the clean money candidate.

"(B) CANDIDATES THAT ARE NOT MAJOR PARTY CANDIDATES.—The primary election clean money amount with respect to a clean money candidate who is not a major party candidate is 25 percent of the general election clean money amount with respect to the clean money candidate.

"(2) PRIMARY RUNOFF ELECTION CLEAN MONEY AMOUNT.—The primary runoff election

clean money amount with respect to a clean money candidate is 25 percent of the primary election clean money amount with respect to the clean money candidate.

"(3) GENERAL ELECTION CLEAN MONEY AMOUNT.—

"(A) IN GENERAL.—The general election clean money amount with respect to a clean money candidate is the lesser of—

"(i) $4,400,000; or

"(ii) the greater of—

"(I) $760,000; or

"(II) $320,000; plus

"(aa) 24 cents multiplied by the voting age population not in excess of 4,000,000; and

"(bb) 20 cents multiplied by the voting age population in excess of 4,000,000.

"(B) EXCEPTION.—In the case of an eligible Senate candidate in a State that has not more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, subparagraph (A)(ii)(II) shall be applied by substituting—

"(i) '64 cents' for '24 cents' in item (aa); and

"(ii) '56 cents' for '20 cents' in item (bb).

"(C) INDEXING.—The clean money amount under subparagraphs (A) and (B) shall be increased as of the beginning of each calendar year based on an increase in the price index determined under section 315(c), except that the base period shall be calendar year 1997.

"(4) GENERAL RUNOFF ELECTION CLEAN MONEY AMOUNT.—The general runoff election clean money amount with respect to a clean money candidate is 25 percent of the general election clean money amount with respect to the clean money candidate.

"(5) UNOPPOSED CANDIDATES.—Except for a candidate receiving amounts under paragraph (1)(B), a clean money candidate in a primary or general election in which there is no opposing candidate shall receive a clean money amount with respect to that election equal to 25 percent of the full clean money amount that the candidate would receive in a contested election.

"(d) MATCHING FUNDS IN RESPONSE TO INDEPENDENT EXPENDITURES AND EXPENDITURES OF PRIVATE MONEY CANDIDATES.—

"(1) IN GENERAL.—If the Commission—

"(A) receives notification under—

"(i) subparagraphs (A) or (B) of section 304(c)(2) that a person has made or obligated to make an independent expenditure in an aggregate amount of $1,000 or more in an election period or that a person has made or obligated to make an independent expenditure in an aggregate amount of $500 or more during the 20 days preceding the date of an election in support of another candidate or against a clean money candidate; or

"(ii) section 304(d)(1) that a private money candidate has made or obligated to make expenditures in an aggregate amount in excess of 100 percent of the amount of clean money provided to a clean money candidate who is an opponent of the private money candidate in the same election; and

"(B) determines that the aggregate amount of expenditures reported under subparagraph (A) in an election period is in excess of 125 percent of the amount of clean money provided to a clean money candidate who is an opponent of the private money candidate in the same election or against whom the independent expenditure is made,

the Commission shall make available to the clean money candidate, not later than 24 hours after receiving a notification under subparagraph (A), an aggregate amount of increase in clean money in an amount equal to the aggregate amount of expenditures that is in excess of 125 percent of the amount of clean money provided to the clean money candidate as determined under subparagraph (B).

"(2) CLEAN MONEY CANDIDATES OPPOSED BY MORE THAN 1 PRIVATE MONEY CANDIDATE.—For purposes of paragraph (1), if a clean money candidate is opposed by more than 1 private money candidate in the same election, the Commission shall take into account only the amount of expenditures of the private money candidate that expends, in the aggregate, the greatest amount (as determined each time notification is received under section 304(d)(1)).

"(3) CLEAN MONEY CANDIDATES OPPOSED BY CLEAN MONEY CANDIDATES.—If a clean money candidate is opposed by a clean money candidate, the increase in clean money amounts under paragraph (1) shall be made available to the clean money candidate if independent expenditures are made against the clean money candidate or in behalf of the opposing clean money candidate in the same manner as the increase would be made available for a clean money candidate who is opposed by a private money candidate.

"(e) LIMITS ON MATCHING FUNDS.—The aggregate amount of clean money that a clean money candidate receives to match independent expenditures and the expenditures of private money candidates under subsection (d) shall not exceed 200 percent of the clean money amount that the clean money candidate receives under subsection (c).

"(f) EXPENDITURES MADE WITH CLEAN MONEY AMOUNTS.—

"(1) IN GENERAL.—The clean money amount received by a clean money candidate shall be used only for the purpose of making or obligating to make expenditures during the election period for which the clean money is provided.

"(2) EXPENDITURES IN EXCESS OF CLEAN MONEY AMOUNT.—A clean money candidate shall not make expenditures or incur obligations in excess of the clean money amount.

"(3) PROHIBITED USES.—The clean money amount received by a clean money candidate shall not be—

"(A) converted to a personal use; or

"(B) used in violation of law.

"(4) PETTY CASH FUND.—

"(A) IN GENERAL.—A candidate may establish a petty cash fund, to be used to pay expenses such as the costs of food, newspapers, magazines, pay telephone calls and other minor necessary expenses, that contains, on any day, not more than—

"(i) $200; plus

"(ii) if there is more than 1 congressional district in the candidate's State, an amount that is equal to $20 times the number of additional congressional districts.

"(B) RECEIPT.—An expenditure from the petty cash fund in an amount greater than $25 shall be evidenced by a receipt describing the item purchased, the purpose and cost of the item, and the name and street address of the seller.

"(5) PENALTY.—A person that uses a clean money amount in violation of this subsection shall be imprisoned not more than 5 years, fined not more than $15,000, or both.

"(g) REMITTING OF CLEAN MONEY AMOUNTS.—Not later than the date that is 14 days after the last day of the applicable election period, a clean money candidate shall remit any unspent clean money amount to the Commission for deposit in the Senate Election Fund.

"SEC. 507. ADMINISTRATION OF CLEAN MONEY.

"(a) SENATE ELECTION FUND.—

"(1) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the 'Senate Election Fund'.

"(2) DEPOSITS.—The Commission shall deposit unspent seed money contributions, qualifying contributions, penalty amounts received under this title, and amounts appropriated for clean money financing in the Senate Election Fund.

"(3) FUNDS.—The Commission shall withdraw the clean money amount for a clean money candidate from the Senate Election Fund.

"(b) REGULATIONS.—The Commission shall promulgate a regulation to—

"(1) effectively and efficiently monitor and enforce the limits on use of private money by clean money candidates;

"(2) effectively and efficiently monitor use of publicly financed amounts under this title; and

"(3) enable clean money candidates to monitor expenditures and comply with the requirements of this title.

"SEC. 508. EXPENDITURES MADE FROM FUNDS OTHER THAN CLEAN MONEY.

"If a clean money candidate makes an expenditure using funds other than funds provided under this title, the Commission shall assess a civil penalty against the candidate in an amount that is not more than 10 times the amount of the expenditure.

"SEC. 509. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Senate Election Fund such sums as are necessary to carry out this title.".

SEC. 103. REPORTING REQUIREMENTS FOR EXPENDITURES OF PRIVATE MONEY CANDIDATES.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following:

"(d) PRIVATE MONEY CANDIDATES.—

"(1) EXPENDITURES IN EXCESS OF CLEAN MONEY AMOUNTS.—Not later than 48 hours after making or obligating to make an expenditure, a private money candidate (as defined in section 501) that makes or obligates to make expenditures during an election period (as defined by section 501), in an aggregate amount in excess of 100 percent of the amount of clean money provided to a clean money candidate (as defined in section 501), who is an opponent of the private money candidate shall file with the Commission a report stating the amount of each expenditure (in increments of an aggregate amount of $1,000) made or obligated to be made.

"(2) PLACE OF FILING; NOTIFICATION.—

"(A) PLACE OF FILING.—A report under this subsection shall be filed with the Commission.

"(B) NOTIFICATION OF CLEAN MONEY CANDIDATES.—Not later than 24 hours after receipt of a report under this subsection, the Commission shall notify each clean money candidate seeking nomination for election to, or election to, the office in question, of the receipt of the report.

"(3) DETERMINATIONS BY THE COMMISSION.—

"(A) IN GENERAL.—The Commission may, on a request of a candidate or on its own initiative, make a determination that a private money candidate has made, or has obligated to make, expenditures in excess of the applicable amount in paragraph (1).

"(B) NOTIFICATION.—In the case of such a determination, the Commission shall notify each clean money candidate seeking nomination for election to, or election to, the office in question, of the making of the determination not later than 24 hours after making the determination.

"(C) TIME TO COMPLY WITH REQUEST FOR DETERMINATION.—A determination made at the

request of a candidate shall be made not later than 48 hours after the date of the request.".

SEC. 104. TRANSITION RULE FOR CURRENT ELECTION CYCLE.

(a) IN GENERAL.—During the election cycle in effect on the date of enactment of this Act, a candidate may be certified as a clean money candidate (as defined in section 501 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), notwithstanding the acceptance of contributions or making of expenditures from private funds before the date of enactment that would, absent this section, disqualify the candidate as a clean money candidate.

(b) PRIVATE FUNDS.—A candidate may be certified as a clean money candidate only if any private funds accepted and not expended before the date of enactment of this Act are—

(1) returned to the contributor; or

(2) submitted to the Federal Election Commission for deposit in the Senate Election Fund (as defined in section 501 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)).

TITLE II—INDEPENDENT EXPENDITURES; COORDINATED EXPENDITURES

SEC. 201. REPORTING REQUIREMENTS FOR INDEPENDENT EXPENDITURES.

(a) INDEPENDENT EXPENDITURES.—Section 304(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)) is amended—

(1) by striking "(c)(1) Every person" and inserting the following:

"(c) INDEPENDENT EXPENDITURES.—

"(1) IN GENERAL.—

"(A) REQUIRED FILING.—Except as provided in paragraph (2), every person";

(2) in paragraph (2), by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and adjusting the margins accordingly;

(3) by redesignating paragraphs (2) and (3) as subparagraphs (B) and (C), respectively, and adjusting the margins accordingly;

(4) by adding at the end the following:

"(2) SENATE ELECTIONS WITH A CLEAN MONEY CANDIDATE.—

"(A) INDEPENDENT EXPENDITURES MORE THAN 20 DAYS BEFORE AN ELECTION.—

"(i) IN GENERAL.—Not later than 48 hours after making or obligating to make an independent expenditure, more than 20 days before the date of an election, in support of an opponent of or in opposition to a clean money candidate (as defined in section 501), a person that makes independent expenditures in an aggregate amount in excess of $1,000 during an election period (as defined in section 501) shall file with the Commission a statement containing the information described in clause (ii).

"(ii) CONTENTS OF STATEMENT.—A statement under subparagraph (A) shall include a certification, under penalty of perjury, that contains the information required by subsection (b)(6)(B)(iii).

"(iii) ADDITIONAL STATEMENTS.—An additional statement shall be filed for each aggregate of independent expenditures that exceeds $1,000.

"(B) INDEPENDENT EXPENDITURES DURING THE 20 DAYS PRECEDING AN ELECTION.—Not later than 24 hours after making or obligating to make an independent expenditure in support of an opponent of or in opposition to a clean money candidate in an aggregate amount in excess of $500, during the 20 days preceding the date of an election, a person that makes or obligates to make the independent expenditure shall file with the Commission a statement stating the amount of each independent expenditure made or obligated to be made.

"(C) PLACE OF FILING; NOTIFICATION.—

"(i) PLACE OF FILING.—A report or statement under this paragraph shall be filed with the Commission.

"(ii) NOTIFICATION OF CLEAN MONEY CANDIDATES.—Not later than 24 hours after receipt of a statement under this paragraph, the Commission shall notify each clean money candidate seeking nomination for election to, or election to, the office in question of the receipt of a statement.

"(D) DETERMINATION BY THE COMMISSION.—

"(i) IN GENERAL.—The Commission may, on request of a candidate or on its own initiative, make a determination that a person has made or obligated to make independent expenditures with respect to a candidate that in the aggregate exceed the applicable amount under subparagraph (A).

"(ii) NOTIFICATION.—Not later than 24 hours after making a determination under clause (i), the Commission shall notify each clean money candidate in the election of the making of the determination.

"(iii) TIME TO COMPLY WITH REQUEST FOR DETERMINATION.—A determination made at the request of a candidate shall be made not later than 48 hours after the date of the request.".

SEC. 202. DEFINITION OF INDEPENDENT EXPENDITURE.

(a) IN GENERAL.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

"(17) INDEPENDENT EXPENDITURE.—

"(A) IN GENERAL.—The term 'independent expenditure' means an expenditure made by a person other than a candidate or candidate's authorized committee—

"(i) that is made for a communication that contains express advocacy; and

"(ii) is made without the participation or cooperation of and without coordination with a candidate (within the meaning of section 301(8)(A)(iii)).

"(B) EXPRESS ADVOCACY.—The term 'express advocacy' means a communication that is made through a broadcast medium, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising and that—

"(i) advocates the election or defeat of a clearly identified candidate, including any communication that—

"(I) contains a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1997', 'vote against', 'defeat', 'reject'; or

"(II) contains campaign slogans or individual words that in context can have no reasonable meaning other than to recommend the election or defeat of 1 or more clearly identified candidates; or

"(ii)(I) involves aggregate disbursements of $5,000 or more;

"(II) refers to a clearly identified candidate; and

"(III) is made not more than 60 days before the date of a general election.".

(b) DEFINITION APPLICABLE WHEN PROVISION NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971, during any period beginning after the effective date of this Act in which the definition, or any part of the definition, under section 301(17)(B) of that Act (as added by subsection (a)) is not in effect, the definition of "express advocacy" shall mean, in addition to the part of the definition that is in effect, a communication that clearly identifies a candidate and—

(1) taken as a whole and with limited reference to external events, such as proximity to an election, expresses unmistakable support for or opposition to 1 or more clearly identified candidates; or

(2) is made for the clear purpose of advocating the election or defeat of the candidate, as shown by the existence of each of the following factors:

(A) A statement or action by the person making the communication.

(B) The targeting or placement of the communication.

(C) The use by the person making the communication of polling, demographic, or other similar data relating to the candidate's campaign for election.

SEC. 203. LIMIT ON EXPENDITURES BY POLITICAL PARTY COMMITTEES.

Section 315(d)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)(3)) is amended—

(1) in subparagraph (A)(ii)—

(A) by inserting "except an election in which 1 or more of the candidates is a clean money candidate (as defined in section 501)" after "Senator"; and

(B) by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(C) in the case of an election to the office of Senator in which 1 or more candidates is a clean money candidate (as defined in section 501), 10 percent of the amount of clean money that a clean money candidate is eligible to receive for the general election period.".

SEC. 204. PARTY INDEPENDENT EXPENDITURES AND COORDINATED EXPENDITURES.

(a) DETERMINATION TO MAKE COORDINATED EXPENDITURES.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1)—

(A) by inserting "coordinated" after "make"; and

(B) by striking "(2) and (3)" and inserting "(2), (3), and (4)"; and

(2) by adding at the end the following:

"(4)(A) Before a committee of a political party makes a coordinated expenditure in connection with a general election campaign for Federal office in excess of $5,000, the committee shall file with the Commission a certification, signed by the treasurer, that the committee has not made and will not make any independent expenditures in connection with that campaign for Federal office. A party committee that determines to make a coordinated expenditure shall not make any transfer of funds in the same election cycle to, or receive any transfer of funds in the same election cycle from, any other party committee that determines to make independent expenditures in connection with the same campaign for Federal office.

"(B) A committee of a political party shall be considered to be in coordination with a candidate of the party if the committee—

"(i) makes a payment for a communication or anything of value in coordination with the candidate, as described in section 301(8)(A)(iii);

"(ii) makes a coordinated expenditure under this subsection on behalf of the candidate;

"(iii) participates in joint fundraising with the candidate or in any way solicits or receives a contribution on behalf of the candidate;

"(iv) communicates with the candidate, or an agent of the candidate (including a pollster, media consultant, vendor, advisor, or

staff member), acting on behalf of the candidate, about advertising, message, allocation of resources, fundraising, or other campaign matters related to the candidate's campaign, including campaign operations, staffing, tactics or strategy; or

"(v) provides in-kind services, polling data, or anything of value to the candidate.

"(C) For purposes of this paragraph, all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established by State political parties shall be considered to be a single political committee.

"(D) For purposes of subparagraph (A), any coordination between a committee of a political party and a candidate of the party after the candidate has filed a statement of candidacy constitutes coordination for the period beginning with the filing of the statement of candidacy and ending at the end of the election cycle.".

(b) DEFINITIONS.—

(1) AMENDMENT OF DEFINITION OF CONTRIBUTION.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(A) in subparagraph (A)—

(i) by striking "or" at the end of clause (i);

(ii) by striking the period at the end of clause (ii) and inserting "; or"; and

(iii) by adding at the end the following:

"(iii) a payment made for a communication or anything of value that is for the purpose of influencing an election for Federal office and that is made in coordination with a candidate."; and

(B) by adding at the end the following:

"(C) For the purposes of subparagraph (A)(iii), the term 'payment made in coordination with a candidate' includes—

"(i) a payment made by a person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with a candidate, the candidate's authorized committee, or an agent acting on behalf of a candidate or authorized committee;

"(ii) a payment made by a person for the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, a candidate's authorized committee, or an agent of a candidate or authorized committee (not including a communication described in paragraph (9)(B)(i) or a communication that expressly advocates the candidate's defeat);

"(iii) a payment made based on information about a candidate's plans, projects, or needs provided to the person making the payment by the candidate or the candidate's agent who provides the information with a view toward having the payment made;

"(iv) a payment made by a person if, in the same election cycle in which the payment is made, the person making the payment is serving or has served as a member, employee, fundraiser, or agent of the candidate's authorized committee in an executive or policymaking position;

"(v) a payment made by a person if the person making the payment has served in any formal policy or advisory position with the candidate's campaign or has participated in strategic or policymaking discussions with the candidate's campaign relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle as the election cycle in which the payment is made; and

"(vi) a payment made by a person if the person making the payment retains the professional services of an individual or person who has provided or is providing campaign-related services in the same election cycle to a candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including services relating to the candidate's decision to seek Federal office, and the payment is for services of which the purpose is to influence that candidate's election.

"(D) For purposes of subparagraph (C)(vi), the term 'professional services' includes services in support of a candidate's pursuit of nomination for election, or election, to Federal office such as polling, media advice, direct mail, fundraising, or campaign research.".

(2) DEFINITION OF CONTRIBUTION IN SECTION 315(a)(7).—Section 315(a)(7) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(7)) is amended by striking paragraph (B) and inserting the following:

"(B)(i) Except as provided in clause (ii), a payment made in coordination with a candidate (as described in section 301(8)(A)(iii)) shall be considered to be a contribution to the candidate, and, for the purposes of any provision of this Act that imposes a limitation on the making of expenditures by a candidate, shall be treated as an expenditure by the candidate for purposes of this paragraph.

"(ii) In the case of a clean money candidate (as defined in section 501), a payment made in coordination with a candidate by a committee of a political party shall not be treated as a contribution to the candidate for purposes of section 503(b)(1) or an expenditure made by the candidate for purposes of section 503(b)(2).".

(c) MEANING OF CONTRIBUTION OR EXPENDITURE FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended by striking "shall include" and inserting "includes a contribution or expenditure (as those terms are defined in section 301) and also includes".

TITLE III—VOTER INFORMATION

SEC. 301. FREE BROADCAST TIME.

Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) in subsection (a), in the third sentence, by striking "within the meaning of this subsection" and inserting "within the meaning of this subsection or subsection (c)";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following:

"(c) FREE BROADCAST TIME.—

"(1) AMOUNT OF TIME.—A clean money candidate shall be entitled to receive—

"(A) 30 minutes of free broadcast time during each of the primary election period and the primary runoff election period; and

"(B) 60 minutes of free broadcast time during the general election period.

"(2) TIME DURING WHICH THE BROADCAST IS AIRED.—The broadcast time under paragraph (1) shall be—

"(A) with respect to a television broadcast, the time between 6:00 p.m. and 10:00 p.m. on any day that falls on Monday through Friday; and

"(B) with respect to a radio broadcast, the time between 7:00 a.m. and 9:30 a.m. or between 4:30 p.m. and 7:00 p.m. on any day that falls on Monday through Friday.

"(3) MAXIMUM REQUIRED OF ANY STATION.—The amount of free broadcast time that any 1 station is required to make available to any 1 clean money candidate during each of the primary election period, primary runoff election period, and general election period shall not exceed 15 minutes.

"(4) CONTENT OF BROADCAST.—A broadcast under this subsection shall be more than 30 seconds and less than 5 minutes in length."; and

(4) in subsection (d) (as redesignated by paragraph (1))—

(A) by striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting a semicolon, and by redesignating that paragraph as paragraph (4);

(C) by inserting after paragraph (1) the following:

"(2) the term 'clean money candidate' has the meaning given in section 501 of the Federal Election Campaign Act of 1971;

"(3) the term 'general election period' has the meaning given in section 501 of the Federal Election Campaign Act of 1971;"; and

(D) by adding at the end the following:

"(5) the term 'primary election period' has the meaning given in section 501 of the Federal Election Campaign Act of 1971;

"(6) the term 'private money candidate' has the meaning given in section 501 of the Federal Election Campaign Act of 1971; and

"(7) the term 'primary runoff election period' has the meaning given in section 501 of the Federal Election Campaign Act of 1971.".

SEC. 302. BROADCAST RATES AND PREEMPTION.

(a) BROADCAST RATES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and adjusting the margins accordingly;

(2) by striking "The charges" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), the charges"; and

(3) by adding at the end the following:

"(2) CLEAN MONEY CANDIDATES.—In the case of a clean money candidate, the charges for the use of a television broadcasting station shall not exceed 50 percent of the lowest charge described in paragraph (1)(A) during—

"(A) the 30 days preceding the date of a primary or primary runoff election in which the candidate is opposed; and

"(B) the 60 days preceding the date of a general or special election in which the candidate is opposed.

"(3) RATE CARDS.—A licensee shall provide to a Senate candidate a rate card that discloses—

"(A) the rate charged under this subsection; and

"(B) the method that the licensee uses to determine the rate charged under this subsection.".

(b) PREEMPTION.—Section 315 of the Communications Act of 1934 (47 U.S.C. 315) (as amended by section 301) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (d) the following:

"(d) PREEMPTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a licensee shall not preempt the use of a broadcasting station by a legally qualified candidate for the United States Senate who has purchased and paid for such use.

"(2) CIRCUMSTANCES BEYOND CONTROL OF LICENSEE.—If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the broadcasting station, any candidate advertising spot scheduled to be broadcast during that program may also be preempted.".

SEC. 303. CAMPAIGN ADVERTISEMENTS; ISSUE ADVERTISEMENTS.

(a) CONTENTS OF CAMPAIGN ADVERTISEMENTS.—Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "Whenever" and inserting "Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever";

(ii) by striking "an expenditure" and inserting "a disbursement"; and

(iii) by striking "direct"; and

(B) in paragraph (3), by inserting "and permanent street address" after "name"; and

(2) by adding at the end the following:

"(c) Any printed communication described in subsection (a) shall be—

"(1) of sufficient type size to be clearly readable by the recipient of the communication;

"(2) contained in a printed box set apart from the other contents of the communication; and

"(3) consist of a reasonable degree of color contrast between the background and the printed statement.

"(d)(1) Any broadcast or cablecast communication described in subsection (a)(1) or subsection (a)(2) shall include, in addition to the requirements of those subsections, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement which—

"(A) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(B) is accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any broadcast or cablecast communication described in subsection (a)(3) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement: '_____ is responsible for the content of this advertisement.' (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If broadcast or cablecast by means of television, the statement shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.

"(f) Any broadcast or cablecast communication described in subsection (a)(1), made by or on behalf of a private money candidate (as defined in section 501), shall include, in addition to the requirements of this subsection, in a clearly spoken manner, the following statement: 'This candidate has chosen not to participate in the Clean Money, Clean Elections Act and is receiving campaign contributions from private sources'.".

(b) REPORTING REQUIREMENTS FOR ISSUE ADVERTISEMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 103) is amended by adding at the end the following:

"(e) ISSUE ADVERTISEMENTS.—

"(1) IN GENERAL.—A person that makes or obligates to make a disbursement to purchase an issue advertisement shall file a report with the Commission not later than 48 hours after making or obligating to make the disbursement, containing the following information—

"(A) the amount of the disbursement;

"(B) the information required under subsection (b)(3)(A) for each person that makes a contribution, in an aggregate amount of $5,000 or greater in a calendar year, to the person who makes the disbursement;

"(C) the name and address of the person making the disbursement; and

"(D) the purpose of the issue advertisement.

"(2) DEFINITION OF ISSUE ADVERTISEMENT.—In this subsection, the term 'issue advertisement' means a communication through a broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising—

"(A) the purchase of which is not an independent expenditure or a contribution;

"(B) that contains the name or likeness of a Senate candidate;

"(C) that is communicated during an election year; and

"(D) that recommends a position on a political issue.".

SEC. 304. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

Section 3210(a)(6) of title 39, United States Code, is amended by striking subparagraph (A) and inserting the following:

"(A)(i) Except as provided in clause (ii), a Member of Congress shall not mail any mass mailing as franked mail during a year in which there will be an election for the seat held by the Member during the period between January 1 of that year and the date of the general election for that office, unless the Member has made a public announcement that the Member will not be a candidate for reelection in that year or for election to any other Federal office.

"(ii) A Member of Congress may mail a mass mailing as franked mail if—

"(I) the purpose of the mailing is to communicate information about a public meeting; and

"(II) the content of the mailed matter includes only the candidate's name, and the date, time, and place of the public meeting.".

TITLE IV—SOFT MONEY OF POLITICAL PARTY COMMITTEES

SEC. 401. SOFT MONEY OF POLITICAL PARTY COMMITTEE.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"SEC. 324. SOFT MONEY OF PARTY COMMITTEES.

"(a) NATIONAL COMMITTEES.—A national committee of a political party (including a national congressional campaign committee of a political party but not including an entity regulated under subsection (b)) shall not solicit or receive any contributions, donations, or transfers of funds, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

"(1) IN GENERAL.—A State, district, or local committee of a political party shall not expend or disburse any amount during a calendar year in which a Federal election is held for any activity that might affect the outcome of a Federal election, including any voter registration or get-out-the-vote activity, any generic campaign activity, and any communication that refers to a candidate (regardless of whether a candidate for State or local office is also mentioned or identified) unless the amount is subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) ACTIVITY EXCLUDED FROM PARAGRAPH (1).—

"(A) IN GENERAL.—Paragraph (1) shall not apply to an expenditure or disbursement made by a State, district, or local committee of a political party for—

"(i) a contribution to a candidate for State or local office if the contribution is not designated or otherwise earmarked to pay for an activity described in paragraph (1);

"(ii) the costs of a State, district, or local political convention;

"(iii) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of any individual who spends more than 20 percent of the individual's time on activities during the month that may affect the outcome of a Federal election), except that for purposes of this paragraph, the non-Federal share of a party committee's administrative and overhead expenses shall be determined by applying the ratio of the non-Federal disbursements to the total Federal expenditures and non-Federal disbursements made by the committee during the previous presidential election year to the committee's administrative and overhead expenses in the election year in question;

"(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs that name or depict only a candidate for State or local office; and

"(v) the cost of any campaign activity conducted solely on behalf of a clearly identified candidate for State or local office, if the candidate activity is not an activity described in paragraph (1).

"(B) FUNDRAISING COSTS.—A national, State, district, or local committee of a political party shall not expend any amount to raise funds that are used, in whole or in part, to pay the costs of an activity described in paragraph (1) unless the amount is subject to the limitations, prohibitions, and reporting requirements of this Act.

"(c) TAX-EXEMPT ORGANIZATIONS.—A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party) shall not solicit any funds for or make any donations to an organization that is exempt from Federal taxation under section 501(a) of the Internal Revenue Code of 1986 and that is described in section 501(c) of such Code.

"(d) CANDIDATES.—

"(1) IN GENERAL.—A candidate, individual holding Federal office, or agent of a candidate or individual holding Federal office shall not—

"(A) solicit, receive, transfer, or spend funds in connection with an election for Federal office unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act;

"(B) solicit, receive, or transfer funds that are to be expended in connection with any election other than a Federal election unless the funds—

"(i) are not in excess of the amounts permitted with respect to contributions to candidates and political committees under section 315(a) (1) and (2); and

"(ii) are not from sources prohibited by this Act from making contributions with respect to an election for Federal office; or

"(C) solicit, receive, or transfer any funds on behalf of any person that are not subject to the limitations, prohibitions, and reporting requirements of this Act if the funds are for use in financing any campaign-related activity or any communication that refers to a clearly identified candidate for Federal office.

"(2) EXCEPTION.—Paragraph (1) does not apply to the solicitation or receipt of funds by an individual who is a candidate for a State or local office if the solicitation or receipt of funds is permitted under State law for the individual's State or local campaign committee.

"(e) DEFINITION OF COMMITTEE.—In this section, the term 'committee of a political party' includes an entity that is directly or indirectly established, financed, maintained, or controlled by a committee or its agent, an entity acting on behalf of a committee, and an officer or agent acting on behalf of any such committee or entity.".

SEC. 402. STATE PARTY GRASSROOTS FUNDS.

(a) INDIVIDUAL CONTRIBUTIONS.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B) by striking "or" at the end;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

"(C) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000;

"(ii) any other political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000;

except that the aggregate contributions described in this subparagraph that may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $20,000; or".

(b) LIMITS.—

(1) IN GENERAL.—Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by striking paragraph (3) and inserting the following:

"(3) OVERALL LIMITS.—

"(A) INDIVIDUAL LIMIT.—No individual shall make contributions during any calendar year that, in the aggregate, exceed $25,000.

"(B) CALENDAR YEAR.—No individual shall make contributions during any calendar year—

"(i) to all candidates and their authorized political committees that, in the aggregate, exceed $25,000; or

"(ii) to all political committees established and maintained by State committees of a political party that, in the aggregate, exceed $20,000.

"(C) NONELECTION YEARS.—For purposes of subparagraph (B)(i), any contribution made to a candidate or the candidate's authorized political committees in a year other than the calendar year in which the election is held with respect to which the contribution is made shall be treated as being made during the calendar year in which the election is held.".

(c) DEFINITIONS.—Section 301 of the Federal Election Campaign Act of 1970 (2 U.S.C. 431) is amended by adding at the end the following:

"(20) The term 'generic campaign activity' means a campaign activity that promotes a political party and does not refer to any particular Federal or non-Federal candidate.

"(21) The term 'State Party Grassroots Fund' means a separate segregated fund established and maintained by a State committee of a political party solely for purposes of making expenditures and other disbursements described in section 326(d).".

(d) STATE PARTY GRASSROOTS FUNDS.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 401) is amended by adding at the end the following:

"SEC. 325. STATE PARTY GRASSROOTS FUNDS.

"(a) IN GENERAL.—A State committee of a political party shall only make disbursements and expenditures from the committee's State Party Grassroots Fund that are described in subsection (d).

"(b) TRANSFERS.—

"(1) IN GENERAL.—Notwithstanding section 315(a)(4), a State committee of a political party shall not transfer any funds from the committee's State Party Grassroots Fund to any other State Party Grassroots Fund or to any other political committee, except as provided in paragraph (2).

"(2) EXCEPTION.—A committee of a political party may transfer funds from the committee's State Party Grassroots Fund to a district or local committee of the same political party in the same State if the district or local committee—

"(A) has established a separate segregated fund for the purposes described in subsection (d); and

"(B) uses the transferred funds solely for those purposes.

"(c) AMOUNTS RECEIVED BY GRASSROOTS FUNDS FROM STATE AND LOCAL CANDIDATE COMMITTEES.—

"(1) IN GENERAL.—Any amount received by a State Party Grassroots Fund from a State or local candidate committee for expenditures described in subsection (d) that are for the benefit of that candidate shall be treated as meeting the requirements of 324(b)(1) and section 304(d) if—

"(A) the amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount specified in section 315(a) (1)(A) and (2)(A)(i); and

"(B) the State or local candidate committee—

"(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether those requirements are met; and

"(ii) certifies that the requirements were met.

"(2) DETERMINATION OF COMPLIANCE.—For purposes of paragraph (1)(A), in determining whether the funds transferred meet the requirements of this Act described in paragraph (1)(A)—

"(A) a State or local candidate committee's cash on hand shall be treated as consisting of the funds most recently received by the committee; and

"(B) the committee must be able to demonstrate that its cash on hand contains funds meeting those requirements sufficient to cover the transferred funds.

"(3) REPORTING.—Notwithstanding paragraph (1), any State Party Grassroots Fund that receives a transfer described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act, and shall submit to the Commission all certifications received, with respect to receipt of the transfer from the candidate committee.

"(d) DISBURSEMENTS AND EXPENDITURES.—A State committee of a political party may make disbursements and expenditures from its State Party Grassroots Fund only for—

"(1) any generic campaign activity;

"(2) payments described in clauses (v), (ix), and (xi) of paragraph (8)(B) and clauses (iv), (viii), and (ix) of paragraph (9)(B) of section 301;

"(3) subject to the limitations of section 315(d), payments described in clause (xii) of paragraph (8)(B), and clause (ix) of paragraph (9)(B), of section 301 on behalf of candidates other than for President and Vice President;

"(4) voter registration; and

"(5) development and maintenance of voter files during an even-numbered calendar year.

"(e) DEFINITION.—In this section, the term 'State or local candidate committee' means a committee established, financed, maintained, or controlled by a candidate for other than Federal office.".

SEC. 403. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 303(b)) is amended by adding at the end the following:

"(f) POLITICAL COMMITTEES.—

"(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a political party, any congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 324 APPLIES.—A political committee to which section 324(b)(1) applies shall report all receipts and disbursements made for activities described in section 324(b) (1) and (2)(A)(iii).

"(3) OTHER POLITICAL COMMITTEES.—Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements that are used in connection with a Federal election.

"(4) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for the person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

"(5) REPORTING PERIODS.—Reports required to be filed under this subsection shall be filed for the same time periods as reports are required for political committees under subsection (a).".

(b) BUILDING FUND EXCEPTION TO THE DEFINITION OF CONTRIBUTION.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(1) by striking clause (viii); and

(2) by redesignating clauses (ix) through (xiv) as clauses (viii) through (xiii), respectively.

(c) REPORTS BY STATE COMMITTEES.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by subsection (a)) is amended by adding at the end the following:

"(g) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines that such reports contain substantially the same information.".

(d) OTHER REPORTING REQUIREMENTS.—

(1) AUTHORIZED COMMITTEES.—Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(A) by striking "and" at the end of subparagraph (H);

(B) by inserting "and" at the end of subparagraph (I); and

(C) by adding at the end the following:

"(J) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates;".

(2) NAMES AND ADDRESSES.—Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by striking "operating expense" and inserting "operating expenditure, and the election to which the operating expenditure relates".

TITLE V—RESTRUCTURING AND STRENGTHENING OF THE FEDERAL ELECTION COMMISSION

SEC. 501. APPOINTMENT AND TERMS OF COMMISSIONERS.

(a) IN GENERAL.—Section 306(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(a)) is amended—

(1) in paragraph (1)—

(A) by striking "(1) There is established" and inserting "(1)(A) There is established";

(B) by striking the second sentence and inserting the following:

"(B) COMPOSITION OF COMMISSION.—The Commission is composed of 6 members appointed by the President, by and with the advice and consent of the Senate, and 1 member appointed by the President from among persons recommended by the Commission as provided in subparagraph (D).";

(C) by striking "No more than" and inserting the following:

"(C) PARTY AFFILIATION.—Not more than"; and

(D) by adding at the end the following:

"(D) NOMINATION BY COMMISSION OF ADDITIONAL MEMBER.—

"(i) IN GENERAL.—The members of the Commission shall recommend to the President, by a vote of 4 members, 3 persons for the appointment to the Commission.

"(ii) VACANCY.—On vacancy of the position of the member appointed under this subparagraph, a member shall be appointed to fill the vacancy in the same manner as provided in clause (i).";

(2) in paragraph (2)(A) by striking "terms of 6 years" and inserting "not more than 1 term of 6 years;"; and

(3) in paragraphs (3) and (4), by striking "(other than the Secretary of the Senate and the Clerk of the House of Representatives)".

(b) TRANSITION RULE.—Not later than 90 days after the date of enactment of this Act, the Commission shall recommend persons for appointment under section 306(a)(1)(D) of the Federal Election Campaign Act of 1971, as added by section 501(a)(1)(D) of this Act.

SEC. 502. AUDITS.

(a) RANDOM AUDIT.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1)" before "The Commission"; and

(2) by adding at the end the following:

"(2) RANDOM AUDITS.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), after every primary, general, and runoff election, the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act.

"(B) SELECTION OF SUBJECTS.—The subjects of audits and investigations under this paragraph shall be selected on the basis of impartial criteria established by a vote of at least 4 members of the Commission.

"(C) EXCLUSION.—This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under chapter 95 or 96 of the Internal Revenue Code of 1986.".

SEC. 503. AUTHORITY TO SEEK INJUNCTION.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following:

"(13) AUTHORITY TO SEEK INJUNCTION.—

"(A) IN GENERAL.—If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

"(i) there is a substantial likelihood that a violation of this Act is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction;

the Commission may initiate a civil action for a temporary restraining order or preliminary injunction pending the outcome of proceedings under paragraphs (1), (2), (3), and (4).

"(B) VENUE.—An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found, or in which the violation is occurring, has occurred, or is about to occur.";

(2) in paragraph (7), by striking "(5) or (6)" and inserting "(5), (6), or (13)"; and

(3) in paragraph (11), by striking "(6)" and inserting "(6) or (13)".

SEC. 504. STANDARD FOR INVESTIGATION.

Section 309(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437f(a)(2)) is amended by striking "reason to believe that" and inserting "reason to open an investigation on whether".

SEC. 505. PETITION FOR CERTIORARI.

Section 307(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437d(a)) is amended by inserting "(including a proceeding before the Supreme Court on certiorari)" after "appeal".

SEC. 506. EXPEDITED PROCEDURES.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) (as amended by section 503) is amended by adding at the end the following:

"(14) EXPEDITED PROCEDURE.—

"(A) 60 DAYS BEFORE A GENERAL ELECTION.—If the complaint in a proceeding was filed within 60 days before the date of a general election, the Commission may take action described in this subparagraph.

"(B) RESOLUTION BEFORE AN ELECTION.—If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that there is clear and convincing evidence that a violation of this Act has occurred, is occurring, or is about to occur and it appears that the requirements for relief stated in clauses (ii), (iii), and (iv) of paragraph (13)(A) are met, the Commission may—

"(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, immediately seek relief under paragraph (13)(A).

"(C) MERITLESS COMPLAINTS.—If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

"(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.".

SEC. 507. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.

Section 302(g) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)) is amended by adding at the end the following:

"(5) FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.—

"(A) COMPUTERS.—The Commission, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, shall issue a regulation under which a person required to file a designation, statement, or report under this Act—

"(i) is required to maintain and file the designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

"(ii) may maintain and file the designation, statement, or report in that manner if not required to do so under a regulation under clause (i).

"(B) FACSIMILE MACHINES.—The Commission, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, shall prescribe a regulation that allows a person to file a designation, statement, or report required by this Act through the use of a facsimile machine.

"(C) VERIFICATION.—In a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying a designation, statement, or report. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

"(D) COMPATIBILITY OF SYSTEMS.—The Secretary of the Senate and the Clerk of the House of Representatives shall ensure that any computer or other system that the Secretary or the Clerk may develop and maintain to receive designations, statements, and reports in the forms required or permitted under this paragraph is compatible with any system that the Commission may develop and maintain.".

SEC. 508. POWER TO ISSUE SUBPOENA WITHOUT SIGNATURE OF CHAIRPERSON.

Section 307(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437d(a)(3)) is amended by striking ", signed by the chairman or the vice chairman,".

SEC. 509. PROHIBITION OF CONTRIBUTIONS BY INDIVIDUALS NOT QUALIFIED TO VOTE.

(a) PROHIBITION.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) in the heading by adding "AND INDIVIDUALS NOT QUALIFIED TO REGISTER TO VOTE" at the end; and

(2) in subsection (a)—

(A) by striking "(a) It shall" and inserting the following:

"(a) PROHIBITIONS.—

"(1) FOREIGN NATIONALS.—It shall"; and

(B) by adding at the end the following:

"(2) INDIVIDUALS NOT QUALIFIED TO VOTE.—It shall be unlawful for an individual who is not qualified to register to vote in a Federal election to make a contribution, or to promise expressly or impliedly to make a contribution, in connection with a Federal election; or for any person to solicit, accept, or receive a contribution in connection with a Federal election from an individual who is not qualified to register to vote in a Federal election.".

(b) INCLUSION IN DEFINITION OF IDENTIFICATION.—Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended—

(1) in subparagraph (A)—

(A) by striking "and" the first place it appears; and

(B) by inserting ", and an affirmation that the individual is an individual who is not prohibited by section 319 from making a contribution" after "employer"; and

(2) in subparagraph (B) by inserting "and an affirmation that the person is a person that is not prohibited by section 319 from making a contribution" after "such person".

TITLE VI—EFFECTIVE DATE

SEC. 601. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on January 1, 1998.

THE CLEAN MONEY, CLEAN ELECTIONS ACT—SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

TITLE I—CLEAN MONEY FINANCING OF SENATE ELECTION CAMPAIGNS

(pp 2–32)

Section 101. Findings and declarations.

Section 101 states the premises for the legislation.

Section 102. Eligibility requirements and benefits of "clean money" financing of Senate election campaigns.

Section 102 of the bill would create a new Title V in the 1971 Federal Election Campaign Act (2 U.S.C. 431). It defines "clean money;" establishes the requirements for a major party or other candidate to qualify to receive clean money; establishes the dates and methods for receiving clean money; places restrictions, including spending limits, on clean money candidates; establishes the amounts of clean money to be provided to candidates for primary and general elections; and allows for providing additional clean money to match expenditures by and on behalf of an opponent which exceed a trigger-amount above the voluntary spending limit adopted by the clean money candidate.

The section defines clean money as the funds provided to a qualifying clean money candidate. Clean money will be provided from a Senate Election Fund established in the Treasury and composed of unspent seed money contributions, qualifying contributions, penalties, and amounts appropriated for clean money financing of Senate election campaigns.

The clean money candidate qualifying period begins 270 days prior to the date of the primary election. To qualify for clean money financing for a primary or a general election, a candidate must be certified as qualified by 30 days prior to the date of that election. Prior to the candidate receiving clean money from the Senate Election Fund, a candidate wishing to qualify as a clean money candidate may spend only "seed money." Seed money contributions are private contributions of not more than $100 in the aggregate by a person. It is the only private money a clean money candidate may receive as a contribution, and spend. A candidate's seed money contributions are limited to a total of $50,000 plus an additional $5,000 for every congressional district in the state over one. Seed money can be spent for campaign-related costs such as to open an office, fund a grassroots campaign or hold community meetings, but cannot be spent for a television or radio broadcast or for personal use. At the time that a clean money candidate receives clean money, all unspent seed money shall be remitted to the Commission to be deposited in the Senate Election Fund

To qualify for clean money financing, a major party candidate must gather a number of qualifying contributions equal to one-quarter of 1 percent of the state's voting age population, or 1,000 qualifying contributions, whichever is greater. A qualifying contribution is $5, made by an individual registered to vote in the candidate's state, and is made during the qualifying period. Qualifying contributions are made to the Senate Election Fund by check, money order or cash. They shall be accompanied by the contributor's name and address and a signed statement that the purpose of the contribution is to allow the named candidate to qualify as a clean money candidate.

A major party candidate is the candidate of a party whose candidate for Senator, President or Governor in the preceding 5 years received, as a candidate of that party, 25 percent or more of the total popular vote in that state for all candidates for that office.

Clean money candidates qualify for clean money for both the primary and the general election. A qualifying candidate will receive clean money for the primary election upon being certified by the Commission, and once the "primary election period" has begun. A candidate will be certified within 5 days of filing for certification if the candidate has gathered the threshold number of qualifying contributions, has not spent private money other than seed money, and is eligible to be on the primary ballot. The primary election period is from 90 days prior to the primary election date until the primary election date. The qualifying period begins 180 days before the beginning of the primary election period. A candidate must be certified as a clean money candidate by 30 days prior to the primary election in order to receive clean money financing for the primary election.

A clean money candidate who wins the party primary and is eligible to be placed on the ballot for the general election will receive clean money financing for the general election. A candidate not of a major party who does not qualify as a clean money candidate in time to receive clean money financing for the primary election period may still qualify for clean money financing for the general election by gathering the threshold number of qualifying contributions by 30 days prior to the general election and qualifying to be on the ballot.

The amount of clean money a qualified candidate receives for the primary and the general election is also the spending limit for clean money candidates for each respective election. The clean money amount for the general election for a qualified clean money candidate is established according to a formula based on a state's voting age population. The formula results in clean money financing for primary and general elections for major party candidates in contested elections which equals 80 percent of the spending limits for primary and general elections established by S. 25, the McCain-Feingold bill.

The section establishes a clean money ceiling for the general election of $4.4 million, and a floor of $760,000. The clean money amount for a contested major party primary is 67 percent of the clean money amount for the general election. In the case of an uncontested primary or general election, the clean money amount is 25 percent of the amount provided in the case of a contested election.

To qualify for clean money financing, a candidate who is not a major party candidate must collect 150 percent of the number of qualifying contributions that a major party candidate in the same election is required to collect. A candidate who is not a major party candidate must otherwise qualify for clean money financing according to the same requirements, restrictions and deadlines as does a major party candidate. A candidate who is not a major party candidate who qualifies as a clean money candidate in the primary election period will receive 25 percent of the regular clean money amount for a major party candidate in the primary. A candidate who is not a major party candidate who qualifies as a clean money candidate will receive the same clean money amount in the general election as will a major party candidate.

Additional clean money financing, above the regular clean money amount, will be provided to a clean money candidate to match aggregate expenditures by a private money candidate, and independent expenditures against the clean money candidate or on behalf of an opponent of the clean money candidate, which are, separately or combined, in excess of 125 percent of the clean money spending limit. The total amount of matching clean money financing received by a candidate shall not exceed 200 percent of the regular clean money spending limit.

The section establishes penalties for misuse of clean money and for expenditure by a clean money candidate of money other than clean money.

Section 103. Reporting requirements for private money candidates.

Section 103 requires private money candidates facing clean money opponents to report within 48 hours expenditures which in aggregate exceed the amount of clean money provided to a clean money candidate. A report of additional expenditures, in aggregate increments of $1,000, will also be required.

Section 104. Transition rule for current election cycle.

Section 104 allows a candidate who received private contributions or made private expenditures prior to enactment of the Act not to be disqualified as a clean money candidate.

TITLE II—INDEPENDENT EXPENDITURES; COORDINATED EXPENDITURES.

(pp 33–47.)

Section 201. Reporting requirements for independent expenditures.

Section 201 amends Section 304 (c) of the 1971 FECA (2 U.S.C. 434 (c)) to require reporting of independent expenditures made or obligated to be made in support of an opponent of or in opposition to a clean money candidate. Prior to 20 days before the date of the election, each such independent expenditure which exceeds in aggregate $1,000 by a person shall be reported within 48 hours. After 20 days prior to the date of the election, each such independent expenditure made or obligated to be made which exceeds in aggregate $500 shall be reported within 24 hours.

Section 202. Definition of independent expenditure.

Section 202 amends section 301 of the 1971 FECA (2 U.S.C. 431) to create a new definition of independent expenditure. An independent expenditure would be an expenditure made by a person other than a candidate or candidate's authorized committee: That is made for a communication that contains express advocacy; and is made without the participation or cooperation of, and without coordination with, a candidate.

The section defines express advocacy as a communication that is made through a broadcast medium, newspaper, magazine, billboard, direct mail or other general public communication or political advertising and that: Advocates the election or defeat of a clearly identified candidate, including a communication that: Contains a phrase such as "vote for", "re-elect", "support", "cast your ballot for", "(name of candidate) for Congress", "(name of candidate) in 1998", "vote against", "defeat", "reject"; or contains campaign slogans or individual words that in context can have no reasonable meaning other than to recommend the election or defeat of a clearly identified candidate; or involves aggregate disbursements of $5,000 or more; refers to a clearly identified candidate; and is made within the last 60 days before the date of a general election.

The section provides a fall back definition of express advocacy should a portion of the above definition not be in effect. The fall back definition would be in addition to any portion of the above still in effect. The fall back definition establishes that express advocacy would be a communication that clearly identifies a candidate and: Taken as a whole, with limited reference to external events, expresses unmistakable support for or opposition to the candidate; or is made for the clear purpose of advocating the election or defeat of the candidate, as shown by a statement or action by the person making the communication, the targeting or placement of the communication, and the use by the person making the communication of polling, demographic or other similar data relating to the candidate's campaign for election.

Section 203. Limit on expenditures by political party committees.

The section amends section 315(d)(3) of the 1971 FECA (2 U.S.C. 441a(d)(3)) to limit a party's coordinated expenditures in a race involving a clean money candidate. In the case of any Senate election in which 1 or more candidates is a clean money candidate, the amount that any party may spend in connection with that race or in coordination with that candidate is limited to 10 percent of the amount of clean money a clean money candidate is eligible to receive for the general election.

Section 204. Party independent expenditures and coordinated expenditures.

The section, modeled after S. 25, the McCain-Feingold bill, strictly tightens the definition of party coordination with a candidate in numerous ways. The section also requires a party which makes a coordinated expenditure in connection with a general election campaign for Federal office in excess of $5,000 to file a certification that the party will not make any independent expenditures in connection with that campaign. The section further strictly tightens the definition of coordinated expenditure by persons other than a party. And it establishes that coordinated expenditures shall be considered to be contributions made to a candidate (with an exception that allows the limited party coordinated expenditures on behalf of a clean money candidate as provided in Section 203).

TITLE III—VOTER INFORMATION.

(pp 47–57)

Section 301. Free broadcast time.

The section provides clean money candidates with 30 minutes of free broadcast time during the primary election period and 60 minutes of free broadcast time during the general election period. The broadcasts shall be between 30 seconds and 5 minutes in length, aired during prime time for television or drive time for radio. Any one station shall not be required to provide a clean money candidate with more than 15 minutes of free time during an election period.

Section 302. Broadcast rates and preemption.

A clean money candidate in a contested election shall be charged 50 percent of the lowest charge described in section 315(b) of the Communications Act of 1934 (47 U.S.C.315(b)) for purchased broadcast time during the 30 days preceding the primary and 60 days preceding the general election.

Section 303. Campaign advertising.

The section requires that campaign advertisements contain sufficient information clearly identifying the candidate on whose behalf the advertisements are placed. The information shall include an audio statement by the candidate where applicable which states that the candidate approves the communication, and a clearly identifiable photographic or similar image of the candidate where applicable. Private money candidates shall include the following statement: "This candidate has chosen not to participate in the Clean Money, Clean Elections Act and is receiving campaign contributions from private sources."

The section also establishes new reporting requirements for issue advertisements, including the amount of the disbursement for an issue advertisement, the name and address of the person making the disbursement, donors of $5,000 or more to the person during the calendar year, and the purpose of the advertisement. An issue advertisement is an advertisement which is not an independent expenditure or a contribution, that contains the name or likeness of a Senate candidate during an election year, and recommends a position on a political issue.

Section 304. Limit on Congressional use of the franking privilege.

The section prohibits franked mass mailings during an election year by a Senate candidate who holds Congressional office, except for a notice of public meeting which contains only the candidate's name, and the date, time and place of the public meeting.

TITLE IV—SOFT MONEY OF POLITICAL PARTY COMMITTEES

(pp 57–71)

This title prohibits political party soft money and is taken from S. 25, the McCain-Feingold bill.

Section 401. Soft money of political party committee.

The section prohibits national parties from soliciting or receiving contributions or spending funds not subject to the Federal Election Campaign Act. It prohibits state, district or local committees of a political party from spending money during an election year for activity that might affect the outcome of a Federal election unless the money is subject to the FECA. The section establishes certain activities excluded from the above prohibition, which are legitimate or necessary activities of the committees.

The section prohibits parties or their committees from soliciting funds for, or making any donation to, a tax-exempt organization. It also prohibits candidates and Federal officeholders from receiving or spending funds not subject to the FECA.

Section 402. State party grassroots funds.

The section allows establishment of state party grassroots funds solely for the purpose of generic campaign activity, voter registration, other activities specified in the FECA and the development and maintenance of voter files. The fund shall be separate and segregated

Section 403. Reporting requirements.

The section establishes new reporting requirements for national parties and congressional campaign committees for all receipts and disbursements.

TITLE V—RESTRUCTURING AND STRENGTHENING OF THE FEDERAL ELECTION COMMISSION

(pp 71–81)

Section 501. Appointment and terms of Commissioners.

The President shall appoint 6 members of the Commission with the advice and consent of the Senate and 1 member from among persons recommended by the Commission.

Section 502. Audits.

The section authorizes random audits and investigations by the Commission to ensure voluntary compliance with the FECA. The subjects of such audits and investigations shall be selected on the basis of impartial criteria established by a vote of at least 4 members of the Commission.

Section 503. Authority to seek injunction.

The section authorizes and sets out standards for initiation by the Commission of a civil action for a temporary restraining order or preliminary injunction.

Section 504. Standard for investigation.

The section grants the Commission greater discretion in opening an investigation.

Section 505. Petition for certiorari.

The section allows petition to the Supreme Court on certiorari.

Section 506. Expedited procedures.

The section allows the Commission to order expedited proceedings based on clear and convincing evidence that a violation of the FECA has occurred, is occurring, or is about to occur, to avoid harm or prejudice to the interests of the parties.

Section 507. Filing of reports using computers and facsimile machines.

The section instructs the Commission to require the filing of reports in electronic form in certain cases, and instructs the Commission to allow the filing of reports by facsimile machine.

Section 508. Power to issue subpoena without signature of chairperson.

The section allows the Commission to issue a subpoena without the signature of the chairperson or vice chairperson.

Section 509. Prohibition of contributions by individuals not qualified to vote.

The section prohibits contributions in connection with a Federal election by an individual who is not qualified to register to vote in a Federal election, and prohibits receiving contributions from any such individual.

TITLE VI—EFFECTIVE DATE

(p. 81)

Section 601. Effective date.

The Act would take effect on January 1, 1998.

SENATE CLEAN MONEY—CLEAN ELECTIONS BILL—KERRY, WELLSTONE, GLENN, BIDEN, LEAHY

State	Voting age population [1]	Qualifying contribution threshold [2]	General election clean money amount [3]
Alabama	3,197,000	7,993	$1,087,280
Alaska	423,000	1,058	760,000
Arizona	3,278,000	8,195	1,106,720
Arkansas	1,850,000	4,625	764,000
California	23,012,000	57,530	4,400,000
Colorado	2,825,000	7,063	998,000
Connecticut	2,476,000	6,190	914,240
Delaware	549,000	1,373	760,000
Florida	10,977,000	27,443	2,515,400
Georgia	5,401,000	13,503	1,400,200
Hawaii	877,000	2,193	760,000
Idaho	841,000	2,103	760,000
Illinois	8,691,000	21,728	2,058,200
Indiana	4,342,000	10,855	1,188,400
Iowa	2,132,000	5,330	831,680
Kansas	1,885,000	4,713	772,400
Kentucky	2,915,000	7,288	1,019,600
Louisiana	3,117,000	7,793	1,068,080
Maine	944,000	2,360	760,000
Maryland	3,785,000	9,463	1,228,400
Massachusetts	4,670,000	11,675	1,254,000
Michigan	7,057,000	17,643	1,731,400
Minnesota	3,411,000	8,528	1,138,640
Mississippi	1,960,000	4,900	790,400
Missouri	3,964,000	9,910	1,271,360
Montana	647,000	1,618	760,000
Nebraska	1,210,000	3,025	760,000
Nevada	1,186,000	2,965	760,000
New Hampshire	867,000	2,168	760,000
New Jersey	6,001,000	15,003	1,520,200
New Mexico	1,212,000	3,030	760,000
New York	13,644,000	34,110	3,048,800
North Carolina	5,489,000	13,723	1,417,800
North Dakota	475,000	1,188	760,000
Ohio	8,325,000	20,813	1,985,000
Oklahoma	2,420,000	6,050	900,800
Oregon	2,395,000	5,988	894,800
Pennsylvania	9,161,000	22,903	2,152,200
Rhode Island	755,000	1,888	760,000
South Carolina	2,761,000	6,903	982,640
South Dakota	528,000	1,320	760,000
Tennessee	3,997,000	9,993	1,279,280
Texas	13,676,000	34,190	3,055,200
Utah	1,322,000	3,305	760,000
Vermont	442,000	1,105	760,000
Virginia	5,044,000	12,610	1,328,800
Washington	4,096,000	10,240	1,139,200
West Virginia	1,404,000	3,510	760,000
Wisconsin	3,817,000	9,543	1,236,080
Wyoming	348,000	1,000	760,000

[1] Data certified by the Federal Elections Commission; current through July 1, 1996.

[2] Number of $5 qualifying contributions to Senate Election Fund in candidate's name.

[3] Clean money amount is also the spending limit for clean money candidates. Clean money amount for a contested major party primary is 67 percent of the clean money amount for the general election.

CLEAN MONEY AMOUNT (CMA) MADE EASY

FLOOR AND CEILING

The Clean Money Amount (CMA) is never greater than $4.4 million.

The CMA is never less than $760 thousand.

FORMULAS

A. If the Voting Age Population (VAP) is less than 4 million:

$320,000 + VAP (.24) = CMA

B. If the VAP is greater than 4 million:

$320,000 + VAP (.2) = CMA

SAMPLES

Minnesota	3,411,000	8,528	$1,138,640
VAP = 3,411,000			
$320,000 + 3,411,000 (.24) = $1,138,640			
Massachusetts	4,670,000	11,675	$1,254,000
VAP = 4,670,000			
$320,000 + 4,670,000 (.2) = $1,254,000			
California	23,012,000	57,530	$4,400,000
Rhode Island	755,000	1,888	$760,000

Mr. WELLSTONE. Mr. President, I join my colleague today, Senator KERRY, as well as Senators GLENN, BIDEN, and LEAHY, in introducing the Clean Money Clean Elections Act of 1997.

One of the most important ethical issues of this Congress is the way in which money has come to dominate politics. That is why we are introducing this legislation to address what has become a systemic corruption, a corruption which results from the sharp disparity of power between those who are able to mobilize and invest large amounts of campaign cash on one hand, and ordinary citizens on the other. Our proposal would provide sweeping and simple reform. It would sever the direct connection between big-money special interests and Senate candidates.

American democracy needs elections, not auctions. But our current campaign finance system locks most citizens out of participation. Most citizens don't believe they can be players when it comes to the really important policy decisions that affect their lives. They don't believe they have a real voice. They are not even sure that their vote counts for much.

At the same time, our current system makes sure that big givers and heavy hitters always have a seat at the table. That is why so many believe, with reason, that we have a pseudo-democracy, not authentic democracy. They see the subversion of democracy, the loss of the principle of one-person, one-vote. They are losing faith in the idea that Government is supposed to be on their side.

In this system, what's legal is a scandal.

To address this mix of money and politics which is corrupting our politics, my colleagues and I are proposing an approach to reform called "Clean Money, Clean Elections." I believe our proposal is ambitious and innovative. I am sure that it is needed.

Citizens around the country are turning up the heat in a push for this vision of real reform. Voters in Maine chose this approach to the finance of election campaigns. And now legislators and the Governor in Vermont have decided to pursue it. A number of States will be considering the Clean Money Clean Elections approach during the coming months. I strongly endorse these actions at the State level. And I hope that citizens around the country will continue to keep comprehensive campaign finance reform at the front of the Nation's political agenda.

This Congress needs pressure. It needs a jolt. What it needs is a counterbalancing pressure to ensure that the voices who believe in reform are heard above the voices of those who march on Washington every day—the monied interests who far too often determine what issues are on the table in American politics, and who far too often shape the outcomes within that agenda. The American people should turn up the heat. This is the only way reform will happen.

Reform can happen. When we passed lobby reform and a gift ban during the last Congress, despite great resistance, it was because Members of Congress were forced to vote, with the people of America watching. Now, we plan to take this proposal to the American people—State by State, townhall by townhall, to build the support needed to enact true reform. The people are watching. When the time comes to vote, Members of Congress will need to vote the right way.

We all know that campaigns currently cost far too much money. Our bill will set a voluntary spending limit on the campaigns of clean money candidates. The spending limit is based on a formula tied to each State's voting-age population. We have adopted the McCain-Feingold bill's formula, except that we subtract 20 percent from the upper limit. We subtract 20 percent because that is approximately the amount most candidates now spend to raise money. Under our bill they won't have to spend that time and money to raise money. In Minnesota, the clean money amount, which also is the spending limit for a clean money candidate, will be about $1.14 million for the general election. In a contested primary, the amount will be about $764,000. That adds up to a total clean money amount of $1.9 million in Minnesota for a clean money Senate candidate.

Less than $2 million is enough in Minnesota:

If we also ban soft money to the parties, which this bill does; and if we close loopholes on independent expenditures and so-called "issue" ads which are really election ads, which this bill does.

Our provisions on these items are similar to those in S. 25, the McCain-Feingold bill, a bill which I am proud to have co-authored. I continue to support that bill.

But we really need to go further. The Clean Money Clean Elections Act does so. It takes special-interest money out of campaigns. It gives the country's electoral system back to the people.

Americans know that the current campaign finance system works for the monied special interests, not for them. They're paying too much now for our elections. Too much in special favors, whether it's tax breaks for huge companies, tobacco politics that threaten the health of children, unneeded spending, and misdirected national policy. These result in the systemic corruption that is enshrined in our present system of financing campaigns. That's why we need to change it.

We need to take the special interest money out, and replace it with Clean Money Campaigns. Clean Money Campaigns would:

Level the playing field for non-incumbents, including those who are not major party candidates; allow candidates to focus on seeking office and serving the public once in office, rather than spending an inordinate amount of time raising money; and utilize free

media time to allow candidates to get their message out.

Candidates who meet our bill's rigorous standard for showing serious public support will receive full public financing in contested primary and general elections. They will receive the full amount of the spending limit for their State. In Minnesota, to qualify as a clean money candidate, a major-party candidate would have to gather about 8,500 signatures, each accompanied by a $5 check to the Senate Election Fund. That is a tough standard of seriousness, but it is realistic. A candidate who is not seeking the nomination of, or who has not received the nomination of, a major party can also receive clean money financing for his or her campaign. That candidate must gather 150 percent of the qualifying contributions that a major party candidate needs to gather in the same State. Again, it requires that a candidate demonstrate genuinely broad support, but it is an achievable threshold.

The American people can no longer afford what has been called "The Best Congress Money Can Buy." That is why we have to take special-interest money out of campaigns. The roughly $160 million of annual cost of Senate elections under our proposal can be easily offset with reductions in current corporate welfare or other unneeded expenditures.

Are Americans willing to fight for and put in the budget clean elections that really belong to them—that belong to the people? I believe they are. So do the many groups endorsing our bill: Public Campaign, Public Citizen, League of Women Voters, Citizen Action, USPIRG, National Council of Churches of Christ in the USA, United Church of Christ, Office for Church and Society. Still other organizations support our approach, even if they do not endorse specific pieces of legislation.

Mr. President, the Senate needs to consider comprehensive campaign finance reform soon—before we leave this summer. This bill shows us the direction to go. It is workable, and it is needed. I urge my colleagues who have not yet read the bill to consider cosponsoring it. I am hopeful that this bill and a similar proposal to be introduced during the coming weeks in the House of Representatives will contribute to real momentum for genuine reform during this Congress.

Mr. President, let me say that I am pleased to introduce this bill today with my colleagues, Senators KERRY, GLENN, BIDEN, and LEAHY. And I am confident there will be other Senators in the future who support this approach to reform.

There are other worthy and important efforts going on here, the McCain-Feingold bill being one of them, to try to reduce the amount of money that is flowing in and affecting the politics of our country. I personally think, and I think the majority of people in this country agree, that this is a core issue, a core problem. Many things which could happen here don't happen because they get trumped by money, big money in politics.

The ethical issue of our time is the way money has come to dominate politics. If you believe each person should count as one, and no more than one, which is the standard of representative democracy, that is a harsh verdict.

I do think we have corruption, but I don't like bashing colleagues. I am not talking about individual colleagues. The vast majority of Senators and Representatives with whom I serve—Democrats and Republicans alike—believe in public service and do their very best to serve people. Still, there is a systemic corruption. We have such a huge imbalance between those people at the top who have economic resources and access to power and the vast majority of people who just feel locked out.

Mr. President, I have a friend—Jim Hightower, who used to be Agriculture Commissioner in Texas. He has a wonderful way of putting things. Jim Hightower says you don't have to be who's who to know what's what. The what's what is that a lot of people in the country think there has been a hostile takeover of our electoral and Government processes by big money interests. Many people don't feel a part of this system any longer. When that is the case, there is not anything more important that can be done than to pass a reform bill.

The goals of the clean money/clean elections bill are simple: dramatically reduce the amount of money that is spent, get the interested dollars and private money out, have a level playing field, try to eliminate, or come as possible to eliminating special interest access, have real elections as opposed to auctions, don't have Senators spending so much of their time raising money, instead they should be trying to be good legislators. I think people want to turn this system, which they think is a rotten system, not upside down, it is upside down now, but right side up.

What our bill does, with agreed-upon spending limits, so candidates don't have to go out and raise all the private money, is we break the link between private money and our votes and work as legislators. Under our bill, the money is no longer interested money. We dramatically reduce spending by setting voluntary limits, then campaign spending by clean money candidates comes from this Senate election fund. We tighten the definition when it comes to independent expenditures. And we do the same for issue advocacy ads, some of which are barely disguised campaign ads. Our bill includes free broadcast time. If you really want to have a system where the vast majority of the people feel like they can be a part of it, we are going to have to take this journey.

Mr. President, two final points. If we can pass McCain-Feingold, that moves our country forward, that would be an important step. But this piece of legislation, which won't pass immediately, has a lot of energy behind it, too. We introduce it as part of the debate, as part of the energy behind reform. I have met with the people who were involved in the Maine effort, and they passed a clean effort option. I met with legislators and a lot of people in Vermont, and they are going to pass it. I met with people in the Midwest. There is a lot of energy in the Midwest and New England. It may be States which pass this kind of reform at first. You are going to see a lot of pressure on people here from the grassroots.

We need to have a galvanized public. We are going to have to have an external jolt to this Congress to pass a reform bill, but there is no more important thing that we can do than to pass such a reform bill. This clean money/clean elections bill would represent an enormous step forward for our country, toward real elections as opposed to auctions, toward authentic democracy as opposed to pseudo democracy, toward a Government of, by and for the people, not of, by and for those who have the wealth and economic resources.

I think people in this country yearn for a political process they can believe in. They yearn for reform, and I don't agree with one person who says, "Look, people don't seem to care that much." People care deeply, they care desperately, they care about issues that affect themselves and their families. They have hopes for themselves and their families and their communities, but right now I think most people believe that they there is not a heck of a lot they can do on the issues that are most important to them, because our political process has essentially been dominated by big money, not people's needs.

Mr. President, we have given people entirely too much justification for that point of view. We have to make some big changes. Some of us are going to be fighting hard on the floor for reform. I think there will be plenty of pressure building around the country. It will be a tough fight, but I cannot think of a more important fight as a Senator from Minnesota.

I yield the floor.

Mr. BIDEN. Mr. President, the single most significant thing we can do in Congress today is to reform the way we fund political campaigns in this country. I have been saying it for 24 years now, and while some things are better than they used to be—large amounts of cash are no longer being passed under the table in brown paper bags—many things are worse—large checks are being passed over the table, or in the

Chamber of the House of Representatives, in the clear light of day. But, regardless of what's better and what's worse, the fundamental problem, in my view, remains.

That problem will not be fixed by tinkering at the edges, or making a small reform here and a small reform there—because the fundamental problem is not a flaw in the system's construction. The fundamental problem is the system itself—a system where the amount of private money is out of control and is not susceptible to be controlled in the public interest. Until we get private money completely out of the system, we will not completely reform the system.

That is why, Mr. President, I have been pushing for public funding of congressional campaigns for my entire career, and that is why I am pleased today to join several of my colleagues in introducing the Clean Money, Clean Elections Act.

When I first came to the United States Senate, 24 years ago, in speeches on this floor and in testimony before the Rules Committee, I outlined three principles of a better system. All three are contained in this important proposal.

First and foremost, we must have a system of public funding. Let me explain why that is so crucial. When they asked Willy Sutton why he robbed banks, he said that was where the money was. Politicians do not rob banks, but they, like Willy Sutton, must go where the money is. You will not get very far in this business by asking for contributions from people who do not have money. So, inevitably, people running for office find themselves on the doorsteps of the wealthy and the special interests. Or, they are wealthy enough to fund their own campaigns.

The result is that other old saying—he who pays the piper calls the tune. Those who pay the bills ultimately, when you get right down to it, are the ones who decide who runs for office. And, they are the ones, at least in the mind of the public, to whom elected officials are beholden.

No matter what other reforms you enact, unless you get private money out of the system, that is the way it will continue. I submit that it would be better to let the American people decide—on the merits—who runs for office. And, I submit that it would be far better for America to make sure that elected officials are beholden to no one but the people who elected them.

Second, we need to level the playing field between incumbents and challengers. I have, Mr. President, been both an incumbent and a challenger. And, I can tell you that being an incumbent has its disadvantages. But, the biggest advantage of incumbency is in the money chase. It is such an advantage that if I were looking out only for my own self-interest, I would not support this proposal. I do pretty well in raising money, and the thought that my opponent would have the same amount of money as I do is not exactly an appealing notion.

But, there is something much bigger at stake here than my own electoral future. What is at stake is nothing less than a healthy, vibrant democracy. What is at stake is whether election to office will be based on the merits of the individuals, not on who is the best fundraiser.

Third, we need to limit the overall amount of money that can be spent in political campaigns. Back in 1976, all candidates for all congressional races—Senate and House—spent $99 million in the general election. In 1996, all candidates for Congress in the general election spent over $626 million—more than six times as much. In just the last 4 years, the total amount of money given to political parties has increased 73 percent—in just the last 4 years.

Unfortunately, the Supreme Court has ruled—in what is, in my view, a wrong decision, but one that we are bound by—that spending money is the same thing as speech. Thus, Congress cannot limit spending in political campaigns, unless a candidate is offered some benefit in return for voluntarily agreeing to a spending limit.

Enter the "Clean Money, Clean Elections Act." This significant proposal that we are introducing today would, as I said a moment ago, meet the three principles I just outlined. It would limit spending in campaigns—in a constitutional way—by providing public funding and free media time to candidates who agreed to abide by those limits. And, it would be full public funding for both challengers and incumbents—so that private money is eliminated from the system and so that both challengers and incumbents are on the same level playing field.

I am not so naive, Mr. President, to believe this bill is going to pass today—or even without a fight. I have been down this road too many times before. Too many special interests have too many vested interests in the status quo. But, if we are to reverse the tide of cynicism and mistrust that surrounds political campaigns—and even our institutions of government—then we must change the system so that the only interests we are all concerned about are the interests of the American people.

Mr. GLENN. Mr. President, I appreciate the opportunity today to support my colleagues, Senators KERRY and WELLSTONE, in cosponsoring this much needed reform of our campaign finance system. I believe that simple principles should be applied in our democracy. We should encourage the active participation of the greatest possible number of citizens and restrain the undue influence of narrow and divisive factions and special interests.

I believe that our democracy must be built on common rather than special interests and that our elections should depend upon common sense rather than dollars and cents. Only through an open and fair election system can we guarantee that our democracy will be open and fair. Only then can the notion of consent of the governed have any true meaning.

I believe that many of the statements made here today underscore the need to reform our current system. I have been working with Senators KERRY and WELLSTONE to provide a workable alternative that will go a long way toward bringing long overdue improvements to our electoral process.

Let's face facts. Our current system of paying the bills for American elections is awash in money, largely unregulated and often unreported. The improvements made a generation ago to provide partial public financing for presidential campaigns and contribution and spending limits for all federal elections have been eroded and are now overwhelmed by Supreme Court decisions, overly partisan competition for money, increased costs of advertising and special interest contributions. Nothing undermines the legitimacy and integrity of our elections more than the belief that special interests have special privileges.

Many American voters believe that campaigns are too expensive, that special interests wield too much influence, while the average voter has too little, and that elected officials spend too much time raising money and not enough time solving the Nation's problems.

The McCain-Feingold proposal to provide voluntary campaign spending limits is supported by a number of Senators and I am pleased to be a cosponsor. However, even with the much needed improvements in that legislation, I believe that the only way to eliminate any doubt about who influences elections is to provide financing underwritten by the American people.

The Clean Money, Clean Elections Act built upon the plan proposed in Maine would limit campaign spending, prohibit special interest contributions to candidates, eliminate fund raising efforts, provide equal funding and a level playing field for all candidates, and end many of the loopholes that have wrecked our current system.

Let's end this current abuse and establish a system that leaves no doubt that only the clean money of the American people pays for American elections.

Building on that Maine ballot initiative, nearly 20 States are now reviewing how they can improve their elections. Federal legislation is needed to bring these reforms to Federal elections and we propose to bring those improvements into the congressional debate on campaign finance reform.

This proposal will provide:

The most comprehensive reform of all the proposals currently under consideration; the lowest spending limits: the most free time and discounted media; the strictest limits on special interest money and influence; the most competitive election financing; an end to the money chase and dialing for dollars.

As the Nation's attention turns to the campaign finance investigation in the Senate Governmental Affairs Committee, I want everyone to understand that highlighting these issues will be of little use if action is not taken. Certainly, the investigation should be conducted in a full and fair manner. But at the end of day, I believe that we owe it to ourselves as a people to end our current campaign finance system and bring true reform.

I am pleased to join my colleagues who are long time advocates of serious campaign finance reform and look forward to working together to enact this important legislation.

By Mr. KOHL (for himself and Mr. BROWNBACK):

S. 919. A bill to establish the Independent Bipartisan Commission on Campaign Finance Reform to recommend reforms in the law relating to elections for Federal office; to the Committee on Rules and Administration.

THE INDEPENDENT BIPARTISAN COMMISSION ON CAMPAIGN FINANCE REFORM ACT

Mr. KOHL. Mr. President, I rise today to introduce legislation to address the serious problem within our campaign finance system. I have made similar remarks earlier this year, so I will not belabor the problems again.

The American public is demanding that Congress reform our campaign finance system, and many doubt whether we are ready or even able to meet that demand. I am support S. 25, introduced by Senators MCCAIN and FEINGOLD. This bipartisan legislation is the best bill moving through the Congress to reform our campaign system. However, there are signs that Congress may not pass this legislation.

Therefore, if, and only if S. 25 is not passed, I think the 105th Congress must put in place a process for reforming the campaign finance system. The legislation I introduce today for myself and Mr. BROWNBACK of Kansas would establish an independent, bipartisan commission to reform our campaign finance laws. Earlier this year I introduced similar legislation, also as a fallback measure if S. 25 is not passed.

This measure, like the bill I introduced earlier this year, establishes a commission similar to the Base Closure and Realignment Commission. The Commission would have a limited time to make recommendations, Congress would be forced to vote up or down on their proposals, and would not have the power to amend the legislation.

Mr. President, I sincerely hope that Congress does not have to turn over this matter to an independent commission. But, if we do not pass meaningful campaign finance reform this year, I believe it is the next best alternative. And, if we do create a campaign finance reform commission, it must be a real commission, with real powers, and not another advisory committee.

Congress has created many panels in the past to make recommendations about reforming campaign finance laws. But, for reform to genuinely take place, we must empower the Commission with the ability to create a package of reforms that Congress cannot change. Like the successful Base Closure and Realignment Commission, Congress should have only the power to vote up or down on the recommendations.

Mr. President, we should not allow another Congress to come and go without passing meaningful campaign finance reform. Let this be the year that Congress responds to cry from the grassroots and restore America's faith in our election system.

Mr. BROWNBACK. Mr. President, I am proud today to be offering a bipartisan proposal for campaign finance reform with my distinguished colleague, the senior Senator from Wisconsin, HERB KOHL.

Mr. President, those of us who have spent the balance of our congressional careers working to build public trust in the political system know of the difficulties in offering constructive alternatives. Any legislation which fundamentally alters the way public officials seek election is bound to attract their attention and intense scrutiny—as it should.

Mr. President, Senator KOHL and I believe this proposal offers a hopeful avenue for progress. Recognizing that any reform effort must be bipartisan to succeed, the legislation we are offering establishes a fair and independent process to bring this issue to the floor of the Congress for consideration. Without prejudging any outcomes, this bill would help to break the logjam which threatens to prevent even meaningful consideration of alternatives for reform.

Mr. President, Senator KOHL and I do not claim to have all the answers, but we believe that through this vehicle, we can take the next step in accomplishing substantial progress on this important matter.

By Mr. WYDEN:

S. 920. A bill to require the Secretary of Health and Human Services to issue an annual report card on the performance of the States in protecting children placed for adoption in foster care, or with a guardian, and for other purposes; to the Committee on Labor and Human Resources.

THE ADOPTION REPORT CARD ACT OF 1997

Mr. WYDEN. Mr. President, I rise today to introduce the Adoption Report Card Act of 1997 to redress the poor quality of national data on adoption and foster care.

According to the American Public Welfare Association, the population of children in foster care is growing 33 times faster than the United States child population in general. During the past 10 years, more children have entered the foster care system than have exited. Every year, 15,000 children graduate from foster care by turning 18 with no permanent family. According to the American Civil Liberties Union, 40 percent of all foster children leaving the system end up on welfare.

In addition to the 50,000 children who today are legally free to be adopted, there are hundreds of thousands more who drift for days, months, or years within the state-run system—a system that too often lets down some of society's most vulnerable—our children.

I have already introduced legislation to promote kinship care as one solution to this problem. However, more still needs to be done. Part of the problem is we simply don't have any data on where children are in the system. No one knows how long our children are languishing in the foster care system, or how long it takes a State to find adoptive placements for children. Finding comprehensive data for each State is a challenge and, until recently, the Department of Health and Human Services [HHS] did not collect comprehensive national data on adoption from every State.

The legislation I offer in the Senate today will require HHS to issue an annual report card on the performance of each State in protecting children placed for adoption, in foster care or with a guardian.

My bill will require HHS to develop outcome measures, a rating system for each State and make recommendations on how States can improve their efforts to move children from foster care to loving families.

It is high time we started holding those responsible for children in foster care accountable for the treatment of these children. I believe an annual report card will give us the information we need to improve the care and quality of life for these children.

I ask unanimous consent that my statement and a copy of the bill be printed in the RECORD.

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

S. 920

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 "Adoption Report Card Act of 1997".

SEC. 2. ANNUAL REPORT CARD ON STATE PERFORMANCE IN PROTECTING CHILDREN.

(a) IN GENERAL.—Part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended by adding at the end the following:

"SEC. 479A. ANNUAL REPORT CARD.

"(a) IN GENERAL.—The Secretary shall issue an annual report card containing ratings of the performance of each State in protecting children who are placed for adoption, in foster care, or with a guardian, in the State. The report card shall include ratings on outcome measures for categories related to the family conditions of the children.

"(b) OUTCOME MEASURES.—

"(1) IN GENERAL.—The Secretary shall develop, after consulting with child advocacy organizations, a set of outcome measures to be used in preparing the report card.

"(2) CATEGORIES.—In developing the outcome measures, the Secretary shall develop measures for categories relating to—

"(A) the number of placements for adoption, in foster care, or with a guardian;

"(B) the number of children who leave foster care at the age of majority without having been adopted or placed with a guardian;

"(C) the median and mean length of stay in foster care;

"(D) the median and mean length of time between the availability of a child for adoption and the adoption of the child;

"(E) the median and mean length of time between the beginning of foster care for a child and the finalization of a placement plan for the child by the agency involved;

"(F) the number of children in foster care, specifying, in the case of a child in foster care who is a child with special needs, each factor or condition that makes the child a child with special needs (including the age and ethnicity of the child), as determined by the State in accordance with section 473(c);

"(G) the average annual costs for a child in foster care, and costs for any alternative living arrangements for a child who would otherwise be in foster care and how there costs are allocated;

"(H) the median and average length of time required to terminate parental rights for a child after the child enters foster care;

"(I) the number of parents whose parental rights have been terminated;

"(J) the number of children that are affected due to the termination of parental rights;

"(K) the median and average length of time required to place a child for adoption once parental rights are terminated for the child;

"(L) the average number of times a child is placed in foster care before the child is permanently adopted and the number of placements the child experiences; and

"(M) the number of deaths of children in foster care, and substantiated cases of abuse or neglect among children in foster care.

"(3) MEASURES.—In developing the outcome measures, the Secretary shall use measures from the Adoption and Foster Care Analysis and Reporting System established under section 479 to the maximum extent possible.

"(c) RATING SYSTEM.—The Secretary shall develop a system (including using State census data and poverty rates) to rate the performance of each State based on the outcome measures.

"(d) INFORMATION.—In order to receive funds under this part, a State shall annually provide to the Secretary such adoption, foster care, and guardianship information as the Secretary may determine to be necessary to issue the report card for the State.

"(e) PREPARATION AND ISSUANCE.—On October 1, 1998, and annually thereafter, the Secretary shall prepare, submit to Congress, and issue to the States the report card described in subsection (a). Each report card shall rate the performance of a State on each outcome measure developed under subsection (b), include an explanation of the rating system developed under subsection (c) and the way in which scores are determined under the rating system, analyze high and low performances for the State, and make recommendations to the State for improvement.".

(b) CONFORMING AMENDMENTS.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking "and" at the end of paragraph (17);

(2) by striking the period at the end of paragraph (18) (as added by section 1808(a) of the Small Business Job Protection Act of 1996 (Public Law 104–188; 110 Stat. 1903)) and inserting "; and";

(3) by redesignating paragraph (18) (as added by section 505(3) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2278)) as paragraph (19); and

(4) by adding at the end the following:

"(20) provides that the State shall annually provide to the Secretary the information required under section 479A.".

By Mr. COVERDELL (for himself, Mr. DODD and Mr. DEWINE):

S. 921. A bill to immunize donations made in the form of charitable gift annuities and charitable remainder trusts from the anti-trust laws and State laws similar to the antitrust laws; to the Committee on Judiciary.

THE CHARITABLE DONATION ANTITRUST IMMUNITY ACT

Mr. COVERDELL. Mr. President, today I rise to introduce legislation that is critical to our Nation's charities, the Charitable Donation Antitrust Immunity Act of 1997. This legislation is designed to make minor modifications to a bill that was passed by Congress in 1995 with unprecedented bipartisan support. The House passed the bill on a rollcall vote of 427 to 0, and the Senate immediately passed the measure by unanimous consent. I am hopeful that we can move this bill as quickly.

The Charitable Gift Annuity Antitrust Relief Act of 1995 was enacted in response to a lawsuit that threatened, and still threatens, the financial well being of thousands of charities. The 1995 act exempts charities from the antitrust laws which use the same annuity rate for the purpose of issuing charitable gift annuities. For more than 100 years, the issuance of gift annuities by thousands of charities across the country has played a major role in raising billions of dollars for our nation's charities. The 1995 act ensures that the billions of dollars donated to charities is spent serving their constituencies, not on defending lawsuits.

The legislation I am introducing today amends the Charitable Gift Annuity Antitrust Relief Act of 1995 to address technical issues raised by the Fifth Circuit Court of Appeals. The court recently ruled that charities are not protected by the act if lawyers or other for-profit entities administer or assist with the charities' gift annuities. This legislation clarifies the 1995 act by replacing the current antitrust exemption for charities issuing gift annuities with antitrust immunity for charitable gift annuities. Charities have spent more than $20 million defending themselves from a single lawsuit. This clarification is critical in order to protect our Nation's charities from spending millions of dollars more on litigation instead of charitable purposes.

Mr. President, the antitrust laws are intended to protect investors, not to frustrate gifts to charities. Faced with a continuing expensive lawsuit against Americans charities, and the threat of many more lawsuits to follow, Congress must make this technical change in the 1995 law to fulfill its original intent. Without this legislation, charitable organizations will lose a much needed and useful tool for raising funds precisely at a time when we must encourage this type of gift giving.

I urge my colleagues to support this legislation.

Mr. DODD. Mr. President, I rise to join with Senator COVERDELL in introducing the Charitable Donation Antitrust Immunity Act. The bill would strengthen the Charitable Gift Annuity Antitrust Relief Act, which enjoyed broad bipartisan support when it passed the Congress in 1995.

Every day across this country, charitable organizations help build better lives for millions of Americans. They are on the front lines in the effort to provide food, clothing, shelter, medicine, and educational support to less fortunate individuals. Their efforts help prevent our social fabric from fraying.

Over the years, charities have used gift annuities as a means of making it easier for people to donate money. Generally, these transactions work as follows: a person donates money or some other asset to a charity and receives a tax deduction. The charity then invests the money and makes fixed, periodic payments to the donor. When the donor dies, the remainder of the gift goes to the charity. These arrangements help both donors and charities, and it was never the intent of Congress to unduly restrict their use.

Regrettably, the benevolent endeavors of charities have been jeopardized by a lawsuit, Ozee and Richie versus The American Council on Gift Annuities. The lawsuit alleges that the use of annuity rates published by the Council constitutes price fixing, and thus a violation of the antitrust laws. The suit also alleges violations of securities and insurance laws. The plaintiffs ask that money donated to charities through charitable gift annuities be returned, along with additional damages. I have heard from a broad spectrum of charitable organizations in Connecticut and across the country who say that this lawsuit is undermining

their ability to raise funds and continue their work.

In order to save our Nation's charities millions of dollars in legal fees, and to preserve a critically important fundraising tool for charities, I joined with Senator HUTCHISON and introduced the Charitable Gift Annuity Antitrust Relief Act of 1995. With the help of many of my colleagues in both the House and Senate, we passed that measure quickly. The intent of the legislation was to exempt the use of charitable gift annuities from antitrust laws. Regrettably, the U.S. Court of Appeals for the Fifth Circuit did not interpret the legislation in this manner and the lawsuit continues.

Consequently, we now need to make a few technical changes to clarify the intent of the law. Although these changes would put an end to the litigation and ensure that charities can continue to do their good work, they will not make it easier for charities to commit fraud. The legislation would not change the antifraud provisions in Federal securities law or affect Federal tax laws relating to fraud. People could still bring appropriate lawsuits against cheats or swindlers attempting to disguise themselves as charities, or charities acting fraudulently.

Mr. President, charitable organizations work hard every day to help fill some of the gaps in the American safety net. We must support their efforts. The Charitable Donation Antitrust Immunity Act will help. I applaud Senator COVERDELL's work on this legislation, and I urge all of my Senate colleagues to help move it forward expeditiously.

By Mr. LAUTENBERG:

S. 922. A bill to require the Secretary of the Treasury, acting through the Director of the Bureau of Alcohol, Tobacco and Firearms, to issue minimum safety and security standards for dealers of firearms; to the Committee on the Judiciary.

GUN SHOP SAFETY ACT OF 1997

Mr. LAUTENBERG. Mr. President, today I am introducing legislation, the Gun Shop Safety Act of 1997, to require the Bureau of Alcohol, Tobacco and Firearms to issue minimum safety and security standards for federally licensed firearms dealers.

Mr. President, incredible as it may seem, there are no Federal minimum standards for security of premises and merchandise at gun shops. In fact, a gun dealer must meet only minimal qualifications to obtain a gun dealers' license. An applicant need only be 21 years of age, not be prohibited by law from possessing or transporting firearms, and maintain a business premises in compliance with any State law. Once a dealer gets a license, the only Federal requirements are that dealers keep accurate records of purchases and sales, and have the books available for yearly inspection by the ATF. Basically, that is it. No safety or security requirements, no safety inspections.

This is simply not good enough. Guns are being stolen from licensed gun dealers at an alarming rate. These guns pose an increasingly significant public safety problem. Clearly, by definition stolen guns are available to criminals. In fact, studies have found that between 10 and 32 percent of guns used in the commission of a crime are obtained as a direct result of theft, while an approximately equal number of guns used during a criminal act were stolen before being used in a crime.

Mr. President, stolen guns from gun shops are a significant source of guns used in violent street crimes. For example, everywhere we see the growing problem of the so-called "smash and grab" burglaries from retail gun outlets, where thieves either drive through or otherwise smash the windows of gun shops and steal large quantities of firearms in a matter of minutes.

During the 1992 Los Angeles riots, 19 gun stores were looted and robbed of about 4,000 guns. One pawnshop lost 970 guns, while another outlet was robbed of 1,150 guns. An ATF report reveals that these guns continue to be recovered on the street.

Mr. President, guns are not stolen from licensed gun dealers only during a riot. Recently, it has been reported that thieves stole 75 firearms from a store in Washington State after killing the owner, and then sold about 40 of the stolen guns on the streets of Seattle that night.

In my own State of New Jersey, we also recently witnessed a sickening murder committed with a gun stolen from a gun shop. This past April, 24-year-old Jeremy Giordano and 24-year-old Georgio Gallara of Sussex County, NJ were shot down in cold blood by two young thugs. No robbery was involved, no motive discovered, just murder for the sake of murder. And these killings were only possible because the murderers were able to steal two high-powered handguns from a local shop. They simply smashed the store's front window and smashed the locked glass display case where the guns were stored overnight. The theft was over in a few brief minutes, the criminals long gone by the time the police arrived at the gun shop.

Mr. President, there must be a better way. It is time that our laws recognize that guns are not ordinary merchandise—they are deadly weapons. It is just common sense that criminals should be denied easy access to an arsenal of weapons.

Mr. President, this country is already awash in a sea of gun violence. Every 2 minutes, someone in the United States is shot. Every 14 minutes, someone dies from a gunshot wound. In 1994 alone, over 15,000 people in our country were killed by handguns. Compare that to countries like Canada, where 90 people were killed by handguns that year, or Great Britain, which had 68 handgun fatalities.

Mr. President, the Federal Centers for Disease Control and Prevention estimate that by the year 2003, gunfire will have surpassed auto accidents as the leading cause of injury-related deaths in the United States. In fact, this is already the case in seven States.

Mr. President, given the severity of our Nation's gun violence problem, we need to find new ways to reduce the number of guns on our streets. Although we cannot totally end gun theft, there is much we can and should do. We can prevent predators from getting guns so freely and frequently through theft.

So, Mr. President, this bill will require the ATF to use its expertise to craft reasonable and needed regulations to ensure that gun shops better secure the weapons and ammunition they sell from theft.

I hope this proposal will receive strong, bipartisan support, even from those hostile to any gun-related legislation. This bill will help keep guns out of the hands of criminals. This is a goal I believe all of us share. And this legislation is the least we can do.

I hope my colleagues will support the bill, and ask unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 922

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 "Gun Shop Safety Act of 1997".

SEC. 2. FINDINGS.

Congress finds that—

(1) crimes committed with firearms threaten the peace and domestic tranquility of the United States and reduce the security and general welfare of the Nation and its people;

(2) crimes committed with firearms impose a substantial burden on interstate commerce and lead to a reduction in productivity and profitability for business around the Nation whose workers, suppliers, and customers are adversely affected by gun violence;

(3) all stolen firearms are available to criminals by definition;

(4) licensed gun dealers have reported nearly 30,000 firearms stolen from their shops since 1994, when a Federal law was enacted requiring the reporting of such thefts;

(5) between 10 and 32 percent of firearms used in the commission of a crime are obtained directly through theft, while an approximately equal number of firearms used in the commission of a crime have been stolen at some point before ultimately being used in the commission a crime; and

(6) all Americans have a right to be protected from crime and violence from stolen firearms, regardless of their State of residence.

SEC. 3. MINIMUM SAFETY AND SECURITY STANDARDS FOR GUN SHOPS.

(a) IN GENERAL.—Section 923 of title 18, United States Code, is amended by adding at the end the following:

"(m) SAFETY AND SECURITY STANDARDS FOR GUN SHOPS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Gun Shop Safety Act of 1997, the Secretary of the Treasury, acting through the Director of the Bureau of Alcohol, Tobacco, and Firearms, shall issue final regulations that establish minimum firearm safety and security standards that shall apply to dealers who are issued a license under this section.

"(2) MINIMUM STANDARDS.—The regulations issued under this subsection shall include minimum safety and security standards for—

"(A) a place of business in which a dealer covered by the regulations conducts business or stores firearms;

"(B) windows, the front door, storage rooms, containers, alarms, and other items of a place of business referred to in subparagraph (A) that the Secretary of the Treasury, acting through the Director of the Bureau of Alcohol, Tobacco and Firearms, determines to be appropriate; and

"(C) the storage and handling of the firearms contained in a place of business referred to in subparagraph (A).".

(b) INSPECTIONS.—Section 923(g)(1) of title 18, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ", and" and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iii) with respect the place of business of a licensed dealer, the safety and security measures taken by the dealer to ensure compliance with the regulations issued under subsection (m)."; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting "and the place of business of a licensed dealer" after "licensed dealer";

(B) in clause (ii), by striking "or" at the end;

(C) in clause (iii), by striking the period at the end and inserting "; or"; and

(D) by adding at the end the following:

"(iv) not more than once during any 12-month period, for ensuring compliance by a licensed dealer with the regulations issued under subsection (m).".

(c) PENALTIES.—Section 924(a)(1) of title 18, United States Code, is amended—

(1) in subparagraph (C), by striking "or" at the end;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

"(D) being a licensed dealer, knowingly fails to comply with any applicable regulation issued under section 923(m); and".

By Mr. SPECTER:

S. 923. A bill to deny veterans benefits to persons convicted of Federal capital offenses; to the Committee on Veterans' Affairs.

VETERANS' BENEFITS DENIAL LEGISLATION

Mr. SPECTER. Mr. President, in the Veterans' Affairs Committee, which I chair, we have been considering the situation of Mr. Timothy McVeigh, who has certain entitlements as a veteran. Curiously, the committee has concluded that a conviction for murder in the first degree does not significantly affect Mr. McVeigh's entitlements or benefits as a veteran.

Veterans who are convicted of certain criminal offenses forfeit their benefits. Those offenses, however, are limited to convictions for mutiny and aiding the enemy; spying; certain national security crimes, such as treason, sabotage, disclosing classified or defense information, interfering with the Armed Forces during a time of war, communications of classified information by a Government employee to an agent of a foreign government; and certain nuclear material crimes, such as the unauthorized possession or transfer of nuclear material or receipt and communication of restricted data.

Surprisingly, my staff on the Veterans' Affairs Committee has concluded that Mr. Timothy McVeigh would be entitled to veterans benefits, notwithstanding his conviction on 11 counts including the murder of some 168 people in the Oklahoma City bombing of the Federal building. He remains eligible for such benefits, including burial benefits, since he was not convicted of any of the crimes I just listed.

Because of that, I now introduce legislation which would deny veteran benefits to any person who is convicted of a State or Federal capital offense. The specific provision would be:

Notwithstanding any other provision of law, a person who is convicted of a Federal or State capital offense is ineligible for benefits provided to veterans of the Armed Forces of the United States pursuant to title 38, United States Code.

This bill would prevent Mr. McVeigh from having any veterans benefits in light of his conviction on 11 counts, including murder in the first degree. I send this bill to the desk and ask that it be filed with the appropriate authority.

By Mr. THURMOND:

S. 924. An original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. THURMOND. Mr. President, I am pleased to report out from the Committee on Armed Services an original bill, the national defense authorization bill for fiscal year 1998.

The members of the Committee on Armed Services have put a great deal of work into this bill, which continues the long bipartisan tradition of the Senate in dealing with the vital issues of the Nation's security.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 924

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1998".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Reserve components.
Sec. 106. Defense Inspector General.
Sec. 107. Chemical Demilitarization Program.
Sec. 108. Defense health programs.
Sec. 109. Defense Export Loan Guarantee Program.

Subtitle B—Army Programs

Sec. 111. Army helicopter modernization plan.
Sec. 112. Multiyear procurement authority for AH-64D Longbow Apache fire control radar.

Subtitle C—Navy Programs

Sec. 121. New attack submarine program.
Sec. 122. Nuclear aircraft carrier program.
Sec. 123. Exception to cost limitation for Seawolf submarine program.
Sec. 124. Airborne self-protection jammer program.

Subtitle D—Air Force Programs

Sec. 131. B-2 bomber aircraft program.

Subtitle E—Other Matters

Sec. 141. Prohibition on use of funds for acquisition or alteration of private drydocks.
Sec. 142. Replacement of engines on aircraft derived from Boeing 707 aircraft.
Sec. 143. Exception to requirement for a particular determination for sales of manufactured articles or services of Army industrial facilities outside the United States.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Joint Strike Fighter program.
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Sec. 3152. Modification and extension of authority relating to appointment of certain scientific, engineering, and technical personnel.
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Sec. 3155. Repeal of obsolete reporting requirements.
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TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

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TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

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Sec. 3522. Post-Canal transfer personnel authorities.
Sec. 3523. Enhanced authority of Commission to establish compensation of Commission officers and employees.
Sec. 3524. Travel, transportation, and subsistence expenses for Commission personnel no longer subject to Federal Travel Regulation.
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Sec. 3526. Transition separation incentive payments.
Sec. 3527. Labor-management relations.
Sec. 3528. Availability of Panama Canal Revolving Fund for severance pay for certain employees separated by Panama Canal Authority after Canal Transfer Date.

PART II—TRANSITION MATTERS RELATING TO OPERATION AND ADMINISTRATION OF CANAL

Sec. 3541. Establishment of procurement system and board of contract appeals.
Sec. 3542. Transactions with the Panama Canal Authority.
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Sec. 3548. Transfer from President to Commission of certain regulatory functions relating to employment classification appeals.
Sec. 3549. Enhanced printing authority.
Sec. 3550. Technical and conforming amendments.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Army as follows:

(1) For aircraft, $1,394,459,000.

(2) For missiles, $1,223,851,000.

(3) For weapons and tracked combat vehicles, $1,179,107,000.

(4) For ammunition, $1,043,202,000.

(5) For other procurement, $2,918,730,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Navy as follows:

(1) For aircraft, $6,482,265,000.

(2) For weapons, including missiles and torpedoes, $1,200,393,000.

(3) For shipbuilding and conversion, $8,593,358,000.

(4) For ammunition for the Navy and Marine Corps, $369,797,000.

(5) For other procurement, $3,177,700,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Marine Corps in the amount of $554,806,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Air Force as follows:

(1) For aircraft, $6,048,915,000.

(2) For missiles, $2,411,241,000.

(3) For ammunition, $420,784,000.

(4) For other procurement, $6,798,453,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1998 for Defense-wide procurement in the amount of $1,749,285,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $100,000,000.

(2) For the Air National Guard, $186,300,000.

(3) For the Army Reserve, $40,000,000.

(4) For the Naval Reserve, $40,000,000.

(5) For the Air Force Reserve, $246,700,000.

(6) For the Marine Corps Reserve, $40,000,000.

SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Inspector General of the Department of Defense in the amount of $1,800,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is are hereby authorized to be appropriated for fiscal year 1998 the amount of $614,700,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 108. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $274,068,000.

SEC. 109. DEFENSE EXPORT LOAN GUARANTEE PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the Department of Defense for carrying out the Defense Export Loan Guarantee Program established under section 2540 of title 10, United States Code, in the total amount of $1,231,000.

Subtitle B—Army Programs

SEC. 111. ARMY HELICOPTER MODERNIZATION PLAN.

(a) LIMITATION.—Not more than 25 percent of the amounts authorized to be appropriated pursuant to section 101(1), 105(1), or 105(3) for modifications or upgrades of helicopters may be obligated before the date that is 30 days

after the Secretary of the Army submits to the congressional defense committees a comprehensive plan for the modernization of the Army's helicopter fleet.

(b) CONTENT OF PLAN.—The plan required by subsection (a) shall, at a minimum, contain the following:

(1) A detailed assessment of the Army's present and future helicopter requirements and present and future helicopter inventory, including number of aircraft, age of aircraft, availability of spare parts, flight hour costs, roles and functions assigned to the fleet as a whole and to its individual types of aircraft, and the mix of active component aircraft and reserve component aircraft in the fleet.

(2) Estimates and analysis of requirements and funding proposed for procurement of new aircraft.

(3) An analysis of the requirements for and funding proposed for extended service plans or service life extension plans for fleet aircraft.

(4) A plan for retiring aircraft no longer required or capable of performing assigned functions, including a discussion of opportunities to eliminate older aircraft models and to focus future funding on current or future generation aircraft.

(5) The implications of the plan for the defense industrial base.

(c) FUNDING IN FUTURE-YEARS DEFENSE PROGRAM.—The Secretary of the Army shall include in the plan required by subsection (a) a certification that the plan is to be funded in the future-years defense program submitted to Congress in 1998 pursuant to section 221(a) of title 10, United States Code.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR AH-64D LONGBOW APACHE FIRE CONTROL RADAR.

Beginning with the fiscal year 1998 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract for the procurement of the AH-64D Longbow Apache fire control radar.

Subtitle C—Navy Programs

SEC. 121. NEW ATTACK SUBMARINE PROGRAM.

(a) AMOUNTS AUTHORIZED FROM SCN ACCOUNT.—Of the amounts authorized to be appropriated by section 102(a)(3) for fiscal year 1998, $2,599,800,000 is available for the New Attack Submarine Program.

(b) CONTRACT AUTHORITY.—(1) The Secretary of the Navy may enter into a contract for the procurement of four submarines under the New Attack Submarine program.

(2) Any contract entered into under paragraph (1)—

(A) shall, notwithstanding section 2304(k) of title 10, United States Code, be awarded to one of the two eligible shipbuilders as the prime contractor on the condition that the prime contractor enter into one or more subcontracts (under such prime contract) with the other of the two eligible shipbuilders as contemplated in the New Attack Submarine Team Agreement; and

(B) shall provide for—

(i) construction of the first submarine in fiscal year 1998; and

(ii) advance construction and advance procurement of materiel for the second, third, and fourth submarines in fiscal year 1998.

(3) The following shipbuilders are eligible for a contract under this subsection:

(A) The Electric Boat Corporation.

(B) The Newport News Shipbuilding and Drydock Company.

(4) In paragraph (2)(A), the term "New Attack Submarine Team Agreement" means the agreement known as the Team Agreement between Electric Boat Corporation and Newport News Shipbuilding and Drydock Company, dated February 25, 1997, that was submitted to Congress by the Secretary of the Navy on March 31, 1997.

(c) LIMITATION OF LIABILITY.—If a contract entered into under this section is terminated, the United States shall not be liable for termination costs in excess of the total amount appropriated for the New Attack Submarine program.

(d) REPEALS OF SUPERSEDED PROVISIONS OF PREVIOUS DEFENSE AUTHORIZATION LAWS.—(1) Section 131 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 206) is amended—

(A) in subsection (a)(1)(B)—

(i) in clause (i), by striking out ", which shall be built by Electric Boat Division"; and

(ii) in clause (ii), by striking out ", which shall be built by Newport News Shipbuilding"; and

(B) in subsection (b), by striking out paragraph (1).

(2) Section 121 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2441) is amended—

(A) in subsection (a)—

(i) in paragraph (1)(B), by striking out "to be built by Electric Boat Division"; and

(ii) in paragraph (1)(C), by striking out "to be built by Newport News Shipbuilding";

(B) in subsection (d), by striking out paragraph (2);

(C) in subsection (e), by striking out paragraph (1); and

(D) in subsection (g), by striking out "the committees specified in subsection (e)(1)" in paragraphs (3) and(4) and inserting in lieu thereof "the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(e) INAPPLICABILITY OF SUPERSEDED ASPECTS OF ATTACK SUBMARINE DEVELOPMENT PLAN.—The Secretary of Defense and the Secretary of the Navy are not required to carry out the portions of the program plan submitted under subsection (c) of section 131 of the National Defense Authorization Act for Fiscal Year 1996 that are included in the plan pursuant to subparagraphs (A), (B), and (E) of paragraph (2) of such subsection.

SEC. 122. NUCLEAR AIRCRAFT CARRIER PROGRAM.

(a) AMOUNTS AUTHORIZED FROM SCN ACCOUNT.—Of the amounts authorized to be appropriated by section 102(a)(3) for fiscal year 1998, $345,000,000 is available for the procurement and construction of nuclear and nonnuclear components for the CVN-77 nuclear aircraft carrier program. The Secretary of the Navy is authorized to enter into a contract or contracts with the shipbuilder for the procurement and construction of such components.

(b) AMOUNTS AUTHORIZED FROM RDT&E ACCOUNT.—Of the amounts authorized to be appropriated by section 201(2) for fiscal year 1998, $35,000,000 is available for research, development, test, and evaluation of technologies that have potential for use in the CVN-77 nuclear aircraft carrier program.

SEC. 123. EXCEPTION TO COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.

In the application of the limitation in section 133(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 211), there shall not be taken into account $745,700,000 of the amounts that were obligated or expended for procurement of Seawolf class submarines before the date of the enactment of this Act (that amount being the total of amounts of funds appropriated for fiscal years 1990, 1991, and 1992 for the procurement of Seawolf class submarines that have been obligated or expended for procurement under the SSN-23, SSN-24, and SSN-25 Seawolf class submarine programs, which have been canceled since the limitation took effect).

SEC. 124. AIRBORNE SELF-PROTECTION JAMMER PROGRAM.

(a) LIMITATION ON RESUMPTION OF SERIAL PRODUCTION.—Serial production of the airborne self-protection jammer may not be resumed until the Director of Operational Test and Evaluation of the Department of Defense has certified in writing to Congress that—

(1) the capabilities of the airborne self-protection jammer exceed the capabilities of the integrated defensive electronics countermeasure system that is under development for use in F/A-18E/F aircraft;

(2) the units of the airborne self-protection jammer to be produced are to be used in F/A-18E/F aircraft; and

(3) the deficiencies in the airborne self-protection jammer noted by the Director before the date of the enactment of this Act have been eliminated.

(b) LIMITATION ON OBLIGATION OF FUNDS.—No funds authorized to be appropriated by this or any other Act may be obligated for serial production of the airborne self-protection jammer until the Secretary of Defense has certified in writing to Congress that funding is programmed for serial production of the airborne self-protection jammer in the future-years defense program.

Subtitle D—Air Force Programs

SEC. 131. B-2 BOMBER AIRCRAFT PROGRAM.

(a) PROHIBITION.—None of the funds authorized to be appropriated in this or any other Act may be used—

(1) to procure any additional B-2 bomber aircraft; or

(2) to maintain any part of the bomber industrial base solely for the purpose of preserving the option to procure additional B-2 bomber aircraft in the future.

(b) EXCEPTIONS.—The prohibition in subsection (a) does not apply to—

(1) any B-2 bomber aircraft that is covered by a contract for the production of that aircraft as of the date of the enactment of this Act; or

(2) any part of the bomber industrial base that is necessary for producing all B-2 bomber aircraft referred to in paragraph (1), but only for so long as is necessary to complete the production of such aircraft.

Subtitle E—Other Matters

SEC. 141. PROHIBITION ON USE OF FUNDS FOR ACQUISITION OR ALTERATION OF PRIVATE DRYDOCKS.

None of the funds authorized to be appropriated by this or any other Act may be used, directly or indirectly, to purchase, lease, upgrade, or modify privately-owned drydocks.

SEC. 142. REPLACEMENT OF ENGINES ON AIRCRAFT DERIVED FROM BOEING 707 AIRCRAFT.

(a) ANALYSIS REQUIRED.—The Under Secretary of Defense for Acquisition and Technology shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives an analysis of the requirements of the Department of Defense for replacing engines on the aircraft of the department that are derived from the Boeing 707 aircraft and the costs of meeting the requirements.

(b) CONTENT.—The analysis shall include the following:

(1) The number of aircraft described in subsection (a) that are in the inventory of the Department of Defense and the number of such aircraft that are projected to be in the inventory of the department in 5 years, in 10 years, and in 15 years.

(2) For each type of such aircraft, the estimated cost of operating the aircraft for each fiscal year after fiscal year 1997 and before fiscal year 2015, taking into account historical patterns of usage and projected support costs.

(3) For each type of such aircraft, the estimated costs and the benefits of replacing the engines on the aircraft, analyzed on the basis of the experience under the limited program for replacing the engines on RC-135 aircraft that was undertaken during fiscal years 1995, 1996, and 1997.

(4) The estimated total cost of replacing the engines pursuant to a program that provides for replacement of the engines on all of the aircraft of one type before undertaking the replacement of the engines on the aircraft of another type, with a higher priority being given in turn to each type of aircraft in which the replacement of the engines is expected to yield the anticipated benefits of replacement faster.

(5) Various plans for replacement of engines that the Under Secretary considers best on the basis of costs and benefits.

(c) SUBMISSION DEADLINE.—The Under Secretary shall submit the report under this section not later than March 1, 1998.

SEC. 143. EXCEPTION TO REQUIREMENT FOR A PARTICULAR DETERMINATION FOR SALES OF MANUFACTURED ARTICLES OR SERVICES OF ARMY INDUSTRIAL FACILITIES OUTSIDE THE UNITED STATES.

Section 4543 of title 10, United States Code, is amended—

(1) in subsection (a)(5), by inserting ", except in the case of a sale described in subsection (b)," after "the Secretary of the Army determines";

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) EXCEPTION TO REQUIREMENT FOR A PARTICULAR DETERMINATION.—A determination described in subsection (a)(5) is not necessary under the regulations in the case of—

"(1) a sale of articles to be incorporated into a weapon system being procured by the Department of Defense; or

"(2) a sale of services to be used in the manufacture of a weapon system being procured by the Department of Defense.".

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,750,462,000.

(2) For the Navy, $7,812,972,000.

(3) For the Air Force, $14,302,264,000.

(4) For Defense-wide activities, $10,072,347,000, of which—

(A) $268,183,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $31,384,000 is authorized for the Director of Operational Test and Evaluation.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. JOINT STRIKE FIGHTER PROGRAM.

(a) REPORT.—Not later than February 15, 1998, the Secretary of Defense shall submit to the congressional defense committees a report on the options for the sequence in which the variants of the joint strike fighter are to be produced and fielded.

(b) CONTENT OF REPORT.—The report shall contain the following:

(1) A review of the plan for production under the Joint Strike Fighter program that was used by the Department of Defense for developing the funding estimates for the fiscal year 1999 budget request for the Department of Defense.

(2) An estimate of the costs, and an analysis of the costs and benefits, of producing the joint strike fighter variants in a sequence that provides for fielding of the naval variant of the aircraft first.

(3) A comparison of the costs and benefits of the various options for the sequence for fielding the variants of the joint strike fighter that the Secretary of Defense considers likely to be the options from among which a sequence for fielding is selected, including a discussion of the effects that selection of each such option would have on the costs and rates of production of the units of F/A-18E/F and F-22 aircraft that are in production when the Joint Strike Fighter Program proceeds into production.

(c) LIMITATION ON USE OF FUNDS PENDING SUBMISSION OF REPORT.—Not more than 90 percent of the total amount authorized to be appropriated under this Act for the Joint Strike Fighter Program may be obligated until the date that is 30 days after the date on which the congressional defense committees receive the report required under this section.

(d) FISCAL YEAR 1998 BUDGET DEFINED.—In this section, the term "fiscal year 1999 budget request for the Department of Defense" means the budget estimates for the Department of Defense for fiscal year 1999 that were submitted to Congress by the Secretary of Defense in connection with the submission of the budget for fiscal year 1998 to Congress under section 1105 of title 31, United States Code.

SEC. 212. F-22 AIRCRAFT PROGRAM.

(a) LIMITATION ON TOTAL COST OF ENGINEERING AND MANUFACTURING DEVELOPMENT.—The total amount obligated or expended for engineering and manufacturing development under the F-22 aircraft program may not exceed $18,688,000,000.

(b) LIMITATION ON OBLIGATION OF FUNDS.—Of the total amount authorized to be appropriated for the F-22 aircraft program for a fiscal year, not more than 90 percent of the amount may be obligated until the Comptroller General submits to Congress—

(1) the report required to be submitted in that fiscal year under subsection (c); and

(2) a certification that the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

(c) ANNUAL GAO REVIEW.—(1) Not later than December 1 of each year, the Comptroller General shall review the F-22 aircraft program and submit to Congress a report on the results of the review. The Comptroller General shall also submit to Congress for each report a certification regarding whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

(2) The report submitted on the program each year shall include the following:

(A) The extent to which engineering and manufacturing development under the program is meeting the goals established for engineering and manufacturing development under the program.

(B) The status of costs, testing, and modifications.

(C) The plan for engineering and manufacturing development (leading to production) under the program for the fiscal year that begins in the following year.

(D) A conclusion regarding whether the plan referred to in subparagraph (C) can be successfully carried out consistent with the limitation in subsection (a).

(E) A conclusion regarding whether engineering and manufacturing development (leading to production) under the program is likely to be completed at a total cost not in excess of the amount specified in subsection (a).

(3) The Comptroller General shall submit the first report under this subsection not later than December 1, 1997. No report is required under this subsection after engineering and manufacturing development under the program has been completed.

(d) REQUIREMENT TO SUPPORT ANNUAL GAO REVIEW.—The Secretary of the Air Force and the prime contractor under the F-22 aircraft program shall provide the Comptroller General with such information on the program as the Comptroller considers necessary to carry out the responsibilities under subsection (c).

SEC. 213. HIGH ALTITUDE ENDURANCE UNMANNED VEHICLE PROGRAM.

(a) LIMITATION ON TOTAL COST OF ADVANCED CONCEPT TECHNOLOGY DEMONSTRATION.—(1) The total amount obligated or expended for advanced concept technology demonstration under the High Altitude Endurance Unmanned Vehicle Program through fiscal year 2003 may not exceed $476,826,000.

(2) The total amount obligated or expended in fiscal year 1999, 2000, 2001, or 2002 for advanced concept technology demonstration under the High Altitude Endurance Unmanned Vehicle Program may not exceed the amount specified for that fiscal year, as follows:

(A) In fiscal year 1999, not more than $167,864,000.

(B) In fiscal year 2000, not more than $31,374,000.

(C) In fiscal year 2001, not more than $19,106,000.

(D) In fiscal year 2002, not more than $20,866,000.

(b) LIMITATION ON ACQUISITION.—No high altitude endurance unmanned vehicle may be acquired after the date of the enactment of this Act until 50 percent of the testing programmed in the test and evaluation master plan (as of such date) for the high altitude endurance unmanned vehicle has been completed.

(c) LIMITATION ON PROCEEDING.—The High Altitude Endurance Unmanned Vehicle Program may not proceed beyond advanced concept technology demonstration until the Comptroller General has certified to Congress that the high altitude endurance unmanned vehicles can be produced under the program at an average unit cost that does not exceed $10,000,000 (the so-called fly away price) in fiscal year 1994 constant dollars.

(d) GAO REVIEW.—(1) The Comptroller General shall review the High Altitude Endurance Unmanned Vehicle Program for purposes of making the certification under subsection (c).

(2) The Secretary of Defense and the prime contractors under the High Altitude Endurance Unmanned Vehicle Program shall provide the Comptroller General with such information on the program as the Comptroller considers necessary to make the determinations required for the certification under subsection (c).

SEC. 214. ADVANCED ANTI-RADIATION GUIDED MISSILE PROGRAM.

To the extent provided in appropriations Acts, the Secretary of the Navy may use not more than $25,000,000 of the amount appropriated for the Navy for fiscal year 1997 for research, development, test, evaluation for the Advanced Anti-Radiation Guided Missile Program in order to fund fiscal year 1998 research, development, test, and evaluation programs of the Navy that have a higher priority than such program.

SEC. 215. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) LIMITATION ON STAFF YEARS FUNDED.—Not more than 6,006 staff years of technical effort (staff years) may be funded for federally funded research and development centers out of the funds authorized to be appropriated for the Department of Defense for fiscal year 1998.

(b) ALLOCATIONS AMONG CENTERS.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that specifies the number of staff years of technical effort that is to be allocated (for funding as described in subsection (a)) to each defense federally funded research and development center for fiscal year 1998.

(2) After the submission of the report on allocation of staff years of technical effort under paragraph (1), the Secretary of Defense may not reallocate more than 5 percent of the staff years of technical effort allocated to a federally funded research and development center for fiscal year 1998 from that center to other federally funded research and development centers until 30 days after the date on which the Secretary has submitted a justification for the reallocation to the congressional defense committees.

(c) FISCAL YEAR 1999 ALLOCATION.—(1) The Secretary of Defense shall submit to the congressional defense committees a report that specifies the number of staff years of technical effort that is to be allocated to each federally funded research and development center for fiscal year 1999 for funding out of the funds authorized to be appropriated for the Department of Defense for that fiscal year.

(2) The report shall be submitted at the same time that the President submits the budget for fiscal year 1999 to Congress under section 1105 of title 31, United States Code.

(c) STAFF YEAR DEFINED.—In this section, the term "staff year of technical effort" means 1,810 hours of paid effort by direct and consultant labor performing professional-level technical work primarily in the fields of studies and analysis, system engineering and integration, systems planning, program and policy planning and analyses, and basic and applied research.

SEC. 216. GOAL FOR DUAL-USE SCIENCE AND TECHNOLOGY PROJECTS.

(a) GOALS.—(1) Subject to paragraph (3), it shall be the objective of the Secretary of each military department to obligate for dual-use projects in each fiscal year referred to in paragraph (2), out of the total amount authorized to be appropriated for such fiscal year for new projects initiated under the applied research programs of the military department, the percent of such amount that is specified for that fiscal year in paragraph (2).

(2) The objectives for fiscal years under paragraph (1) are as follows:

(A) For fiscal year 1998, 5 percent.

(B) For fiscal year 1999, 7 percent.

(C) For fiscal year 2000, 10 percent.

(3) The Secretary of Defense may establish for a military department for a fiscal year an objective different from the objective set forth in paragraph (2) if the Secretary—

(A) determines that compelling national security considerations require the establishment of the different objective; and

(2) notifies Congress of the determination and the reasons for the determination.

(b) DESIGNATION OF OFFICIAL FOR DUAL-USE PROGRAMS.—(1) The Secretary of Defense shall designate a senior official in the Office of the Secretary of Defense to carry out responsibilities for dual-use programs under this subsection. The designated official shall report directly to the Under Secretary of Defense for Acquisition and Technology.

(2) The primary responsibilities of the designated official shall include developing policy and overseeing the establishment of, and adherence to, procedures for ensuring that dual-use programs are initiated and administered effectively and that applicable commercial technologies are integrated into current and future military systems.

(3) In carrying out the responsibilities, the designated official shall ensure that—

(A) dual-use projects are consistent with the joint warfighting science and technology plan referred to in section 270 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 2501 note); and

(B) the dual-use projects of the military departments and defense agencies of the Department of Defense are coordinated and avoid unnecessary duplication.

(c) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—The total amount of funds provided by a military department for a dual-use project entered into by the Secretary of that department shall not exceed 50 percent of the total cost of the project. The Secretary may consider in-kind contributions by non-Federal participants for dual-use projects for the purpose of calculating the share of project costs that has been or is being undertaken by such participants only to the extent provided in regulations issued pursuant to section 2511(c)(2) of title 10, United States Code.

(d) USE OF COMPETITIVE PROCEDURES.—Funds obligated for a dual-use project may be counted toward meeting an objective under subsection (a) only if the funds are obligated for a contract, grant, cooperative agreement, or other transaction that was entered into through the use of competitive procedures.

(e) REPORT.—(1) Not later than January 31 of each of 1998, 1999, and 2000, the Secretary of Defense shall submit a report to the congressional defense committees on the progress made by the Department of Defense in meeting the objectives set forth in subsection (a) during the preceding fiscal year.

(2) The report for a fiscal year shall contain, at a minimum, the following:

(A) The aggregate value of all contracts, grants, cooperative agreements, or other transactions entered into during the fiscal year for which funding is counted toward meeting an objective under this section, expressed in relationship to the total amount appropriated for the applied research programs in the Department of Defense for that fiscal year.

(B) For each military department, the value of all contracts, grants, cooperative agreements, or other transactions entered into during the fiscal year for which funding is counted toward meeting an objective under this section, expressed in relationship to the total amount appropriated for the applied research program of the military department for that fiscal year.

(C) A summary of the cost-sharing arrangements in dual-use projects that were initiated during the fiscal year and are counted toward reaching an objective under this section.

(D) A description of the regulations, directives, or other procedures that have been issued by the Secretary of Defense or the Secretary of a military department to increase the percentage of the total value of the dual-use projects undertaken to meet or exceed an objective under this section.

(E) Any recommended legislation to facilitate achievement of objectives under this section.

(f) REPEAL OF SUPERSEDED AUTHORITY.—Section 203 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2451) is repealed.

(g) DEFINITIONS.—In this section:

(1) The term "applied research program" means a program of a military department which is funded under the 6.2 Research, Development, Test and Evaluation account of that department.

(2) The term "dual-use project" means a project under a program of a military department or a defense agency under which research or development of a dual-use technology is carried out and the costs of which are shared by the Department of Defense and non-Government entities.

SEC. 217. TRANSFERS OF AUTHORIZATIONS FOR COUNTERPROLIFERATION SUPPORT PROGRAM.

(a) IN GENERAL.—In addition to the transfer authority provided in section 1001, upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1998 to counterproliferation programs, projects, and activities identified as areas for progress by the Counterproliferation Program Review Committee established by section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751 note). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(b) LIMITATIONS.—(1) The total amount of authorizations transferred under the authority of this section may not exceed $50,000,000.

(2) The authority provided by this section to transfer authorizations—

(A) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(B) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT OF TRANSFERS ON ACCOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) CONGRESSIONAL NOTIFICATION.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 218. KINETIC ENERGY TACTICAL ANTI-SATELLITE TECHNOLOGY PROGRAM.

(a) FUNDING.—Of the funds authorized to be appropriated under section 201(4), $80,000,000 shall be available for the kinetic energy tactical anti-satellite technology program.

(b) LIMITATION.—None of the funds authorized to be appropriated to the Department of

Defense for fiscal year 1998 for program element 65104D, relating to technical studies and analyses, may be obligated or expended until the funds specified in subsection (a) have been released to the program manager of the tactical kinetic energy anti-satellite technology program for implementation of that program.

SEC. 219. CLEMENTINE 2 MICRO-SATELLITE DEVELOPMENT PROGRAM.

(a) FUNDING.—Of the amount authorized to be appropriated under section 201(3), $50,000,000 shall be available for the Clementine 2 micro-satellite near-earth asteroid interception mission.

(b) LIMITATION.—Of the funds authorized to be appropriated pursuant to this Act in program element 64480F for the Global Positioning System Block IIF satellite system, not more than $35,000,000 may be obligated until the Secretary of Defense certifies to Congress that the Secretary has made available for obligation the funds appropriated pursuant to subsection (a) for the purpose specified in that subsection.

Subtitle C—Ballistic Missile Defense Programs

SEC. 221. NATIONAL MISSILE DEFENSE PROGRAM.

(a) PROGRAM STRUCTURE.—To preserve the option of achieving an initial operational capability in fiscal year 2003, the Secretary of Defense shall ensure that the National Missile Defense Program is structured and programmed for funding so as to support a test, in fiscal year 1999, of an integrated national missile defense system that is representative of the national missile defense system architecture that could achieve initial operational capability in fiscal year 2003.

(b) ELEMENTS OF NMD SYSTEM.—The national missile defense system architecture specified in subsection (a) shall consist of the following elements:

(1) An interceptor system that optimizes defensive coverage of the continental United States, Alaska, and Hawaii against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).

(2) Ground-based radars.

(3) Space-based sensors.

(4) Battle management, command, control, and communications (BM/C3).

(c) PLAN FOR NMD SYSTEM DEVELOPMENT AND DEPLOYMENT.—Not later than February 15, 1998, the Secretary of Defense shall submit to the congressional defense committees a plan for the development and deployment of a national missile defense system that could achieve initial operational capability in fiscal year 2003. The plan shall include the following matters:

(1) A detailed description of the system architecture selected for development.

(2) A discussion of the justification for the selection of that particular architecture.

(3) The Secretary's estimate of the amounts of the appropriations that would be necessary for research, development, test, evaluation, and for procurement for each of fiscal years 1999 through 2003 in order to achieve an initial operational capability of the system architecture in fiscal year 2003.

(4) For each activity necessary for the development and deployment of the national missile defense system architecture selected by the Secretary that would at some point conflict with the terms of the ABM Treaty, if any—

(A) a description of the activity;

(B) a description of the point at which the activity would conflict with the terms of the ABM Treaty;

(C) the legal analysis justifying the Secretary's determination regarding the point at which the activity would conflict with the terms of the ABM Treaty; and

(D) an estimate of the time at which such point would be reached in order to achieve a test of an integrated missile defense system in fiscal year 1999 and initial operational capability of such a system in fiscal year 2003.

(d) FUNDING FOR FISCAL YEAR 1998.—Of the funds authorized to be appropriated under section 201(4), $978,091,000 shall be available for the national missile defense program.

(e) ABM TREATY DEFINED.—In this section, the term "ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972, and includes the Protocol to that treaty, signed at Moscow on July 3, 1974.

SEC. 222. REVERSAL OF DECISION TO TRANSFER PROCUREMENT FUNDS FROM THE BALLISTIC MISSILE DEFENSE ORGANIZATION.

(a) TRANSFERS REQUIRED.—The Secretary of Defense shall—

(1) transfer to appropriations available to the Ballistic Missile Defense Organization for procurement for fiscal year 1998 the amounts that were transferred to accounts of the Army, Navy, Air Force, and Marine Corps pursuant to Program Budget Decision 224C3, signed by the Under Secretary of Defense (Comptroller) on December 23, 1996; and

(2) ensure that, in the future-years defense program, the procurement funding covered by that program budget decision is programmed for appropriations accounts of the Ballistic Missile Defense Organization rather than appropriations accounts of the Armed Forces.

(b) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in subsection (a) is in addition to the transfer authority provided in section 1001.

Subtitle D—Other Matters

SEC. 231. MANUFACTURING TECHNOLOGY PROGRAM.

Section 2525(c)(2) of title 10, United States Code, is amended to read as follows:

"(2) In order to promote increased dissemination and use of manufacturing technology throughout the national defense technology and industrial base, the Secretary shall seek, to the maximum extent practicable, the participation of manufacturers of manufacturing equipment in the projects under the program.".

SEC. 232. USE OF MAJOR RANGE AND TEST FACILITY INSTALLATIONS BY COMMERCIAL ENTITIES.

(a) EXTENSION OF AUTHORITY.—Subsection (g) of section 2681 of title 10, United States Code, is amended by striking out "1998" and inserting in lieu thereof "2001".

(b) ADDITIONAL REPORTING REQUIREMENT.—Subsection (h) of such section is amended—

(1) by striking out "REPORT.—" and inserting in lieu thereof "REPORTS.—(1)"; and

(2) by adding at the end the following:

"(2) Not later than February 15, 1998, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report identifying existing and proposed procedures to ensure that the use of Major Range and Test Facility Installations by commercial entities does not compete with private sector test and evaluation services.".

(c) REPEAL OF REPORTING REQUIREMENTS WHEN EXECUTED.—Effective on October 1, 1998, subsection (h) of such section is repealed.

SEC. 233. ELIGIBILITY FOR THE DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Section 257 of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 2358 note) is amended by adding at the end the following:

"(f) STATE DEFINED.—In this section, the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, and the Commonwealth of the Northern Mariana Islands.".

SEC. 234. RESTRUCTURING OF NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM ORGANIZATIONS.

(a) NATIONAL OCEAN RESEARCH LEADERSHIP COUNCIL.—Section 7902 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking out paragraphs (11), (14), (15), (16) and (17); and

(B) by redesignating paragraphs (12) and (13) as paragraphs (11) and (12), respectively;

(2) by striking out subsection (d); and

(3) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (d), (e), (f), (g), and (h), respectively.

(b) OCEAN RESEARCH ADVISORY PANEL.—(1) Section 7903(a) of such title is amended by striking out "government, academia, and industry" and inserting in lieu thereof "State governments, academia, and ocean industries".

(2) Section 282(c) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2473) is amended by striking out "January 1, 1997" and inserting in lieu thereof "January 1, 1998".

(c) CONFORMING AMENDMENTS.—Section 282 of the National Defense Authorization Act for Fiscal Year 1997 is amended—

(1) by striking out subsection (b); and

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) and (b) shall be effective as of September 23, 1996, as if included in section 282 of Public Law 104-201.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $17,194,284,000.

(2) For the Navy, $21,681,330,000.

(3) For the Marine Corps, $2,379,445,000.

(4) For the Air Force, $18,861,685,000.

(5) For Defense-wide activities, $10,280,838,0000.

(6) For the Army Reserve, $1,212,891,000.

(7) For the Naval Reserve, $834,711,000.

(8) For the Marine Corps Reserve, $110,366,000.

(9) For the Air Force Reserve, $1,624,420,000.

(10) For the Army National Guard, $2,288,932,000.

(11) For the Air National Guard, $2,991,219,000.

(12) For the Defense Inspector General, $136,580,000.

(13) For the United States Court of Appeals for the Armed Forces, $6,952,000.

(14) For Environmental Restoration, Army, $350,337,000.

(15) For Environmental Restoration, Navy, $257,500,000.

(16) For Environmental Restoration, Air Force, $351,900,000.

(17) For Environmental Restoration, Defense-Wide, $25,900,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $188,300,000.

(19) For Overseas Contingency Operations, $1,467,500,000.

(20) For Drug Interdiction and Counterdrug Activities, Defense-wide, $660,882,000.

(21) For Medical Programs, Defense, $9,954,782,000.

(22) For Former Soviet Union Threat Reduction programs, $322,000,000.

(23) For Overseas Humanitarian Demining and CINC Initiative activities, $40,130,000.

(24) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $10,000,000.

SEC. 302. WORKING-CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working-capital and revolving funds in amounts as follows:

(1) For the Defense Working-Capital Fund, $33,400,000.

(2) For the National Defense Sealift Fund, $516,126,000.

(3) For the Military Commissary Fund, $938,552,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1998 from the Armed Forces Retirement Home Trust Fund the sum of $79,977,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 1998 in amounts as follows:

(1) For the Army, $50,000,000.

(2) For the Navy, $50,000,000.

(3) For the Air Force, $50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

SEC. 305. FISHER HOUSE TRUST FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1998, out of funds in Fisher House Trust Funds not otherwise appropriated, for the operation and maintenance of Fisher houses described in section 2221(d) of title 10, United States Code, as follows:

(1) The Fisher House Trust Fund, Department of the Army, $150,000 for Fisher houses that are located in proximity to medical treatment facilities of the Army.

(2) The Fisher House Trust Fund, Department of the Navy, $150,000 for Fisher houses that are located in proximity to medical treatment facilities of the Navy.

Subtitle B—Depot-Level Activities

SEC. 311. DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.

(a) DEPOT-LEVEL MAINTENANCE AND REPAIR DEFINED.—Chapter 146 of title 10, United States Code, is amended by inserting before section 2461 the following new section:

"§ 2460. Definition of depot-level maintenance and repair

"(a) IN GENERAL.—In this chapter, the term 'depot-level maintenance and repair' means materiel maintenance or repair requiring the overhaul or rebuilding of parts, assemblies, or subassemblies, and the testing and reclamation of equipment as necessary, regardless of the source of funds for the maintenance or repair. The term includes all aspects of software maintenance and such portions of interim contractor support, contractor logistics support, or any similar contractor support for the performance of services that are described in the preceding sentence.

"(b) EXCEPTION.—The term does not include the following:

"(1) Ship modernization activities that were not considered to be depot-level maintenance and repair activities under regulations of the Department of Defense in effect on March 30, 1997.

"(2) A procurement of a modification or upgrade of a major weapon system."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 2461 the following new item:

"2460. Definition of depot-level maintenance and repair.".

SEC. 312. RESTRICTIONS ON CONTRACTS FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR AT CERTAIN FACILITIES.

Section 2469 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking out "or repair" and inserting in lieu thereof "and repair"; and

(2) by adding at the end the following new subsection:

"(d) RESTRICTION ON CONTRACTS AT CERTAIN FACILITIES.—

"(1) RESTRICTION.—The Secretary of Defense may not enter into any contract for the performance of depot-level maintenance and repair of weapon systems or other military equipment of the Department of Defense, or for the performance of management functions related to depot-level maintenance and repair of such systems or equipment, at any military installation of the Air Force where a depot-level maintenance and repair facility was approved in 1995 for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note). In the preceding sentence, the term 'military installation of the Air Force' includes a former military installation closed or realigned under the Act that was a military installation of the Air Force when it was approved for closure or realignment under the Act.

"(2) EXCEPTION.—Paragraph (1) shall not apply with respect to an installation or former installation described in such paragraph if the Secretary of Defense certifies to Congress, not later than 45 days before entering into a contract for performance of depot-level maintenance and repair at the installation or former installation, that—

"(A) not less than 75 percent of the capacity at each of the depot-level maintenance and repair activities of the Air Force is being utilized on an ongoing basis to perform industrial operations in support of the depot-level maintenance and repair of weapon systems and other military equipment of the Department of Defense;

"(B) the Secretary has determined, on the basis of a detailed analysis (which the Secretary shall submit to Congress with the certification), that the total amount of the costs of the proposed contract to the Government, both recurring and nonrecurring and including any costs associated with planning for and executing the proposed contract, would be less than the costs that would otherwise be incurred if the depot-level maintenance and repair to be performed under the contract were performed using equipment and facilities of the Department of Defense;

"(C) all of the information upon which the Secretary determined that the total costs to the Government would be less under the contract is available for examination; and

"(D) none of the depot-level maintenance and repair to be performed under the contract was considered, before July 1, 1995, to be a core logistics capability of the Air Force pursuant to section 2464 of this title.

"(3) CAPACITY OF DEPOT-LEVEL ACTIVITIES.—For purposes of paragraph (2)(A), the capacity of depot-level maintenance and repair activities shall be considered to be the same as the maximum potential capacity identified by the Defense Base Closure and Realignment Commission for purposes of the selection in 1995 of military installations for closure or realignment under the Defense Base Closure and Realignment Act of 1990, without regard to any limitation on the maximum number of Federal employees (expressed as full time equivalent employees or otherwise) in effect after 1995, Federal employment levels after 1995, or the actual availability of equipment to support depot-level maintenance and repair after 1995.

"(4) GAO REVIEW.—At the same time that the Secretary submits the certification and analysis to Congress under paragraph (2), the Secretary shall submit a copy of the certification and analysis to the Comptroller General. The Comptroller General shall review the analysis and the information referred to in subparagraph (C) of paragraph (2) and, not later than 30 days after Congress receives the certification, submit to Congress a report containing a statement regarding whether the Comptroller General concurs with the determination of the Secretary included in the certification pursuant to subparagraph (B) of that paragraph.

"(5) APPLICATION.—This subsection shall apply with respect to any contract described in paragraph (1) that is entered into, or proposed to be entered into, after January 1, 1997.".

SEC. 313. CORE LOGISTICS FUNCTIONS OF DEPARTMENT OF DEFENSE.

Section 2464(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "a logistics capability (including personnel, equipment, and facilities)" and inserting in lieu thereof "a core logistics capability that is Government-owned and Government-operated (including Federal Government personnel and Government-owned and Government-operated equipment and facilities)";

(2) in paragraph (2)—

(A) by inserting "core" before "logistics"; and

(B) by adding at the end the following: "Each year, the Secretary of Defense shall submit to Congress a report describing each logistics capability that the Secretary identifies as a core logistics capability."; and

(3) by adding at the end the following new paragraphs:

"(3) Those core logistics activities identified under paragraphs (1) and (2) shall include the capability, facilities, and equipment to maintain and repair the types of weapon systems and other military equipment (except systems and equipment under special access programs and aircraft carriers) that are identified by the Secretary, in consultation with the Joint Chiefs of Staff, as necessary to enable the armed forces to fulfill the contingency plans prepared under the responsibility of the Chairman of the Joint Chiefs of Staff set forth in section 153(a)(3) of this title.

"(4) The Secretary of Defense shall require the performance of core logistics functions identified under paragraphs (1), (2), and (3) at Government-owned, Government-operated facilities of the Department of Defense (including Government-owned, Government-operated facilities of a military department) and shall assign such facilities the minimum workloads necessary to ensure cost efficiency and technical proficiency in peacetime while preserving the surge capacity and reconstitution capabilities necessary to support fully the contingency plans referred to in paragraph (3).".

SEC. 314. PERCENTAGE LIMITATION ON PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL.

(a) PERFORMANCE IN NON-GOVERNMENT FACILITIES.—Subsection (a) of section 2466 of title 10, United States Code, is amended to read as follows:

"(a) PERCENTAGE LIMITATION.—(1) Except as provided in paragraph (2), not more than 50 percent of the funds made available in a fiscal year to a military department or a Defense Agency for depot-level maintenance and repair workload may be used to contract for the performance of such workload in facilities other than Government-owned, Government-operated facilities.

"(2) In the administration of paragraph (1) for fiscal years ending before October 1, 1998, the percentage specified in that paragraph shall be deemed to be 40 percent.".

(b) TREATMENT OF PERFORMANCE BY PUBLIC-PRIVATE PARTNERSHIP.—Such section is further amended by inserting after subsection (a), as amended by subsection (a), the following:

"(b) TREATMENT OF PERFORMANCE BY PUBLIC-PRIVATE PARTNERSHIP.—For the purposes of subsection (a), any performance of a depot-level maintenance and repair workload by a public-private partnership formed under section 2474(b) of this title shall be treated as performance of the workload in a Government-owned, Government-operated facility.".

SEC. 315. CENTERS OF INDUSTRIAL AND TECHNICAL EXCELLENCE.

(a) DESIGNATION AND PURPOSE.—(1) Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§2474. Centers of Industrial and Technical Excellence: designation; public-private partnerships

"(a) DESIGNATION.—(1) The Secretary of Defense shall designate each depot-level activity of the military departments and the Defense Agencies (other than facilities recommended for closure or major realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note)) as a Center of Industrial and Technical Excellence in the recognized core competencies of the activity.

"(2) The Secretary shall establish a policy to encourage the Secretary of each military department and the head of each Defense Agency to reengineer industrial processes and adopt best-business practices at their depot-level activities in connection with their core competency requirements, so as to serve as recognized leaders in their core competencies throughout the Department of Defense and in the national technology and industrial base (as defined in section 2491(1) of this title).

"(b) PUBLIC-PRIVATE PARTNERSHIPS.—The Secretary of Defense shall enable Centers of Industrial and Technical Excellence to form public-private partnerships for the performance of depot-level maintenance and repair at such centers and shall encourage the use of such partnerships to maximize the utilization of the capacity at such Centers.

"(c) ADDITIONAL WORK.—The policy required under subsection (a) shall include measures to enable a private sector entity that enters into a partnership arrangement under subsection (b) or leases excess equipment and facilities at a Center of Industrial and Technical Excellence pursuant to section 2471 of this title to perform additional work at the Center, subject to the limitations outlined in subsection (b) of such section, outside of the types of work normally assigned to the Center.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2474. Centers of Industrial and Technical Excellence: designation; public-private partnerships.".

(b) REPORTING REQUIREMENT.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report describing the policies established by the Secretary pursuant to section 2474 of title 10, United States Code (as added by subsection (a)), to carry out that section.

SEC. 316. CLARIFICATION OF PROHIBITION ON MANAGEMENT OF DEPOT EMPLOYEES BY CONSTRAINTS ON PERSONNEL LEVELS.

Section 2472(a) of title 10, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: "The civilian employees of the Department of Defense, including the civilian employees of the military departments and the Defense Agencies, who perform, or are involved in the performance of, depot-level maintenance and repair workloads may not be managed on the basis of any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees.".

SEC. 317. ANNUAL REPORT ON DEPOT-LEVEL MAINTENANCE AND REPAIR.

Subsection (e) of section 2466 of title 10, United States Code, is amended to read as follows:

"(e) REPORT.—(1) Not later than February 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each military department and Defense Agency—

"(A) the percentage of the funds referred to in subsection (a) that were used during the preceding fiscal year for performance of depot-level maintenance and repair workloads in Government-owned, Government-operated facilities; and

"(B) the percentage of the funds referred to in subsection (a) that were used during the preceding fiscal year to contract for the performance of depot-level maintenance and repair workloads in facilities that are not owned and operated by the Federal Government.

"(2) Not later than 90 days after the date on which the Secretary submits the annual report under paragraph (1), the Comptroller General shall submit to the Committees on Armed Services and on Appropriations of the Senate and the Committees on National Security and on Appropriations of the House of Representatives the Comptroller's views on whether the Department of Defense has complied with the requirements of subsection (a) for the fiscal year covered by the report.".

SEC. 318. REPORT ON ALLOCATION OF CORE LOGISTICS ACTIVITIES AMONG DEPARTMENT OF DEFENSE FACILITIES AND PRIVATE SECTOR FACILITIES.

(a) REPORT.—Not later than May 31, 1998, the Secretary of Defense shall submit to Congress a report on the allocation among facilities of the Department of Defense and facilities in the private sector of the logistics activities that are necessary to maintain and repair the weapon systems and other military equipment identified by the Secretary, in consultation with the Joint Chiefs of Staff, as being necessary to enable the Armed Forces to conduct a strategic or major theater war.

(b) ELEMENTS.—The report under subsection (a) shall set forth the following:

(1) The systems or equipment identified under subsection (a) that must be maintained and repaired in Government-owned, Government-operated facilities, using personnel and equipment of the Department, as a result of the Secretary's determination that—

(A) the work involves unique or valuable workforce skills that should be maintained in the public sector in the national interest;

(B) the base of private sector sources having the capability to perform the workloads includes industry sectors that are vulnerable to work stoppages;

(C) the private sector sources having the capability to perform the workloads have insufficient workforce levels or skills to perform the depot-level maintenance and repair workloads—

(i) in the quantity necessary, or as rapidly as the Secretary considers necessary, to enable the armed forces to fulfill the national military strategy; or

(ii) without a significant disruption or delay in the maintenance and repair of equipment;

(D) the need for performance of workloads is too infrequent, cyclical, or variable to sustain a reliable base of private sector sources having the workforce levels or skills to perform the workloads;

(E) the market conditions or workloads are insufficient to ensure that the price of private sector performance of the workloads can be controlled through competition or other means;

(F) private sector sources are not adequately responsive to the requirements of the Department for rapid, cost-effective, and flexible response to surge requirements or other contingency situations, including changes in the mix or priority of previously scheduled workloads and reassignment of employees to different workloads without the requirement for additional contractual negotiations;

(G) private sector sources are less willing to assume responsibility for performing the workload as a result of the possibility of direct military or terrorist attack; or

(H) private sector sources cannot maintain continuity of workforce expertise as a result of high rates of employee turnover.

(2) The systems or equipment identified under subsection (a) that must be maintained and repaired in Government-owned facilities, whether Government operated or

contractor-operated, as a result of the Secretary's determination that—

(A) the work involves facilities, technologies, or equipment that are unique and sufficiently valuable that the facilities, technologies, or equipment must be maintained in the public sector in the national interest;

(B) the private sector sources having the capability to perform the workloads have insufficient facilities, technology, or equipment to perform the depot-level maintenance and repair workloads—

(i) in the quantity necessary, or as rapidly as the Secretary considers necessary, to enable the armed forces to fulfill the national military strategy; or

(ii) without a significant disruption or delay in the maintenance and repair of equipment; or

(C) the need for performance of workloads is too infrequent, cyclical, or variable to sustain a reliable base of private sector sources having the facilities, technology, or equipment to perform the workloads.

(3) The systems or equipment identified under subsection (a) that may be maintained and repaired in private sector facilities.

(4) The approximate percentage of the total maintenance and repair workload of the Department of Defense necessary for the systems and equipment identified under subsection (a) that would be performed at Department of Defense facilities, and at private sector facilities, as a result of the determinations made for purposes of paragraphs (1), (2), and (3).

SEC. 319. REVIEW OF USE OF TEMPORARY DUTY ASSIGNMENTS FOR SHIP REPAIR AND MAINTENANCE.

(a) FINDINGS.—Congress makes the following findings:

(1) In order to reduce the time that the crew of a naval vessel is away from the homeport of the vessel, the Navy seeks to perform ship repair and maintenance of the vessel at the homeport of the vessel whenever it takes six months or less to accomplish the work involved.

(2) At the same time, the Navy seeks to distribute ship repair and maintenance work among the Navy shipyards (known as to "level load") in order to more fully utilize personnel resources.

(3) During periods when a Navy shipyard is not utilized to its capacity, the Navy sometimes sends workers at the shipyard, on a temporary duty basis, to perform ship repairs and maintenance at a homeport not having a Navy shipyard.

(4) This practice is a more efficient use of civilian employees who might otherwise not be fully employed on work assigned to Navy shipyards.

(b) GAO REVIEW AND REPORT.—(1) The Comptroller General of the United States shall review the Navy's practice of using temporary duty assignments of personnel to perform ship maintenance and repair work at homeports not having Navy shipyards. The review shall include the following:

(A) An assessment of the rationale, conditions, and factors supporting the Navy's practice.

(B) A determination of whether the practice is cost-effective.

(C) The factors affecting future requirements for, and the adherence to, the practice, together with an assessment of the factors.

(2) Not later than May 1, 1998, the Comptroller General shall submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

SEC. 320. REPEAL OF A CONDITIONAL REPEAL OF CERTAIN DEPOT-LEVEL MAINTENANCE AND REPAIR LAWS AND A RELATED REPORTING REQUIREMENT.

Section 311 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 247; 10 U.S.C. 2464 note) is amended by striking out subsections (f) and (g).

SEC. 321. EXTENSION OF AUTHORITY FOR NAVAL SHIPYARDS AND AVIATION DEPOTS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.

Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1684) is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998".

Subtitle C—Environmental Provisions

SEC. 331. CLARIFICATION OF AUTHORITY RELATING TO STORAGE AND DISPOSAL OF NONDEFENSE TOXIC AND HAZARDOUS MATERIALS ON DEPARTMENT OF DEFENSE PROPERTY.

(a) MATERIALS OF MEMBERS AND DEPENDENTS.—Subsection (a)(1) of section 2692 of title 10, United States Code, is amended by inserting "or by a member of the armed forces (or a dependent of a member) living on the installation" before the period at the end.

(b) STORAGE OF MATERIALS CONNECTED WITH COMPATIBLE USE.—Subsection (b)(8) of such section is amended—

(1) by striking out "by a private person";

(2) by striking out "by that private person of an industrial-type" and inserting in lieu thereof "of a"; and

(3) by striking out "; and" and inserting in lieu thereof ", including a space launch facility located on a Department of Defense installation or other land controlled by the United States and a Department of Defense facility for testing materiel or training personnel;".

(c) TREATMENT AND DISPOSAL OF MATERIALS CONNECTED WITH COMPATIBLE USE.—Subsection (b)(9) of such section is amended—

(1) by striking out "by a private person";

(2) by striking out "commercial use by that person of an industrial-type" and inserting in lieu thereof "use of a";

(3) by striking out "with that person" and inserting in lieu thereof "with the prospective user"; and

(4) in subparagraph (B), by striking out "for that person's" and inserting in lieu thereof "for the prospective user's".

(d) ADDITIONAL AUTHORITY.—Subsection (b) of such section is further amended—

(1) by striking out the period at the end of paragraph (9) and inserting in lieu thereof "; and"; and

(2) by adding at the end the following:

"(10) the storage of materials that will be used in connection with an activity of the Department of Defense or in connection with a service performed for the benefit of the Department of Defense or the disposal of materials that have been used in such connection.".

SEC. 332. ANNUAL REPORT ON PAYMENTS AND ACTIVITIES IN RESPONSE TO FINES AND PENALTIES ASSESSED UNDER ENVIRONMENTAL LAWS.

(a) ANNUAL REPORTS.—Section 2706(b)(2) of title 10, United States Code, is amended by adding at the end the following:

"(H) A statement of the fines and penalties imposed or assessed against the Department of Defense under Federal, State, or local environmental law during the fiscal year preceding the fiscal year in which the report is submitted, which statement sets forth—

"(i) each Federal environmental statute under which a fine or penalty was imposed or assessed during the fiscal year;

"(ii) with respect to each such statute—

"(I) the aggregate amount of fines and penalties imposed or assessed during the fiscal year;

"(II) the aggregate amount of fines and penalties paid during the fiscal year;

"(III) the total amount required to meet commitments to environmental enforcement authorities under agreements entered into by the Department of Defense during the fiscal year for supplemental environmental projects agreed to in lieu of the payment of fines or penalties; and

"(IV) the number of fines and penalties imposed or assessed during the fiscal year that were—

"(aa) $10,000 or less;

"(bb) more than $10,000, but not more than $50,000;

"(cc) more than $50,000, but not more than $100,000; and

"(dd) more than $100,000; and

"(iii) with respect to each fine or penalty set forth under clause (ii)(IV)(dd)—

"(I) the installation or facility to which the fine or penalty applies; and

"(II) the agency that imposed or assessed the fine or penalty.".

(b) REPORT IN FISCAL YEAR 1998.—The statement submitted by the Secretary of Defense under subparagraph (H) of section 2706(b)(2) of title 10, United States Code, as added by subsection (a), in 1998 shall, to the maximum extent practicable, include the information required by that subparagraph for each of fiscal years 1994 through 1997.

SEC. 333. ANNUAL REPORT ON ENVIRONMENTAL ACTIVITIES OF THE DEPARTMENT OF DEFENSE OVERSEAS.

Section 2706 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) REPORT ON ENVIRONMENTAL ACTIVITIES OVERSEAS.—(1) The Secretary of Defense shall submit to Congress each year, not later than 30 days after the date on which the President submits to Congress the budget for a fiscal year, a report on the environmental activities of the Department of Defense overseas.

"(2) Each such report shall include the following:

"(A) A statement of the funding levels and full-time personnel required for the Department of Defense to comply during such fiscal year with each requirement under a treaty, law, contract, or other agreement for environmental restoration or compliance activities.

"(B) A statement of the funds to be expended by the Department of Defense during such fiscal year in carrying out other activities relating to the environment overseas, including conferences, meetings, and studies for pilot programs and travel related to such activities.".

SEC. 334. MEMBERSHIP TERMS FOR STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM SCIENTIFIC ADVISORY BOARD.

(a) TERMS.—Section 2904(b)(4) of title 10, United States Code, is amended by striking out "three" and inserting in lieu thereof "not less than two or more than four".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to appointments to the Strategic Environmental Research and Development Program Scientific Advisory Board made before, on, or after the date of enactment of this Act.

SEC. 335. ADDITIONAL INFORMATION ON AGREEMENTS FOR AGENCY SERVICES IN SUPPORT OF ENVIRONMENTAL TECHNOLOGY CERTIFICATION.

(a) ADDITIONAL INFORMATION.—Subsection (d) of section 327 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2483; 10 U.S.C. 2702 note) is amended by adding at the end the following:

"(5) A statement of the funding that will be required to meet commitments made to State and local governments under agreements entered into during the fiscal year preceding the fiscal year in which the report is submitted.

"(6) A description of any cost-sharing arrangement under any cooperative agreement entered into under this section.".

(b) GUIDELINES FOR REIMBURSEMENT AND COST-SHARING.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the guidelines established by the Secretary for reimbursement of State and local governments, and for cost-sharing between the Department of Defense, such governments, and vendors, under agreements entered into under such section 327.

SEC. 336. RISK ASSESSMENTS UNDER THE DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.

(a) IN GENERAL.—In carrying out risk assessments as part of the evaluation of facilities of the Department of Defense for purposes of allocating funds and establishing priorities for environmental restoration projects at such facilities under the Defense Environmental Restoration Program, the Secretary of Defense shall—

(1) utilize a risk assessment method that meets the requirements in subsection (b); and

(2) ensure the uniform and consistent utilization of the risk assessment method in all evaluations of facilities under the program.

(b) RISK ASSESSMENT METHOD.—The risk assessment method utilized under subsection (a) shall—

(1) take into account as a separate factor of risk—

(A) the extent to which the contamination level of a particular contaminant exceeds the permissible contamination level for the contaminant;

(B) the existence and extent of any population (including human populations and natural populations) potentially affected by the contaminant; and

(C) the existence and nature of any mechanism that would cause the population to be affected by the contaminant; and

(2) provide appropriately for the significance of any such factor in the final determination of risk.

(c) DEFENSE ENVIRONMENTAL RESTORATION PROGRAM DEFINED.—In this section, the term "Defense Environmental Restoration Program" means the program of environmental restoration carried out under chapter 160 of title 10, United States Code.

SEC. 337. RECOVERY AND SHARING OF COSTS OF ENVIRONMENTAL RESTORATION AT DEPARTMENT OF DEFENSE SITES.

(a) GUIDELINES.—

(1) IN GENERAL.—The Secretary of Defense shall prescribe in regulations guidelines concerning the cost-recovery and cost-sharing activities of the military departments and defense agencies.

(2) COVERED MATTERS.—The guidelines prescribed under paragraph (1) shall—

(A) establish uniform requirements relating to cost-recovery and cost-sharing activities for the military departments and defense agencies;

(B) require the Secretaries of the military departments and the heads of the defense agencies to obtain all appropriate data regarding activities of contractors of the Department or other private parties responsible for environmental contamination at Department sites that is relevant for purposes of cost-recovery and cost-sharing activities;

(C) require the Secretaries of the military departments and the heads of the defense agencies to use consistent methods in estimating the costs of environmental restoration at sites under the jurisdiction of such departments and agencies for purposes of reports to Congress on such costs;

(D) require the Secretaries of the military departments to reduce the amounts requested for environmental restoration activities of such departments for a fiscal year by the amounts anticipated to be recovered in the preceding fiscal year as a result of cost-recovery and cost-sharing activities; and

(E) resolve any unresolved issues regarding the crediting of amounts recovered as a result of such activities under section 2703(d) of title 10, United States Code.

(b) IMPLEMENTATION OF GUIDELINES.—The Secretary shall take appropriate actions to ensure the implementation of the guidelines prescribed under subsection (a), including appropriate requirements to—

(1) identify contractors of the Department and other private parties responsible for environmental contamination at Department sites;

(2) review the activities of contractors of the Department and other private parties in order to identify negligence or other misconduct in such activities that would preclude Department indemnification for the costs of environmental restoration relating to such contamination or justify the recovery or sharing of costs associated with such restoration;

(3) obtain data as provided for under subsection (a)(2)(B); and

(4) pursue cost-recovery and cost-sharing activities where appropriate.

(c) DEFINITION.—In this section, the term "cost-recovery and-cost sharing activities" means activities concerning—

(1) the recovery of the costs of environmental restoration at Department sites from contractors of the Department and other private parties that contribute to environmental contamination at such sites; and

(2) the sharing of the costs of such restoration with such contractors and parties.

SEC. 338. PILOT PROGRAM FOR THE SALE OF AIR POLLUTION EMISSION REDUCTION INCENTIVES.

(a) AUTHORITY.—(1) The Secretary of Defense may, in consultation with the Administrator of General Services, carry out a pilot program to assess the feasibility and advisability of the sale of economic incentives for the reduction of emission of air pollutants attributable to a facility of a military department.

(2) The Secretary may carry out the pilot program during the period beginning on October 1, 1997, and ending on September 30, 1999.

(b) INCENTIVES AVAILABLE FOR SALE.—(1) Under the pilot program, the Secretary may sell economic incentives for the reduction of emission of air pollutants attributable to a facility of a military department only if such incentives are not otherwise required for the activities or operations of the military department.

(2) The Secretary may not, under the pilot program, sell economic incentives attributable to the closure or realignment of a military installation under a base closure law.

(3) If the Secretary determines that additional sales of economic incentives are likely to result in amounts available for allocation under subsection (c)(2) in a fiscal year in excess of the limitation set forth in subparagraph (B) of that subsection, the Secretary shall not carry out such additional sales in that fiscal year.

(c) USE OF PROCEEDS.—(1) The proceeds of sale of economic incentives attributable to a facility of a military department shall be credited to the funds available to the facility for the costs of identifying, quantifying, or valuing economic incentives for the reduction of emission of air pollutants. The amount credited shall be equal to the cost incurred in identifying, quantifying, or valuing the economic incentives sold.

(2)(A)(i) If after crediting under paragraph (1) a balance remains, the amount of such balance shall be available to the Department of Defense for allocation by the Secretary to the military departments for programs, projects, and activities necessary for compliance with Federal environmental laws, including the purchase of economic incentives for the reduction of emission of air pollutants.

(ii) To the extent practicable, amounts allocated to the military departments under this subparagraph shall be made available to the facilities that generated the economic incentives providing the basis for the amounts.

(B) The total amount allocated under this paragraph in a fiscal year from sales of economic incentives may not equal or exceed $500,000.

(3) If after crediting under paragraph (1) a balance remains in excess of an amount equal to the limitation set forth in paragraph (2)(B), the amount of the excess shall be covered over into the Treasury as miscellaneous receipts.

(4) Funds credited under paragraph (1) or allocated under paragraph (2) shall be merged with the funds to which credited or allocated, as the case may be, and shall be available for the same purposes and for the same period as the funds with which merged.

(d) DEFINITIONS.—In this section:

(1) The term "base closure law" means the following:

(A) Section 2687 of title 10, United States Code.

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(C) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(2) The term "economic incentives for the reduction of emission of air pollutants" means any transferable economic incentives (including marketable permits and emission rights) necessary or appropriate to meet air quality requirements under the Clean Air Act (42 U.S.C. 7401 et seq.).

SEC. 339. TAGGING SYSTEM FOR IDENTIFICATION OF HYDROCARBON FUELS USED BY THE DEPARTMENT OF DEFENSE.

(a) AUTHORITY TO CONDUCT PILOT PROGRAM.—The Secretary of Defense may conduct a pilot program using existing technology to determine—

(1) the feasibility of tagging hydrocarbon fuels used by the Department of Defense for the purposes of analyzing and identifying such fuels;

(2) the deterrent effect of such tagging on the theft and misuse of fuels purchased by the Department; and

(3) the extent to which such tagging assists in determining the source of surface and underground pollution in locations having separate fuel storage facilities of the Department and of civilian companies.

(b) SYSTEM ELEMENTS.—The tagging system under the pilot program shall have the following characteristics:

(1) The tagging system does not harm the environment.

(2) Each chemical used in the tagging system is—

(A) approved for use under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

(B) substantially similar to the fuel to which added, as determined in accordance with criteria established by the Environmental Protection Agency for the introduction of additives into hydrocarbon fuels.

(3) The tagging system permits a determination if a tag is present and a determination if the concentration of a tag has changed in order to facilitate identification of tagged fuels and detection of dilution of tagged fuels.

(4) The tagging system does not impair or degrade the suitability of tagged fuels for their intended use.

(c) REPORT.—Not later than 30 days after the completion of the pilot program, the Secretary shall submit to Congress a report setting forth the results of the pilot program and including any recommendations for legislation relating to the tagging of hydrocarbon fuels by the Department that the Secretary considers appropriate.

(d) FUNDING.—Of the amounts authorized to be appropriated under section 301(5) for operation and maintenance for defense-wide activities, not more than $5,000,000 shall be available for the pilot program.

Subtitle D—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 351. FUNDING SOURCES FOR CONSTRUCTION AND IMPROVEMENT OF COMMISSARY STORE FACILITIES.

(a) ADDITIONAL FUNDING SOURCES.—Section 2685 of title 10, United States Code, is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) FUNDS FOR CONSTRUCTION AND IMPROVEMENTS.—Revenues received by the Department of Defense from the following sources or activities of commissary store facilities shall be available for the purposes set forth in subsections (c), (d), and (e):

"(1) Adjustments or surcharges authorized by subsection (a).

"(2) Sale of recyclable materials.

"(3) Sale of excess property.

"(4) License fees.

"(5) Royalties.

"(6) Fees paid by sources of products in order to obtain favorable display of the products for resale, known as business related management fees.

"(7) Products offered for sale in commissaries under consignment with exchanges, as designated by the Secretary of Defense.".

SEC. 352. INTEGRATION OF MILITARY EXCHANGE SERVICES.

(a) INTEGRATION REQUIRED.—The Secretaries of the military departments shall integrate the military exchange services, including the managing organizations of the military exchange services, not later than September 30, 2000.

(b) SUBMISSION OF PLAN TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretaries of the military departments shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives the plan for achieving the integration required by subsection (a).

Subtitle E—Other Matters

SEC. 361. ADVANCE BILLINGS FOR WORKING-CAPITAL FUNDS.

(a) RESTRICTION.—Section 2208 of title 10, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection (k):

"(k)(1) An advance billing of a customer for a working-capital fund is prohibited except as provided in paragraph (2).

"(2) An advance billing of a customer for a working-capital fund is authorized if—

"(A) the Secretary of Defense has submitted to the Committees on Armed Services and on Appropriations of the Senate and the Committees on National Security and on Appropriations of the House of Representatives a notification of the advance billing; and

"(B) in the case of an advance billing in an amount that exceeds $50,000,000, thirty days have elapsed since the date of the notification.

"(3) A notification of an advance billing of a customer for a working-capital fund that is submitted under paragraph (2) shall include the following:

"(A) The reasons for the advance billing.

"(B) An analysis of the effects of the advance billing on military readiness.

"(C) An analysis of the effects of the advance billing on the customer.

"(4) The Secretary of Defense may waive the applicability of this subsection—

"(A) during a period war or national emergency; or

"(B) to the extent that the Secretary determines necessary to support a contingency operation.

"(5) The Secretary of Defense shall submit to the committees referred to in paragraph (2) a report on advance billings for all working-capital funds whenever the aggregate amount of the advance billings for all working-capital funds not covered by a notification under that paragraph or a report previously submitted under this paragraph exceeds $50,000,000. The report shall be submitted not later than 30 days after the end of the month in which the aggregate amount first reaches $50,000,000. The report shall include, for each customer covered by the report, a discussion of the matters described in paragraph (3).

"(6) In this subsection:

"(A) The term 'advance billing', with respect to a working-capital fund, means a billing of a customer by the fund, or a requirement for a customer to reimburse or otherwise credit the fund, for the cost of goods or services provided (or for other expenses incurred) on behalf of the customer that is rendered or imposed before the customer receives the goods or before the services have been performed.

"(B) The term 'customer' means a requisitioning component or agency.".

(b) REPORTS ON ADVANCE BILLINGS FOR THE DBOF.—Section 2216a(d)(3) of title 10, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking out "$100,000,000" and inserting in lieu thereof "$50,000,000"; and

(2) by adding at the end the following:

"(D) A report required under subparagraph (B)(ii) shall be submitted not later than 30 days after the end of the month in which the aggregate amount referred to in that subparagraph reaches the amount specified in that subparagraph.".

(c) FISCAL YEAR 1998 LIMITATION.—(1) The total amount of advance billings for Department of Defense working-capital funds and the Defense Business Operations Fund for fiscal year 1998 may not exceed $1,000,000,000.

(2) In paragraph (1), the term "advance billing", with respect to the working-capital funds of the Department of Defense and the Defense Business Operations Fund, has the same meaning as is provided with respect to working-capital funds in section 2208(k)(6) of title 10, United States Code (as amended by subsection (a)).

SEC. 362. CENTER FOR EXCELLENCE IN DISASTER MANAGEMENT AND HUMANITARIAN ASSISTANCE.

(a) ESTABLISHMENT.—The Secretary of Defense may operate a Center for Excellence in Disaster Management and Humanitarian Assistance at Tripler Army Medical Center, Hawaii.

(b) MISSIONS.—The Secretary of Defense shall specify the missions of the Center. The missions shall include the following:

(1) To provide and facilitate education, training, and research in civil-military operations, particularly operations that require international disaster management and humanitarian assistance and operations that require interagency coordination.

(2) To make available high-quality disaster management and humanitarian assistance in response to disasters.

(3) To provide and facilitate education, training, interagency coordination, and research on the following additional matters:

(A) Management of the consequences of nuclear, biological, and chemical events.

(B) Management of the consequences of terrorism.

(C) Appropriate roles for the reserve components in the management of such consequences and in disaster management and humanitarian assistance in response to natural disasters.

(D) Meeting requirements for information in connection with regional and global disasters, including use of advanced communications technology as a virtual library.

(E) Tropical medicine, particularly in relation to the medical readiness requirements of the Department of Defense.

(4) To develop a repository of disaster risk indicators for the Asia-Pacific region.

(c) JOINT OPERATION WITH EDUCATIONAL INSTITUTION AUTHORIZED.—The Secretary may enter into an agreement with appropriate officials of an institution of higher education to provide for joint operation of the Center. Any such agreement shall provide for the institution to furnish necessary administrative services for the Center, including administration and allocation of funds.

(d) ACCEPTANCE OF FUNDS.—(1) Except as provided in paragraph (2), the Secretary of Defense may, on behalf of the Center, accept funds for use to defray the costs of the Center or to enhance the operation of the Center from any agency of the Federal Government, any State or local government, any foreign government, any foundation or other charitable organization (including any that is organized or operates under the laws of a foreign country), or any other private source in the United States or a foreign country.

(2)(A) The Secretary may not accept a gift or donation under paragraph (1) if the acceptance of the gift or donation, as the case may be, would compromise or appear to compromise—

(i) the ability of the Department of Defense, or any employee of the Department, to carry out any responsibility or duty of the Department in a fair and objective manner; or

(ii) the integrity of any program of the Department of Defense or of any official involved in such a program.

(B) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether or not the acceptance of a foreign gift or donation would have a result described in subparagraph (A).

(3) Funds accepted by the Secretary under paragraph (1) shall be credited to appropriations available to the Department of Defense for the Center. Funds so credited shall be merged with the appropriations to which credited and shall be available for the Center for the same purposes and the same period as the appropriations with which merged.

(e) FUNDING FOR FISCAL YEAR 1998.—Of the funds authorized to be appropriated under section 301, $5,000,000 shall be available for the Center for Excellence in Disaster Management and Humanitarian Assistance.

SEC. 363. ADMINISTRATIVE ACTIONS ADVERSELY AFFECTING MILITARY TRAINING OR OTHER READINESS ACTIVITIES.

(a) CONGRESSIONAL NOTIFICATION.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following:

"§ 2014. Administrative actions adversely affecting military training or other readiness activities

"(a) CONGRESSIONAL NOTIFICATION.—Whenever an official of an Executive agency takes or proposes to take an administrative action that, as determined by the Secretary of Defense in consultation with the Chairman of the Joint Chiefs of Staff, affects training or any other readiness activity in a manner that has or would have a significant adverse effect on the military readiness of any of the armed forces or a critical component thereof, the Secretary shall submit a written notification of the action and each significant adverse effect to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives and, at the same time, shall transmit a copy of the notification to the President and to the head of the Executive agency taking or proposing to take the administrative action.

"(b) NOTIFICATION TO BE PROMPT.—(1) Subject to paragraph (2), the Secretary shall submit a written notification of an administrative action or proposed administrative action required by subsection (a) as soon as the Secretary becomes aware of the action or proposed action.

"(2) The Secretary shall prescribe policies and procedures to ensure that the Secretary receives information on an administrative action or proposed administrative action described in subsection (a) promptly after Department of Defense personnel receive notice of such an action or proposed action.

"(c) EFFECT OF NOTIFICATION ON ADMINISTRATIVE ACTION.—Upon the submission of a notification to committees of Congress under subsection (a), the administrative action covered by the notification shall, notwithstanding any other provision of law, cease to be effective or not become effective, as the case may be, with respect to the Department of Defense until the date that is 30 days after the date of the notification, except that the President may direct that the administrative action take effect with respect to the Department of Defense earlier than that date. The President may not delegate the authority provided in the preceding sentence.

"(d) DEFINITIONS.—In this section, the term 'Executive agency' has the meaning given such term in section 105 of title 5 other than the General Accounting Office.".

(b) CLERICAL AMENDMENT.—The table of sections of the beginning of such chapter is amended by adding at the end the following:

"2014. Administrative actions adversely affecting military training or other readiness activities.".

SEC. 364. FINANCIAL ASSISTANCE TO SUPPORT ADDITIONAL DUTIES ASSIGNED TO ARMY NATIONAL GUARD.

(a) AUTHORITY.—Chapter 1 of title 32, United States Code, is amended by adding at the end the following:

"§ 113. Federal financial assistance for support of additional duties assigned to the Army National Guard

"(a) AUTHORITY.—The Secretary of the Army may provide financial assistance to a State to support activities carried out by the Army National Guard of the State in the performance of duties that the Secretary has assigned, with the consent of the Chief of the National Guard Bureau, to the Army National Guard of the State. The Secretary shall determine the amount of the assistance that is appropriate for the purpose.

"(b) COVERED ACTIVITIES.—Activities supported under this section may include only those activities that are carried out by the Army National Guard in the performance of responsibilities of the Secretary under paragraphs (6), (10), and (11) of section 3013(b) of title 10.

"(c) DISBURSEMENT THROUGH NATIONAL GUARD BUREAU.—The Secretary shall disburse any contribution under this section through the Chief of the National Guard Bureau.

"(d) AVAILABILITY OF FUNDS.—Funds appropriated for the Army for a fiscal year are available for providing financial assistance under this section in support of activities carried out by the Army National Guard during that fiscal year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"113. Federal financial assistance for support of additional duties assigned to the Army National Guard.".

SEC. 365. SALE OF EXCESS, OBSOLETE, OR UNSERVICEABLE AMMUNITION AND AMMUNITION COMPONENTS.

(a) AUTHORITY.—Chapter 443 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4687. Sale of excess, obsolete, or unserviceable ammunition and ammunition components

"(a) AUTHORITY TO SELL OUTSIDE DOD.—The Secretary of the Army may sell ammunition or ammunition components that are excess, obsolete, or unserviceable and have not been demilitarized to a person eligible under subsection (c) if—

"(1) the purchaser enters into an agreement, in advance, with the Secretary—

"(A) to demilitarize the ammunition or components; and

"(B) to reclaim, recycle, or reuse the component parts or materials; or

"(2) the Secretary, or an official of the Department of the Army designated by the Secretary, approves the use of the ammunition or components proposed by the purchaser as being consistent with the public interest.

"(b) METHOD OF SALE.—The Secretary shall use competitive procedures to sell ammunition and ammunition components under this section, except that the Secretary may negotiate a sale in any case in which the Secretary determines that there is only one potential buyer of the items being offered for sale.

"(c) ELIGIBLE PURCHASERS.—A purchaser of excess, obsolete, or unserviceable ammunition or ammunition components under this section shall be a licensed manufacturer (as defined in section 921(10) of title 18) that, as determined by the Secretary, has a capability to modify, reclaim, transport, and either store or sell the ammunition or ammunition components purchased.

"(d) HOLD HARMLESS AGREEMENT.—The Secretary shall require a purchaser of ammunition or ammunition components under this section to agree to hold harmless and indemnify the United States from any claim for damages for death, injury, or other loss resulting from a use of the ammunition or ammunition components, except in a case of willful misconduct or gross negligence of a representative of the United States.

"(e) VERIFICATION OF DEMILITARIZATION.—The Secretary shall establish procedures for ensuring that a purchaser of ammunition or ammunition components under this section demilitarizes the ammunition or ammunition components in accordance with any agreement to do so under subsection (a)(1). The procedures shall include on-site verification of demilitarization activities.

"(f) CONSIDERATION.—The Secretary may accept ammunition, ammunition components, or ammunition demilitarization services as consideration for ammunition or ammunition components sold under this section. The fair market value of any such consideration shall be equal to or exceed the fair market value or, if higher, the sale price of the ammunition or ammunition components sold.

"(g) DISPOSITION OF FUNDS.—Amounts received as proceeds of sale of ammunition or ammunition components under this section in any fiscal year shall—

"(1) be credited to an appropriation available for such fiscal year for the acquisition of ammunition or ammunition components or to an appropriation available for such fiscal year for the demilitarization of excess, obsolete, or unserviceable ammunition or ammunition components; and

"(2) shall be available for the same period and for the same purposes as the appropriation to which credited.

"(h) RELATIONSHIP TO ARMS EXPORT CONTROL ACT.—Nothing in this section shall be construed to affect the applicability of section 38 of the Arms Export Control Act (22 U.S.C. 2778) to sales of ammunition or ammunition components on the United States Munitions List.

"(i) DEFINITIONS.—In this section:

"(1) The term 'excess, obsolete, or unserviceable', with respect to ammunition or ammunition components, means that the ammunition or ammunition components are no longer necessary for war reserves or for support of training of the Army or production of ammunition or ammunition components.

"(2) The term 'demilitarize', with respect to ammunition or ammunition components—

"(A) means to destroy the military offensive or defensive advantages inherent in the ammunition or ammunition components; and

"(B) includes any mutilation, scrapping, melting, burning, or alteration that prevents the use of the ammunition or ammunition components for the military purposes for which the ammunition or ammunition components was designed or for a lethal purpose.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4687. Sale of excess, obsolete, or unserviceable ammunition and ammunition components.".

SEC. 366. INVENTORY MANAGEMENT.

(a) SCHEDULE FOR IMPLEMENTATION OF BEST INVENTORY PRACTICES AT DEFENSE LOGISTICS AGENCY.—(1) The Director of the Defense Logistics Agency shall develop and submit to Congress a schedule for implementing within the agency, for the supplies and equipment described in paragraph (2), inventory practices identified by the Director as being the best commercial inventory practices for such supplies and equipment consistent with military requirements. The schedule shall provide for the implementation of such practices to be completed not later than three years after date of the enactment of this Act.

(2) The inventory practices shall apply to the acquisition and distribution of medical supplies, subsistence supplies, clothing and textiles, commercially available electronics, construction supplies, and industrial supplies.

(b) TIME FOR SUBMISSION OF SCHEDULE TO CONGRESS.—The schedule required by this section shall be submitted not later than 180 days after the date of the enactment of this Act.

SEC. 367. WARRANTY CLAIMS RECOVERY PILOT PROGRAM.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense may carry out a pilot program to use commercial sources of services to improve the collection of Department of Defense claims under aircraft engine warranties.

(b) CONTRACTS.—Exercising authority provided in section 3718 of title 31, United States Code, the Secretary of Defense may enter into contracts under the pilot program to provide for the following services:

(1) Collection services.

(2) Determination of amounts owed the Department of Defense for repair of aircraft engines for conditions covered by warranties.

(3) Identification and location of the sources of information that are relevant to collection of Department of Defense claims under aircraft engine warranties, including electronic data bases and document filing systems maintained by the Department of Defense or by the manufacturers and suppliers of the aircraft engines.

(4) Services to define the elements necessary for an effective training program to enhance and improve the performance of Department of Defense personnel in collecting and organizing documents and other information that are necessary for efficient filing, processing, and collection of Department of Defense claims under aircraft engine warranties.

(c) CONTRACTOR FEE.—Under authority provided in section 3718(d) of title 31, United States Code, a contract entered into under the pilot program shall provide for the contractor to be paid, out of the amount recovered by the contractor under program, such percentages of the amount recovered as the Secretary of Defense determines appropriate.

(d) RETENTION OF RECOVERED FUNDS.—Subject to any obligation to pay a fee under subsection (c), any amount collected for the Department of Defense under the pilot program for a repair of an aircraft engine for a condition covered by a warranty shall be credited to an appropriation available for repair of aircraft engines for the fiscal year in which collected and shall be available for the same purposes and same period as the appropriation to which credited.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

(f) TERMINATION OF AUTHORITY.—The pilot program shall terminate at the end of September 30, 1999, and contracts entered into under this section shall terminate not later than that date.

(g) REPORT.—Not later than January 1, 2000, the Secretary of Defense shall submit to Congress a report on the pilot program. The report shall include the following:

(1) The number of contracts entered into under the program.

(2) The extent to which the services provided under the contracts resulted in financial benefits for the Federal Government.

(3) Any additional comments and recommendations that the Secretary considers appropriate regarding use of commercial sources of services for collection of Department of Defense claims under aircraft engine warranties.

SEC. 368. ADJUSTMENT AND DIVERSIFICATION ASSISTANCE TO ENHANCE INCREASED PERFORMANCE OF MILITARY FAMILY SUPPORT SERVICES BY PRIVATE SECTOR SOURCES.

Section 2391(b)(5) of title 10, United States Code, is amended by adding at the end the following:

"(C) The Secretary of Defense may also make grants, conclude cooperative agreements, and supplement other Federal funds in order to assist a State or local government to enhance that government's capabilities to support efforts of the Department of Defense to privatize, contract for, or diversify the performance of military family support services in cases in which the capability of the department to provide such services is adversely affected by an action described in paragraph (1).".

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1998, as follows:

(1) The Army, 485,000, of whom not more than 80,300 shall be officers.

(2) The Navy, 390,802, of whom not more than 55,695 shall be officers.

(3) The Marine Corps, 174,000, of whom not more than 17,978 shall be officers.

(4) The Air Force, 371,577, of whom not more than 72,732 shall be officers.

SEC. 402. PERMANENT END STRENGTH LEVELS TO SUPPORT TWO MAJOR REGIONAL CONTINGENCIES.

(a) REPEAL.—Section 691 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 39 of such title is amended by striking out the item relating to section 691.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) FISCAL YEAR 1998.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1998, as follows:

(1) The Army National Guard of the United States, 361,516.

(2) The Army Reserve, 208,000.

(3) The Naval Reserve, 94,294.

(4) The Marine Corps Reserve, 42,000.

(5) The Air National Guard of the United States, 107,377.

(6) The Air Force Reserve, 73,431.

(7) The Coast Guard Reserve, 8,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component for a fiscal year shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1998, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 22,310.

(2) The Army Reserve, 11,500.

(3) The Naval Reserve, 16,136.

(4) The Marine Corps Reserve, 2,559.

(5) The Air National Guard of the United States, 10,616.

(6) The Air Force Reserve, 963.

Subtitle C—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1998 a total of $69,264,962,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1998.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Personnel Management

SEC. 501. OFFICERS EXCLUDED FROM CONSIDERATION BY PROMOTION BOARD.

(a) ACTIVE COMPONENT OFFICERS.—Section 619(d) of title 10, United States Code, is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) an officer whose name is on—

"(A) a promotion list for that grade as a result of his selection for promotion to that grade by an earlier selection board convened under that section; or

"(B) a list of names of officers recommended for promotion to that grade that is set forth in a report of such a board, while the report is pending action under section 618 of this title".

(b) RESERVE COMPONENT OFFICERS.—Section 14301(c) of such title is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) an officer whose name is on—

"(A) a promotion list for that grade as a result of recommendation for promotion to that grade by an earlier selection board convened under that section or section 14502 of this title or under chapter 36 of this title; or

"(B) a list of names of officers recommended for promotion to that grade that is set forth in a report of such a board, while the report is pending action under section 618, 14110, or 14111 of this title;".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to each selection board that is convened under section 611(a), 14101(a), or 14502 of title 10, United States Code, on or after such date.

SEC. 502. INCREASE IN THE MAXIMUM NUMBER OF OFFICERS ALLOWED TO BE FROCKED TO THE GRADE OF O-6.

Paragraph (2) of section 777(d) of title 10, United States Code, is amended to read as follows:

"(2) The number of officers of an armed force on the active-duty list who are authorized as described in subsection (a) to wear the insignia for a grade to which a limitation on total number applies under section 523(a) of this title for a fiscal year may not exceed—

"(A) in the case of the grade of major, lieutenant colonel, lieutenant commander, or commander, 1 percent of the total number provided for the officers in that grade in that armed force in the administration of the limitation under that section for that fiscal year; and

"(B) in the case of the grade of colonel or captain, 2 percent of the total number provided for the officers in that grade in that armed force in the administration of the limitation under that section for that fiscal year.".

SEC. 503. AVAILABILITY OF NAVY CHAPLAINS ON RETIRED LIST OR OF RETIREMENT AGE TO SERVE AS CHIEF OR DEPUTY CHIEF OF CHAPLAINS OF THE NAVY.

(a) ELIGIBILITY OF OFFICERS ON RETIRED LIST.—(1) Section 5142(b) of title 10, United States Code, is amended by striking out ", who are not on the retired list," in the second sentence.

(2) Section 5142a of such title is amended by striking out ", who is not on the retired list,".

(b) AUTHORITY TO DEFER RETIREMENT.—(1) Chapter 573 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 6411. Chief and Deputy Chief of Chaplains: deferment of retirement for age

"The Secretary of the Navy may defer the retirement under section 1251(a) of this title of an officer of the Chaplain Corps if during the period of the deferment the officer will be serving as the Chief of Chaplains or the Deputy Chief of Chaplains. A deferment under this subsection may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"6411. Chief and Deputy Chief of Chaplains: deferment of retirement for age.".

SEC. 504. PERIOD OF RECALL SERVICE OF CERTAIN RETIREES.

(a) INAPPLICABILITY OF LIMITATION TO CERTAIN OFFICERS.—Section 688(e) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end the following:

"(2) In the administration of paragraph (1), the following officers shall not be counted:

"(A) A chaplain who is assigned to duty as a chaplain for the period of active duty to which ordered.

"(B) A health care professional (as characterized by the Secretary concerned) who is assigned to duty as a health care professional for the period of the active duty to which ordered.

"(C) Any officer assigned to duty with the American Battle Monuments Commission for the period of active duty to which ordered.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on September 30, 1997, immediately after the amendment made by section 521(a) of Public Law 104-201 (110 Stat. 2515) takes effect.

Subtitle B—Matters Relating to Reserve Components

SEC. 511. TERMINATION OF READY RESERVE MOBILIZATION INCOME INSURANCE PROGRAM.

(a) TERMINATION.—(1) Chapter 1214 of title 10, United States Code, is amended by adding at the end the following;

"§ 12533. Termination of program authority

"(a) BENEFITS NOT TO ACCRUE.—No benefits accrue under the insurance program for active duty performed on or after the program termination date.

"(b) SERVICE NOT INSURED.—The insurance program does not apply with respect to any order of a member of the Ready Reserve into covered service that becomes effective on or after the program termination date.

"(c) CESSATION OF ACTIVITIES.—No person may be enrolled, and no premium may be collected, under the insurance program on or after the program termination date.

"(d) PROGRAM TERMINATION DATE.—For the purposes of this section, the term 'program termination date' is the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"12533. Termination of program authority.".

(b) PAYMENT OF BENEFITS.—The Secretary of Defense shall pay in full all benefits that have accrued to members of the Armed Forces under the Ready Reserve Mobilization Income Insurance Program before the date of the enactment of this Act. A refund of premiums to a beneficiary under subsection (c) may not reduce the benefits payable to the beneficiary under this subsection.

(c) REFUND OF PREMIUMS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall refund premiums paid under the Ready Reserve Mobilization Income Insurance Program to the persons who paid the premiums, as follows:

(1) In the case of a person for whom no payment of benefits has accrued under the program, all premiums.

(2) In the case of a person who has accrued benefits under the program, the premiums (including any portion of a premium) that the person has paid for periods (including any portion of a period) for which no benefits accrued to the person under the program.

(d) STUDY AND REPORT.—Not later than June 1, 1998, the Secretary of Defense shall—

(1) carry out a study to determine—

(A) the reasons for the fiscal deficiencies in the Ready Reserve Mobilization Income Insurance Program that make it necessary to appropriate $72,000,000 or more to pay benefits (including benefits in arrears) and other program costs; and

(B) whether there is a need for such a program; and

(2) submit to Congress a report containing—

(A) the Secretary's determinations; and

(B) if the Secretary determines that there is a need for a Ready Reserve mobilization income insurance program, the Secretary's recommendations for improving the program under chapter 1214 of title 10, United States Code.

SEC. 512. DISCHARGE OR RETIREMENT OF RESERVE OFFICERS IN AN INACTIVE STATUS.

Section 12683(b)(1) of title 10, United States Code, is amended to read as follows:

"(1) to—

"(A) a separation under section 12684, 14901, or 14907 of this title; or

"(B) a separation of a reserve officer in an inactive status in the Standby Reserve who is not qualified for transfer to the Retired Reserve or, if qualified, does not apply for transfer to the Retired Reserve;".

SEC. 513. RETENTION OF MILITARY TECHNICIANS IN GRADE OF BRIGADIER GENERAL AFTER MANDATORY SEPARATION DATE.

(a) RETENTION TO AGE 60.—Section 14702(a) of title 10, United States Code, is amended—

(1) by striking out "section 14506 or 14507" and inserting in lie thereof "section 14506, 14507, or 14508(a)"; and

(2) by striking out "or colonel" and inserting in lieu thereof "colonel, or brigadier general".

(b) RELATIONSHIP TO OTHER RETENTION AUTHORITY.—Section 14508(c) of such title is amended by adding at the end the following: "For the purposes of the preceding sentence, a retention of a reserve officer under section 14702 of this title shall not be construed as being a retention of that officer under this subsection.".

SEC. 514. FEDERAL STATUS OF SERVICE BY NATIONAL GUARD MEMBERS AS HONOR GUARDS AT FUNERALS OF VETERANS.

(a) IN GENERAL.—(1) Chapter 1 of title 32, United States Code, as amended by section 364, is further amended by adding at the end the following new section:

"§ 114. Honor guard functions at funerals for veterans

"Subject to such restrictions as may be prescribed by the Secretary concerned, the performance of honor guard functions by members of the National Guard at funerals for veterans of the armed forces may be treated by the Secretary concerned as a Federal function for which appropriated funds may be used. Any such performance of honor guard functions at funerals may not be considered to be a period of drill or training otherwise required.".

(2) The table of sections at the beginning of such chapter, as amended by section 364, is further amended by adding at the end the following new item:

"114. Honor guard functions at funerals for veterans.".

(b) FUNDING FOR FISCAL YEAR 1997.—Section 114 of title 32, United States Code, as added by subsection (a), does not authorize additional appropriations for fiscal year 1997. Any expenses of the National Guard that are incurred by reason of such section during fiscal year 1997 may be paid from existing appropriations available for the National Guard.

Subtitle C—Education and Training Programs

SEC. 521. SERVICE ACADEMIES FOREIGN EXCHANGE STUDY PROGRAM.

(a) UNITED STATES MILITARY ACADEMY.—(1) Chapter 403 of title 10, United States Code, is amended by inserting after section 4344 the following new section:

"§ 4345. Exchange program with foreign military academies

"(a) AGREEMENT AUTHORIZED.—The Secretary of the Army may enter into an agreement with an official of a foreign government authorized to act for that foreign government to carry out a military academy foreign exchange study program.

"(b) TERMS OF AGREEMENT.—(1) An agreement with a foreign government under this section shall provide for the following:

"(A) That, on an exchange basis, the Secretary provide students of military academies of the foreign government with instruction at the Academy and the foreign government provide cadets of the Academy with instruction at military academies of the foreign government.

"(B) That the number of cadets of the Academy provided instruction under the exchange program and the number of students of military academies of the foreign government provided instruction at the Academy under the exchange program during an academic year be equal.

"(C) That the duration of the period of exchange study for each student not exceed one academic semester (or an equivalent academic period of a host foreign military academy).

"(2) An agreement with a foreign government under this section may provide for the Secretary to provide a student of a military academy of the foreign government with quarters, subsistence, transportation, clothing, health care, and other services during the period of the student's exchange study at the Academy to the same extent that the foreign government provides comparable support and services to cadets of the Academy during the period of the cadets' exchange study at a military academy of the foreign government.

"(c) MAXIMUM NUMBER.—Under the exchange program not more than a total of 24 cadets of the Academy may be receiving instruction at military academies of foreign governments under the program at any time, and not more than a total of 24 students of military academies of foreign governments may be receiving instruction at the Academy at any time.

"(d) FOREIGN STUDENTS NOT TO RECEIVE PAY AND ALLOWANCES.—A student of a foreign military academy provided instruction at the Academy under the exchange program is not, by virtue of participation in the exchange program, entitled to the pay, allowances, and emoluments of a cadet appointed from the United States.

"(e) SPECIAL RULES FOR FOREIGN MILITARY ACADEMY STUDENTS.—(1) Foreign military academy students receiving instruction at the Academy under the exchange program are in addition to—

"(A) the number of persons from foreign countries who are receiving instruction at the Academy under section 4344 of this title; and

"(B) the authorized strength of the cadets of the Academy under section 4342 of this title.

"(2) Subsections (c) and (d) of section 9344 of this title apply to students of military academies of foreign governments while the students are participating in the exchange program under this section.

"(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out the military academy foreign exchange study program under this section. The regulations may, subject to subsection (e)(2), include eligibility criteria and methods for selection of students to participate in the exchange program.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4344 the following new item:

"4345. Exchange program with foreign military academies.".

(b) UNITED STATES NAVAL ACADEMY.—(1) Chapter 603 of title 10, United States Code, is amended by inserting after section 6957 the following new section:

"§ 6957a. Exchange program with foreign military academies

"(a) AGREEMENT AUTHORIZED.—The Secretary of the Navy may enter into an agreement with an official of a foreign government authorized to act for that foreign government to carry out a military academy foreign exchange study program.

"(b) TERMS OF AGREEMENT.—(1) An agreement with a foreign government under this section shall provide for the following:

"(A) That, on an exchange basis, the Secretary provide students of military academies of the foreign government with instruction at the Naval Academy and the foreign government provide midshipmen of the Academy with instruction at military academies of the foreign government.

"(B) That the number of midshipmen of the Naval Academy provided instruction under the exchange program and the number of students of military academies of the foreign government provided instruction at the Naval Academy under the exchange program during an academic year be equal.

"(C) That the duration of the period of exchange study for each student not exceed one academic semester (or an equivalent academic period of a host foreign military academy).

"(2) An agreement with a foreign government under this section may provide for the Secretary to provide a student of a military academy of the foreign government with quarters, subsistence, transportation, clothing, health care, and other services during the period of the student's exchange study at the Naval Academy to the same extent that the foreign government provides comparable support and services to midshipmen of the Naval Academy during the period of the cadets' exchange study at a military academy of the foreign government.

"(c) MAXIMUM NUMBER.—Under the exchange program not more than a total of 24 midshipmen of the Naval Academy may be receiving instruction at military academies of foreign governments under the program at any time, and not more than a total of 24 students of military academies of foreign governments may be receiving instruction at the Naval Academy at any time.

"(d) FOREIGN STUDENTS NOT TO RECEIVE PAY AND ALLOWANCES.—A student of a foreign military academy provided instruction at the Naval Academy under the exchange program is not, by virtue of participation in the exchange program, entitled to the pay, allowances, and emoluments of a midshipman appointed from the United States.

"(e) SPECIAL RULES FOR FOREIGN MILITARY ACADEMY STUDENTS.—(1) Foreign military academy students receiving instruction at the Naval Academy under the exchange program are in addition to—

"(A) the number of persons from foreign countries who are receiving instruction at the Naval Academy under section 6957 of this title; and

"(B) the authorized strength of the midshipmen under section 6954 of this title.

"(2) Section 6957(c) of this title applies to students of military academies of foreign governments while the students are participating in the exchange program under this section.

"(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out the military academy foreign exchange study program under this section. The regulations may, subject to subsection (e)(2), include eligibility criteria and methods for selection of students to participate in the exchange program.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6957 the following new item:

"6957a. Exchange program with foreign military academies.".

(c) UNITED STATES AIR FORCE ACADEMY.—(1) Chapter 903 of title 10, United States Code, is amended by inserting after section 9344 the following new section:

"§ 9345. Exchange program with foreign military academies

"(a) AGREEMENT AUTHORIZED.—The Secretary of the Air Force may enter into an agreement with an official of a foreign government authorized to act for that foreign government to carry out a military academy foreign exchange study program.

"(b) TERMS OF AGREEMENT.—(1) An agreement with a foreign government under this section shall provide for the following:

"(A) That, on an exchange basis, the Secretary provide students of military academies of the foreign government with instruction at the Air Force Academy and the foreign government provide Air Force Cadets of the Academy with instruction at military academies of the foreign government.

"(B) That the number of Air Force Cadets of the Academy provided instruction under the exchange program and the number of students of military academies of the foreign government provided instruction at the Academy under the exchange program during an academic year be equal.

"(C) That the duration of the period of exchange study for each student not exceed one academic semester (or an equivalent academic period of a host foreign military academy).

"(2) An agreement with a foreign government under this section may provide for the Secretary to provide a student of a military academy of the foreign government with quarters, subsistence, transportation, clothing, health care, and other services during the period of the student's exchange study at the Academy to the same extent that the foreign government provides comparable support and services to Air Force Cadets of the Academy during the period of the cadets' exchange study at a military academy of the foreign government.

"(c) MAXIMUM NUMBER.—Under the exchange program not more than a total of 24 Air Force Cadets of the Academy may be receiving instruction at military academies of foreign governments under the program at any time, and not more than a total of 24 students of military academies of foreign governments may be receiving instruction at the Academy at any time.

"(d) FOREIGN STUDENTS NOT TO RECEIVE PAY AND ALLOWANCES.—A student of a foreign military academy provided instruction at the Academy under the exchange program is not, by virtue of participation in the exchange program, entitled to the pay, allowances, and emoluments of a cadet appointed from the United States.

"(e) SPECIAL RULES FOR FOREIGN MILITARY ACADEMY STUDENTS.—(1) Foreign military

academy students receiving instruction at the Academy under the exchange program are in addition to—

"(A) the number of persons from foreign countries who are receiving instruction at the Academy under section 9344 of this title; and

"(B) the authorized strength of the Air Force Cadets of the Academy under section 9342 of this title.

"(2) Subsections (c) and (d) of section 9344 of this title apply to students of military academies of foreign governments while the students are participating in the exchange program under this section.

"(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out the military academy foreign exchange study program under this section. The regulations may, subject to subsection (e)(2), include eligibility criteria and methods for selection of students to participate in the exchange program.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9344 the following new item:

"9345. Exchange program with foreign military academies.".

SEC. 522. PROGRAMS OF HIGHER EDUCATION OF THE COMMUNITY COLLEGE OF THE AIR FORCE.

(a) PROGRAMS FOR INSTRUCTORS AT AIR FORCE TRAINING SCHOOLS.—Section 9315 of title 10, United States Code, is amended—

(1) in subsection (b), by striking out "(b) Subject to subsection (c)" and inserting in lieu thereof "(b) CONFERMENT OF DEGREE.—(1) Subject to paragraph (2)";

(2) by redesignating subsection (c) as paragraph (2) and in such paragraph, as so redesignated—

(A) by striking out "(1) the" and inserting in lieu thereof "(A) the"; and

(B) by striking out "(2) the" and inserting in lieu thereof "(B) the";

(3) in subsection (a)—

(A) by inserting after "(a)" the following: "ESTABLISHMENT AND MISSION.—"; and

(B) in paragraph (1), by striking out "Air Force" and inserting in lieu thereof "armed forces described in subsection (b)"; and

(4) by inserting after subsection (a) the following new subsection (b):

"(b) MEMBERS ELIGIBLE FOR PROGRAMS.—Subject to such other eligibility requirements as the Secretary concerned may prescribe, the following members of the armed forces are eligible to participate in programs of higher education referred to in subsection (a)(1):

"(1) An enlisted member of the Army, Navy, or Air Force who is serving as an instructor at an Air Force training school.

"(2) Any other enlisted member of the Air Force.".

(b) RETROACTIVE APPLICABILITY.—Subsection (b) of section 9315 of such title, as added by subsection (a)(4), shall apply with respect to programs of higher education of the Community College of the Air Force as of March 31, 1996.

SEC. 523. PRESERVATION OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE OF MEMBERS OF THE SELECTED RESERVE SERVING ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

(a) PRESERVATION OF EDUCATIONAL ASSISTANCE.—Section 16131(c)(3)(B)(i) of title 10, United States Code, is amended by striking out ", in connection with the Persian Gulf War,".

(b) EXTENSION OF 10-YEAR PERIOD OF AVAILABILITY.—Section 16133(b)(4) of such title is amended—

(1) by striking out "(A)";

(2) by striking out ", during the Persian Gulf War,";

(3) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(4) by striking out "(B) For the purposes" and all that follows through "title 38.".

SEC. 524. REPEAL OF CERTAIN STAFFING AND SAFETY REQUIREMENTS FOR THE ARMY RANGER TRAINING BRIGADE.

(a) IN GENERAL.—(1) Section 4303 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 401 of such title is amended by striking out the item relating to section 4303.

(b) REPEAL OF RELATED PROVISION.—Section 562 of Public Law 104-106 (110 Stat. 323) is repealed.

Subtitle D—Decorations and Awards

SEC. 531. CLARIFICATION OF ELIGIBILITY OF MEMBERS OF READY RESERVE FOR AWARD OF SERVICE MEDAL FOR HEROISM.

(a) SOLDIER'S MEDAL.—Section 3750(a) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) The authority in paragraph (1) includes authority to award the medal to a member of the Ready Reserve who was not in a duty status defined in section 101(d) of this title when the member distinguished himself by heroism.".

(b) NAVY AND MARINE CORPS MEDAL.—Section 6246 of such title is amended—

(1) by designating the text of the section as subsection (a); and

(2) by adding at the end the following new subsection:

"(b) The authority in subsection (a) includes authority to award the medal to a member of the Ready Reserve who was not in a duty status defined in section 101(d) of this title when the member distinguished himself by heroism.".

(c) AIRMAN'S MEDAL.—Section 8750(a) of such title is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) The authority in paragraph (1) includes authority to award the medal to a member of the Ready Reserve who was not in a duty status defined in section 101(d) of this title when the member distinguished himself by heroism.".

SEC. 532. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO SPECIFIED PERSONS.

(a) WAIVER OF TIME LIMITATION.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply in the case of awards of decorations described in subsections (b), (c), and (d), the award of each such decoration having been determined by the Secretary of the military department concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) SILVER STAR MEDAL.—Subsection (a) applies to the award of the Silver Star Medal as follows:

(1) To Joseph M. Moll, Jr. of Milford, New Jersey, for service during World War II.

(2) To Philip Yolinsky of Hollywood, Florida, for service during the Korean Conflict.

(c) NAVY AND MARINE CORPS MEDAL.—Subsection (a) applies to the award of the Navy and Marine Corps Medal to Gary A. Gruenwald of Damascus, Maryland, for service in Tunisia in October 1977.

(d) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to awards of the Distinguished Flying Cross for service during World War II or Korea (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the Navy (or an officer of the Navy acting on behalf of the Secretary) submitted to the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate, before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

SEC. 533. ONE-YEAR EXTENSION OF PERIOD FOR RECEIPT OF RECOMMENDATIONS FOR DECORATIONS AND AWARDS FOR CERTAIN MILITARY INTELLIGENCE PERSONNEL.

Section 523(b)(1) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 311; 10 U.S.C. 1130 note) is amended by striking out "during the one-year period beginning on the date of the enactment of this Act" and inserting in lieu thereof "after February 9, 1996, and before February 10, 1998".

SEC. 534. ELIGIBILITY OF CERTAIN WORLD WAR II MILITARY ORGANIZATIONS FOR AWARD OF UNIT DECORATIONS.

(a) AUTHORITY.—A unit decoration may be awarded for any unit or other organization of the Armed Forces of the United States, such as the Military Intelligence Service of the Army, that (1) supported the planning or execution of combat operations during World War II primarily through unit personnel who were attached to other units of the Armed Forces or of other allied armed forces, and (2) is not otherwise eligible for award of the decoration by reason of not usually having been deployed as a unit in support of such operations.

(b) TIME FOR SUBMISSION OF RECOMMENDATION.—Any recommendation for award of a unit decoration under subsection (a) shall be submitted to the Secretary concerned (as defined in section 101(a)(9) of title 10, United States Code), or to such other official as the Secretary concerned may designate, not later than 2 years after the date of the enactment of this Act.

Subtitle E—Military Personnel Voting Rights

SEC. 541. SHORT TITLE.

This subtitle may be cited as the "Military Voting Rights Act of 1997".

SEC. 542. GUARANTEE OF RESIDENCY.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

"SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.".

SEC. 543. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.

(a) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

(1) by inserting "(a) ELECTIONS FOR FEDERAL OFFICES.—" before "Each State shall—"; and

(2) by adding at the end the following:

"(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.".

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking out **"FOR FEDERAL OFFICE"**.

Subtitle F—Other Matters

SEC. 551. SENSE OF CONGRESS REGARDING STUDY OF MATTERS RELATING TO GENDER EQUITY IN THE ARMED FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) In the all-volunteer force, women play an integral role in the Armed Forces.

(2) With increasing numbers of women in the Armed Forces, questions arise concerning inequalities, and perceived inequalities, between the treatment of men and women in the Armed Forces.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Comptroller General should—

(1) conduct a study on any inequality, or perception of inequality, in the treatment of men and women in the Armed Forces that arises out of the statutes and regulations governing the Armed Forces; and

(2) submit to Congress a report on the study not later than one year after the date of enactment of this Act.

SEC. 552. COMMISSION ON GENDER INTEGRATION IN THE MILITARY.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on Gender Integration in the Military.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The commission shall be composed of 11 members appointed from among private citizens of the United States who have appropriate and diverse experiences, expertise, and historical perspectives on training, organizational, legal, management, military, and gender integration matters.

(2) SPECIFIC QUALIFICATIONS.—Of the 11 members, at least two shall be appointed from among persons who have superior academic credentials, at least four shall be appointed from among former members and retired members of the Armed Forces, and at least two shall be appointed from among members of the reserve components of the Armed Forces.

(c) APPOINTMENTS.—

(1) AUTHORITY.—The President pro tempore of the Senate shall appoint the members in consultation with the chairman of the Committee on Armed Services, who shall recommend six persons for appointment, and the ranking member of the Committee on Armed Services, who shall recommend five persons for appointment. The appointments shall be made not later than 45 days after the date of the enactment of this Act.

(2) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the commission.

(3) VACANCIES.—A vacancy in the membership shall not affect the commission's powers, but shall be filled in the same manner as the original appointment.

(d) MEETINGS.—

(1) INITIAL MEETING.—The Commission shall hold its first meeting not later than 30 days after the date on which all members have been appointed.

(2) WHEN CALLED.—The Commission shall meet upon the call of the chairman.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold meetings.

(e) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a chairman and a vice chairman from among its members.

(f) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized, by the Commission, take any action which the Commission is authorized to take under this title.

(g) DUTIES.—The Commission shall—

(1) review the current practices of the Armed Forces, relevant studies, and private sector training concepts pertaining to gender-integrated training;

(2) review the laws, regulations, policies, directives, and practices that govern personal relationships between men and women in the armed forces and personal relationships between members of the armed forces and non-military personnel of the opposite sex;

(3) assess the extent to which the laws, regulations, policies, and directives have been applied consistently throughout the Armed Forces without regard to the armed force, grade, or rank of the individuals involved;

(4) provide an independent assessment of the reports of the independent panel, the Department of Defense task force, and the review of existing guidance on adultery announced by the Secretary of Defense; and

(5) examine the experiences, policies, and practices of the armed forces of other industrialized nations regarding gender-integrated training.

(h) REPORTS.—

(1) INITIAL REPORT.—Not later than April 15, 1998, the Commission shall submit to the Committee on Armed Services of the Senate an initial report setting forth the activities, findings, and recommendations of the Commission. The report shall include any recommendations for congressional action and administrative action that the Commission considers appropriate.

(2) FINAL REPORT.—Not later than September 16, 1998, the Commission shall submit to the Committee on Armed Services a final report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for congressional action and administrative action that the Commission considers appropriate.

(i) POWERS.—

(1) HEARINGS, ET CETERA.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from the Department of Defense and any other department or agency of the Federal Government such information as the Commission considers necessary to carry out its duties. Upon the request of the chairman of the Commission, the head of a department or agency shall furnish the requested information expeditiously to the Commission.

(3) POSTAL SERVICES.— The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(j) ADMINISTRATIVE SUPPORT.—The Secretary of Defense shall, upon the request of the chairman of the Commission, furnish the Commission any administrative and support services that the Commission may require.

(k) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Commission may be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the Commission.

(2) TRAVEL ON MILITARY CONVEYANCES.—Members and personnel of the Commission may travel on aircraft, vehicles, or other conveyances of the Armed Forces when travel is necessary in the performance of a duty of the Commission except when the cost of commercial transportation is less expensive.

(3) TRAVEL EXPENSES.—The members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(4) STAFF.—The chairman of the Commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and up to three additional staff members as necessary to enable the Commission to perform its duties. The chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51, and subchapter III of chapter 53, of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the rate payable for level V of the executive schedule under section 5316 of such title.

(5) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the chairman of the Commission, the head of any department or agency of the Federal Government may detail, without reimbursement, any personnel of the department or agency to the Commission to assist in carrying out its duties. A detail of an employee shall be without interruption or loss of civil service status or privilege.

(6) TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of such title.

(l) TERMINATION.—The Commission shall terminate 90 days after the date on which it submits the final report under subsection (h)(2).

(m) FUNDING.—

(1) FROM DEPARTMENT OF DEFENSE APPROPRIATIONS.—Upon the request of the chairman of the Commission, the Secretary of Defense shall make available to the Commission, out of funds appropriated for the Department of Defense, such amounts as the Commission may require to carry out its duties.

(2) PERIOD OF AVAILABILITY.—Funds made available to the Commission shall remain

available, without fiscal year limitation, until the date on which the Commission terminates.

SEC. 553. SEXUAL HARASSMENT INVESTIGATIONS AND REPORTS.

(a) INVESTIGATIONS.—Any commanding officer or officer in charge of a unit, vessel, facility, or area who receives from a member of the command or a civilian employee under the supervision of the officer a complaint alleging sexual harassment by a member of the Armed Forces or a civilian employee of the Department of Defense shall, to the extent practicable—

(1) within 72 hours after receipt of the complaint—

(A) forward the complaint or a detailed description of the allegation to the next superior officer in the chain of command who is authorized to convene a general court-martial;

(B) commence, or cause the commencement of, an investigation of the complaint; and

(C) advise the complainant of the commencement of the investigation;

(2) ensure that the investigation of the complaint is completed not later than 14 days after the investigation is commenced; and

(3) either—

(A) submit a final report on the results of the investigation, including any action taken as a result of the investigation, to the next superior officer referred to in paragraph (1) within 20 days after the investigation is commenced; or

(B) submit a report on the progress made in completing the investigation to the next superior officer referred to in paragraph (1) within 20 days after the investigation is commenced and every 14 days thereafter until the investigation is completed and, upon completion of the investigation, then submit a final report on the results of the investigation, including any action taken as a result of the investigation, to that next superior officer.

(b) REPORTS.—(1) Not later than January 1 of each of 1998 and 1999, each officer receiving any complaint forwarded in accordance with subsection (a) during the preceding year shall submit to the Secretary of the military department concerned a report on all such complaints and the investigations of such complaints (including the results of the investigations, in cases of investigations completed during such preceding year).

(2)(A) Not later than March 1 of each of 1998 and 1999, each Secretary receiving a report under paragraph (1) for a year shall submit to the Secretary of Defense a report on all such reports so received.

(B) Not later than the April 1 following receipt of a report for a year under subparagraph (A), the Secretary of Defense shall transmit to Congress all such reports received for the year under subparagraph (A) together with the Secretary's assessment of each such report.

(c) SEXUAL HARASSMENT DEFINED.—In this section, the term 'sexual harassment' means—

(1) a form of sex discrimination that—

(A) involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when—

(i) submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career;

(ii) submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or

(iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment; and

(B) is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive;

(2) any use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a member of the Armed Forces or a civilian employee of the Department of Defense; and

(3) any deliberate or repeated unwelcome verbal comment, gesture, or physical contact of a sexual nature in the workplace by any member of the Armed Forces or civilian employee of the Department of Defense.

SEC. 554. REQUIREMENT FOR EXEMPLARY CONDUCT BY COMMANDING OFFICERS AND OTHER AUTHORITIES.

(a) ARMY.—(1) Chapter 345 of title 10, United States Code, is amended by adding at the end:

"§ 3583. Requirement of exemplary conduct

"All commanding officers and others in authority in the Army are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Army, all persons who are guilty of them; and to take all necessary and proper measures, under the laws, regulations, and customs of the Army, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"3583. Requirement of exemplary conduct.".

(b) AIR FORCE.—(1) Chapter 845 of title 10, United States Code, is amended by adding at the end the following:

"§ 8583. Requirement of exemplary conduct

"All commanding officers and others in authority in the Air Force are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Air Force, all persons who are guilty of them; and to take all necessary and proper measures, under the laws, regulations, and customs of the Air Force, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"8583. Requirement of exemplary conduct.".

SEC. 555. PARTICIPATION OF DEPARTMENT OF DEFENSE PERSONNEL IN MANAGEMENT OF NON-FEDERAL ENTITIES.

(a) AUTHORITY.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1060a the following new section:

"§ 1060b. Participation in management of non-Federal entities: members of the armed forces; civilian employees

"(a) AUTHORITY TO PERMIT PARTICIPATION.—The Secretary concerned may authorize a member of the armed forces, a civilian officer or employee of the Department of Defense, or a civilian officer or civilian employee of the Coast Guard—

"(1) to serve as a director, officer, or trustee of a military welfare society or other entity described in subsection (c); or

"(2) to participate in any other capacity in the management of such a society or entity.

"(b) COMPENSATION PROHIBITED.—Compensation may not be accepted for service or participation authorized under subsection (a).

"(c) COVERED ENTITIES.—This section applies with respect to the following entities:

"(1) MILITARY WELFARE SOCIETIES.—The following military welfare societies:

"(A) The Army Emergency Relief.

"(B) The Air Force Aid Society.

"(C) The Navy-Marine Corps Relief Society.

"(D) The Coast Guard Mutual Assistance.

"(2) OTHER ENTITIES.—Each of the following additional entities that is not operated for profit:

"(A) Any athletic conference, or other entity, that regulates and supports the athletics programs of the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the United States Coast Guard Academy.

"(B) Any entity that regulates international athletic competitions.

"(C) Any regional educational accrediting agency, or other entity, that accredits the academies referred to in subparagraph (A) or accredits any other school of the armed forces.

"(D) Any health care association, professional society, or other entity that regulates and supports standards and policies applicable to the provision of health care by or for the Department of Defense.

"(d) SECRETARY OF DEFENSE AS SECRETARY CONCERNED.—In this section, the term 'Secretary concerned' includes the Secretary of Defense with respect to civilian officers and employees of the Department of Defense who are not officers or employees of a military department.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1060a the following new item:

"1060b. Participation in management of non-Federal entities: members of the armed forces; civilian employees.".

SEC. 556. TECHNICAL CORRECTION TO CROSS REFERENCE IN ROPMA PROVISION RELATING TO POSITION VACANCY PROMOTION.

Section 14317(d) of title 10, United States Code, is amended by striking out "section 14314" in the first sentence and inserting in lieu thereof "section 14315".

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1998.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1998 shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 1998, the rates of basic pay of members of the uniformed services are increased by 2.8 percent.

Subtitle B—Subsistence, Housing, and Other Allowances

PART I—REFORM OF BASIC ALLOWANCE FOR SUBSISTENCE

SEC. 611. REVISED ENTITLEMENT AND RATES.

(a) UNIVERSAL ENTITLEMENT TO BAS EXCEPT DURING BASIC TRAINING.—

(1) IN GENERAL.—Section 402 of title 37, United States Code, is amended by striking out subsections (b) and (c).

(2) EXCEPTION.—Subsection (a) of such section is amended by adding at the end the following: "However, an enlisted member is not entitled to the basic allowance for subsistence during basic training.".

(b) RATES BASED ON FOOD COSTS.—Such section, as amended by subsection (a), is further amended by inserting after subsection (a) the following new subsection (b):

"(b) RATES OF BAS.—(1) The monthly rate of basic allowance for subsistence in effect for an enlisted member for a year (beginning on January 1 of the year) shall be the amount that is halfway between the following amounts that are determined by the Secretary of Agriculture as of October 1 of the preceding year:

"(A) The amount equal to the monthly cost of a moderate-cost food plan for a male in the United States who is between 20 and 50 years of age.

"(B) The amount equal to the monthly cost of a liberal food plan for a male in the United States who is between 20 and 50 years of age.

"(2) The monthly rate of basic allowance for subsistence in effect for an officer for a year (beginning on January 1 of the year) shall be the amount equal to the monthly rate of basic allowance for subsistence in effect for officers for the preceding year, increased by the same percentage by which the rate of basic allowance for subsistence for enlisted members for the preceding year is increased effective on such January 1.".

(c) CONTINUATION OF ADVANCE PAYMENT AUTHORITY.—Such section is further amended by inserting after subsection (b), as added by subsection (b) of this section, the following new subsection (c):

"(c) ADVANCE PAYMENT.—The allowance to an enlisted member may be paid in advance for a period of not more than three months.".

(d) FLEXIBILITY TO MANAGE DEMAND FOR DINING AND MESSING SERVICES.—Such section is further amended by striking out subsection (e) and inserting in lieu thereof the following new subsection (e):

"(e) POLICIES ON USE OF DINING AND MESSING FACILITIES.—The Secretary of Defense, in consultation with the Secretaries concerned, shall prescribe policies regarding use of dining and field messing facilities of the uniformed services.".

(e) REGULATIONS.—Such section is further amended by adding after subsection (e), as added by subsection (d) of this section, the following:

"(f) REGULATIONS.—(1) The Secretary of Defense shall prescribe regulations for the administration of this section. Before prescribing the regulations, the Secretary shall consult with each Secretary concerned.

"(2) The regulations shall include the rates of basic allowance for subsistence.".

(f) STYLISTIC AND CONFORMING AMENDMENTS.—

(1) SUBSECTION HEADINGS.—Such section is amended—

(A) in subsection (a), by inserting "ENTITLEMENT.—" after "(a)"; and

(B) in subsection (d), by inserting "COAST GUARD.—" after "(d)".

(2) TRAVEL STATUS EXCEPTION TO ENTITLEMENT.—Section 404 of title 37, United States Code, is amended—

(A) by striking out subsection (g); and

(B) by redesignating subsections (h), (i), (j), and (k) as subsections (g), (h), (i), and (j), respectively.

SEC. 612. TRANSITIONAL BASIC ALLOWANCE FOR SUBSISTENCE.

(a) BAS TRANSITION PERIOD.—For the purposes of this section, the BAS transition period is the period beginning on the effective date of this part and ending on the date that this section ceases to be effective under section 613(b).

(b) TRANSITIONAL AUTHORITY.—Notwithstanding section 402 of title 37, United States Code (as amended by section 611), during the BAS transition period—

(1) the basic allowance for subsistence shall not be paid under that section for that period;

(2) a member of the uniformed services is entitled to the basic allowance for subsistence only as provided in subsection (c);

(3) an enlisted member of the uniformed services may be paid a partial basic allowance for subsistence as provided in subsection (d); and

(4) the rates of the basic allowance for subsistence are those determined under subsection (e).

(c) TRANSITIONAL ENTITLEMENT TO BAS.—

(1) ENLISTED MEMBERS.—

(A) TYPES OF ENTITLEMENT.—An enlisted member is entitled to the basic allowance for subsistence, on a daily basis, of one of the following types—

(i) when rations in kind are not available;

(ii) when permission to mess separately is granted; and

(iii) when assigned to duty under emergency conditions where no messing facilities of the United States are available.

(B) OTHER ENTITLEMENT CIRCUMSTANCES.—An enlisted member is entitled to the allowance while on an authorized leave of absence, while confined in a hospital, or while performing travel under orders away from the member's designated post of duty other than field duty or sea duty (as defined in regulations prescribed by the Secretary of Defense). For purposes of the preceding sentence, a member shall not be considered to be performing travel under orders away from his designated post of duty if such member—

(i) is an enlisted member serving his first tour of active duty;

(ii) has not actually reported to a permanent duty station pursuant to orders directing such assignment; and

(iii) is not actually traveling between stations pursuant to orders directing a change of station.

(C) ADVANCE PAYMENT.—The allowance to an enlisted member, when authorized, may be paid in advance for a period of not more than three months.

(2) OFFICERS.—An officer of a uniformed service who is entitled to basic pay is, at all times, entitled to the basic allowances for subsistence. An aviation cadet of the Navy, Air Force, Marine Corps, or Coast Guard is entitled to the same basic allowance for subsistence as is provided for an officer of the Navy, Air Force, Marine Corps, or Coast Guard, respectively.

(d) TRANSITIONAL AUTHORITY FOR PARTIAL BAS.—

(1) ENLISTED MEMBERS FURNISHED SUBSISTENCE IN KIND.—The Secretary of Defense may provide in regulations for an enlisted member of a uniformed service to be paid a partial basic allowance for subsistence when—

(A) rations in kind are available to the member;

(B) the member is not granted permission to mess separately; or

(C) the member is assigned to duty under emergency conditions where messing facilities of the United States are available.

(2) MONTHLY PAYMENT.—Any partial basic allowance for subsistence authorized under paragraph (1) shall be paid on a monthly basis.

(e) TRANSITIONAL RATES.—

(1) FULL BAS FOR OFFICERS.—The rate of basic allowance for subsistence that is payable to officers of the uniformed services for a year shall be the amount that is equal to 101 percent of the rate of basic allowance for subsistence that was payable to officers of the uniformed services for the preceding year.

(2) FULL BAS FOR ENLISTED MEMBERS.—The rate of basic allowance for subsistence that is payable to an enlisted member of the uniformed services for a year shall be the higher of—

(A) the amount that is equal to 101 percent of the rate of basic allowance for subsistence that was in effect for similarly situated enlisted members of the uniformed services for the preceding year; or

(B) the daily equivalent of what, except for subsection (b), would otherwise be the monthly rate of basic allowance for subsistence for enlisted members under section 402(b)(1) of title 37, United States Code (as added by section 611(b)).

(3) PARTIAL BAS FOR ENLISTED MEMBERS.—The rate of any partial basic allowance for subsistence paid under subsection (d) for a member for a year shall be equal to the lower of—

(A) the amount equal to the excess, if any, of—

(i) the amount equal to the monthly equivalent of the rate of basic allowance for subsistence that was in effect for the preceding year for enlisted members of the uniformed services above grade E–1 (when permission to mess separately is granted), increased by the same percent by which the rates of basic pay for members of the uniformed services were increased for the year over those in effect for such preceding year, over

(ii) the amount equal to 101 percent of the monthly equivalent of the rate of basic allowance for subsistence that was in effect for the previous year for enlisted members of the uniformed services above grade E–1 (when permission to mess separately is granted); or

(B) the amount equal to the excess of—

(i) the amount that, except for subsection (b), would otherwise be the monthly rate of basic allowance for subsistence for enlisted members under section 402(b)(1) of title 37, United States Code, over

(ii) the amount equal to the monthly equivalent of the value of a daily ration, as determined by the Under Secretary of Defense (Comptroller) as of October 1 of the preceding year.

SEC. 613. EFFECTIVE DATE AND TERMINATION OF TRANSITIONAL AUTHORITY.

(a) EFFECTIVE DATE.—This part and the amendments made by section 611 shall take effect on January 1, 1998.

(b) TERMINATION OF TRANSITIONAL PROVISIONS.—Section 612 shall cease to be effective on the first day of the month immediately following the first month for which the monthly equivalent of the rate of basic allowance for subsistence payable to enlisted members of the uniformed services (when permission to mess separately is granted), as

determined under subsection (e)(2) of such section, equals or exceeds the amount that, except for subsection (b) of such section, would otherwise be the monthly rate of basic allowance for subsistence for enlisted members under section 402(b)(1) of title 37, United States Code.

PART II—REFORM OF HOUSING AND RELATED ALLOWANCES

SEC. 616. ENTITLEMENT TO BASIC ALLOWANCE FOR HOUSING.

(a) REDESIGNATION OF BAQ.—Section 403 of title 37, United States Code, is amended by striking out "basic allowance for quarters" each place it appears, except in subsections (f) and (m), and inserting in lieu thereof "basic allowance for housing".

(b) RATES.—Subsection (a) of such section is amended by striking out "section 1009" and inserting in lieu thereof "section 403a".

(c) TEMPORARY HOUSING ALLOWANCE WHILE IN TRAVEL OR LEAVE STATUS.—Subsection (f) of such section is amended to read as follows:

"(f) TEMPORARY HOUSING ALLOWANCE WHILE IN TRAVEL OR LEAVE STATUS.—A member of a uniformed service who is in pay grade above E-4 (four or more years of service) or above is entitled to a temporary housing allowance (at a rate determined under section 403a of this title) while the member is in a travel or leave status between permanent duty stations, including time granted as delay en route or proceed time, when the member is not assigned to quarters of the United States.".

(d) DETERMINATIONS NECESSARY FOR ADMINISTERING AUTHORITY FOR ALL MEMBERS.—Subsection (h) of such section is amended by striking out "enlisted" each place it appears.

(e) ENTITLEMENT OF MEMBERS NOT ENTITLED TO PAY.—Subsection (i) of such section is amended by striking out "enlisted".

(f) TEMPORARY HOUSING AND ALLOWANCE FOR SURVIVORS OF ACTIVE DUTY MEMBERS.—

(1) CONTINUATION OF OCCUPANCY.—Paragraph (1) of subsection (l) of such section is amended by striking out "in line of duty" and inserting in lieu thereof "on active duty".

(2) ALLOWANCE.—Paragraph (2) of such subsection is amended to read as follows:

"(2)(A) The Secretary concerned may pay a basic allowance for housing (at the rate determined under section 403a of this title) to the dependents of a member of the uniformed services who dies while on active duty and whose dependents—

"(i) are not occupying a housing facility under the jurisdiction of a uniformed service on the date of the member's death;

"(ii) are occupying such housing on a rental basis on such date; or

"(iii) vacate such housing sooner than 180 days after the date of the member's death.

"(B) The payment of the allowance under this subsection shall terminate 180 days after the date of the member's death.".

(g) ENTITLEMENT OF MEMBER PAYING CHILD SUPPORT.—Subsection (m) of such section is amended to read as follows:

"(m) MEMBERS PAYING CHILD SUPPORT.—(1) A member of a uniformed service with dependents may not be paid a basic allowance for housing at the with dependents rate solely by reason of the payment of child support by the member if—

"(A) the member is assigned to a housing facility under the jurisdiction of a uniformed service; or

"(B) the member is in a pay grade above E-4, is assigned to sea duty, and elects not to occupy assigned quarters for unaccompanied personnel.

"(2) A member of a uniformed service assigned to quarters of the United States or a housing facility under the jurisdiction of a uniformed service who is not otherwise authorized a basic allowance for housing and who pays child support is entitled to the basic allowance for housing differential (at the rate applicable under section 403a of this title) to the members' pay grade except for months for which the amount payable for the child support is less than the rate of the differential. Payment of a basic allowance for housing differential does not affect any entitlement of the member to a partial allowance for quarters under subsection (o).".

(h) REPLACEMENT OF VHA BY BASIC ALLOWANCE FOR HOUSING.—

(1) MEMBERS NOT ACCOMPANIED BY DEPENDENTS OUTSIDE CONUS.—Such section is further amended by adding at the end the following:

"(n) MEMBERS NOT ACCOMPANIED BY DEPENDENTS OUTSIDE CONUS.—(1) A member of a uniformed service with dependents who is assigned to an unaccompanied tour of duty outside the continental United States is eligible for a basic allowance for housing as provided in paragraph (2).

"(2)(A) For any period during which the dependents of a member referred to in paragraph (1) reside in the United States where, if the member were residing with them, the member would be entitled to receive a basic allowance for housing, the member is entitled to a basic allowance for housing at the rate applicable under section 403a of this title to the member's pay grade and the location of the residence of the member's dependents.

"(B) A member referred to in paragraph (1) may be paid a basic allowance for housing at the rate applicable under section 403a of this title to the members's pay grade and location.

"(3) Payment of a basic allowance for housing to a member under paragraph (2)(B) shall be in addition to any allowance or per diem to which the member otherwise may be entitled under this title.".

(2) MEMBERS NOT ACCOMPANIED BY DEPENDENTS INSIDE CONUS.—Paragraph (2) of section 403a(a) of title 37, United States Code, is transferred to the end of section 403 of such title and, as transferred, is amended—

(A) by striking out "(2)" and inserting in lieu thereof "(o) MEMBERS NOT ACCOMPANIED BY DEPENDENTS INSIDE CONUS.—";

(B) by striking out "variable housing allowance" each place it appears and inserting in lieu thereof "basic allowance for housing";

(C) by striking out "(under regulations prescribed under subsection (e))" in the matter following subparagraph (B) and inserting in lieu thereof "(under regulations prescribed by the Secretary of Defense)"; and

(D) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(3) REPEAL OF VHA ALLOWANCE.—Section 403a of title 37, United States Code, is repealed.

(i) MEMBERS WITHOUT DEPENDENTS.—Section 403 of such title, as amended by subsection (f), is further amended by adding at the end the following:

"(p) PARTIAL ALLOWANCE FOR MEMBERS WITHOUT DEPENDENTS.—A member of a uniformed service without dependents who is not entitled to receive a basic allowance for housing under subsection (b) or (c) is entitled to a partial allowance for quarters determined under section 403a of this title.".

(j) STYLISTIC AMENDMENTS.—Section 403 of title 37, United States Code, as amended by this section, is further amended—

(1) in subsection (a), by striking out "(a)(1)" and inserting in lieu thereof "(a) GENERAL ENTITLEMENT.—(1)";

(2) in subsection (b), by striking out "(b)(1)" and inserting in lieu thereof "(b) MEMBERS ASSIGNED TO QUARTERS.—(1)";

(3) in subsection (c), by striking out "(c)(1)" and inserting in lieu thereof "(c) INELIGIBILITY DURING INITIAL FIELD DUTY OR SEA DUTY.—(1)";

(4) in subsection (d), by striking out "(d)(1)" and inserting in lieu thereof "(d) PROHIBITED GROUNDS FOR DENIAL.—(1)";

(5) in subsection (e), by inserting "RENTAL OF PUBLIC QUARTERS.—" after "(e)";

(6) in subsection (g), by inserting "AVIATION CADETS.—" after "(g)";

(7) in subsection (h), by inserting "NECESSARY DETERMINATIONS.—" after "(h)";

(8) in subsection (i), by inserting "ENTITLEMENT OF MEMBER NOT ENTITLED TO PAY.—" after "(i)";

(9) in subsection (j), by striking out "(j)(1)" and inserting in lieu thereof "(j) ADMINISTRATIVE AUTHORITY.—(1)";

(10) in subsection (k), by inserting "PARKING FACILITIES NOT CONSIDERED QUARTERS.—" after "(k)"; and

(11) in subsection (l), by striking out "(l)(1)" and inserting in lieu thereof "(l) DEPENDENTS OF MEMBERS DYING ON ACTIVE DUTY.—(1)".

(k) SECTION HEADING.—The heading of section 403 of title 37, United States Code, is amended to read as follows:

"§ 403. Basic allowance for housing: eligibility".

SEC. 617. RATES OF BASIC ALLOWANCE FOR HOUSING.

Chapter 7 of title 37, United States Code, is amended by inserting after section 403 the following new section 403a:

"§ 403a. Basic allowance for housing: rates

"(a) RATES PRESCRIBED BY SECRETARY OF DEFENSE.—The Secretary of Defense shall prescribe monthly rates of basic allowance for housing payable under section 403 of this title. The Secretary shall specify the rates, by pay grade and dependency status, for each geographic area defined in accordance with subsection (b).

"(b) GEOGRAPHIC BASIS FOR RATES.—(1) The Secretary shall define the areas within the United States and the areas outside the United States for which rates of basic allowance for housing are separately specified.

"(2) For each area within the United States that is defined under paragraph (1), the Secretary shall determine the costs of housing in that area that the Secretary considers adequate for civilians residents of that area whose relevant circumstances the Secretary considers as being comparable to those of members of the uniformed services.

"(3) For each area outside the United States defined under paragraph (1), the Secretary shall determine the costs of housing in that area that the Secretary considers adequate for members of the uniformed services.

"(c) RATES WITHIN THE UNITED STATES.—(1) Subject to paragraph (2), the monthly rate of basic allowance for housing for members of the uniformed services of a particular grade and dependency status for an area within the United States shall be the amount equal to the excess of—

"(A) the monthly cost of housing determined applicable for members of that grade and dependency status for that area under subsection (b), over

"(B) the amount equal to 15 percent of the average of the monthly costs of housing determined applicable for members of the uniformed services of that grade and dependency status for all areas of the United States under subsection (b).

"(2) The rates of basic allowance for housing determined under paragraph (1) shall be reduced as necessary to comply with subsection (g).

"(d) RATES OUTSIDE THE UNITED STATES.—The monthly rate of basic allowance for housing for members of the uniformed services of a particular grade and dependency status for an area outside the United States shall be an amount appropriate for members of the uniformed services of that grade and dependency status for that area, as determined by the Secretary on the basis of the costs of housing in that area.

"(e) ADJUSTMENTS WHEN RATES OF BASIC PAY INCREASED.—The Secretary of Defense shall periodically redetermine the housing costs for areas under subsection (b) and adjust the rates of basic allowance for housing as appropriate on the basis of the redetermination of costs. The effective date of any adjustment in rates of basic allowance for housing for an area as a result of such a redetermination shall be the same date as the effective date of the next increase in rates of basic pay for members of the uniformed services after the redetermination.

"(f) SAVINGS OF RATE.—The rate of basic allowance for housing payable to a particular member for an area within the United States may not be reduced during a continuous period of eligibility of the member to receive a basic allowance for housing for that area by reason of—

"(1) a general reduction of rates of basic allowance for housing for members of the same grade and dependency status for the area taking effect during the period; or

"(2) a promotion of the member during the period.

"(g) FISCAL YEAR LIMITATION ON TOTAL ALLOWANCES PAID FOR HOUSING INSIDE THE UNITED STATES.—(1) The total amount that may be paid for a fiscal year for the basic allowance for housing for areas within the United States authorized members of the uniformed services by section 403 of this title is the product of—

"(A) the total amount authorized to be paid for the allowance for such areas for the preceding fiscal year (as adjusted under paragraph (2)); and

"(B) the fraction—

"(i) the numerator of which is the average of the costs of housing determined by the Secretary under subsection (b)(2) for the areas of the United States for June of the preceding fiscal year; and

"(ii) the denominator of which is the average of the costs of housing determined by the Secretary under subsection (b)(2) for the areas of the United States for June of the fiscal year before the preceding fiscal year.

"(2) In making a determination under paragraph (1) for a fiscal year, the Secretary shall adjust the amount authorized to be paid for the preceding fiscal year for the basic allowance for housing to reflect changes (during the fiscal year for which the determination is made) in the number, grade distribution, and dependency status of members of the uniformed services entitled to the basic allowance for housing from the number of such members during such preceding fiscal year.

"(h) MEMBERS EN ROUTE BETWEEN PERMANENT DUTY STATIONS.—The Secretary of Defense shall prescribe in regulations the rate of the temporary housing allowance to which a member is entitled under section 403(f) of this title while the member is in a travel or leave status between permanent duty stations.

"(i) SURVIVORS OF MEMBERS DYING ON ACTIVE DUTY.— The rate of the basic allowance for housing payable to dependents of a deceased member under section 403(l)(2) of this title shall be the rate that is payable for members of the same grade and dependency status as the deceased member for the area where the dependents are residing.

"(j) MEMBERS PAYING CHILD SUPPORT.—(1) The basic allowance for housing differential to which a member is entitled under section 403(m)(2) of this title is the amount equal to the excess of—

"(A) the rate of the basic allowance for quarters (with dependents) for the member's pay grade, as such rate was in effect on December 31, 1997, under section 403 of this title (as such section was in effect on such date), over

"(B) the rate of the basic allowance for quarters (without dependents) for the member's pay grade, as such rate was in effect on December 31, 1997, under section 403 of this title (as such section was in effect on that date).

"(2) Whenever the rates of basic pay for members of the uniformed services are increased, the monthly amount of the basic allowance for housing differential shall be increased by the average percent increase in the rates of basic pay. The effective date of the increase shall be the same date as the effective date in the increase in the rates of basic pay.

"(k) PARTIAL ALLOWANCE FOR QUARTERS.—The rate of the partial allowance for quarters to which a member without dependents is entitled under section 403(p) of this title is the partial rate of basic allowance for quarters for the member's pay grade as such partial rate was in effect on December 31, 1997, under section 1009(c)(2) of this title (as such section was in effect on such date).".

SEC. 618. DISLOCATION ALLOWANCE.

(a) AMOUNT.—Section 407 of title 37, United States Code, is amended—

(1) in subsection (a), by striking out "equal to the basic allowance for quarters for two and one-half months as provided for the member's pay grade and dependency status in section 403 of this title" in the matter preceding paragraph (1) and inserting in lieu thereof "determined under subsection (g)";

(2) in subsection (b), by striking out "equal to the basic allowance for quarters for two months as provided for a member's pay grade and dependency status in section 403 of this title" and inserting in lieu thereof "determined under subsection (g)"; and

(3) by adding at the end the following:

"(g) AMOUNT.—(1) The dislocation allowance payable to a member under subsection (a) shall be the amount equal to 160 percent of the monthly national average cost of housing determined for members of the same grade and dependency status as the member.

"(2) The dislocation allowance payable to a member under subsection (b) shall be the amount equal to 130 percent of the monthly national average cost of housing determined for members of the same grade and dependency status as the member.

"(3) In this section, the term 'monthly national average cost of housing', with respect to members of a particular grade and dependency status, means the average of the monthly costs of housing that the Secretary determines adequate for members of that grade and dependency status for all areas in the United States under section 403a(b)(2) of this title.".

(b) STYLISTIC AMENDMENTS.—Such section is amended—

(1) in subsection (a), by inserting "FIRST ALLOWANCE.—" after "(a)";

(2) in subsection (b), by inserting "SECOND ALLOWANCE.—" after "(b)";

(3) in subsection (c), by inserting "ONE ALLOWANCE PER FISCAL YEAR.—" after "(c)";

(4) in subsection (d), by inserting "NO ENTITLEMENT FOR FIRST AND LAST MOVES.—" after "(d)";

(5) in subsection (e), by inserting "WHEN MEMBER WITH DEPENDENTS CONSIDERED MEMBER WITHOUT DEPENDENTS.—" after "(e)"; and

(6) in subsection (f), by inserting "PAYMENT IN ADVANCE.—" after "(f)".

SEC. 619. FAMILY SEPARATION AND STATION ALLOWANCES.

(a) FAMILY SEPARATION ALLOWANCE.—

(1) REPEAL OF AUTHORITY FOR ALLOWANCE EQUAL TO BAQ.—Section 427 of title 37, United States Code, is amended by striking out subsection (a).

(2) CONFORMING AMENDMENTS.—Subsection (b) of such section is amended—

(A) by striking out "(b) ADDITIONAL SEPARATION ALLOWANCE.—";

(B) by redesignating paragraphs (1), (2), (3), (4), and (5), as subsections (a), (b), (c), (d), and (e), respectively;

(C) in subsection (a), as so redesignated—

(i) by inserting "ENTITLEMENT.—" after "(a)";

(ii) by striking out ", including subsection (a),"; and

(iii) by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (4), respectively;

(D) in subsection (b), as redesignated by paragraph (2)—

(i) by inserting "EFFECTIVE DATE FOR SEPARATION DUE TO CRUISE OR TEMPORARY DUTY.—" after "(b)";

(ii) by striking out "subsection by virtue of duty described in subparagraph (B) or (C) of paragraph (1)" and inserting in lieu thereof "section by virtue of duty described in paragraph (2) or (3) of subsection (a)";

(iii) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(iv) in paragraph (2), as so redesignated—

(I) by striking out "subsection" and inserting in lieu thereof "section"; and

(II) by striking out "subparagraphs" and inserting in lieu thereof "paragraphs";

(E) in subsection (c), as redesignated by paragraph (2)—

(i) by inserting "ENTITLEMENT WHEN NO RESIDENCE OR HOUSEHOLD MAINTAINED FOR DEPENDENTS.—" after "(c)"; and

(ii) by striking out "subsection" and inserting in lieu thereof "section";

(F) in subsection (d), as redesignated by paragraph (2)—

(i) by inserting "EFFECT OF ELECTION OF UNACCOMPANIED TOUR.—" after "(d)"; and

(ii) by striking out "paragraph (1)(A) of this subsection" and inserting in lieu thereof "subsection (a)(1)"; and

(G) in subsection (e), as redesignated by paragraph (2)—

(i) by inserting "ENTITLEMENT WHILE DEPENDENT ENTITLED TO BASIC PAY.—" after "(e)"; and

(ii) by striking out "paragraph (1)(D)" each place it appears and inserting in lieu thereof "subsection (a)(4)".

(b) STATION ALLOWANCE.—

(1) REPEAL OF AUTHORITY.—Section 405 of title 37, United States Code, is amended by striking out subsection (b).

(2) CONFORMING AMENDMENT.—Such section is further amended by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 620. OTHER CONFORMING AMENDMENTS.

(a) DEFINITION OF REGULAR MILITARY COMPENSATION.—Section 101(25) of title 37,

United States Code, is amended by striking out "basic allowance for quarters (including any variable housing allowance or station allowance)" and inserting in lieu thereof "basic allowance for housing.".

(b) ALLOWANCES WHILE PARTICIPATING IN INTERNATIONAL SPORTS.—Section 420(c) of such title is amended by striking out "quarters" and inserting in lieu thereof "housing".

(c) PAYMENTS TO MISSING PERSONS.—Section 551(3)(D) of such title is amended by striking out "quarters" and inserting in lieu thereof "housing".

(d) PAYMENT DATE.—Section 1014(a) of such title is amended by striking out "basic allowance for quarters" and inserting in lieu thereof "basic allowance for housing".

(e) OCCUPANCY OF SUBSTANDARD FAMILY HOUSING.—Section 2830(a) of title 10, United States Code, is amended by striking out "basic allowance for quarters" each place it appears and inserting in lieu thereof "basic allowance for housing".

SEC. 621. CLERICAL AMENDMENT.

The table of sections at the beginning of chapter 7 of title 37, United States Code, is amended by striking out the items relating to section 403 and 403a and inserting in lieu thereof the following:

"403. Basic allowance for housing: eligibility.
"403a. Basic allowance for housing: rates.".

SEC. 622. EFFECTIVE DATE.

This part and the amendments made by this part shall take effect on January 1, 1998.

PART III—OTHER AMENDMENTS RELATING TO ALLOWANCES

SEC. 626. REVISION OF AUTHORITY TO ADJUST COMPENSATION NECESSITATED BY REFORM OF SUBSISTENCE AND HOUSING ALLOWANCES.

(a) CONFORMING REPEAL OF AUTHORITY RELATING TO BAS AND BAQ.—

(1) IN GENERAL.—Section 1009 of title 37, United States Code, is amended to read as follows:

"§ 1009. Adjustments of monthly basic pay

"(a) ADJUSTMENT REQUIRED.—Whenever the General Schedule of compensation for Federal classified employees as contained in section 5332 of title 5 is adjusted upward, the President shall immediately make an upward adjustment in the monthly basic pay authorized members of the uniformed services by section 203(a) of this title.

"(b) EFFECTIVENESS OF ADJUSTMENT.—An adjustment under this section shall—

"(1) have the force and effect of law; and

"(2) carry the same effective date as that applying to the compensation adjustments provided General Schedule employees.

"(c) EQUAL PERCENTAGE INCREASE FOR ALL MEMBERS.—Subject to subsection (d), an adjustment under this section shall provide all eligible members with an increase in the monthly basic pay which is of the same percentage as the overall average percentage increase in the General Schedule rates of basic pay for civilian employees.

"(d) ALLOCATION OF INCREASE AMONG PAY GRADES AND YEARS-OF-SERVICE.—(1) Subject to paragraph (2), whenever the President determines such action to be in the best interest of the Government, he may allocate the overall percentage increase in the monthly basic pay under subsection (a) among such pay grade and years-of-service categories as he considers appropriate.

"(2) In making any allocation of an overall percentage increase in basic pay under paragraph (1)—

"(A) the amount of the increase in basic pay for any given pay grade and years-of-service category after any allocation made under this subsection may not be less than 75 percent of the amount of the increase in the monthly basic pay that would otherwise have been effective with respect to such pay grade and years-of-service category under subsection (c); and

"(B) the percentage increase in the monthly basic pay in the case of any member of the uniformed services with four years or less service may not exceed the overall percentage increase in the General Schedule rates of basic pay for civilian employees.

"(e) NOTICE OF ALLOCATIONS.—Whenever the President plans to exercise his authority under subsection (d) with respect to any anticipated increase in the monthly basic pay of members of the uniformed services, he shall advise Congress, at the earliest practicable time prior to the effective date of such increase, regarding the proposed allocation of such increase.

"(f) QUADRENNIAL ASSESSMENT OF ALLOCATIONS.—The allocations of increases made under this section shall be assessed in conjunction with the quadrennial review of military compensation required by section 1008(b) of this title.".

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 19 of such title is amended to read as follows:

"1009. Adjustments of monthly basic pay.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 1998.

SEC. 627. DEADLINE FOR PAYMENT OF READY RESERVE MUSTER DUTY ALLOWANCE.

Section 433(c) of title 37, United States Code, is amended by striking out "and shall" in the first sentence and all that follows in that sentence and inserting in lieu thereof a period and the following: "The allowance shall be paid to the member before, on, or after the date on which the muster duty is performed, but not later than 30 days after that date.".

Subtitle C—Bonuses and Special and Incentive Pays

SEC. 631. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS.—Section 302g(f) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(i) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking out "October 1, 1998" and inserting in lieu thereof "October 1, 1999".

SEC. 632. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

SEC. 633. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(b) ENLISTMENT BONUSES FOR CRITICAL SKILLS.—Sections 308a(c) and 308f(c) of title 37, United States Code, are each amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(c) SPECIAL PAY FOR NUCLEAR QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(d) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(e) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of title 37, United States Code, is amended by striking out "October 1, 1998" and inserting in lieu thereof "October 1, 1999".

SEC. 634. INCREASED AMOUNTS FOR AVIATION CAREER INCENTIVE PAY.

(a) AMOUNTS.—The table in subsection (b)(1) of section 301a(b)(1) of title 37, United States Code, is amended—

(1) by inserting at the end of phase I of the table the following:

"Over 14 ..... 840"; and

(2) by striking out phase II of the table and inserting in lieu thereof the following:

"PHASE II

"Years of service as an officer:	"Monthly rate
"Over 22	$585
"Over 23	495
"Over 24	385
"Over 25	250".

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by subsection (a) shall take effect on October 1, 1998, and shall apply with respect to months beginning on or after that date.

SEC. 635. AVIATION CONTINUATION PAY.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 301b of title 37, United States

Code, is amended by striking out "1998" and inserting in lieu thereof "2005".

(b) BONUS AMOUNTS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking out "$12,000" and inserting in lieu thereof "$25,000"; and

(2) in paragraph (2), by striking out "$6,000" and inserting in lieu thereof "$12,000".

(c) DEFINITION OF AVIATION SPECIALTY.—Subsection (j)(2) of such section is amended by inserting "specific" before "community".

(d) CONTENT OF ANNUAL REPORT.—Subsection (i)(1) of such section is amended—

(1) by inserting "and" at the end of subparagraph (A);

(2) by striking out the semicolon and "and" at the end of subparagraph (B) and inserting in lieu thereof a period; and

(3) by striking out subparagraph (C).

(e) EFFECTIVE DATES AND APPLICABILITY.—(1) Except as provided in paragraphs (1) and (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendment made by subsection (b) shall take effect on October 1, 1997, and shall apply with respect to agreements accepted under subsection (a) of section 301b of title 37, United States Code, on or after that date.

(3) The amendment made by subsection (c) shall take effect as of October 1, 1996, and shall apply with respect to agreements accepted under subsection (a) of section 301b of title 37, United States Code, on or after that date.

SEC. 636. ELIGIBILITY OF DENTAL OFFICERS FOR THE MULTIYEAR RETENTION BONUS PROVIDED FOR MEDICAL OFFICERS.

(a) ADDITION OF DENTAL OFFICERS.—Section 301d of title 37, United States Code, is amended—

(1) in subsection (a)(1), by inserting "or dental" after "medical"; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting "or Dental Corps" after "Medical Corps"; and

(ii) by inserting "or dental" after "medical"; and

(B) in paragraph (3), by inserting "or dental" after "medical".

(b) CONFORMING AMENDMENT AND RELATED CLERICAL AMENDMENT.—(1) The heading of such section is amended to read as follows:

"§ 301d. Multiyear retention bonus: medical and dental officers of the armed forces".

(2) The item relating to such section in the table of sections at the beginning of chapter 5 of title 37, United States Code, is amended to read as follows:

"301d. Multiyear retention bonus: medical and dental officers of the armed forces.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997, and apply to agreements accepted under section 301d of title 37, United States Code, on or after that date.

SEC. 637. INCREASED SPECIAL PAY FOR DENTAL OFFICERS.

(a) VARIABLE SPECIAL PAY FOR OFFICERS BELOW GRADE O–7.—Paragraph (2) of section 302b(a) of title 37, United States Code, is amended by striking out subparagraphs (C), (D), (E), and (F), and inserting in lieu thereof the following:

"(C) $4,000 per year, if the officer has at least six but less than 8 years of creditable service.

"(D) $12,000 per year, if the officer has at least 8 but less than 12 years of creditable service.

"(E) $10,000 per year, if the officer has at least 12 but less than 14 years of creditable service.

"(F) $9,000 per year, if the officer has at least 14 but less than 18 years of creditable service.

"(G) $8,000 per year, 18 or more years of creditable service.".

(b) VARIABLE SPECIAL PAY FOR OFFICERS ABOVE GRADE O–6.—Paragraph (3) of such section is amended by striking out "$1,000" and inserting in lieu thereof "$7,000".

(c) ADDITIONAL SPECIAL PAY.—Paragraph (4) of such section is amended—

(1) in subparagraph (B), by striking out "14" and inserting in lieu thereof "10"; and

(2) by striking out subparagraphs (C) and (D) and inserting in lieu thereof the following:

"(C) $15,000 per year, if the officer has 10 or more years of creditable service.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997, and shall apply with respect to months beginning on or after that date.

SEC. 638. MODIFICATION OF SELECTED RESERVE REENLISTMENT BONUS AUTHORITY.

(a) ELIGIBILITY OF MEMBERS WITH UP TO 14 YEARS OF TOTAL SERVICE.—Subsection (a) of section 308b of title 37, United States Code, is amended by striking out "ten years" in paragraph (1) and inserting in lieu thereof "14 years".

(b) TWO-BONUS AUTHORITY FOR CONSECUTIVE 3-YEAR ENLISTMENTS.—Such subsection is further amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "AUTHORITY AND ELIGIBILITY REQUIREMENTS.—(1)" after "(a)";

(3) by striking out "a bonus as provided in subsection (b)" before the period at the end and inserting in lieu thereof "a bonus or bonuses in accordance with this section"; and

(4) by adding at the end the following new paragraph (2):

"(2) If a person eligible to receive a bonus under this section by reason of an enlistment for a period of three years so elects on or before the date of the enlistment, the Secretary concerned may pay the person—

"(A) a bonus for that enlistment; and

"(B) an additional bonus for a later voluntary extension of the enlistment, or a subsequent consecutive enlistment, for a period of at least three years if—

"(i) on the date of the expiration of the enlistment for which the first bonus was paid, or the date on which, but for an extension of the enlistment, the enlistment would otherwise expire, as the case may be, the person satisfies the eligibility requirements set forth in paragraph (1) and the eligibility requirements for reenlisting or extending the enlistment; and

"(ii) the extension of the enlistment or the subsequent consecutive enlistment, as the case may be, is in a critical military skill designated for such a bonus by the Secretary concerned.".

(c) BONUS AMOUNTS.—Subsection (b) of such section is amended to read as follows:

"(b) BONUS AMOUNTS.—(1) In the case of a member who enlists for a period of six years, the bonus to be paid under subsection (a) shall be a total amount not to exceed $5,000.

"(2) In the case of a member who enlists for a period of three years, the bonus to be paid under subsection (a) shall be as follows:

"(A) If the member does not make an election authorized under subsection (a)(2), the total amount of the bonus shall be an amount not to exceed $2,500.

"(B) If the member makes an election under subsection (a)(2) to be paid a bonus for the enlistment and an additional bonus for a later extension of the enlistment or for a subsequent consecutive enlistment—

"(i) the total amount of the first bonus shall be an amount not to exceed $2,000; and

"(ii) the total amount of the additional bonus shall be an amount not to exceed $2,500.".

(d) DISBURSEMENT OF BONUS.—Subsection (c) of such section is amended to read as follows:

"(c) DISBURSEMENT OF BONUS.—(1) Any bonus payable under this section shall be disbursed in one initial payment of an amount not to exceed one-half of the total amount of the bonus and subsequent periodic partial payments of the balance of the bonus. The Secretary concerned shall prescribe the amount of each partial payment and the schedule for making the partial payments.

"(2) Payment of any additional bonus under subsection (a)(2)(B) for an extension of an enlistment or a subsequent consecutive enlistment shall begin on or after the date referred to in clause (i) of that subsection.".

(e) SUBSECTION HEADINGS.—Such section is further amended—

(1) in subsection (d), by inserting "REFUND FOR UNSATISFACTORY SERVICE.—" after "(d)";

(2) in subsection (e), by inserting "REGULATIONS.—" after "(e)"; and

(3) in subsection (f), by inserting "TERMINATION OF AUTHORITY.—" after "(f)".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997, and apply to enlistments in the Armed Forces on or after that date.

SEC. 639. MODIFICATION OF AUTHORITY TO PAY BONUSES FOR ENLISTMENTS BY PRIOR SERVICE PERSONNEL IN CRITICAL SKILLS IN THE SELECTED RESERVE.

(a) REORGANIZATION OF SECTION.—Section 308i of title 37, United States Code, is amended—

(1) by redesignating subsections (e), (f), and (g) as paragraphs (2), (3), and (4), respectively, of subsection (d);

(2) by redesignating subsections (b), (c), (d), (h), and (i) as subsections (c), (e), (f), (g), and (h), respectively; and

(3) by redesignating paragraph (2) of subsection (a) as subsection (b) and in subsection (b), as so redesignated, by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (4), respectively.

(b) TWO-BONUS AUTHORITY FOR CONSECUTIVE 3-YEAR ENLISTMENTS.—Subsection (a) of such section is amended by inserting after paragraph (1) the following new paragraph (2):

"(2) If a person eligible to receive a bonus under this section by reason of an enlistment for a period of three years so elects on or before the date of the enlistment, the Secretary concerned may pay the person—

"(A) a bonus for that enlistment; and

"(B) an additional bonus for a later extension of the enlistment, or a subsequent consecutive enlistment, for a period of at least three years if—

"(i) on the date of the expiration of the enlistment for which the first bonus was paid, or the date on which, but for an extension of the enlistment, the enlistment would otherwise expire, the person satisfies the eligibility requirements set forth in subsection (b) and the eligibility requirements for reenlisting or extending the enlistment, as the case may be; and

"(ii) the extension of the enlistment or the subsequent consecutive enlistment, as the case may be, is in a critical military skill designated for such a bonus by the Secretary concerned.".

(c) ELIGIBILITY OF FORMER MEMBERS WITH UP TO 14 YEARS OF PRIOR SERVICE.—Subsection (b) of such section, as redesignated by subsection (a)(3), is amended by striking out "10 years" and inserting in lieu thereof "14 years".

(d) BONUS AMOUNTS.—Subsection (c) of such section, as redesignated by subsection (a)(2), is amended to read as follows:

"(c) BONUS AMOUNTS.—(1) In the case of a member who enlists for a period of six years, the bonus to be paid under subsection (a) shall be a total amount not to exceed $5,000.

"(2) In the case of a member who enlists for a period of three years, the bonus to be paid under subsection (a) shall be as follows:

"(A) If the member does not make an election authorized under subsection (a)(2), the total amount of the bonus shall be an amount not to exceed $2,500.

"(B) If the member makes an election under subsection (a)(2) to be paid a bonus for the enlistment and an additional bonus for a later extension of the enlistment or for a subsequent consecutive enlistment—

"(i) the total amount of the first bonus shall be an amount not to exceed $2,000; and

"(ii) the total amount of the additional bonus shall be an amount not to exceed $2,500.".

(e) DISBURSEMENT OF BONUS.—Such section is amended by inserting after subsection (c), as redesignated by subsection (a)(2) and amended by subsection (d), the following new subsection (d):

"(d) DISBURSEMENT OF BONUS.—(1) Any bonus payable under this section shall be disbursed in one initial payment of an amount not to exceed one-half of the total amount of the bonus and subsequent periodic partial payments of the balance of the bonus. The Secretary concerned shall prescribe the amount of each partial payment and the schedule for making the partial payments.

"(2) Payment of any additional bonus under subsection (a)(2)(B) for an extension of an enlistment or a subsequent consecutive enlistment shall begin on or after the date referred to in clause (i) of that subsection.".

(f) CONFORMING AMENDMENTS.—(1) Subsection (a)(1) of such section is amended by striking out "paragraph (2) may be paid a bonus as prescribed in subsection (b)" and inserting in lieu thereof "subsection (b) may be paid a bonus or bonuses in accordance with this section".

(2) Subsection (e) of such section, as redesignated by subsection (a)(2), is amended by striking out "may not be paid more than one bonus under this section and".

(3) Subsection (f) of such section, as redesignated by subsection (a)(2), is amended—

(A) by inserting "REFUND FOR UNSATISFACTORY SERVICE.—(1)" after "(f)";

(B) in paragraphs (2) and (4), as redesignated by subsection (a)(1), by striking out "subsection (d)" and inserting in lieu thereof "paragraph (1)"; and

(C) in paragraph (3), as redesignated by subsection (a)(1)—

(i) by striking out "subsection (h)" and inserting in lieu thereof "subsection (g)"; and

(ii) by striking out "subsection (d)" and inserting in lieu thereof "paragraph (1)".

(g) SUBSECTION HEADINGS.—Such section, as amended by subsections (a) through (f), is further amended—

(1) in subsection (a), by inserting "AUTHORITY.—" after "(a)";

(2) in subsection (b), by inserting "ELIGIBILITY.—" after "(b)";

(3) in subsection (e), by inserting "LIMITATION.—" after "(e)";

(4) in subsection (g), by inserting "REGULATIONS.—" after "(g)"; and

(5) in subsection (h), by inserting "TERMINATION OF AUTHORITY.—" after "(h)".

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997, and apply to enlistments in the Armed Forces on or after that date.

SEC. 640. INCREASED SPECIAL PAY AND BONUSES FOR NUCLEAR QUALIFIED OFFICERS.

(a) SPECIAL PAY FOR OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Subsection (a) of section 312 of title 37, United States Code, is amended by striking out "$12,000" and inserting in lieu thereof "$15,000".

(b) NUCLEAR CAREER ACCESSION BONUS.—Subsection (a)(1) of section 312b of title 37, United States Code, is amended by striking out "$8,000" and inserting in lieu thereof "$10,000".

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUSES.—Section 312c of title 37, United States Code, is amended—

(1) in subsection (a)(1), by striking out "$10,000" and inserting in lieu thereof "$12,000"; and

(2) in subsection (b)(1), by striking out "$4,500" and inserting in lieu thereof "$5,500".

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on October 1, 1997.

(2) The amendments made by subsections (a) and (b) shall apply with respect to agreements accepted under sections 312(a) and 312b(a), respectively, of title 37, United States Code, on or after the effective date of the amendments.

SEC. 641. AUTHORITY TO PAY BONUSES IN LIEU OF SPECIAL PAY FOR ENLISTED MEMBERS EXTENDING DUTY AT DESIGNATED LOCATIONS OVERSEAS.

(a) PAYMENT FLEXIBILITY.—Section 314 of title 37, United States Code, is amended—

(1) in subsection (a), by striking out "at a rate" and all that follows through "Secretary concerned";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) PAYMENT SCHEDULE AND RATES.—At the election of the Secretary concerned, the Secretary may pay the special pay to which a member is entitled under subsection (a)—

"(1) in monthly installments in an amount prescribed by the Secretary, but not to exceed $80 each; or

"(2) as an annual bonus in an amount prescribed by the Secretary, but not to exceed $2,000 per year.".

(b) PROHIBITION OF CONCURRENT RECEIPT WITH REST AND RECUPERATIVE ABSENCE OR TRANSPORTATION.—Subsection (c) of such section, as redesignated by subsection (a)(2), is amended—

(1) by inserting "CONCURRENT RECEIPT OF BENEFITS PROHIBITED.—(1)" after "(c)"; and

(2) by adding at the end the following:

"(2)(A) In the case of a member entitled to an annual bonus for a 12-month period under subsection (b)(2), the amount of the annual bonus shall be reduced by the percent determined by dividing 12 into the number of months in the period that the member is authorized rest and recuperative absence or transportation. For the purposes of the preceding sentence, a member shall be treated as having been authorized rest and recuperative absence or transportation for a full month if rest and recuperative absence or transportation is authorized for the member for any part of the month.

"(B) The Secretary concerned shall recoup by collection from a member any amount of an annual bonus paid under subsection (b)(2) to the member for a 12-month period that exceeds the amount of the bonus to which the member is entitled for the period by reason of an authorization of rest and recuperative absence or transportation for the member during that period that was not taken into account in computing the amount of the entitlement.".

(c) REPAYMENT.—Such section is further amended by adding at the end the following:

"(d) REFUND FOR FAILURE TO COMPLETE TOUR OF DUTY.—(1) A member who, having entered into a written agreement to extend a tour of duty for a period under subsection (a), receives a bonus payment under subsection (b)(2) for a 12-month period covered by the agreement and ceases during that 12-month period to perform the agreed tour of duty shall refund to the United States the unearned portion of the bonus. The unearned portion of the bonus is the amount by which the amount of the bonus paid to the member exceeds the amount determined by multiplying the amount of the bonus paid by the percent determined by dividing 12 into the number of full months during which the member performed the duty in the 12-month period.

"(2) The Secretary concerned may waive the obligation of a member to reimburse the United States under paragraph (1) if the Secretary determines that conditions and circumstances warrant the waiver.

"(e) TREATMENT OF REIMBURSEMENT OBLIGATIONS.—(1) An obligation to reimburse the United States imposed under subsection (c)(2)(B) or (d) is for all purposes a debt owed to the United States.

"(2) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a) does not discharge the member signing the agreement from a debt referred to in paragraph (1). This paragraph applies to any case commenced under title 11 on or after October 1, 1997.".

(d) STYLISTIC AMENDMENT.—Subsection (a) of such section is amended by inserting "AUTHORITY.—" after "(a)".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997, and apply to agreements accepted under section 314 of title 37, United States Code, on or after that date.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

SEC. 651. ONE-YEAR OPPORTUNITY TO DISCONTINUE PARTICIPATION IN SURVIVOR BENEFIT PLAN.

(a) ELECTION TO DISCONTINUE WITHIN ONE YEAR AFTER SECOND ANNIVERSARY OF COMMENCEMENT OF PAYMENT OF RETIRED PAY.—(1) Subchapter II of chapter 73 of title 10, United States Code, is amended by inserting after section 1448 the following:

"§ 1448a. Election to discontinue participation: one-year opportunity after second anniversary of commencement of payment of retired pay

"(a) AUTHORITY.—A participant in the Plan may, subject to the provisions of this section, elect to discontinue participation in the Plan at any time during the 1-year period beginning on the second anniversary of the date on which payment of retired pay to the participant commences.

"(b) CONCURRENCE OF SPOUSE.—(1) A married participant may not make an election under subsection (a) without the concurrence of the participant's spouse, except that the participant may make such an election without the concurrence of the person's spouse if the person establishes to the satisfaction of the Secretary concerned that one of the conditions described in section 1448(a)(3)(C) of this title exists.

"(2) The concurrence of a spouse under paragraph (1) shall be made in such written form and shall contain such information as may be required under regulations prescribed by the Secretary of Defense.

"(c) LIMITATION ON ELECTION WHEN FORMER SPOUSE COVERAGE IN EFFECT.—The limitation set forth in section 1450(f)(2) of this title shall apply to an election to discontinue participation in the Plan under subsection (a).

"(d) WITHDRAWAL OF ELECTION TO DISCONTINUE.—Section 1448(b)(1)(D) of this title shall apply to an election under subsection (a).

"(e) CONSEQUENCES OF DISCONTINUATION.—Section 1448(b)(1)(E) of this title shall apply to an election under subsection (a).

"(f) NOTICE TO EFFECTED BENEFICIARIES.—The Secretary concerned shall notify any former spouse or other natural person previously designated under section 1448(b) of this title of any election to discontinue participation under subsection (a).

"(g) EFFECTIVE DATE OF ELECTION.—An election authorized under this section is effective as of the first day of the first calendar month following the month in which the election is received by the Secretary concerned.

"(h) INAPPLICABILITY OF IRREVOCABILITY PROVISIONS.—Paragraphs (4)(B) and (5)(C) of section 1448(a) of this title do not apply to prevent an election under subsection (a).".

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1448 the following:

"1448a. Election to discontinue participation: one-year opportunity after second anniversary of commencement of payment of retired pay.".

(b) TRANSITION PROVISION.—Notwithstanding the limitation on the time for making an election under section 1448a of title 10, United States Code (as added by subsection (a)), that is specified in subsection (a) of such section, a participant in the Survivor Benefit Plan under subchapter II of chapter 73 of such title may make an election in accordance with that section within one year after the effective date of the section if the second anniversary of the commencement of payment of retired pay to the participant precedes that effective date.

(c) EFFECTIVE DATE.—Section 1448a of title 10, United States Code, as added by subsection (a), shall take effect 180 days after the date of the enactment of this Act.

SEC. 652. TIME FOR CHANGING SURVIVOR BENEFIT COVERAGE FROM FORMER SPOUSE TO SPOUSE.

Section 1450(f)(1)(C) of title 10, United States Code, is amended by adding at the end the following: "Notwithstanding the preceding sentence, a change of election under this subsection to provide an annuity to a spouse instead of a former spouse may (subject to paragraph (2)) be made at any time without regard to the time limitation in section 1448(a)(5)(B) of this title.".

SEC. 653. PAID-UP COVERAGE UNDER SURVIVOR BENEFIT PLAN.

Section 1452 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(j) COVERAGE PAID UP AT 30 YEARS OR AGE 70.—(1) Coverage of a survivor of a member under the Plan shall be considered paid up as of the end of the earlier of—

"(A) the 360th month in which the member's retired pay has been reduced under this section; or

"(B) the month in which the member attains 70 years of age.

"(2) The retired pay of a member shall not be reduced under this section to provide coverage of a survivor under the Plan after the month when the coverage is considered paid up under paragraph (1).".

SEC. 654. ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES.

(a) SURVIVOR ANNUITY.—(1) The Secretary concerned shall pay an annuity to the qualified surviving spouse of each member of the uniformed services who—

(A) died before March 21, 1974, and was entitled to retired or retainer pay on the date of death; or

(B) was a member of a reserve component of the Armed Forces during the period beginning on September 21, 1972, and ending on October 1, 1978, and at the time of his death would have been entitled to retired pay under chapter 67 of title 10, United States Code (as in effect before December 1, 1994), but for the fact that he was under 60 years of age.

(2) A qualified surviving spouse for purposes of this section is a surviving spouse who has not remarried and who is not eligible for an annuity under section 4 of Public Law 92-425 (10 U.S.C. 1448 note).

(b) AMOUNT OF ANNUITY.—(1) An annuity under this section shall be paid at the rate of $165 per month, as adjusted from time to time under paragraph (3).

(2) An annuity paid to a surviving spouse under this section shall be reduced by the amount of any dependency and indemnity compensation (DIC) to which the surviving spouse is entitled under section 1311(a) of title 38, United States Code.

(3) Whenever after the date of the enactment of this Act retired or retainer pay is increased under section 1401a(b)(2) of title 10, United States Code, each annuity that is payable under this section shall be increased at the same time and by the same total percent. The amount of the increase shall be based on the amount of the monthly annuity payable before any reduction under this section.

(c) APPLICATION REQUIRED.—No benefit shall be paid to any person under this section unless an application for such benefit is filed with the Secretary concerned by or on behalf of such person.

(d) DEFINITIONS.—For purposes of this section:

(1) The terms "uniformed services" and "Secretary concerned" have the meanings given such terms in section 101 of title 37, United States Code.

(2) The term "surviving spouse" has the meaning given the terms "widow" and "widower" in paragraphs (3) and (4) of section 1447 of title 10, United States Code.

(e) PROSPECTIVE APPLICABILITY.—(1) Annuities under this section shall be paid for months beginning after the month in which this Act is enacted.

(2) No benefit shall accrue to any person by reason of the enactment of this section for any period before the first month that begins after the month in which this Act is enacted.

(f) EXPIRATION OF AUTHORITY.—The authority to pay annuities under this section shall expire on September 30, 2001.

Subtitle E—Other Matters

SEC. 661. ELIGIBILITY OF RESERVES FOR BENEFITS FOR ILLNESS, INJURY, OR DEATH INCURRED OR AGGRAVATED IN LINE OF DUTY.

(a) PAY AND ALLOWANCES.—(1) Section 204 of title 37, United States Code, is amended—

(A) in subsection (g)(1)(D), by inserting after "while remaining overnight," the following: "immediately before the commencement of inactive-duty training or"; and

(B) in subsection (h)(1)(D), by inserting after "while remaining overnight," the following: "immediately before the commencement of inactive-duty training or".

(2) Section 206(a)(3)(C) of such title is amended by inserting after "while remaining overnight," the following: "immediately before the commencement of inactive-duty training or".

(b) MEDICAL AND DENTAL CARE.—(1) Section 1074a(a)(3) of title 10, United States Code, is amended by inserting after "while remaining overnight," the following: "immediately before the commencement of inactive-duty training or".

(2) Section 1076(a)(2) of title 10, United States Code, is amended—

(A) by striking out "or" at the end of subparagraph (A);

(B) by striking out the period at the end of subparagraph (B)(ii) and inserting in lieu thereof "; or"; and

(C) by adding at the end the following:

"(C) who incurs or aggravates an injury, illness, or disease in the line of duty while serving on active duty under a call or order to active duty for a period of 30 days or less, if the call or order is modified to extend the period of active duty of the member to be more than 30 days.".

(c) ELIGIBILITY FOR DISABILITY RETIREMENT OR SEPARATION.—(1) Section 1204(2) of title 10, United States Code, is amended to read as follows:

"(2) the disability is a result of an injury, illness, or disease incurred or aggravated—

"(A) in line of duty while performing active duty or inactive-duty training;

"(B) while traveling directly to or from the place at which such duty is performed; or

"(C) while remaining overnight, immediately before the commencement of inactive-duty training or between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site of the inactive-duty training is outside reasonable commuting distance of the member's residence;".

(2) Section 1206 of title 10, United States Code, is amended—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively, and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) the disability is a result of an injury, illness, or disease incurred or aggravated—

"(A) in line of duty while performing active duty or inactive-duty training;

"(B) while traveling directly to or from the place at which such duty is performed; or

"(C) while remaining overnight, immediately before the commencement of inactive-duty training or between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site of the inactive-duty training is outside reasonable commuting distance of the member's residence;".

(d) RECOVERY, CARE, AND DISPOSITION OF REMAINS.—Section 1481(a)(2)(D) of title 10, United States Code, is amended by inserting after "while remaining overnight," the following: "immediately before the commencement of inactive-duty training or".

(e) CONFORMING AMENDMENTS AND RELATED CLERICAL AMENDMENTS.—(1) The heading of section 1204 of title 10, United States Code, is amended to read as follows:

"§1204. Members on active duty for 30 days or less or on inactive-duty training: retirement".

(2) The heading of section 1206 of such title is amended to read as follows:

"§ 1206. Members on active duty for 30 days or less or on inactive-duty training: separation".

(3) The table of sections at the beginning of chapter 61 of such title is amended—

(A) by striking out the item relating to section 1204 and inserting in lieu thereof the following:

"1204. Members on active duty for 30 days or less or on inactive-duty training: retirement.";

and

(B) by striking out the item relating to section 1206 and inserting in lieu thereof the following:

"1206. Members on active duty for 30 days or less or on inactive-duty training: separation.".

(f) PROSPECTIVE APPLICABILITY.—No benefit shall accrue under an amendment made by this section for any period before the date of the enactment of this Act.

SEC. 662. TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS BEFORE APPROVAL OF A MEMBER'S COURT-MARTIAL SENTENCE.

Section 406(h)(2)(C) of title 37, United States Code, is amended by inserting before the period at the end of the matter following clause (iii) the following: "or action on the sentence is pending under that section".

SEC. 663. ELIGIBILITY OF MEMBERS OF THE UNIFORMED SERVICES FOR REIMBURSEMENT OF ADOPTION EXPENSES.

(a) PUBLIC HEALTH SERVICE.—Section 221(a) of the Public Health Service Act (42 U.S.C. 213a(a)) is amended by adding at the end the following:

"(16) Section 1052, Reimbursement for adoption expenses.".

(b) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Section 3(a) of the Act entitled "An Act to revise, codify, and enact into law, title 10 of the United States Code, entitled 'Armed Forces', and title 32 of the United States Code, entitled 'National Guard'", approved August 10, 1956 (33 U.S.C. 857a(a)), is amended by adding at the end the following:

"(16) Section 1052, Reimbursement for adoption expenses.".

(c) PROSPECTIVE APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and apply to adoptions completed on or after such date.

TITLE VII—HEALTH CARE PROVISIONS

SEC. 701. WAIVER OF DEDUCTIBLES, COPAYMENTS, AND ANNUAL FEES FOR MEMBERS ASSIGNED TO CERTAIN DUTY LOCATIONS FAR FROM SOURCES OF CARE.

(a) AUTHORITY.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following:

"§ 1107. Waiver of deductibles, copayments, and annual fees for members assigned to certain duty locations far from sources of care

"(a) AUTHORITY.—The administering Secretaries shall prescribe in regulations—

"(1) authority for members of the armed forces referred to in subsection (b) to receive care under the Civilian Health and Medical Program of the Uniformed Services; and

"(2) policies and procedures for waiving an obligation for such members to pay a deductible, copayment, or annual fee that would otherwise be applicable under that program for care provided to the members under the program.

"(b) ELIGIBILITY.—The regulations may be applied to a member of the uniformed services on active duty who—

"(1) is assigned to—

"(A) permanent duty as a recruiter;

"(B) permanent duty at an educational institution to instruct, administer a program of instruction, or provide administrative services in support of a program of instruction for the Reserve Officers' Training Corps;

"(C) permanent duty as a full-time adviser to a unit of a reserve component of the armed forces; or

"(D) any other permanent duty designated by the administering Secretary concerned for purposes of the regulations; and

"(2) pursuant to such assignment, resides at a location that is more than 50 miles, or one hour of driving time, from—

"(A) the nearest health care facility of the uniformed services adequate to provide the needed care under this chapter; and

"(B) the nearest source of the needed care that is available to the member under the TRICARE Prime plan.

"(c) PAYMENT OF COSTS.—Deductibles, copayments, and annual fees not payable by a member by reason of a waiver granted under the regulations shall be paid out of funds available to the Department of Defense for the defense health program.

"(d) DEFINITIONS.—In this section:

"(1) The term 'TRICARE Prime plan' means a plan under the TRICARE program that provides for voluntary enrollment for health care to be furnished in a manner similar to the manner in which health care is furnished by health maintenance organizations.

"(2) The term 'TRICARE program' means the managed health care program that is established by the Secretary of Defense under the authority of this chapter, principally section 1097 of this title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"1107. Waiver of deductibles, copayments, and annual fees for members assigned to certain duty locations far from sources of care.".

SEC. 702. PAYMENT FOR EMERGENCY HEALTH CARE OVERSEAS FOR MILITARY AND CIVILIAN PERSONNEL OF THE ON-SITE INSPECTION AGENCY.

(a) PAYMENT OF COSTS.—The Secretary of Defense may pay the costs of any emergency health care that—

(1) is needed by a member of the Armed Forces, civilian employee of the Department of Defense, or civilian employee of a contractor while the person is performing temporary or permanent duty with the On-Site Inspection Agency outside the United States; and

(2) is furnished to such person during fiscal year 1998 by a source outside the United States.

(b) FUNDING.—Funds authorized to be appropriated for the expenses of the On-Site Inspection Agency for fiscal year 1998 by this Act shall be available to cover payments for emergency health care under subsection (a).

SEC. 703. DISCLOSURES OF CAUTIONARY INFORMATION ON PRESCRIPTION MEDICATIONS.

(a) REQUIREMENT FOR REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the administering Secretaries referred to in section 1073(3) of title 10, United States Code, shall prescribe regulations that require each source dispensing a prescription medication to a person under chapter 55 of such title to furnish to that person, with the medication, written cautionary information on the medication.

(b) INFORMATION TO BE DISCLOSED.—Information required to be disclosed about a medication under the regulations shall include appropriate cautions about usage of the medication, including possible side effects and potentially hazardous interactions with foods.

(c) FORM OF INFORMATION.—The regulations shall require that information be furnished in a form that, to the maximum extent practicable, is easily read and understood.

(d) COVERED SOURCES.—The regulations shall apply to the following:

(1) Pharmacies and any other dispensers of prescription medications in medical facilities of the uniformed services.

(2) Sources of prescription medications under any mail order pharmaceuticals program provided by any of the administering Secretaries under chapter 55 of title 10, United States Code.

(3) Pharmacies paid under the Civilian Health and Medical Program of the Uniformed Services (including the TRICARE program).

(4) Pharmacies, and any other pharmaceutical dispensers, of designated providers referred to in section 721(5) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2593; 10 U.S.C. 1073 note).

SEC. 704. HEALTH CARE SERVICES FOR CERTAIN RESERVES WHO SERVED IN SOUTHWEST ASIA DURING THE PERSIAN GULF WAR.

(a) REQUIREMENT.—A member of the Armed Forces described in subsection (b) shall be entitled to medical and dental care under chapter 55 of title 10, United States Code, for a symptom or illness described in subsection (b)(2) to the same extent and under the same conditions (other than the requirement to be on active duty) as is a member of a uniformed service who is entitled under section 1074(a) of such title to medical and dental care under such chapter. The Secretary shall provide such care free of charge to the member.

(b) COVERED MEMBERS.—Subsection (a) applies to any member of a reserve component of the Armed Forces who—

(1) is a Persian Gulf veteran;

(2) registers a symptom or illness in the Persian Gulf War Veterans Health Surveillance System of the Department of Defense that is presumed under section 721(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2805; 10 U.S.C. 1074 note) to be a result of such service; and

(3) is not otherwise entitled to medical and dental care under section 1074(a) of title 10, United States Code.

(c) DEFINITION.—In this section, the term "Persian Gulf veteran" has the same meaning as in section 721(i) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2807; 10 U.S.C. 1074 note).

SEC. 705. COLLECTION OF DENTAL INSURANCE PREMIUMS.

(a) SELECTED RESERVE DENTAL INSURANCE.—Paragraph (3) of section 1076b(b) of title 10, United States Code, is amended to read as follows:

"(3) The Secretary of Defense shall establish procedures for the collection of the member's share of the premium for coverage by the dental insurance plan. To the extent that the Secretary determines practicable, a

member's share may be deducted and withheld from the basic pay payable to the member for inactive duty training and from the basic pay payable to the member for active duty.".

(b) RETIREE DENTAL INSURANCE.—Paragraph (2) of section 1076c(c) of title 10, United States Code, is amended by striking out "(2) The amount of the premiums" and inserting in lieu thereof "(2) The Secretary of Defense shall establish procedures for the collection of the premiums charged for coverage by the dental insurance plan. To the extent that the Secretary determines practicable, the premiums".

SEC. 706. DENTAL INSURANCE PLAN COVERAGE FOR RETIREES OF UNIFORMED SERVICE IN THE PUBLIC HEALTH SERVICE AND NOAA.

(a) OFFICIALS RESPONSIBLE.—Subsection (a) of section 1076c of title 10, United States Code, is amended by striking out "Secretary of Defense" and inserting in lieu thereof "administering Secretaries".

(b) ELIGIBILITY.—Subsection (b)(1) of such section is amended by striking out "Armed Forces" and inserting in lieu thereof "uniformed services".

SEC. 707. PROSTHETIC DEVICES FOR DEPENDENTS.

(a) EXPANDED AUTHORITY.—Section 1077(a) of title 10, United States Code, is amended by adding at the end the following:

"(15) Artificial limbs, voice prostheses, and artificial eyes.

"(16) Any prosthetic device not named in paragraph (15) that is determined under regulations prescribed by the Secretary of Defense to be necessary because of one or more significant impairments resulting from trauma, congenital anomaly, or disease.".

(b) CONFORMING AMENDMENT.—Paragraph (2) of subsection (b) of such section is amended to read as follows:

"(2) Hearing aids, orthopedic footwear, and spectacles, except that such items may be sold, at the cost to the United States, to dependents outside the United States and at stations inside the United States where adequate civilian facilities are unavailable.".

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 801. STREAMLINED APPROVAL REQUIREMENTS FOR CONTRACTS UNDER INTERNATIONAL AGREEMENTS.

Section 2304(f)(2)(E) of title 10, United States Code, is amended by striking out "and such document is approved by the competition advocate for the procuring activity".

SEC. 802. RESTRICTION ON UNDEFINITIZED CONTRACT ACTIONS.

(a) APPLICABILITY OF WAIVER AUTHORITY TO HUMANITARIAN OR PEACEKEEPING OPERATIONS.—Section 2326(b)(4) of title 10, United States Code, is amended to read as follows:

"(4) The head of an agency may waive the provisions of this subsection with respect to a contract of that agency if that head of an agency determines that the waiver is necessary in order to support any of the following operations:

"(A) A contingency operation.

"(B) A humanitarian or peacekeeping operation.".

(b) HUMANITARIAN OR PEACEKEEPING OPERATION DEFINED.—Section 2302(7) of such title is amended—

(1) by striking out "(7)(A)" and inserting in lieu thereof "(7)"; and

(2) by striking out "(B) In subparagraph (A), the" and inserting in lieu thereof "(8) The".

SEC. 803. EXPANSION OF AUTHORITY TO CROSS FISCAL YEARS TO ALL SEVERABLE SERVICE CONTRACTS NOT EXCEEDING A YEAR.

(a) EXPANDED AUTHORITY.—Section 2410a of title 10, United States Code, is amended to read as follows:

"§ 2410a. Severable service contracts for periods crossing fiscal years

"(a) AUTHORITY.—The Secretary of Defense or the Secretary of a military department may enter into a contract for procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed one year.

"(b) OBLIGATION OF FUNDS.—Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of subsection (a).".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

"2410a. Severable service contracts for periods crossing fiscal years.".

SEC. 804. LIMITATION ON ALLOWABILITY OF COMPENSATION FOR CERTAIN CONTRACTOR PERSONNEL.

(a) CERTAIN COMPENSATION NOT ALLOWABLE AS COSTS UNDER DEFENSE CONTRACTS.—(1) Subsection (e)(1) of section 2324 of title 10, United States Code, is amended by adding at the end the following:

"(P) Costs of compensation of senior executives of contractors for a fiscal year, to the extent that such compensation exceeds the benchmark compensation amount determined applicable for the fiscal year by the Administrator for Federal Procurement Policy under section 39 of the Office of Federal Procurement Policy Act (41 U.S.C. 435).".

(2) Subsection (l) of such section is amended by adding at the end the following:

"(4) The term 'compensation', for a fiscal year, means the total amount of wages, salary, bonuses and deferred compensation for the fiscal year, whether paid, earned, or otherwise accruing, as recorded in an employer's cost accounting records for the fiscal year.

"(5) The term 'senior executive', with respect to a contractor, means—

"(A) the chief executive officer of the contractor or any individual acting in a similar capacity for the contractor;

"(B) the five most highly compensated employees in management positions of the contractor other than the chief executive officer; and

"(C) in the case of a contractor that has components managed by personnel who report on the operations of the components directly to officers of the contractor, the five most highly compensated individuals in management positions at each such component.".

(b) CERTAIN COMPENSATION NOT ALLOWABLE AS COSTS UNDER NON-DEFENSE CONTRACTS.—(1) Subsection (e)(1) of section 306 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256) is amended by adding at the end the following:

"(P) Costs of compensation of senior executives of contractors for a fiscal year, to the extent that such compensation exceeds the benchmark compensation amount determined applicable for the fiscal year by the Administrator for Federal Procurement Policy under section 39 of the Office of Federal Procurement Policy Act (41 U.S.C. 435).".

(2) Such section is further amended by adding at the end the following:

"(m) OTHER DEFINITIONS.—In this section:

"(1) The term 'compensation', for a fiscal year, means the total amount of wages, salary, bonuses and deferred compensation for the fiscal year, whether paid, earned, or otherwise accruing, as recorded in an employer's cost accounting records for the fiscal year.

"(2) The term 'senior executive', with respect to a contractor, means—

"(A) the chief executive officer of the contractor or any individual acting in a similar capacity for the contractor;

"(B) the five most highly compensated employees in management positions of the contractor other than the chief executive officer; and

"(C) in the case of a contractor that has components managed by personnel who report on the operations of the components directly to officers of the contractor, the five most highly compensated individuals in management positions at each such component.".

(c) LEVELS OF COMPENSATION NOT ALLOWABLE.—(1) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following:

"SEC. 39. LEVELS OF COMPENSATION OF CERTAIN CONTRACTOR PERSONNEL NOT ALLOWABLE AS COSTS UNDER CERTAIN CONTRACTS.

"(a) DETERMINATION REQUIRED.—For purposes of section 2324(e)(1)(P) of title 10, United States Code, and section 306(e)(1)(P) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256(e)(1)(P)), the Administrator shall review commercially available surveys of executive compensation and, on the basis of the results of the review, determine a benchmark compensation amount to apply for each fiscal year. In making determinations under this subsection the Administrator shall consult with the Director of the Defense Contract Audit Agency and such other officials of executive agencies as the Administrator considers appropriate.

"(b) BENCHMARK COMPENSATION AMOUNT.—The benchmark compensation amount applicable for a fiscal year is the median amount of the compensation provided for all senior executives of all benchmark corporations for the most recent year for which data is available at the time the determination under subsection (a) is made.

"(c) DEFINITIONS.—In this section:

"(1) The term 'compensation', for a year, means the total amount of wages, salary, bonuses and deferred compensation for the year, whether paid, earned, or otherwise accruing, as recorded in an employer's cost accounting records for the year.

"(2) The term 'senior executive', with respect to a corporation, means—

"(A) the chief executive officer of the corporation or any individual acting in a similar capacity for the corporation;

"(B) the five most highly compensated employees in management positions of the corporation other than the chief executive officer; and

"(C) in the case of a corporation that has components managed by personnel who report on the operations of the components directly to officers of the corporation, the five most highly compensated individuals in management positions at each such component.

"(3) The term 'benchmark corporation', with respect to a year, means a publicly-owned United States corporation that has annual sales in excess of $50,000,000 for the year.

"(4) The term 'publicly-owned United States corporation' means a corporation organized under the laws of a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a possession of the United States the voting stock of which is publicly traded.".

(2) The table of sections in section 1(b) of such Act is amended by adding at the end the following:

"Sec. 39. Levels of compensation of certain contractor personnel not allowable as costs under certain contracts.".

(d) REGULATIONS.—Regulations implementing the amendments made by this section shall be published in the Federal Register not later than the effective date of the amendments under subsection (e).

(e) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act and shall apply with respect to payments that become due from the United States after that date under covered contracts entered into before, on, or after that date.

(2) In paragraph (1), the term "covered contract" has the meaning given such term in section 2324(l) of title 10, United States Code, and section 306(l) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256(l)).

SEC. 805. INCREASED PRICE LIMITATION ON PURCHASES OF RIGHT-HAND DRIVE VEHICLES.

Section 2253(a)(2) of title 10, United States Code, is amended by striking out "$12,000" and inserting in lieu thereof "$30,000".

SEC. 806. CONVERSION OF DEFENSE CAPABILITY PRESERVATION AUTHORITY TO NAVY SHIPBUILDING CAPABILITY PRESERVATION AUTHORITY.

(a) AUTHORITY OF SECRETARY OF THE NAVY.—Section 808 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 393; 10 U.S.C. 2501) is amended—

(1) in subsection (a), by striking out "Secretary of Defense" and inserting in lieu thereof "Secretary of the Navy"; and

(2) in subsection (b)(2), by striking out "Secretary of Defense if the Secretary of Defense" and inserting in lieu thereof "Secretary of the Navy if the Secretary".

(b) NAME OF AGREEMENTS.—Subsection (a) of such section is amended—

(1) by striking out "DEFENSE CAPABILITY PRESERVATION AGREEMENT.—" and inserting in lieu thereof "SHIPBUILDING CAPABILITY PRESERVATION AGREEMENT.—"; and

(2) by striking out "'defense capability preservation agreement'" and inserting in lieu thereof "'shipbuilding capability preservation agreement'".

(c) SCOPE OF AUTHORITY.—(1) The first sentence of subsection (a) of such section is amended—

(A) by striking out "defense contractor" and inserting in lieu thereof "shipbuilder"; and

(B) by adding at the end the following "to the shipbuilder under a Navy contract for the construction of a ship".

(2) Subsection (b)(1)(A) of such section is amended by striking out "defense contract" and inserting in lieu thereof "contract for the construction of a ship for the Navy".

(d) MAXIMUM AMOUNT OF ALLOCABLE INDIRECT COSTS.—Subsection (b)(1)(C) of such section is amended—

(1) by striking out "in any year of" and inserting in lieu thereof "covered by"; and

(2) by striking out "that year" and inserting in lieu thereof "the period covered by the agreement".

(e) APPLICABILITY.—Such section is further amended by striking out subsections (c), (d), and (e) and inserting in lieu thereof the following:

"(c) APPLICABILITY.—(1) An agreement entered into with a shipbuilder under subsection (a) shall apply to each of the following Navy contracts with the shipbuilder:

"(A) A contract that is in effect on the date on which the agreement is entered into.

"(B) A contract that is awarded during the term of the agreement.

"(2) In a shipbuilding capability preservation agreement applicable to a shipbuilder, the Secretary may agree to apply the cost reimbursement rules set forth in subsection (b) to allocations of indirect costs to private sector work performed by the shipbuilder only with respect to costs that the shipbuilder incurred on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998 under a contract between the shipbuilder and a private sector customer of the shipbuilder that became effective on or after January 26, 1996.".

(f) IMPLEMENTATION AND REPORT.—Such section is further amended adding at the end the following:

"(d) IMPLEMENTATION.—Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998, the Secretary of the Navy shall establish application procedures and procedures for expeditious consideration of shipbuilding capability preservation agreements as authorized by this section.

"(e) REPORT.—Not later than February 15, 1998, the Secretary of the Navy shall submit to the congressional defense committees a report on applications for shipbuilding capability preservation agreements. The report shall contain the number of the applications received, the number of the applications approved, and a discussion of the reasons for disapproval of any applications disapproved.".

(g) SECTION HEADING.—The heading for such section is amended by striking out "defense" and inserting in lieu thereof "certain".

SEC. 807. ELIMINATION OF CERTIFICATION REQUIREMENT FOR GRANTS.

Section 5153 of the Drug-Free Workplace Act of 1988 (Public Law 100–690; 102 Stat. 4306; 41 U.S.C. 702) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking out "has certified to the granting agency that it will" and inserting in lieu thereof "agrees to"; and

(B) in paragraph (2), by striking out "certifies to the agency" and inserting in lieu thereof "agrees"; and

(2) in subsection (b)(1)—

(A) by striking out subparagraph (A);

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(C) in subparagraph (A), as so redesignated, by striking out "such certification by failing to carry out".

SEC. 808. REPEAL OF LIMITATION ON ADJUSTMENT OF SHIPBUILDING CONTRACTS.

(a) REPEAL.—(1) Section 2405 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2405.

(b) APPLICABILITY.—(1) Except as provided in paragraph (2), the amendments made by subsection (a) shall apply to claims, requests for equitable adjustment, and demands for payment under shipbuilding contracts that have been or are submitted before, on, or after the date of the enactment of this Act.

(2) Section 2405 of title 10, United States Code, as in effect immediately before the date of the enactment of this Act, shall continue to apply to a contractor's claim, request for equitable adjustment, or demand for payment under a shipbuilding contract that was submitted before such date if—

(A) a contracting officer denied the claim, request, or demand, and the period for appealing the decision to a court or board under the Contract Disputes Act of 1978 expired before such date;

(B) a court or board of contract appeals considering the claim, request, or demand (including any appeal of a decision of a contracting officer to deny or dismiss the claim, request, or demand) denied the claim, request, or demand (or the appeal), and the action of the court or board became final and unappealable before such date; or

(C) the contractor released or releases the claim, request, or demand.

Subtitle B—Contract Provisions

SEC. 811. CONTRACTOR GUARANTEES OF MAJOR SYSTEMS.

(a) REVISION OF REQUIREMENT.—Section 2403 of title 10, United States Code, is amended to read as follows:

"§ 2403. Major systems: contractor guarantees

"(a) GUARANTEE REQUIRED.—In any case in which the head of an agency determines that it is appropriate and cost effective to do so in entering into a contract for the production of a major system, the head of an agency shall, except as provided in subsection (b), require the prime contractor to provide the United States with a written guarantee that—

"(1) the item provided under the contract will conform to the design and manufacturing requirements specifically delineated in the production contract (or in any amendment to that contract);

"(2) the item provided under the contract will be free from all defects in materials and workmanship at the time it is delivered to the United States;

"(3) the item provided under the contract will conform to the essential performance requirements of the item as specifically delineated in the production contract (or in any amendment to that contract); and

"(4) if the item provided under the contract fails to meet a guarantee required under paragraph (1), (2), or (3), the contractor will, at the election of the Secretary of Defense or as otherwise provided in the contract—

"(A) promptly take such corrective action as may be necessary to correct the failure at no additional cost to the United States; or

"(B) pay costs reasonably incurred by the United States in taking such corrective action.

"(b) EXCEPTION.—The head of an agency may not require a prime contractor under subsection (a) to provide a guarantee for a major system, or for a component of a major system, that is furnished by the United States.

"(c) DEFINITIONS.—In this section:

"(1) The term 'prime contractor' means a party that enters into an agreement directly with the United States to furnish part or all of a major system.

"(2) The term 'design and manufacturing requirements' means structural and engineering plans and manufacturing particulars, including precise measurements, tolerances, materials, and finished product tests for the major system being produced.

"(3) The term 'essential performance requirements', with respect to a major system,

means the operating capabilities or maintenance and reliability characteristics of the system that are determined by the Secretary of Defense to be necessary for the system to fulfill the military requirement for which the system is designed.

"(4) The term 'component' means any constituent element of a major system.

"(5) The term 'head of an agency' has the meaning given that term in section 2302 of this title.".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

"2403. Major systems: contractor guarantees.".

SEC. 812. VESTING OF TITLE IN THE UNITED STATES UNDER CONTRACTS PAID UNDER PROGRESS PAYMENT ARRANGEMENTS OR SIMILAR ARRANGEMENTS.

Section 2307 of title 10, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) VESTING OF TITLE IN THE UNITED STATES.—If a contract paid by a method authorized under subsection (a)(1) provides for title to property to vest in the United States, the title to the property shall vest in accordance with the terms of the contract, regardless of any security interest in the property that is asserted before or after the contract is entered into.".

Subtitle C—Acquisition Assistance Programs

SEC. 821. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

(a) FUNDING.—Of the amount authorized to be appropriated under section 301(5), $12,000,000 shall be available for carrying out the provisions of chapter 142 of title 10, United States Code.

(b) SPECIFIC PROGRAMS.—Of the amounts made available pursuant to subsection (a), $600,000 shall be available for fiscal year 1998 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

SEC. 822. ONE-YEAR EXTENSION OF PILOT MENTOR-PROTEGE PROGRAM.

Section 831(j) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended—

(1) in paragraph (1), by striking out "1998" and inserting in lieu thereof "1999";

(2) in paragraph (2), by striking out "1999" and inserting in lieu thereof "2000"; and

(3) in paragraph (3), by striking out "1999" and inserting in lieu thereof "2000".

SEC. 823. TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SUBCONTRACTING PLANS.

(a) CONTENT OF SUBCONTRACTING PLANS.—Subsection (b)(2) of section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 15 U.S.C. 637 note) is amended—

(1) by striking out "plan—" and inserting in lieu thereof "plan of a contractor—";

(2) by striking out subparagraph (A);

(3) by redesignating subparagraph (B) as subparagraph (A) and by striking out the period at the end of such subparagraph and inserting in lieu thereof "; and"; and

(4) by adding at the end the following:

"(B) shall cover each Department of Defense contract that is entered into by the contractor and each subcontract that is entered into by the contractor as the subcontractor under a Department of Defense contract.".

(b) EXTENSION OF PROGRAM.—Subsection (e) of such section is amended by striking out "September 30, 1998" in the second sentence and inserting in lieu thereof "September 30, 2000.".

SEC. 824. PRICE PREFERENCE FOR SMALL AND DISADVANTAGED BUSINESSES.

Section 2323(e)(3) of title 10, United States Code, is amended by—

(1) inserting "(A)" after "(3)";

(2) inserting ", except as provided in (B)," after "the head of an agency may" in the first sentence; and

(3) adding at the end the following:

"(B) The Secretary of Defense may not exercise the authority under subparagraph (A) to enter into a contract for a price exceeding fair market cost in any fiscal year following a fiscal year in which the Department of Defense attained the 5 percent goal required by subsection (a).".

Subtitle D—Administrative Provisions

SEC. 831. RETENTION OF EXPIRED FUNDS DURING THE PENDENCY OF CONTRACT LITIGATION.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410m. Retention of amounts collected from contractor during the pendency of contract dispute

"(a) RETENTION OF FUNDS.—Notwithstanding sections 1552(a) and 3302(b) of title 31, any amount, including interest, collected from a contractor as a result of a claim made by an executive agency under the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.), shall remain available in accordance with this section to pay—

"(1) any settlement of the claim by the parties;

"(2) any judgment rendered in the contractor's favor on an appeal of the decision on that claim to the Armed Services Board of Contract Appeals under section 7 of such Act (41 U.S.C. 606); or

"(3) any judgment rendered in the contractor's favor in an action on that claim in a court of the United States.

"(b) PERIOD OF AVAILABILITY.—(1) The period of availability of an amount under subsection (a), in connection with a claim—

"(A) expires 180 days after the expiration of the period for bringing an action on that claim in the United States Court of Federal Claims under section 10(a) of the Contract Disputes Act of 1978 (41 U.S.C. 609(a)) if, within that 180-day period—

"(i) no appeal on the claim in commenced at the Armed Services Board of Contract Appeals under section 7 of the Contract Disputes Act of 1978; and

"(ii) no action on the claim is commenced in a court of the United States; or

"(B) if not expiring under subparagraph (A), expires—

"(i) in the case of a settlement of the claim, 180 days after the date of the settlement; or

"(ii) in the case of a judgment rendered on the claim in an appeal to the Armed Services Board of Contract Appeals under section 7 of the Contract Disputes Act of 1978 or an action in a court of the United States, 180 days after the date on which the judgment becomes final and not appealable.

"(2) While available under this section, an amount may be obligated or expended only for the purpose described in subsection (a).

"(3) Upon the expiration of the period of availability of an amount under paragraph (1), the amount shall be deposited in the Treasury as miscellaneous receipts.

"(c) REPORTING REQUIREMENT.—Each year, the Under Secretary of Defense (Comptroller) shall submit to Congress a report on the amounts, if any, that are available for obligation pursuant to this section. The report shall include, at a minimum, the following:

"(1) The total amount available for obligation.

"(2) The total amount collected from contractors during the year preceding the year in which the report is submitted.

"(3) The total amount disbursed in such preceding year and a description of the purpose for each disbursement.

"(4) The total amount returned to the Treasury in such preceding year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended by adding at the end the following new item:

"2410m. Retention of amounts collected from contractor during the pendency of contract dispute.".

SEC. 832. PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.

Section 2371 of title 10, United States Code, is amended by inserting after subsection (h) the following:

"(i) PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.—(1) Disclosure of information described in paragraph (2) is not required, and may not be compelled, under section 552 of title 5 for five years after the date on which the information is received by the Department of Defense.

"(2)(A) Paragraph (1) applies to information described in subparagraph (B) that is in the records of the Department of Defense if the information was submitted to the department in a competitive or noncompetitive process having the potential for resulting in an award, to the party submitting the information, of a cooperative agreement that includes a clause described in subsection (d) or another transaction authorized under subsection (a).

"(B) The information referred to in subparagraph (A) is the following:

"(i) A proposal, proposal abstract, and supporting documents.

"(ii) A business plan submitted on a confidential basis.

"(iii) Technical information submitted on a confidential basis.".

SEC. 833. CONTENT OF LIMITED SELECTED ACQUISITION REPORTS.

Section 2432(h)(2) of title 10, United States Code, is amended—

(1) by striking out subparagraph (D); and

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively.

SEC. 834. UNIT COST REPORTS.

(a) IMMEDIATE REPORT REQUIRED ONLY FOR PREVIOUSLY UNREPORTED INCREASED COSTS.—Subsection (c) of section 2433 of title 10, United States Code, is amended by striking out "during the current fiscal year (other than the last quarterly unit cost report under subsection (b) for the preceding fiscal year)" in the matter following paragraph (3).

(b) IMMEDIATE REPORT NOT REQUIRED FOR COST VARIANCES OR SCHEDULE VARIANCES OF MAJOR CONTRACTS.—Subsection (c) of such section is further amended—

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

(2) by striking out "or" at the end of paragraph (2); and

(3) by striking out paragraph (3).

(c) CONGRESSIONAL NOTIFICATION OF INCREASED COST NOT CONDITIONED ON DISCOVERY SINCE BEGINNING OF FISCAL YEAR.—Subsection (d)(3) of such section is amended by striking out "(for the first time since the beginning of the current fiscal year)" in the first sentence.

SEC. 835. CENTRAL DEPARTMENT OF DEFENSE POINT OF CONTACT FOR CONTRACTING INFORMATION.

(a) DESIGNATION OF OFFICIAL.—The Under Secretary of Defense for Acquisition and Technology shall designate an official within the Office of the Under Secretary of Defense for Acquisition and Technology to serve as a central point of contact for persons seeking information described in subsection (b).

(b) AVAILABLE INFORMATION.—Upon request, the official designated under subsection (a) shall provide information on the following:

(1) How and where to submit unsolicited proposals for research, development, test, and evaluation or for furnishing property or services to the Department of Defense.

(2) Department of Defense solicitations for offers that are open for response and the procedures for responding to the solicitations.

(3) Procedures for being included on any list of approved suppliers used by the Department of Defense.

(c) AVAILABILITY OF INFORMATION.—The official designated under subsection (a) shall use a variety of means for making the information described in subsection (b) readily available to potential contractors for the Department of Defense. The means shall include the establishment of one or more toll-free automated telephone lines, posting of information about the services of the official on generally accessible computer communications networks, and advertising.

Subtitle E—Other Matters

SEC. 841. DEFENSE BUSINESS COMBINATIONS.

(a) EXTENSION OF REQUIREMENT FOR REPORTS ON PAYMENT OF RESTRUCTURING COSTS.—Section 818(e) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 1821; 10 U.S.C. 2324 note) is amended by striking out "1995, 1996, and 1997" and inserting in lieu thereof "1997, 1998, and 1999".

(b) SECRETARY OF DEFENSE REPORTS.—Not later than March 1 in each of the years 1998, 1999, and 2000, the Secretary of Defense shall submit to the congressional defense committees a report on effects on competition resulting from any business combinations of major defense contractors that took place during the year preceding the year of the report. The report shall include, for each business combination reviewed by the Department pursuant to Department of Defense Directive 5000.62, the following:

(1) An assessment of any potentially adverse effects that the business combination could have on competition for Department of Defense contracts (including potential horizontal effects, vertical effects, and organizational conflicts of interest), the national technology and industrial base, or innovation in the defense industry.

(2) The actions taken to mitigate the potentially adverse effects.

(c) GAO REPORTS.—(1) Not later than December 1, 1997, the Comptroller General shall—

(A) in consultation with appropriate officials in the Department of Defense—

(i) identify major market areas adversely affected by business combinations of defense contractors since January 1, 1990; and

(ii) develop a methodology for determining the beneficial impact of business combinations of defense contractors on the prices paid on particular defense contracts; and

(B) submit to the congressional defense committees a report describing, for each major market area identified pursuant to subparagraph (A)(i), the changes in numbers of businesses competing for major defense contracts since January 1, 1990.

(2) Not later than December 1, 1998, the Comptroller General shall submit to the congressional defense committees a report containing the following:

(A) Updated information on—

(i) restructuring costs of business combinations paid by the Department of Defense pursuant to certifications under section 818 of the National Defense Authorization Act for Fiscal Year 1995, and

(ii) savings realized by the Department of Defense as a result of the business combinations for which the payment of restructuring costs was so certified.

(B) An assessment of the beneficial impact of business combinations of defense contractors on the prices paid on a meaningful sample of defense contracts, determined in accordance with the methodology developed pursuant to paragraph (1)(A)(ii).

(C) Any recommendations that the Comptroller General considers appropriate.

(d) BUSINESS COMBINATION DEFINED.—In this section, the term "business combination" has the meaning given that term in section 818(f) of the National Defense Authorization Act for Fiscal Year 1995 (108 Stat. 2822; 10 U.S.C. 2324 note).

SEC. 842. LEASE OF NONEXCESS PROPERTY OF DEFENSE AGENCIES.

(a) AUTHORITY.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2667 the following:

"§ 2667a. Leases: non-excess property of Defense Agencies

"(a) AUTHORITY.—Whenever the Director of a Defense Agency considers it advantageous to the United States, he may lease to such lessee and upon such terms as he considers will promote the national defense or to be in the public interest, personal property that is—

"(1) under the control of the Defense Agency;

"(2) not for the time needed for public use; and

"(3) not excess property, as defined by section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

"(b) LIMITATION, TERMS, AND CONDITIONS.—A lease under subsection (a)—

"(1) may not be for more than five years unless the Director of the Defense Agency concerned determines that a lease for a longer period will promote the national defense or be in the public interest;

"(2) may give the lessee the first right to buy the property if the lease is revoked to allow the United States to sell the property under any other provision of law;

"(3) shall permit the Director to revoke the lease at any time, unless he determines that the omission of such a provision will promote the national defense or be in the public interest; and

"(4) may provide, notwithstanding any other provision of law, for the improvement, maintenance, protection, repair, restoration, or replacement by the lessee, of the property leased as the payment of part or all of the consideration for the lease.

"(c) DISPOSITION OF MONEY RENT.—Money rentals received pursuant to leases entered into by the Director of a Defense Agency under subsection (a) shall be deposited in a special account in the Treasury established for such Defense Agency. Amounts in a Defense Agency's special account shall be available, to the extent provided in appropriations Acts, solely for the maintenance, repair, restoration, or replacement of the leased property.".

(b) CONFORMING AMENDMENT.—The heading of section 2667 of such title is amended to read as follows:

"§ 2667. Leases: non-excess property of military departments".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 159 of such title is amended by striking out the item relating to section 2667 and inserting in lieu thereof the following:

"2667. Leases: non-excess property of military departments.

"2667a. Leases: non-excess property of Defense Agencies.".

SEC. 843. PROMOTION RATE FOR OFFICERS IN AN ACQUISITION CORPS.

(a) REVIEW OF ACQUISITION CORPS PROMOTION SELECTIONS.—Upon the approval of the President or his designee of the report of a selection board convened under section 611(a) of title 10, United States Code, which considered members of an Acquisition Corps of a military department for promotion to a grade above O-4, the Secretary of the military department shall submit a copy of the report to the Under Secretary of Defense for Acquisition and Technology for review.

(b) REPORTING REQUIREMENT.—Not later than January 31 of each year, the Under Secretary of Defense for Acquisition and Technology shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report containing the Under Secretary's assessment of the extent to which each military department is complying with the requirement set forth in section 1731(b) of title 10, United States Code.

(c) TERMINATION OF REQUIREMENTS.—This section shall cease to be effective on October 1, 2000.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. PRINCIPAL DUTY OF ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT.

Section 138(b)(4) of title 10, United States Code, is amended by striking out "of special operations activities (as defined in section 167(j) of this title) and" and inserting in lieu thereof "of the performance of the responsibilities of the commander of the special operations command under subsections (e)(4) and (f) of section 167 of this title and of".

SEC. 902. PROFESSIONAL MILITARY EDUCATION SCHOOLS.

(a) COMPONENT INSTITUTIONS OF THE NATIONAL DEFENSE UNIVERSITY.—(1) Chapter 108 of title 10, United States Code, is amended by adding at the end the following:

"§ 2165. National Defense University

"(a) IN GENERAL.—There is a National Defense University in the Department of Defense.

"(b) COMPONENT INSTITUTIONS.—The university includes the following institutions:

"(1) The National War College.

"(2) The Industrial College of the Armed Forces.

"(3) The Armed Forces Staff College.

"(4) The Institute for National Strategic Studies.

"(5) The Information Resources Management College.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2165. National Defense University.".

(b) MARINE CORPS UNIVERSITY AS PROFESSIONAL MILITARY EDUCATION SCHOOL.—Subsection (d) of section 2162 of such title is amended to read as follows:

"(d) PROFESSIONAL MILITARY EDUCATION SCHOOLS.—This section applies to the following professional military education schools:

"(1) The National Defense University.

"(2) The Army War College.

"(3) The College of Naval Warfare.

"(4) The Air War College.

"(5) The United States Army Command and General Staff College.

"(6) The College of Naval Command and Staff.

"(7) The Air Command and Staff College.

"(8) The Marine Corps University.".

(c) REPEAL OF DUPLICATIVE DEFINITION.—Section 1595(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "(1)"; and

(2) by striking out paragraph (2).

SEC. 903. USE OF CINC INITIATIVE FUND FOR FORCE PROTECTION.

Section 166a(b) of title 10, United States Code, is amended by adding at the end the following:

"(9) Force protection.".

SEC. 904. TRANSFER OF TIARA PROGRAMS.

(a) TRANSFER OF FUNCTIONS.—The Secretary of Defense shall transfer—

(1) the responsibilities of the Tactical Intelligence and Related Activities (TIARA) aggregation for the conduct of programs referred to in subsection (b) to officials of elements of the military departments not in the intelligence community; and

(2) the funds available within the Tactical Intelligence and Related Activities aggregation for such programs to accounts of the military departments that are available for non-intelligence programs of the military departments.

(b) COVERED PROGRAMS.—Subsection (a) applies to the following programs:

(1) Targeting or target acquisition programs, including the Joint Surveillance and Target Attack Radar System, and the Advanced Deployable System.

(2) Tactical Warning and Attack Assessment programs, including the Defense Support Program, the Space-Based Infrared Program, and early warning radars.

(3) Tactical communications systems, including the Joint Tactical Terminal.

(c) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term "intelligence community" has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1998 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,500,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORITY FOR OBLIGATION OF CERTAIN UNAUTHORIZED FISCAL YEAR 1997 DEFENSE APPROPRIATIONS.

(a) AUTHORITY.—The amounts described in subsection (b) may be obligated and expended for programs, projects, and activities of the Department of Defense in accordance with fiscal year 1997 defense appropriations.

(b) COVERED AMOUNTS.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 1997 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1997 defense authorizations.

(c) DEFINITIONS.—For the purposes of this section:

(1) FISCAL YEAR 1997 DEFENSE APPROPRIATIONS.—The term "fiscal year 1997 defense appropriations" means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1997 in the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104–208).

(2) FISCAL YEAR 1997 DEFENSE AUTHORIZATIONS.—The term "fiscal year 1997 defense authorizations" means amounts authorized to be appropriated for the Department of Defense for fiscal year 1997 in the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201).

SEC. 1003. AUTHORIZATION OF PRIOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1997.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 1997 in the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in the 1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (Public Law 105–18).

SEC. 1004. INCREASED TRANSFER AUTHORITY FOR FISCAL YEAR 1996 AUTHORIZATIONS.

Section 1001(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 414) is amended by striking out "$2,000,000,000" and inserting in lieu thereof "$3,100,000,000".

SEC. 1005. BIENNIAL FINANCIAL MANAGEMENT STRATEGIC PLAN.

(a) BIENNIAL PLAN.—(1) Chapter 23 of title 10, United States Code, is amended by adding at the end the following:

"§ 483. Biennial financial management strategic plan

"(a) PLAN REQUIRED.—Not later than September 30 of each even-numbered year, the Secretary of Defense shall submit to Congress a strategic plan to improve the financial management within the Department of Defense. The strategic plan shall address all aspects of financial management within the Department of Defense, including the finance systems, accounting systems, and feeder systems that support financial functions.

"(b) DEFINITIONS.—In this section, the term 'feeder system' means an automated or manual system that provides input to a financial management or accounting system.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"483. Biennial financial management strategic plan.".

(b) FIRST SUBMISSION.—The Secretary of Defense shall submit the first financial management strategic plan under section 483 of title 10, United States Code (as added by subsection (a)), not later than September 30, 1998.

(c) CONTENT OF FIRST PLAN.—(1) At a minimum, the first financial management strategic plan shall include the following:

(A) The costs and benefits of integrating the finance and accounting systems of the Department of Defense, and the feasibility of doing so.

(B) Problems with the accuracy of data included in the finance systems, accounting systems, or feeder systems that support financial functions of the Department of Defense and the actions that can be taken to address the problems.

(C) Weaknesses in the internal controls of the systems and the actions that can be taken to address the weaknesses.

(D) Actions that can be taken to eliminate negative unliquidated obligations, unmatched disbursements, and in-transit disbursements, and to avoid such disbursements in the future.

(E) The status of the efforts being undertaken in the department to consolidate and eliminate—

(i) redundant or unneeded finance systems; and

(ii) redundant or unneeded accounting systems.

(F) The consolidation or elimination of redundant personnel systems, acquisition systems, asset accounting systems, time and attendance systems, and other feeder systems of the department.

(G) The integration of the feeder systems of the department with the finance and accounting systems of the department.

(H) Problems with the organization or performance of the Operating Locations and Service Centers of the Defense Finance and Accounting Service, and the actions that can be taken to address those problems.

(I) The costs and benefits of reorganizing the Operating Locations and Service Centers of the Defense Finance and Accounting Service according to function, and the feasibility of doing so.

(J) The costs and benefits of contracting for private sector performance of specific

functions performed by the Defense Finance and Accounting Service, and the feasibility of doing so.

(K) The costs and benefits of increasing the use of electronic fund transfer as a method of payment, and the feasibility of doing so.

(L) Any other changes in the financial management structure of the department or revisions of the department's financial processes and business practices that the Secretary of Defense considers necessary to improve financial management in the department.

(2) For the problems and actions identified in the plan, the Secretary shall include in the plan statements of objectives, performance measures, and schedules, and shall specify the individual and organizational responsibilities.

(3) In this subsection, the term "feeder system" has the meaning given the term in section 483(b) of title 10, United States Code, as added by subsection (a).

SEC. 1006. REVISION OF AUTHORITY FOR FISHER HOUSE TRUST FUNDS.

(a) CORRECTION TO ELIMINATE USE OF TERM ASSOCIATED WITH FUNDING AUTHORITIES.—Section 2221(c) of title 10, United States Code, is amended by striking out "or maintenance" each place it appears.

(b) CORPUS OF AIR FORCE TRUST FUND.—Section 914(b) of Public Law 104–106 (110 Stat. 412) is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The Secretary of the Air Force shall deposit in the Fisher House Trust Fund, Department of the Air Force, an amount that the Secretary determines appropriate to establish the corpus of the fund.".

SEC. 1007. AVAILABILITY OF CERTAIN FISCAL YEAR 1991 FUNDS FOR PAYMENT OF CONTRACT CLAIM.

(a) AUTHORITY.—The Secretary of the Army may reimburse the fund provided by section 1304 of title 31, United States Code, out of funds appropriated for the Army for fiscal year 1991 for other procurement (BLIN 105125 (Special Programs)), for any judgment against the United States that is rendered in the case *Appeal of McDonnell Douglas Company*, Armed Services Board of Contract Appeals Number 48029.

(b) CONDITIONS FOR PAYMENT.—(1) Subject to paragraph (2), any reimbursement out of funds referred to in subsection (a) shall be made before October 1, 1998.

(2) No reimbursement out of funds referred to in subsection (a) may be made before the date that is 30 days after the date on which the Secretary of the Army submits to the congressional defense committees a notification of the intent to make the reimbursement.

SEC. 1008. ESTIMATES AND REQUESTS FOR PROCUREMENT AND MILITARY CONSTRUCTION FOR THE RESERVE COMPONENTS.

(a) DETAILED PRESENTATION IN FUTURE-YEARS DEFENSE PROGRAM.—Section 10543 of title 10, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Secretary of Defense"; and

(2) by adding at the end the following:

"(b) ASSOCIATED ANNEXES.—The associated annexes of the future-years defense program shall specify, at the same level of detail as is set forth in the annexes for the active components, the amount requested for—

"(1) procurement of each item of equipment to be procured for each reserve component; and

"(2) each military construction project to be carried out for each reserve component, together with the location of the project.

"(c) REPORT.—(1) If the aggregate of the amounts specified in paragraphs (1) and (2) of subsection (b) for a fiscal year is less than the amount equal to 90 percent of the average authorized amount applicable for that fiscal year under paragraph (2), the Secretary of Defense shall submit to Congress a report specifying for each reserve component the additional items of equipment that would be procured, and the additional military construction projects that would be carried out, if that aggregate amount were an amount equal to such average authorized amount. The report shall be at the same level of detail as is required by subsection (b).

"(2) In this subsection, the term 'average authorized amount', with respect to a fiscal year, means the average of—

"(A) the aggregate of the amounts authorized to be appropriated for the preceding fiscal year for the procurement of items of equipment, and for military construction, for the reserve components; and

"(B) the aggregate of the amounts authorized to be appropriated for the fiscal year preceding the fiscal year referred to in subparagraph (A) for the procurement of items of equipment, and for military construction, for the reserve components.".

(b) PROHIBITION.—The level of detail provided for procurement and military construction in the future-years defense programs for fiscal years after fiscal year 1998 may not be less than the level of detail provided for procurement and military construction in the future-years defense program for fiscal year 1998.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. LONG-TERM CHARTER OF VESSEL FOR SURVEILLANCE TOWED ARRAY SENSOR PROGRAM.

The Secretary of the Navy is authorized to enter into a long-term charter, in accordance with section 2401 of title 10, United States Code, for a vessel to support the Surveillance Towed Array Sensor (SURTASS) Program through fiscal year 2004.

SEC. 1012. PROCEDURES FOR SALE OF VESSELS STRICKEN FROM THE NAVAL VESSEL REGISTER.

Section 7305(c) of title 10, United States Code, is amended to read as follows:

"(c) PROCEDURES FOR SALE.—(1) A vessel stricken from the Naval Vessel Register and not subject to disposal under any other law may be sold under this section.

"(2) In such a case, the Secretary may—

"(A) sell the vessel to the highest acceptable bidder, regardless of the appraised value of the vessel, after publicly advertising the sale of the vessel for a period of not less than 30 days; or

"(B) subject to paragraph (3), sell the vessel by competitive negotiation to the acceptable offeror who submits the offer that is most advantageous to the United States (taking into account price and such other factors as the Secretary determines appropriate).

"(3) Before entering into negotiations to sell a vessel under paragraph (2)(B), the Secretary shall publish notice of the intention to do so in the Commerce Business Daily sufficiently in advance of initiating the negotiations that all interested parties are given a reasonable opportunity to prepare and submit proposals. The Secretary shall afford an opportunity to participate in the negotiations to all acceptable offerors submitting proposals that the Secretary considers as having the potential to be the most advantageous to the United States (taking into account price and such other factors as the Secretary determines appropriate).".

SEC. 1013. TRANSFERS OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) TRANSFERS BY SALE.—The Secretary of the Navy is authorized to transfer vessels to foreign countries on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) as follows:

(1) To the Government of Brazil, the submarine tender Holland (AS 32) of the Hunley class.

(2) To the Government of Chile, the oiler Isherwood (T–AO 191) of the Kaiser class.

(3) To the Government of Egypt:

(A) The following frigates of the Knox class:

(i) The Paul (FF 1080).

(ii) The Miller (FF 1091).

(iii) The Jesse L. Brown (FFT 1089).

(iv) The Moinester (FFT 1097).

(B) The following frigates of the Oliver Hazard Perry class:

(i) The Fahrion (FFG 22).

(ii) The Lewis B. Puller (FFG 23).

(4) To the Government of Israel, the tank landing ship Peoria (LST 1183) of the Newport class.

(5) To the Government of Malaysia, the tank landing ship Barbour County (LST 1195) of the Newport class.

(6) To the Government of Mexico, the frigate Roark (FF 1053) of the Knox class.

(7) To the Taipei Economic and Cultural Representative Office in the United States (the Taiwan instrumentality that is designated pursuant to section 10(a) of the Taiwan Relations Act), the following frigates of the Knox class:

(A) The Whipple (FF 1062).

(B) The Downes (FF 1070).

(8) To the Government of Thailand, the tank landing ship Schenectady (LST 1185) of the Newport class.

(b) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by subsection (a) shall be charged to the recipient.

(c) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the Secretary of the Navy shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(d) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

Subtitle C—Counter-Drug Activities

SEC. 1021. AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF MEXICO.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1031 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2637), is amended by striking out "fiscal year 1997" and inserting in lieu thereof "fiscal years 1997 and 1998".

(b) EXTENSION OF FUNDING AUTHORIZATION.—Subsection (d) of such section is amended by inserting "for fiscal years 1997 and 1998" after "shall be available".

SEC. 1022. AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF PERU AND COLOMBIA.

(a) AUTHORITY TO PROVIDE ADDITIONAL SUPPORT.—Subject to subsection (f), during fiscal years 1998 through 2002, the Secretary of Defense may provide either or both of the

governments named in subsection (b) with the support described in subsection (c) for the counter-drug activities of that government. The support provided to a government under the authority of this subsection shall be in addition to support provided to that government under any other provision of law.

(b) GOVERNMENTS ELIGIBLE TO RECEIVE SUPPORT.—The governments referred to in subsection (a) are as follows:

(1) The Government of Peru.

(2) The Government of Colombia.

(c) TYPES OF SUPPORT.—The authority under subsection (a) is limited to the provision of the following types of support:

(1) The transfer of nonlethal protective and utility personnel equipment.

(2) The transfer of the following nonlethal specialized equipment:

(A) Navigation equipment.

(B) Secure and nonsecure communications equipment.

(C) Photo equipment.

(D) Radar equipment.

(E) Night vision systems.

(F) Repair equipment and parts for equipment referred to in subparagraphs (A), (B), (C), (D), and (E).

(3) The transfer of nonlethal components, accessories, attachments, parts (including ground support equipment), firmware, and software for aircraft or patrol boats, and related repair equipment.

(4) The transfer of riverine patrol boats.

(5) The maintenance and repair of equipment of a government named in subsection (b) that is used for counter-narcotics activities.

(d) APPLICABILITY OF OTHER SUPPORT AUTHORITIES.—Except as otherwise provided in this section, the provisions of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 374 note) shall apply to the provision of support to a government under this section.

(e) FUNDING.—Of the amounts authorized to be appropriated under section 301(20) for fiscal year 1998 for drug interdiction and counter-drug activities, not more than $30,000,000 shall be available in that fiscal year for the provision of support under this section.

(f) LIMITATIONS.—(1) The Secretary may not obligate or expend funds to provide a government with support under this section until 15 days after the date on which the Secretary submits to the committees referred to in paragraph (2) a written certification of the following:

(A) That the provision of support to that government under this section will not adversely affect the military preparedness of the United States Armed Forces.

(B) That the equipment and materiel provided as support will be used only by officials and employees of that government who have undergone background investigations by that government and have been approved by that government to perform counter-drug activities on the basis of the background investigations.

(C) That such government has certified to the Secretary that—

(i) the equipment and material provided as support will be used only by the officials and employees referred to in subparagraph (B);

(ii) none of the equipment or materiel will be transferred (by sale, gift, or otherwise) to any person or entity not authorized by the United States to receive the equipment or materiel; and

(iii) the equipment and materiel will be used only for the purposes intended by the United States Government.

(D) That the government to receive the support has implemented, to the satisfaction of the Secretary, a system that will provide an accounting and inventory of the equipment and materiel provided as support.

(E) That the departments, agencies, and instrumentalities of that government will grant United States Government personnel access to any of the equipment or materiel provided as support, or to any of the records relating to such equipment or materiel, under terms and conditions similar to the terms and conditions imposed with respect to such access under section 505(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2314(a)(3)).

(F) That the government to receive the support will provide security with respect to the equipment and materiel provided as support that is substantially the same degree of security that the United States Government would provide with respect to such equipment and materiel.

(G) That the government to receive the support will permit continuous observation and review by United States Government personnel of the use of the equipment and materiel provided as support under terms and conditions similar to the terms and conditions imposed with respect to such observation and review under section 505(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2314(a)(3)).

(2) The committees referred to in this paragraph are the following:

(A) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(B) The Committee on National Security and the Committee on International Relations of the House of Representatives.

Subtitle D—Reports and Studies

SEC. 1031. REPEAL OF REPORTING REQUIREMENTS.

(a) REPORTS REQUIRED BY TITLE 10.—

(1) ACHIEVEMENT OF COST, PERFORMANCE, AND SCHEDULE GOALS FOR NONMAJOR ACQUISITION PROGRAMS.—Section 2220(b) of title 10, United States Code, is amended by striking out "and nonmajor" in the first sentence.

(2) CONVERSION OF CERTAIN HEATING SYSTEMS.—Section 2690(b) of title 10, United States Code, is amended by striking out "unless the Secretary—" and all that follows and inserting in lieu thereof the following: "unless the Secretary determines that the conversion (1) is required by the government of the country in which the facility is located, or (2) is cost effective over the life cycle of the facility.".

(3) AVAILABILITY OF SUITABLE ALTERNATIVE HOUSING.—Section 2823 of title 10, United States Code, is amended—

(A) by striking out subsection (b); and

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(b) REPORTS REQUIRED BY DEFENSE AUTHORIZATION AND APPROPRIATIONS ACTS.—

(1) OVERSEAS BASING COSTS.—Section 8125 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 102 Stat. 2270-41; 10 U.S.C. 113 note) is amended—

(A) by striking out subsection (g); and

(B) in subsection (h), by striking out "subsections (f) and (g)" and inserting in lieu thereof "subsection (f)".

(2) STRETCHOUT OF MAJOR DEFENSE ACQUISITION PROGRAMS.—Section 117 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1933; 10 U.S.C. 2431 note) is repealed.

(c) REPORTS REQUIRED BY OTHER LAW.—Section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) is amended by striking out subsection (g), relating to the annual report on development of procurement regulations.

SEC. 1032. COMMON MEASUREMENT OF OPERATIONS TEMPOS AND PERSONNEL TEMPOS.

(a) MEANS FOR MEASUREMENT.—The Chairman of the Joint Chiefs of Staff shall, in consultation with the other members of the Joint Chiefs of Staff and to the maximum extent practicable, develop a common means of measuring the operations tempo (OPTEMPO) and the personnel tempo (PERSTEMPO) of each of the Armed Forces.

(b) PERSTEMPO MEASUREMENT.—The measurement of personnel tempo shall include a means of identifying the rate of deployment for individuals in addition to the rate of deployment for units.

SEC. 1033. REPORT ON OVERSEAS DEPLOYMENT.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the deployment overseas of personnel of the Armed Forces. The report shall describe the deployment as of June 30, 1996, and June 30, 1997.

(b) ELEMENTS.—The report under subsection (a) shall set forth the following:

(1) The number of personnel who were deployed overseas pursuant to a permanent duty assignment on each date specified in that subsection in aggregate and by country or ocean to which deployed.

(2) The number of personnel who were deployed overseas pursuant to a temporary duty assignment on each date, including—

(A) the number engaged in training with units of a single military department;

(B) the number engaged in United States military joint exercises; and

(C) the number engaged in training with allied units.

(3) The number of personnel deployed overseas on each date who were engaged in contingency operations (including peacekeeping or humanitarian assistance missions) or other activities.

SEC. 1034. REPORT ON MILITARY READINESS REQUIREMENTS OF THE ARMED FORCES.

(a) REQUIREMENT FOR REPORT.—Not later than January 31, 1998, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report on the military readiness requirements of the active and reserve components of the Armed Forces (including combat units, combat support units, and combat service support units) prepared by the officers referred to in subsection (b). The report shall assess such requirements under a tiered readiness and response system that categorizes a given unit according to the likelihood that it will be required to respond to a military conflict and the time in which it will be required to respond.

(b) PREPARATION BY JCS AND COMMANDERS OF UNIFIED COMMANDS.—The report required by subsection (a) shall be prepared jointly by the Chairman of the Joint Chiefs of Staff, the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, the commander of the Special Operations Command, and the commanders of the other unified commands.

(c) ASSESSMENT SCENARIO.—The report shall assess readiness requirements in a scenario that is based on the following assumptions:

(1) That the Armed Forces of the United States must, be capable of—

(A) fighting and winning, in concert with allies, two major theater wars nearly simultaneously; and

(B) deterring or defeating a strategic attack on the United States.

(2) That the forces available for deployment are the forces included in the force structure recommended in the Quadrennial Defense Review, including all other planned force enhancements.

(d) ASSESSMENT ELEMENTS.—(1) The report shall identify, by unit type, all major units of the active and reserve components of the Armed Forces and assess the readiness requirements of the units. Each identified unit shall be categorized within one of the following classifications:

(A) Forward-deployed and crisis response forces, or "Tier I" forces, that possess limited internal sustainment capability and do not require immediate access to regional air bases or ports or overflight rights, including the following:

(i) Force units that are deployed in rotation at sea or on land outside the United States.

(ii) Combat-ready crises response forces that are capable of mobilizing and deploying within 10 days after receipt of orders.

(iii) Forces that are supported by prepositioning equipment afloat or are capable of being inserted into a theater upon the capture of a port or airfield by forcible entry forces.

(B) Combat-ready follow-on forces, or "Tier II" forces, that can be mobilized and deployed to a theater within approximately 60 days after receipt of orders.

(C) Combat-ready conflict resolution forces, or "Tier III" forces, that can be mobilized and deployed to a theater within approximately 180 days after receipt of orders.

(D) All other active and reserve component force units which are not categorized within a classification described in subparagraph (A), (B), or (C).

(2) For the purposes of paragraph (1), the following units are major units:

(A) In the case of the Army or Marine Corps, a brigade and a battalion.

(B) In the case of the Navy, a squadron of aircraft, a ship, and a squadron of ships.

(C) In the case of the Air Force, a squadron of aircraft.

(e) PROJECTION OF SAVINGS FOR USE FOR MODERNIZATION.—The report shall include a projection for fiscal years 1998 through 2003 of the amounts of the savings in operation and maintenance funding that—

(1) could be derived by each of the Armed Forces by placing as many units as is practicable into the lower readiness categories among the tiers; and

(2) could be made available for force modernization.

(f) FORM OF REPORT.—The report under this section shall be submitted in unclassified form but may contain a classified annex.

(g) PLANNED FORCE ENHANCEMENT DEFINED.—In this section, the term "planned force enhancement", with respect to the force structure recommended in the Quadrennial Defense Review, means any future improvement in the capability of the force (including current strategic and future improvement in strategic lift capability) that is assumed in the development of the recommendation for the force structure set forth in the Quadrennial Defense Review.

SEC. 1035. ASSESSMENT OF CYCLICAL READINESS POSTURE OF THE ARMED FORCES.

(a) REQUIREMENT.—(1) Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the readiness posture of the Armed Forces described in subsection (b).

(2) The Secretary shall prepare the report required under paragraph (1) with the assistance of the Joint Chiefs of Staff. In providing such assistance, the Chairman of the Joint Chiefs of Staff shall consult with the Chief of the National Guard Bureau.

(b) READINESS POSTURE.—(1) The readiness posture to be covered by the report under subsection (a) is a readiness posture for units of the Armed Forces, or for designated units of the Armed Forces, that provides for a rotation of such units between a state of high readiness and a state of low readiness.

(2) As part of the evaluation of the readiness posture described in paragraph (1), the report shall address in particular a readiness posture that—

(A) establishes within the Armed Forces two equivalent forces each structured so as to be capable of fighting and winning a major theater war; and

(B) provides for an alternating rotation of such forces between a state of high readiness and a state of low readiness.

(3) The evaluation of the readiness posture described in paragraph (2) shall be based upon assumptions permitting comparison with the existing force structure as follows:

(A) That there are assembled from among the units of the Armed Forces two equivalent forces each structured so as to be capable of fighting and winning a major theater war.

(B) That each force referred to in subparagraph (A) includes—

(i) four active Army divisions, including one mechanized division, one armored division, one light infantry division, and one division combining airborne units and air assault units, and appropriate support and service support units for such divisions;

(ii) six divisions (or division equivalents) of the Army National Guard or the Army Reserve that are essentially equivalent in structure, and appropriate support and service support units for such divisions;

(iii) six aircraft carrier battle groups;

(iv) six active Air Force fighter wings (or fighter wing equivalents);

(v) four Air Force reserve fighter wings (or fighter wing equivalents); and

(vi) one active Marine Corps expeditionary force.

(C) That each force may be supplemented by critical units or units in short supply, including heavy bomber units, strategic lift units, and aerial reconnaissance units, that are not subject to the readiness rotation otherwise assumed for purposes of the evaluation or are subject to the rotation on a modified basis.

(D) That units of the Armed Forces not assigned to a force are available for operations other than those essential to fight and win a major theater war, including peace operations.

(E) That the state of readiness of each force alternates between a state of high readiness and a state of low readiness on a frequency determined by the Secretary (but not more often than once every 6 months) and with only one force at a given state of readiness at any one time.

(F) That, during the period of state of high readiness of a force, any operations or activities (including leave and education and training of personnel) that detract from the near-term wartime readiness of the force are temporary and their effects on such state of readiness minimized.

(G) That units are assigned overseas during the period of state of high readiness of the force to which the units are assigned primarily on a temporary duty basis.

(H) That, during the period of high readiness of a force, the operational war plans for the force incorporate the divisions (or division equivalents) of the Army Reserve or Army National Guard assigned to the force in a manner such that one such division (or division equivalent) is, on a rotating basis for such divisions (or division equivalents) during the period, maintained in a high state of readiness and dedicated as the first reserve combat division to be transferred overseas in the event of a major theater war.

(c) REPORT ELEMENTS.—The report under this section shall include the following elements for the readiness posture described in subsection (b)(2):

(1) An estimate of the range of cost savings achievable over the long term as a result of implementing the readiness posture, including—

(A) the savings achievable from reduced training levels and readiness levels during periods in which a force referred to in subsection (b)(3)(A) is in a state of low readiness; and

(B) the savings achievable from reductions in costs of infrastructure overseas as a result of reduced permanent change of station rotations.

(2) An assessment of the potential risks associated with a lower readiness status for units assigned to a force in a state of low readiness under the readiness posture, including the risks associated with the delayed availability of such units overseas in the event of two nearly simultaneous major theater wars.

(3) An assessment of the potential risks associated with requiring the forces under the readiness posture to fight a major war in any theater worldwide.

(4) An assessment of the modifications of the current force structure of the Armed Forces that are necessary to achieve the range of cost savings estimated under paragraph (1), including the extent of the diminishment, if any, of the military capabilities of the Armed Forces as a result of the modifications.

(5) An assessment whether or not the risks of diminished military capability associated with implementation of the readiness posture exceed the risks of diminished military capability associated with the modifications of the current force structure necessary to achieve cost savings equivalent to the best case for cost savings resulting from the implementation of the readiness posture.

(d) FORM OF REPORT.—The report under this section shall be submitted in unclassified form, but may contain a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term "state of high readiness", in the case of a military force, means the capability to mobilize first-to-arrive units of the force within 18 hours and last-to-arrive units within 120 days of a particular event.

(2) The term "state of low readiness", in the case of a military force, means the capability to mobilize first-to-arrive units within 90 days and last-to-arrive units within 180 days of a particular event.

SEC. 1036. OVERSEAS INFRASTRUCTURE REQUIREMENTS.

(a) FINDINGS.—Congress makes the following findings:

(1) United States military forces have been withdrawn from the Philippines.

(2) United States military forces are to be withdrawn from Panama by 2000.

(3) There continues to be local opposition to the continued presence of United States military forces in Okinawa.

(4) The Quadrennial Defense Review lists "the loss of U.S. access to critical facilities and lines of communication in key regions" as one of the so-called "wild card" scenarios covered in the review.

(5) The National Defense Panel states that "U.S. forces' long-term access to forward bases, to include air bases, ports, and logistics facilities, cannot be assumed".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should develop alternatives to the current arrangement for forward basing of the Armed Forces outside the United States, including alternatives to the existing infrastructure for forward basing of forces and alternatives to the existing international agreements that provide for basing of United States forces in foreign countries; and

(2) because the Pacific Rim continues to emerge as a region of significant economic and military importance to the United States, a continued presence of the Armed Forces in that region is vital to the capability of the United States to timely protect its interests in the region.

(c) REPORT REQUIRED.—Not later than March 31, 1998, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the overseas infrastructure requirements of the Armed Forces.

(d) CONTENT.—The report shall contain the following:

(1) The quantity and types of forces that the United States must station in each region of the world in order to support the current national military strategy of the United States.

(2) The quantity and types of forces that the United States will need to station in each region of the world in order to meet the expected or potential future threats to the national security interests of the United States.

(3) The requirements for access to, and use of, air space and ground maneuver areas in each such region for training for the quantity and types of forces identified for the region pursuant to paragraphs (1) and (2).

(4) A list of the international agreements, currently in force, that the United States has entered into with foreign countries regarding the basing of United States forces in those countries and the dates on which the agreements expire.

(5) A discussion of any anticipated political opposition or other opposition to the renewal of any of those international agreements.

(6) A discussion of future overseas basing requirements for United States forces, taking into account expected changes in national security strategy, national security environment, and weapons systems.

(7) The expected costs of maintaining the overseas infrastructure for foreign based forces of the United States, including the costs of constructing any new facilities that will be necessary overseas to meet emerging requirements relating to the national security interests of the United States.

(e) FORM OF REPORT.—The report may be submitted in a classified or unclassified form.

SEC. 1037. REPORT ON AIRCRAFT INVENTORY.

(a) REPORT.—Not later than January 30, 1998, the Under Secretary of Defense (Comptroller) shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the aircraft in the inventory of the Department of Defense.

(b) CONTENT.—The report shall set forth, for each type of aircraft provided for in the future-years defense program submitted to Congress in 1998, the following information:

(1) The total number of aircraft in the inventory.

(2) The total number of the aircraft in the inventory that are active, stated in the following categories:

(A) Primary aircraft (with a subcategory for mission aircraft, a subcategory for training aircraft, a subcategory for dedicated test aircraft, and other appropriate subcategories).

(B) Backup aircraft.

(C) Attrition and reconstitution reserve aircraft.

(3) The total number of the aircraft in the inventory that are inactive, stated in the following categories:

(A) Bailment aircraft.

(B) Drone aircraft.

(C) Aircraft for sale or other transfer to foreign governments.

(D) Leased or loaned aircraft.

(E) Aircraft for maintenance training.

(F) Aircraft for reclamation.

(G) Aircraft in storage.

(4) The aircraft inventory requirements approved by the Joint Chiefs of Staff.

SEC. 1038. DISPOSAL OF EXCESS MATERIALS.

(a) REPORT.—Not later than January 31, 1998, the Secretary shall submit to Congress a report on the actions that have been taken or are planned to be taken within the Department of Defense to address problems with the sale or other disposal of excess materials.

(b) REQUIRED CONTENT.— At a minimum, the report shall address the following issues:

(1) Whether any change is needed in the process of coding military equipment for demilitarization during the acquisition process.

(2) Whether any change is needed to improve methods used for the demilitarization of specific types of military equipment.

(3) Whether any change is needed in the penalties that are applicable to Federal Government employees or contractor employees who fail to comply with rules or procedures applicable to the demilitarization of excess materials.

(4) Whether provision has been made for sufficient supervision and oversight of the demilitarization of excess materials by purchasers of the materials.

(5) Whether any additional controls are needed to prevent the inappropriate transfer of excess materials overseas.

(6) Whether the Department should—

(A) identify categories of materials that are particularly vulnerable to improper use; and

(B) provide for enhanced review of the sale or other disposal of such materials.

(7) Whether legislation is necessary to establish appropriate mechanisms, including repurchase, for the recovery of equipment that is sold or otherwise disposed of without appropriate action having been taken to demilitarize the equipment or to provide for demilitarization of the equipment.

SEC. 1039. REVIEW OF FORMER SPOUSE PROTECTIONS.

(a) REQUIREMENT.—The Secretary of Defense shall carry out a comprehensive review and comparison of—

(1) the protections and benefits afforded under Federal law to former spouses of members and former members of the uniformed services by reason of their status as former spouses of such personnel; and

(2) the protections and benefits afforded under Federal law to former spouses of employees and former employees of the Federal Government by reason of their status as former spouses of such personnel.

(b) MATTERS TO BE REVIEWED.—The review under subsection (a) shall include the following:

(1) In the case of former spouses of members and former members of the uniformed services, the following:

(A) All provisions of law (principally those originally enacted in the Uniformed Services Former Spouses' Protection Act (title X of Public Law 97-252)) that—

(i) establish, provide for the enforcement of, or otherwise protect interests of former spouses of members and former members of the uniformed services in retired or retainer pay of members and former members; and

(ii) provide other benefits for former spouses of members and former members.

(B) The experience of the uniformed services in administering such provisions of law.

(C) The experience of former spouses and members and former members of the uniformed services in the administration of such provisions of law.

(2) In the case of former spouses of employees and former employees of the Federal Government, the following:

(A) All provisions of law that—

(i) establish, provide for the enforcement of, or otherwise protect interests of former spouses of employees and former employees of the Federal Government in annuities of employees and former employees under Federal employees' retirement systems; and

(ii) provide other benefits for former spouses of employees and former employees.

(B) The experience of the Office of Personnel Management and other agencies of the Federal Government in administering such provisions of law.

(C) The experience of former spouses and employees and former employees of the Federal Government in the administration of such provisions of law.

(c) SAMPLING AUTHORIZED.—The Secretary may use sampling in carrying out the review under this section.

(d) REPORT.—Not later than September 30, 1999, the Secretary shall submit a report on the results of the review and comparison to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The report shall include any recommendation for legislation that the Secretary considers appropriate.

SEC. 1040. COMPLETION OF GAO REPORTS FOR CONGRESS.

(a) PRIORITY.—(1) Subchapter II of chapter 7 of title 31, United States Code, is amended by adding at the end the following:

"§ 721. Priority for completion of certain audits, evaluations, other reviews, and reports

"(a) PRIORITY.—The Comptroller General may commence an audit, evaluation, other review, or report in a fiscal year only after the Comptroller General certifies in writing to Congress during such fiscal year that the General Accounting Office has completed all audits, evaluations, other reviews, and reports that were requested of that office by Congress before the date of the certification.

"(b) EXCEPTIONS.—The restriction in subsection (a) does not apply to the commencement of an audit, evaluation, other review,

or report that is required by law or requested by Congress.

"(c) SOURCE, FORM, AND DATE OF CONGRESSIONAL REQUESTS.—For the purposes of this section—

"(1) an audit, evaluation, other review, or report is requested by Congress if the request for the audit, evaluation, other review, or report is made in writing by the Chairman of a committee of Congress, the Chairman of a subcommittee of such a committee, or any other member of Congress; and

"(2) the date on which the General Accounting Office receives such a request shall be considered the date of the request.".

(2) The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 720 the following:

"721. Priority for completion of certain audits, evaluations, other reviews, and reports.".

(b) ANNUAL REPORT ON CONGRESSIONAL AND NONCONGRESSIONAL ACTIVITIES.—(1) Section 719(b) of title 31, United States Code, is amended by adding at the end the following:

"(3)(A) The report under subsection (a) shall include, for the latest fiscal year ending before the date of the report, the amount and cost of the work that the General Accounting Office performed during the fiscal year for the following:

"(i) Audits, evaluations, other reviews, and reports requested by the Chairman of a committee of Congress, the Chairman of a subcommittee of such a committee, or any other member of Congress.

"(ii) Audits, evaluations, other reviews, and reports not described in clause (i) and not required by law to be performed by the General Accounting Office.

"(B) In the report, amounts of work referred to in subparagraph (A) shall be expressed as hours of labor.".

(2) Paragraph (1) of such section is amended—

(A) by striking out "and" at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following:

"(D) the matters required by paragraph (3).".

(c) APPLICABILITY.—(1) Section 721 of title 31, United States Code (as added by subsection (a)), shall apply to the commencement of audits, evaluations, other reviews, and reports by the General Accounting Office after the later of—

(A) September 30, 1997; or

(B) the date of the enactment of this Act.

(2) The amendments made by subsection (b) shall apply with respect to reports submitted under section 719(a) of title 31, United States Code, after December 31, 1997.

Subtitle E—Other Matters

SEC. 1051. PSYCHOTHERAPIST-PATIENT PRIVILEGE IN THE MILITARY RULES OF EVIDENCE.

(a) REQUIREMENT FOR PROPOSED RULE.—The Secretary of Defense shall submit to the President, for consideration for promulgation under article 36 of the Uniform Code of Military Justice (10 U.S.C. 836), a recommended amendment to the Military Rules of Evidence that recognizes an evidentiary privilege regarding disclosure by a psychotherapist of confidential communications between a patient and the psychotherapist.

(b) APPLICABILITY OF PRIVILEGE.—The recommended amendment shall include a provision that applies the privilege to—

(1) patients who are not subject to the Uniform Code of Military Justice; and

(2) any patients subject to the Uniform Code of Military Justice that the Secretary determines it appropriate for the privilege to cover.

(c) SCOPE OF PRIVILEGE.—The evidentiary privilege recommended pursuant to subsection (a) shall be similar in scope to the psychotherapist-patient privilege recognized under Rule 501 of the Federal Rules of Evidence, subject to such exceptions and limitations as the Secretary determines appropriate on the bases of law, public policy, and military necessity.

(d) DEADLINE FOR RECOMMENDATION.—The Secretary shall submit the recommendation under subsection (a) on or before the later of the following dates:

(1) The date that is 90 days after the date of the enactment of this Act.

(2) January 1, 1998.

SEC. 1052. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PILOT PROGRAM.

(a) EXTENSION OF PILOT PROGRAM AUTHORITY FOR CURRENT NUMBER OF PROGRAMS.—Subsection (a) of section 1091 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 32 U.S.C. 501 note) is amended—

(1) by striking out "During fiscal years 1993 through 1995" and inserting in lieu thereof "(1) During fiscal years 1993 through 1998"; and

(2) by adding at the end the following new paragraph:

"(2) In fiscal years after fiscal year 1995, the number of programs carried out under subsection (d) as part of the pilot program may not exceed the number of such programs as of September 30, 1995.".

(b) FISCAL RESTRICTIONS.—(1) Section 1091 of such Act is amended by striking out subsection (k) and inserting in lieu thereof the following:

"(k) FISCAL RESTRICTIONS.—(1) The Federal Government's share of the total cost of carrying out a program in a State as part of the pilot program in any fiscal year after fiscal year 1997 may not exceed 50 percent of that total cost.

"(2) The total amount expended for carrying out the program during a fiscal year may not exceed $20,000,000.".

(2) Subsection (d)(3) of such section is amended by inserting ", subject to subsection (k)(1)," after "provide funds".

(c) CONFORMING REPEAL.—Section 573 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 355; 32 U.S.C. 501 note) is repealed.

SEC. 1053. PROTECTION OF ARMED FORCES PERSONNEL DURING PEACE OPERATIONS.

(a) PROTECTION OF PERSONNEL.—

(1) IN GENERAL.—The Secretary of Defense shall take appropriate actions to ensure that units of the Armed Forces (including Army units, Marine Corps units, Air Force units, and support units for such units) engaged in peace operations have adequate troop protection equipment for such operations.

(2) SPECIFIC ACTIONS.—In taking such actions, the Secretary shall—

(A) identify the additional troop protection equipment, if any, required to equip a division equivalent with adequate troop protection equipment for peace operations;

(B) establish procedures to facilitate the exchange of troop protection equipment among the units of the Armed Forces; and

(C) designate within the Department of Defense an individual responsible for—

(i) ensuring the proper allocation of troop protection equipment among the units of the Armed Forces engaged in peace operations; and

(ii) monitoring the availability, status or condition, and location of such equipment.

(b) REPORT.—Not later than March 1, 1998, the Secretary shall submit to Congress a report on the actions taken by the Secretary under subsection (a).

(c) TROOP PROTECTION EQUIPMENT DEFINED.—In this section, the term "troop protection equipment" means the equipment required by units of the Armed Forces to defend against any hostile threat that is likely during a peace operation, including an attack by a hostile crowd, small arms fire, mines, and a terrorist bombing attack.

SEC. 1054. LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

(a) FUNDING LIMITATION.—Funds available to the Department of Defense may not be obligated or expended during fiscal year 1998 for retiring or dismantling, or for preparing to retire or dismantle, any of the following strategic nuclear delivery systems below the specified levels:

(1) 71 B-52H bomber aircraft.

(2) 18 Trident ballistic missile submarines.

(3) 500 Minuteman III intercontinental ballistic missiles.

(4) 50 Peacekeeper intercontinental ballistic missiles.

(b) WAIVER AUTHORITY.—If the START II Treaty enters into force during fiscal year 1997 or fiscal year 1998, the Secretary of Defense may waive the application of the limitation under subsection (a) to the extent that the Secretary determines necessary in order to implement the treaty.

(c) FUNDING LIMITATION ON EARLY DEACTIVATION.—(1) If the limitation under subsection (a) ceases to apply by reason of a waiver under subsection (b), funds available to the Department of Defense may nevertheless not be obligated or expended during fiscal year 1998 to implement any agreement or understanding to undertake substantial early deactivation of a strategic nuclear delivery system specified in subsection (a) until 30 days after the date on which the President submits to Congress a report concerning such actions.

(2) For purposes of this subsection, a substantial early deactivation is an action during fiscal year 1998 to deactivate a substantial number of strategic nuclear delivery systems specified in subsection (a) by—

(A) removing nuclear warheads from those systems; or

(B) taking other steps to remove those systems from combat status.

(3) A report under this subsection shall include the following:

(A) The text of any understanding or agreement between the United States and the Russian Federation concerning substantial early deactivation of strategic nuclear delivery systems under the START II Treaty.

(B) The plan of the Department of Defense for implementing the agreement.

(C) An assessment of the Secretary of Defense of the adequacy of the provisions contained in the agreement for monitoring and verifying compliance of Russia with the terms of the agreement.

(D) A determination by the President as to whether the deactivations to occur under the agreement will be carried out in a symmetrical, reciprocal, or equivalent manner.

(E) An assessment by the President of the effect of the proposed early deactivation on the stability of the strategic balance and relative strategic nuclear capabilities of the

United States and the Russian Federation at various stages during deactivation and upon completion.

(d) CONTINGENCY PLAN FOR SUSTAINMENT OF SYSTEMS.—(1) Not later then February 15, 1998, the Secretary of Defense shall submit to the congressional defense committees a plan for the sustainment beyond October 1, 1999, of United States strategic nuclear delivery systems and alternative Strategic Arms Reduction Treaty force structures in the event that a strategic arms reduction agreement subsequent to the Strategic Arms Reduction Treaty does not enter into force before 2004.

(2) The plan shall include a discussion of the following matters:

(A) The actions that are necessary to sustain the United States strategic nuclear delivery systems, distinguishing between the actions that are planned for and funded in the future-years defense program and the actions that are not planned for and funded in the future-years defense program.

(B) The funding necessary to implement the plan, indicating the extent to which the necessary funding is provided for in the future-years defense program and the extent to which the necessary funding is not provided for in the future-years defense program.

(e) START TREATIES DEFINED.—In this section:

(1) The term "Strategic Arms Reduction Treaty" means the Treaty Between the United States of America and the United Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms (START), signed at Moscow on July 31, 1991, including related annexes on agreed statements and definitions, protocols, and memorandum of understanding.

(2) The term "START II Treaty" means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, signed at Moscow on January 3, 1993, including the following protocols and memorandum of understanding, all such documents being integral parts of and collectively referred to as the "START II Treaty" (contained in Treaty Document 103–1):

(A) The Protocol on Procedures Governing Elimination of Heavy ICBMs and on Procedures Governing Conversion of Silo Launchers of Heavy ICBMs Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Elimination and Conversion Protocol").

(B) The Protocol on Exhibitions and Inspections of Heavy Bombers Relating to the Treaty Between the United States and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Exhibitions and Inspections Protocol").

(C) The Memorandum of Understanding on Warhead Attribution and Heavy Bomber Data Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Memorandum on Attribution").

SEC. 1055. ACCEPTANCE AND USE OF LANDING FEES FOR USE OF OVERSEAS MILITARY AIRFIELDS BY CIVIL AIRCRAFT.

(a) AUTHORITY.—Section 2350j of title 10, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) PAYMENTS FOR CIVIL USE OF MILITARY AIRFIELDS.—The authority under subsection (a) includes authority for the Secretary of a military department to accept payments of landing fees for use of a military airfield by civil aircraft that are prescribed pursuant to an agreement that is entered into with the government of the country in which the airfield is located. Payments received under this subsection in a fiscal year shall be credited to the appropriation that is available for the fiscal year for the operation and maintenance of the military airfield, shall be merged with amounts in the appropriation to which credited, and shall be available for the same period and purposes as the appropriation is available.".

(b) CONFORMING AMENDMENTS.—(1) Subsection (b) of such section is amended by striking out "Any" at the beginning of the second sentence and inserting in lieu thereof "Except as provided in subsection (f), any".

(2) Subsection (c) of such section is amended by striking out "Contributions" in the matter preceding paragraph (1), and inserting in lieu thereof "Except as provided in subsection (f), contributions".

SEC. 1056. ONE-YEAR EXTENSION OF INTERNATIONAL NONPROLIFERATION INITIATIVE.

(a) ONE-YEAR EXTENSION.—Subsection (f) of section 1505 of the Weapons of Mass Destruction Control Act of 1992 (title XV of the National Defense Authorization Act for Fiscal Year 1993; 22 U.S.C. 5859a) is amended by striking out "1997" and inserting in lieu thereof "1998".

(b) LIMITATIONS ON AMOUNT OF ASSISTANCE FOR ADDITIONAL FISCAL YEARS.—Subsection (d)(3) of such section is amended by striking out "or $15,000,000 for fiscal year 1997" and inserting in lieu thereof "$15,000,000 for fiscal year 1997, or $15,000,000 for fiscal year 1998".

SEC. 1057. ARMS CONTROL IMPLEMENTATION AND ASSISTANCE FOR FACILITIES SUBJECT TO INSPECTION UNDER THE CHEMICAL WEAPONS CONVENTION.

(a) ASSISTANCE AUTHORIZED.—The On-Site Inspection Agency of the Department of Defense may provide technical assistance, on a reimbursable basis (in accordance with subsection (b)), to a facility that is subject to a routine or challenge inspection under the Chemical Weapons Convention upon the request of the owner or operator of the facility.

(b) REIMBURSEMENT REQUIREMENT.—The United States National Authority shall reimburse the On-Site Inspection Agency for costs incurred by the agency in providing assistance under subsection (a).

(c) DEFINITIONS.—In this section:

(1) The terms "Chemical Weapons Convention" and "Convention" mean the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(2) The term "facility that is subject to a routine inspection" means a declared facility, as defined in paragraph 15 of part X of the Annex on Implementation and Verification of the Convention.

(3) The term "challenge inspection" means an inspection conducted under Article IX of the Convention.

(4) The term "United States National Authority" means the United States National Authority established or designated pursuant to Article VII, paragraph 4, of the Chemical Weapons Convention.

SEC. 1058. SENSE OF SENATE REGARDING THE RELATIONSHIP BETWEEN ENVIRONMENTAL LAWS AND UNITED STATES' OBLIGATIONS UNDER THE CHEMICAL WEAPONS CONVENTION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Chemical Weapons Convention requires the destruction of the United States' stockpile of lethal chemical agents and munitions within 10 years after the Convention's entry into force (or 2007).

(2) The President possesses substantial powers under existing law to ensure that the technologies necessary to destroy the stockpile are developed, that the facilities necessary to destroy the stockpile are constructed, and that Federal, State, and local environmental laws and regulations do not impair the ability of the United States to comply with its obligations under the Convention.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President—

(1) should use the authority granted the President under existing law to ensure that the United States is able to construct and operate the facilities necessary to destroy the United States' stockpile of lethal chemical agents and munitions within the time allowed by the Chemical Weapons Convention; and

(2) while carrying out the United States' obligations under the Convention, should encourage negotiations between appropriate Federal Government officials and officials of the State and local governments concerned to attempt to meet their concerns about the actions being taken to carry out those obligations.

(c) CHEMICAL WEAPONS CONVENTION DEFINED.—In this section, the terms "Chemical Weapons Convention" and "Convention" mean the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

SEC. 1059. SENSE OF CONGRESS REGARDING FUNDING FOR RESERVE COMPONENT MODERNIZATION NOT REQUESTED IN THE ANNUAL BUDGET REQUEST.

(a) LIMITATION.—It is the sense of Congress that, to the maximum extent practicable, Congress should consider authorizing appropriations for reserve component modernization activities not included in the budget request of the Department of Defense for a fiscal year only if—

(1) there is a Joint Requirements Oversight Council validated requirement for the equipment;

(2) the equipment is included for reserve component modernization in the modernization plan of the military department concerned and is incorporated into the future-years defense program;

(3) the equipment is consistent with the use of reserve component forces;

(4) the equipment is necessary in the national security interests of the United States; and

(5) the funds can be obligated in the fiscal year.

(b) VIEWS OF THE CHAIRMAN, JOINT CHIEFS OF STAFF.—It is further the sense of Congress that, in applying the criteria set forth in subsection (a), Congress should obtain the views of the Chairman of the Joint Chiefs of Staff, including views on whether funds for equipment not included in the budget request are appropriate for the employment of reserve component forces in Department of Defense warfighting plans.

SEC. 1060. AUTHORITY OF SECRETARY OF DEFENSE TO SETTLE CLAIMS RELATING TO PAY, ALLOWANCES, AND OTHER BENEFITS.

(a) AUTHORITY TO WAIVE TIME LIMITATIONS.—Paragraph (1) of section 3702(e) of title 31, United States Code, is amended by striking out "Comptroller General" and inserting in lieu thereof "Secretary of Defense".

(b) APPROPRIATION TO BE CHARGED.—Paragraph (2) of such section is amended by striking out "shall be subject to the availability of appropriations for payment of that particular claim" and inserting in lieu thereof "shall be made from an appropriation that is available, for the fiscal year in which the payment is made, for the same purpose as the appropriation to which the obligation claimed would have been charged if the obligation had been timely paid".

SEC. 1061. COORDINATION OF ACCESS OF COMMANDERS AND DEPLOYED UNITS TO INTELLIGENCE COLLECTED AND ANALYZED BY THE INTELLIGENCE COMMUNITY.

(a) FINDINGS.—Congress makes the following findings:

(1) Coordination of operational intelligence support for the commanders of the combatant commands and deployed units of the Armed Forces has proven to be inadequate.

(2) Procedures used to reconcile information among various intelligence community and Department of Defense data bases proved to be inadequate and, being inadequate, diminished the usefulness of that information and preclude commanders and planners within the Armed Forces from fully benefiting from key information that should have been available to them.

(3) Excessive compartmentalization of responsibilities and information within the Department of Defense and the other elements of the intelligence community resulted in inaccurate analysis of important intelligence material.

(4) Excessive restrictions on the distribution of information within the executive branch disadvantaged units of the Armed Forces that would have benefited most from the information.

(5) Procedures used in the Department of Defense to ensure that critical intelligence information is provided to the right combat units in a timely manner failed during the Persian Gulf War and, as a result, information about potential chemical weapons storage locations did not reach the units that eventually destroyed those storage areas.

(6) A recent, detailed review of the events leading to and following the destruction of chemical weapons by members of the Armed Forces at Khamisiyah, Iraq, during the Persian Gulf War has revealed a number of inadequacies in the way the Department of Defense and the other elements of the intelligence community handled, distributed, recorded, and stored intelligence information about the threat of exposure of United States forces to chemical weapons and the toxic agents in those weapons.

(7) The inadequacy of procedures for recording the receipt of, and reaction to, intelligence reports provided by the intelligence community to combat units of the Armed Forces during the Persian Gulf War has caused it to be impossible to analyze the failures in transmission of intelligence-related information on the location of chemical weapons at Khamisiyah, Iraq, that resulted in the demolition of chemical weapons by members of the Armed Forces unaware of the hazards to which they were exposed.

(b) REPORTING REQUIREMENT.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report that identifies the specific actions that have been taken or are being taken to ensure that there is adequate coordination of operational intelligence support for the commanders of the combatant commands and deployed units of the Armed Forces.

(c) DEFINITION OF INTELLIGENCE COMMUNITY.—In this section, the term "intelligence community" has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

SEC. 1062. PROTECTION OF IMAGERY, IMAGERY INTELLIGENCE, AND GEOSPATIAL INFORMATION AND DATA.

(a) PROTECTION OF INFORMATION ON CAPABILITIES.—Paragraph (1)(B) of section 455(b) of title 10, United States Code, is amended by inserting ", or capabilities," after "methods".

(b) PRODUCTS PROTECTED.—(1) Paragraph (2) of such section is amended to read as follows:

"(2) In this subsection, the term 'geodetic product' means imagery, imagery intelligence, or geospatial information, as those terms are defined in section 467 of this title.".

(2) Section 467(4)(C) of title 10, United States Code, is amended to read as follows:

"(C) maps, charts, geodetic data, and related products.".

SEC. 1063. PROTECTION OF AIR SAFETY INFORMATION VOLUNTARILY PROVIDED BY A CHARTER AIR CARRIER.

Section 2640 of title 10, United States Code, is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) PROTECTION OF VOLUNTARILY SUBMITTED AIR SAFETY INFORMATION.—(1) Subject to paragraph (2), the appropriate official may deny a request made under any other provision of law for public disclosure of safety-related information that has been provided voluntarily by an air carrier to the Secretary of Defense for the purposes of this section, notwithstanding the provision of law under which the request is made.

"(2) The appropriate official may exercise authority to deny a request for disclosure of information under paragraph (1) if the official first determines that—

"(A) the disclosure of the information as requested would inhibit an air carrier from voluntarily disclosing, in the future, safety-related information for the purposes of this section or for other air safety purposes involving the Department of Defense or another Federal agency; and

"(B) the receipt of such information generally enhances the fulfillment of responsibilities under this section or other air safety responsibilities involving the Department of Defense or another Federal agency.

"(3) For the purposes of this section, the appropriate official for exercising authority under paragraph (1) is—

"(A) the Secretary of Defense, in the case of a request for disclosure of information that is directed to the Department of Defense; or

"(B) the head of another Federal agency, in the case of a request that is directed to that Federal agency regarding information described in paragraph (1) that the Federal agency has received from the Department of Defense.".

SEC. 1064. SUSTAINMENT AND OPERATION OF GLOBAL POSITIONING SYSTEM.

(a) FINDINGS.—Congress makes the following findings:

(1) The Global Positioning System, with its multiple uses, makes significant contributions to the attainment of the national security and foreign policy goals of the United States, the safety and efficiency of international transportation, and the economic growth, trade, and productivity of the United States.

(2) The infrastructure for the Global Positioning System, including both space and ground segments of the infrastructure, is vital to the effectiveness of United States and allied military forces and to the protection of the national security interests of the United States.

(3) In addition to having military uses, the Global Positioning System has essential civil, commercial, and scientific uses.

(4) Driven by the increasing demand of civil, commercial, and scientific users of the Global Positioning System—

(A) there has emerged in the United States a new commercial industry to provide Global Positioning System equipment and related services to the many and varied users of the system; and

(B) there have been rapid technical advancements in Global Positioning System equipment and services that have contributed significantly to reductions in the cost of the Global Positioning System and increases in the technical capabilities and availability of the system for military uses.

(5) It is in the national interest of the United States for the United States—

(A) to support continuation of the multiple-use character of the Global Positioning System;

(B) to promote broader acceptance and use of the Global Positioning System and the technological standards that facilitate expanded use of the system for civil purposes;

(C) to coordinate with other countries to ensure—

(i) efficient management of the electromagnetic spectrum utilized for the Global Positioning System; and

(i) protection of that spectrum in order to prevent disruption of, and interference with, signals from the system; and

(D) to encourage open access in all international markets to the Global Positioning System and supporting equipment, services, and techniques.

(b) SUSTAINMENT AND OPERATION FOR MILITARY PURPOSES.—The Secretary of Defense shall—

(1) provide for the sustainment of the Global Positioning System capabilities, and the operation of basic Global Positioning System services, that are beneficial for the national security interests of United States;

(2) develop appropriate measures for preventing hostile use of the Global Positioning System that make it unnecessary to use the selective availability feature of the system continuously and do not hinder the use of the Global Positioning System by the United States and its allies for military purposes; and

(3) ensure that United States military forces have the capability to use the Global Positioning System effectively despite hostile attempts to prevent the use of the system by such forces.

(c) SUSTAINMENT AND OPERATION FOR CIVILIAN PURPOSES.—The Secretary of Defense shall—

(1) provide for the sustainment and operation of basic Global Positioning System services for peaceful civil, commercial, and scientific uses on a continuous worldwide basis free of direct user fees;

(2) provide for the sustainment and operation of basic Global Positioning System

services in order to meet the performance requirements of the Federal Radionavigation Plan jointly issued by the Secretary of Defense and the Secretary of Transportation;

(3) coordinate with the Secretary of Transportation regarding the development and implementation by the Federal Government of augmentations to the basic Global Positioning System that achieve or enhance uses of the system in support of transportation;

(4) coordinate with the Secretary of Commerce, the United States Trade Representative, and other appropriate officials to facilitate the development of new and expanded civil uses for the Global Positioning System; and

(5) develop measures for preventing hostile use of the Global Positioning System in a particular area without hindering peaceful civil use of the system elsewhere.

(d) FEDERAL RADIONAVIGATION PLAN.—The Secretary of Defense and the Secretary of Transportation shall continue to prepare the Federal Radionavigation Plan every two years as originally provided for in the International Maritime Satellite Telecommunications Act (title V of the Communications Satellite Act of 1962; 47 U.S.C. 751 et seq.).

(e) INTERNATIONAL COOPERATION.—Congress urges the President to promote the security of the United States and its allies, the public safety, and commercial interests by—

(1) undertaking a coordinated effort within the executive branch to seek to establish the Global Positioning System, and augmentations to the system, as a worldwide resource;

(2) seeking to enter into international agreements to establish signal and service standards that protect the Global Positioning System from disruption and interference; and

(3) undertaking efforts to eliminate any barriers to, and other restrictions of foreign governments on, peaceful uses of the Global Positioning System.

(f) PROHIBITION OF SUPPORT OF FOREIGN SYSTEM.—None of the funds authorized to be appropriated under this Act may be used to support the operation and maintenance or enhancement of any satellite navigation system operated by a foreign country.

(g) REPORT.—(1) Not later than 30 days after the end of each even numbered fiscal year (beginning with fiscal year 1998), the Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations on the Senate and the Committees on National Security and on Appropriations of the House of Representatives a report on the Global Positioning System. The report shall include a discussion of the following matters:

(A) The operational status of the Global Positioning System.

(B) The capability of the system to satisfy effectively—

(i) the military requirements for the system that are current as of the date of the report; and

(ii) the performance requirements of the Federal Radionavigation Plan.

(C) The most recent determination by the President regarding continued use of the selective availability feature of the Global Positioning System and the expected date of any change or elimination of use of that feature.

(D) The status of cooperative activities undertaken by the United States with the governments of other countries concerning the capability of the Global Positioning System or any augmentation of the system to satisfy civil, commercial, scientific, and military requirements, including a discussion of the status and results of activities undertaken under any regional international agreement.

(E) Any progress made toward establishing the Global Positioning System as an international standard for consistency of navigational service.

(F) Any progress made toward protecting the Global Positioning System from disruption and interference.

(G) The effects of use of the Global Positioning System on national security, regional security, and the economic competitiveness of United States industry, including the Global Positioning System equipment and service industry and user industries.

(2) In preparing the parts of the report required under subparagraphs (D), (E), (F), and (G) of paragraph (1), the Secretary of Defense shall consult with the Secretary of Commerce, Secretary of Transportation, and Secretary of Labor.

(h) BASIC GLOBAL POSITIONING SYSTEM SERVICES DEFINED.—In this section, the term "basic global positioning system services" means the following components of the Global Positioning System that are operated and maintained by the Department of Defense:

(1) The constellation of satellites.

(2) The navigation payloads that produce the Global Positioning System signals.

(3) The ground stations, data links, and associated command and control facilities.

SEC. 1065. LAW ENFORCEMENT AUTHORITY FOR SPECIAL AGENTS OF THE DEFENSE CRIMINAL INVESTIGATIVE SERVICE.

(a) AUTHORITY.—Chapter 81 of title 10, United States Code, is amended by inserting after section 1585 the following new section:

"§ 1585a. Special agents of the Defense Criminal Investigative Service: law enforcement authority

"(a) AUTHORITY.—A special agent of the Defense Criminal Investigative Service designated under subsection (b) has the following authority:

"(1) To carry firearms.

"(2) To execute and serve any warrant or other process issued under the authority of the United States.

"(3) To make arrests without warrant for—

"(A) any offense against the United States committed in the agent's presence; or

"(B) any felony cognizable under the laws of the United States if the agent has probable cause to believe that the person to be arrested has committed or is committing the felony.

"(b) DESIGNATION OF AGENTS TO HAVE AUTHORITY.—The Secretary of Defense may designate to have the authority provided under subsection (a) any special agent of the Defense Criminal Investigative Service whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of Defense.

"(c) GUIDELINES ON EXERCISE OF AUTHORITY.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Inspector General of the Department of Defense and approved by the Attorney General, and any other applicable guidelines prescribed by the Secretary of Defense or the Attorney General.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1585 the following:

"1585a. Special agents of the Defense Criminal Investigative Service: law enforcement authority.".

SEC. 1066. REPEAL OF REQUIREMENT FOR CONTINUED OPERATION OF THE NAVAL ACADEMY DAIRY FARM.

(a) REPEAL.—Section 810 of the Military Construction Authorization Act, 1968 (Public Law 90–110; 81 Stat. 309) is amended—

(1) by striking out subsection (a); and

(2) in subsection (b), by striking out "nor shall" and all that follows through "Act of Congress".

(b) CONFORMING AMENDMENTS.—(1) Section 6971(b)(5) of title 10, United States Code, is amended by inserting "(if any)" before the period at the end.

(2) Section 2105(b) of title 5, United States Code, is amended by inserting "(if any)" after "Academy dairy".

SEC. 1067. POW/MIA INTELLIGENCE ANALYSIS CELL.

(a) ESTABLISHMENT OF INTELLIGENCE CELL.—The Director of Central Intelligence, in consultation with the Secretary of Defense, shall establish a POW/MIA Intelligence Analysis Cell to provide analytical support on POW/MIA matters to all departments and agencies of the Federal Government involved with such matters. The Director of Central Intelligence shall oversee the functions of the POW/MIA Intelligence Analysis Cell and determine its structure and location.

(b) PREPARATION OF NATIONAL INTELLIGENCE ESTIMATE.—The POW/MIA Intelligence Analysis Cell shall be the primary source of support for the Director in the preparation of the Special National Intelligence Estimate on POW/MIA matters that was directed by the Assistant to the President for National Security Affairs in accordance with the letter on that subject that the Assistant to the President transmitted to the Majority Leader of the Senate on April 10, 1997.

(c) CONSOLIDATION OF INTELLIGENCE COLLECTION REQUIREMENTS.—All intelligence collection requirements for the intelligence community regarding POW/MIA matters shall be consolidated within the POW/MIA Intelligence Analysis Cell.

(d) DEFINITIONS.—In this section:

(1) The term "POW/MIA matters" means matters concerning prisoners of war and members of the Armed Forces who are missing in action.

(2) The term "intelligence community" has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

SEC. 1068. PROTECTION OF EMPLOYEES FROM RETALIATION FOR CERTAIN DISCLOSURES OF CLASSIFIED INFORMATION.

(a) DISCLOSURES TO OFFICIALS CLEARED FOR ACCESS.—Section 2302(b) of title 5, United States Code, is amended—

(1) in paragraph (8)—

(A) by striking out "or" at the end of subparagraph (A);

(B) by inserting "or" at the end of subparagraph (B)(ii); and

(C) by adding at the end the following:

"(C) a disclosure by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs which the employee or applicant reasonably believes to provide direct and specific evidence of—

"(i) a violation of any law, rule, or regulation,

"(ii) gross mismanagement, a gross waste of funds, abuse of authority, or a substantial and specific danger to public health or safety, or

"(iii) a false statement to Congress on an issue of material fact,

if the disclosure is made to a member of a committee of Congress having a primary responsibility for oversight of a department, agency, or element of the Federal Government to which the disclosed information relates, to any other Member of Congress who is authorized to receive information of the type disclosed, or to an employee of the executive branch or Congress who has the appropriate security clearance for access to the information disclosed;"; and

(2) by striking out the matter following paragraph (11).

(b) DISSEMINATION OF INFORMATION ON NEW PROTECTION.—Not later than 30 days after the date of the enactment of this Act, the President shall—

(1) take such action as is necessary to ensure that employees of the executive branch having access to classified information receive notice that the disclosure of such information to Congress is not prohibited by law, executive order, or regulation, and is not otherwise contrary to public policy when the information is disclosed under the circumstances described in subparagraph (C) of section 2302(b)(8) of title 5, United States Code (as added by subsection (a)); and

(2) submit to Congress a report on the actions taken to carry out paragraph (1).

(c) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by subsection (a) shall take effect on October 1, 1998, and shall apply to a taking, failing to take, or threat to take or fail to take a personnel action on or after such date because of a disclosure described in subparagraph (C) of section 2302(b)(8) of title 5, United States Code (as added by subsection (a)), that is made before, on, or after such date.

SEC. 1069. APPLICABILITY OF CERTAIN PAY AUTHORITIES TO MEMBERS OF THE COMMISSION ON SERVICEMEMBERS AND VETERANS TRANSITION ASSISTANCE.

(a) APPLICABILITY.—Section 705(a) of the Veterans' Benefits Improvements Act of 1996 (Public Law 104-275; 110 Stat. 3349; 38 U.S.C. 545 note) is amended—

(1) by inserting "(1)" before "Each member"; and

(2) by adding at the end the following:

"(2)(A) A member of the Commission who is an annuitant otherwise covered by section 8344 or 8468 of title 5, United States Code, by reason of membership on the Commission shall not be subject to the provisions of such section with respect to such membership.

"(B) A member of the Commission who is a member or former member of a uniformed service shall not be subject to the provisions of subsections (b) and (c) of section 5532 of such title with respect to membership on the Commission.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the provisions of section 705(a) of the Veterans' Benefits Improvements Act of 1996 to which such amendments relate.

SEC. 1070. TRANSFER OF B-17 AIRCRAFT TO MUSEUM.

(a) AUTHORITY.—The Secretary of the Air Force may convey, without consideration, to the Planes of Fame Museum, Chino, California (hereafter in this section referred to as the "museum"), all right, title, and interest of the United States in and to the B-17 aircraft known as the "Picadilly Lilly", an aircraft that has been in the possession of the museum since 1959.

(b) CONDITION OF AIRCRAFT.—Before conveying ownership of the aircraft, the Secretary shall alter the aircraft as necessary to ensure that the aircraft does not have any capability for use as a platform for launching or releasing munitions or any other combat capability that it was designed to have. The Secretary is not required to repair or alter the condition of the aircraft in any other way before conveying the ownership.

(c) CONDITION FOR CONVEYANCE.—A conveyance of ownership of the aircraft under this section shall be subject to the condition that the museum not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the advance approval of the Secretary of the Air Force.

(d) REVERSION.—If the Secretary of the Air Force determines at any time that the museum has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the advance approval of the Secretary, all right, title, and interest in and to the aircraft, including any repairs or alterations of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(f) CLARIFICATION OF LIABILITY.—Notwithstanding any other provision of law, the United States shall not be liable for any death, injury, loss, or damages that result from any use of the aircraft conveyed under this section by any person other than the United States after the conveyance is complete.

SEC. 1071. FIVE-YEAR EXTENSION OF AVIATION INSURANCE PROGRAM.

(a) EXTENSION.—Section 44310 of title 49, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 2002".

(b) EFFECTIVE DATE.—This section shall take effect as of September 30, 1997.

SEC. 1072. TREATMENT OF MILITARY FLIGHT OPERATIONS.

No military flight operation (including a military training flight), or designation of airspace for such an operation, may be treated as a transportation program or project for purposes of section 303(c) of title 49, United States Code.

SEC. 1073. NATURALIZATION OF FOREIGN NATIONALS WHO SERVED HONORABLY IN THE ARMED FORCES OF THE UNITED STATES.

(a) IN GENERAL.—Section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) is amended—

(1) in subsection (a)(1)—

(A) by inserting ", reenlistment, extension of enlistment," after "at the time of enlistment"; and

(B) by inserting "or on board a public vessel owned or operated by the United States for noncommercial service," after "United States, the Canal Zone, American Samoa, or Swains Island,"; and

(2) by adding at the end the following new subsection:

"(d) WAIVER.—(1) For purposes of the naturalization of natives of the Philippines under section 405 of the Immigration Act of 1990 (8 U.S.C. 1440 note), notwithstanding any other provision of law—

"(A) the processing of applications for naturalization, filed in accordance with the provisions of Section 405 of the Immigration Act of 1990 (Public Law 101-649; 104 Stat. 5039), including necessary interviews, may be conducted in the Philippines by employees of the Service designated pursuant to section 335(b) of this Act; and

"(B) oaths of allegiance for applications under this subsection may be administered in the Philippines by employees of the Service designated pursuant to section 335(b) of this Act.

"(2) Paragraph (1) shall be effective only during the period beginning February 3, 1996, and ending at the end of February 2, 2006.".

(b) EFFECTIVE DATES.—The amendments made by subsection (a)(1) shall be effective for all enlistments, reenlistments, extensions of enlistment, or inductions of persons occurring on or after January 1, 1990.

SEC. 1074. DESIGNATION OF BOB HOPE AS HONORARY VETERAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States has never in its more than 200 years of existence conferred honorary veteran status on any person.

(2) Honorary veteran status is and should remain an extraordinary honor not lightly conferred nor frequently granted.

(3) It is fitting and proper to confer that status on Bob Hope.

(4) Bob Hope attempted to enlist in the Armed Forces to serve his country during World War II but was informed that the greatest service he could provide his country was as a civilian entertainer for the troops.

(5) Since then, Bob Hope has travelled to visit and entertain millions of members of the Armed Forces of the United States throughout World War II, the Korean Conflict, the Vietnam War, the Persian Gulf War, and the Cold War, in Europe, Africa, England, Wales, Ireland, Scotland, Sicily, the Aleutian Islands, Pearl Harbor, Kwajalein Island, Guam, Japan, Korea, Vietnam, Saudi Arabia, and many other locations.

(6) Bob Hope frequently elected to stage his shows in forward combat areas.

(7) Bob Hope richly deserves the more than 100 awards and citations that he has received from government, military, and civic groups.

(8) Those awards include the American Congressional Gold Medal, the Medal of Freedom, the People to People Award, the Peabody Award, the Jean Hersholdt Humanitarian Award, the Al Jolson Award of the Veterans of Foreign Wars, the Medal of Liberty, and the Distinguished Service Medals of each of the Armed Forces.

(9) Bob Hope has given unselfishly of himself for over half a century to be with American service members on foreign shores, has worked tirelessly to bring a spirit of humor and cheer to millions of military members during their loneliest moments, and has, thereby, extended to them for the American people a touch of home away from home.

(b) HONORARY DESIGNATION.—The elected representatives of the American people, expressing the gratitude of the American people to Bob Hope for his years of unselfish service to the members of the Armed Forces of the United States, designate Bob Hope as an honorary veteran of the Armed Forces of the United States.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

SEC. 1101. USE OF PROHIBITED CONSTRAINTS TO MANAGE DEPARTMENT OF DEFENSE PERSONNEL.

Section 129 of title 10, United States Code, is amended by adding at the end the following:

"(f)(1) Not later than February 1 and August 1 of each year, the Secretary of each military department and the head of each Defense Agency shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representative a report on the

management of the civilian workforce under the jurisdiction of that official.

"(2) Each report of an official under paragraph (1) shall contain the following:

"(A) The official's certification that the civilian workforce under the jurisdiction of the official is not subject to any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees, and that, during the six months preceding the date on which the report is due, such workforce has not been subject to any such constraint or limitation.

"(B) A description of how the civilian workforce is managed.

"(C) A detailed description of the analytical tools used to determine civilian workforce requirements during the six-month period referred to in subparagraph (A).".

SEC. 1102. EMPLOYMENT OF CIVILIAN FACULTY AT THE MARINE CORPS UNIVERSITY.

(a) EXPANDED AUTHORITY.—Subsections (a) and (c) of section 7478 of title 10, United States Code, are amended by striking out "the Marine Corps Command and Staff College" and inserting in lieu thereof "a school of the Marine Corps University".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 7478. Naval War College and Marine Corps University: civilian faculty members".

(2) The table of sections at the beginning of chapter 643 of such title is amended by striking out the item relating to section 7478 and inserting in lieu thereof the following new item:

"7478. Naval War College and Marine Corps University:. civilian faculty members.".

SEC. 1103. EXTENSION AND REVISION OF VOLUNTARY SEPARATION INCENTIVE PAY AUTHORITY.

(a) REMITTANCE TO CSRS FUND.—Section 5597 of title 5, United States Code, is amended by adding at the end the following:

"(h)(1) In addition to any other payment that it is required to make under subchapter III of chapter 83 or chapter 84 of this title, the Department of Defense shall remit to the Office of Personnel Management an amount equal to 15 percent of the final basic pay of each covered employee. The remittance shall be in place of any remittance with respect to the employee that is otherwise required under section 4(a) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note).

"(2) Amounts remitted under paragraph (1) shall be deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund.

"(3) For the purposes of this subsection—

"(A) the term 'covered employee' means an employee who is subject to subchapter III of chapter 83 or chapter 84 of this title and to whom a voluntary separation incentive has been paid under this section on the basis of a separation on or after October 1, 1997; and

"(B) the term 'final basic pay' has the meaning given such term in section 4(a)(2) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note).".

(b) EXTENSION OF AUTHORITY.—(1) Subsection (e) of such section is amended by striking out "September 30, 1999" and inserting in lieu thereof "September 30, 2001".

(2) Section 4436(d)(2) of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (5 U.S.C. 8348 note) is amended by striking "January 1, 2000" and inserting in lieu thereof "January 1, 2002".

SEC. 1104. REPEAL OF DEADLINE FOR PLACEMENT CONSIDERATION OF INVOLUNTARILY SEPARATED MILITARY RESERVE TECHNICIANS.

Section 3329(b) of title 5, United States Code, is amended by striking out "a position described in subsection (c) not later than 6 months after the date of the application".

SEC. 1105. RATE OF PAY OF DEPARTMENT OF DEFENSE OVERSEAS TEACHER UPON TRANSFER TO GENERAL SCHEDULE POSITION.

(a) PREVENTION OF EXCESSIVE INCREASES.—Section 5334(d) of title 5, United States Code, is amended by striking out "20 percent" and all that follows and inserting in lieu thereof "an amount determined under regulations which the Secretary of Defense shall prescribe for the determination of the yearly rate of pay of the position. The amount by which a rate of pay is increased under the regulations may not exceed the amount equal to 20 percent of that rate of pay.".

(b) EFFECTIVE DATE AND SAVINGS PROVISION.—(1) The amendment made by subsection (a) shall take effect 180 days after the date of the enactment of this Act.

(2) In the case of a person who is employed in a teaching position referred to in section 5334(d) of title 5, United States Code, on the day before the effective date determined under paragraph (1), the rate of pay determined under such section (as in effect on that day) shall not be reduced by reason of the amendment made by subsection (a) for so long as the person continues to serve in that position or another such position without a break in service on or after that day.

SEC. 1106. NATURALIZATION OF EMPLOYEES OF THE GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES.

(a) ELIGIBILITY WITHOUT PERMANENT RESIDENCE.—Subsection (a) of section 506 of the Intelligence Authorization Act, Fiscal Year 1990 (Public Law 101-193; 103 Stat. 1709; 8 U.S.C. 1430 note) is amended to read as follows:

"(a) For purposes of subsection (c) of section 319 of the Immigration and Nationality Act (8 U.S.C. 1430), the George C. Marshall European Center for Security Studies, located in Garmisch, Federal Republic of Germany, shall be considered to be an organization described in clause (1) of such subsection. Notwithstanding clauses (2) and (4) of such subsection and any other provision of title III of the Immigration and Nationality Act, neither prior admission to the United States for permanent residence nor presence in the United States at the time of naturalization is required as a condition for the naturalization (under the authority of such subsection) of a person employed by the Center.".

(b) REFERENCE CORRECTION.—The section heading of such section is amended to read as follows:

"REQUIREMENTS FOR CITIZENSHIP FOR STAFF OF GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES".

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1998".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama ..	Redstone Arsenal	$27,000,000
Arizona	Fort Huachuca	$20,000,000
California	Naval Weapons Station, Concord.	$23,000,000
Colorado ..	Fort Carson	$7,300,000
Georgia	Fort Gordon	$22,000,000
Hawaii	Schofield Barracks	$44,000,000
Indiana	Crane Army Ammunition Activity.	$7,700,000
Kansas	Fort Leavenworth	$63,000,000
	Fort Riley	$25,800,000
Kentucky	Fort Campbell	$53,600,000
	Fort Knox	$7,200,000
North Carolina.	Fort Bragg	$6,500,000
South Carolina.	Naval Weapons Station, Charleston.	$7,700,000
Texas	Fort Sam Houston	$16,000,000
Virginia ...	Charlottesville	$3,100,000
	Fort A.P. Hill	$5,400,000
	Fort Myer	$8,200,000
Washington.	Fort Lewis	$33,000,000
CONUS Classified.	Classified Location	$6,500,000
	Total:	$387,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany ..	Katterbach Kaserne, Ansbach.	$22,000,000
	Kitzingen	$4,365,000
	Tompkins Barracks, Heidelberg.	$8,800,000
	Rhine Ordnance Barracks, Military Support Group, Kaiserslautern.	$6,000,000
Korea	Camp Casey	$5,100,000
	Camp Castle	$8,400,000
	Camp Humphreys	$32,000,000
	Camp Red Cloud	$23,600,000
	Camp Stanley	$7,000,000
Various Overseas.	Various Locations	$37,000,000
Worldwide	Host Nation Support ...	$20,000,000
	Total:	$174,265,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or location	Purpose	Amount
Alaska	Fort Richardson	52 Units	$9,600,000
	Fort Wainwright	32 Units	$8,300,000
Florida	Miami	8 Units	$2,300,000
Hawaii	Schofield Barracks	132 Units	$26,600,000
Kentucky	Fort Campbell	Family housing improvements.	$8,500,000
Maryland	Fort Meade	56 Units	$7,900,000
New York	United States Military Academy, West Point	Whole neighborhood revitalization.	$5,400,000
North Carolina	Fort Bragg	174 Units	$20,150,000
Texas	Fort Bliss	91 Units	$12,900,000
	Fort Hood	130 Units	$18,800,000
		Total:	$120,450,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $11,665,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $44,800,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $1,957,129,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $360,500,000.

(2) For the military construction projects outside the United States authorized by section 2101(b), $174,265,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $6,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $50,512,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $176,915,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,148,937,000.

(6) For the construction of the National Range Control Center, White Sands Missile Range, New Mexico, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2763), $18,000,000.

(7) For the construction of the whole barracks complex renewal, Fort Knox, Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2763), $22,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $26,500,000 (the balance of the amount authorized under section 2101(a) for the construction of the United States Disciplinary Barracks, Fort Leavenworth, Kansas).

SEC. 2105. AUTHORITY TO USE CERTAIN PRIOR YEAR FUNDS TO CONSTRUCT A HELIPORT AT FORT IRWIN, CALIFORNIA.

(a) AUTHORITY TO USE FUNDS.—Notwithstanding any other provision of law and subject to subsection (b), the Secretary of the Army may carry out a project to construct a heliport at Fort Irwin, California, using the following amounts:

(1) Amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337; 108 Stat. 3029) for the military construction project at Fort Irwin authorized by section 2101(a) of that Act (108 Stat. 3027).

(2) Amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 524) for the military construction project at Fort Irwin authorized by section 2101(a) of that Act (110 Stat. 523).

(b) LIMITATION ON AVAILABILITY.—Unless funds available under subsection (a) are obligated for the project covered by that subsection by the later of the dates set forth in section 2701(a) of this Act, the authority in that subsection to use funds for the project shall expire on the later of such dates.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Navy Detachment, Camp Navajo.	$11,426,000
	Marine Corps Air Station, Yuma.	$14,700,000
California	Marine Corps Air Station, Camp Pendleton.	$14,020,000
	Marine Corps Air Station, Miramar.	$8,700,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
	Marine Corps Air-Ground Combat Center, Twentynine Palms.	$3,810,000
	Marine Corps Base, Camp Pendleton.	$39,469,000
	Naval Air Facility, El Centro.	$11,000,000
	Naval Air Station, North Island.	$19,600,000
Connecticut.	Naval Submarine Base, New London.	$23,560,000
Florida	Naval Air Station, Jacksonville.	$3,480,000
Hawaii	Honolulu (Fort DeRussy).	$9,500,000
	Marine Corps Air Station, Kaneohe Bay.	$19,000,000
	Naval Computer and Telecommunications Area, Master Station, Eastern Pacific, Honolulu.	$3,900,000
	Naval Station, Pearl Harbor.	$25,000,000
Illinois	Naval Training Center, Great Lakes.	$41,220,000
Mississippi	Navy Combat Battalion Construction Base, Gulfport.	$22,440,000
North Carolina.	Marine Corps Air Station, Cherry Point.	$8,800,000
	Marine Corps Air Station, New River.	$19,900,000
Rhode Island.	Naval Undersea Warfare Center Division, Newport.	$8,900,000
South Carolina.	Marine Corps Recruit Depot, Parris Island.	$3,200,000
Virginia	Fleet Combat Training Center, Dam Neck.	$7,000,000
	Naval Air Station, Norfolk.	$14,240,000
	Naval Air Station, Oceana.	$28,000,000
	Naval Amphibious Base, Little Creek.	$8,685,000
	Naval Station, Norfolk	$64,970,000
	Naval Surface Warfare Center, Dahlgren.	$20,480,000
	Naval Weapons Station, Yorktown.	$11,257,000
	Norfolk Naval Shipyard, Portsmouth.	$9,500,000
Washington.	Naval Air Station, Whidbey Island.	$1,100,000
	Puget Sound Naval Shipyard, Bremerton.	$4,400,000
	Total:	$481,257,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and

in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain ...	Administrative Support Unit, Bahrain.	$30,100,000
Guam	Naval Computer and Telecommunications Area, Master Station, Western Pacific.	$4,050,000
Italy	Naval Air Station, Sigonella.	$21,440,000
	Naval Support Activity, Naples.	$8,200,000
Puerto Rico.	Naval Station, Roosevelt Roads.	$9,500,000
United Kingdom.	Joint Maritime Communications Center, Saint Mawgan.	$2,330,000
	Total:	$75,620,000

Navy: Outside the United States—Continued

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
California	Marine Corps Air Station, Miramar	166 Units	$28,881,000
	Marine Corps Air-Ground Combat Center, Twentynine Palms	132 Units	$23,891,000
	Marine Corps Base, Camp Pendleton	171 Units	$22,518,000
	Naval Air Station, Lemoore	128 Units	$23,226,000
North Carolina	Marine Corps Base, Camp Lejeune	37 Units	$2,863,000
Texas	Naval Air Station, Corpus Christi	57 Units	$6,470,000
Washington	Naval Air Station, Whidbey Island	198 Units	$32,290,000
		Total:	$140,139,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $15,850,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $173,780,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,916,887,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $448,637,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $75,620,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $9,960,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $47,597,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $329,769,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $976,504,000.

(6) For construction of a large anachoic chamber facility at Patuxent River Naval Warfare Center, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2590), $9,000,000.

(7) For construction of a bachelor enlisted quarters at Naval Hospital, Great Lakes, Illinois, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2766), $5,200,000.

(8) For construction of a bachelor enlisted quarters at Naval Station, Roosevelt Roads, Puerto Rico, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2767), $14,600,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $32,620,000 (the balance of the amount authorized under section 2101(a) for the replacement of the Berthing Pier at Naval Station, Norfolk, Virginia.

(c) ADJUSTMENT.—The total amount authorized to be appropriated under paragraph (5) of subsection (a) is the sum of the amounts authorized to be appropriated under such paragraph, reduced by $8,463,000 (the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes).

SEC. 2205. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECT AT PASCAGOULA NAVAL STATION, MISSISSIPPI, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

(a) AUTHORIZATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2766) is amended by striking out the item relating to Navy Project, Stennis Space Center, Mississippi, and inserting in lieu thereof the following:

Mississippi.	Naval Station Pascagoula	$4,990,000
	Navy Project, Stennis Space Center.	$7,960,000

(b) CONFORMING AMENDMENTS.—Section 2204(a) of such Act (110 Stat. 2769) is amended—

(1) in the matter preceding paragraph (1), by striking out "$2,213,731,000" and inserting in lieu thereof "$2,218,721,000"; and

(2) in paragraph (1), by striking out "$579,312,000" and inserting in lieu thereof "$584,302,000".

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama ..	Maxwell Air Force Base	$5,574,000
Alaska	Clear Air Force Station	$67,069,000
	Elmendorf Air Force Base.	$6,100,000
	Eielson Air Force Base	$13,764,000
	Indian Mountain Long Range Radar Site.	$1,991,000
California	Edwards Air Force Base	$2,887,000
	Vandenberg Air Force Base.	$26,876,000
Colorado ..	Buckley Air National Guard Base.	$6,718,000
	Falcon Air Force Station.	$10,551,000
	Peterson Air Force Base.	$4,081,000
	United States Air Force Academy.	$15,229,000
Florida	Eglin Auxiliary Field 9	$6,470,000
	MacDill Air Force Base	$1,543,000
Georgia	Moody Air Force Base	$15,900,000
	Robins Air Force Base	$18,663,000
Idaho	Mountain Home Air Force Base.	$30,669,000
Kansas	McConnell Air Force Base.	$19,219,000
Louisiana	Barksdale Air Force Base.	$19,410,000
Mississippi	Keesler Air Force Base	$30,855,000
Missouri ..	Whiteman Air Force Base.	$17,419,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
Montana ..	Malmstrom Air Force Base.	$4,500,000
Nebraska	Offutt Air Force Base ..	$6,900,000
Nevada	Nellis Air Force Base ...	$5,900,000
New Jersey.	McGuire Air Force Base.	$9,954,000
New Mexico.	Cannon Air Force Base	$2,900,000
	Kirtland Air Force Base.	$20,300,000
North Carolina.	Pope Air Force Base	$8,356,000
North Dakota.	Grand Forks Air Force Base.	$8,560,000
	Minot Air Force Base ..	$5,200,000
Ohio	Wright-Patterson Air Force Base.	$32,750,000
Oklahoma	Altus Air Force Base ...	$11,000,000
	Tinker Air Force Base	$9,655,000
	Vance Air Force Base ..	$7,700,000
South Carolina.	Shaw Air Force Base ...	$6,072,000
South Dakota.	Ellsworth Air Force Base.	$6,600,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
Tennessee	Arnold Air Force Base	$10,750,000
Texas	Dyess Air Force Base ...	$10,000,000
	Randolph Air Force Base.	$2,488,000
Utah	Hill Air Force Base	$6,470,000
Virginia ...	Langley Air Force Base	$4,031,000
Washington.	Fairchild Air Force Base.	$24,016,000
	McChord Air Force Base.	$9,655,000
CONUS Classified.	Classified Location	$6,175,000
	Total:	$540,920,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany ..	Spangdahlem Air Base	$18,500,000
Italy	Aviano Air Base	$15,220,000
Korea	Kunsan Air Base	$10,325,000
Portugal ...	Lajes Field, Azores	$4,800,000
United Kingdom.	Royal Air Force, Lakenheath.	$11,400,000
Overseas Classified.	Classified Location	$29,100,000
	Total:	$89,345,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
California	Edwards Air Force Base	51 units	$8,500,000
	Travis Air Force Base	70 units	$9,714,000
	Vandenberg Air Force Base	108 units	$17,100,000
Delaware	Dover Air Force Base	Ancillary Facility	$831,000
District of Columbia	Bolling Air Force Base	46 units	$5,100,000
Florida	MacDill Air Force Base	58 units	$10,000,000
	Tyndall Air Force Base	32 units	$4,200,000
Georgia	Robins Air Force Base	106 units	$12,000,000
Idaho	Mountain Home Air Force Base	60 units	$11,032,000
Kansas	McConnell Air Force Base	19 units	$2,951,000
Mississippi	Columbus Air Force Base	50 units	$6,200,000
	Keesler Air Force Base	40 units	$5,000,000
Montana	Malmstrom Air Force Base	956 units	$21,447,000
New Mexico	Kirtland Air Force Base	180 units	$20,900,000
North Dakota	Grand Forks Air Force Base	42 units	$7,936,000
South Carolina	Charleston Air Force Base	Improve family housing area.	$14,300,000
Texas	Dyess Air Force Base	70 units	$10,503,000
	Goodfellow Air Force Base	3 units	$500,000
	Lackland Air Force Base	50 units	$7,400,000
Wyoming	F.E. Warren Air Force Base	52 units	$6,853,000
		Total:	$182,467,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $13,021,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $102,195,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,793,949,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $540,920,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $89,345,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $8,545,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $51,080,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design, planning improvement of military family housing and facilities, $297,683,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $830,234,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $23,858,000 (the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes).

SEC. 2305. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECT AT MCCONNELL AIR FORCE BASE, KANSAS, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

(a) AUTHORIZATION.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2771) is amended in the item relating to McConnell Air Force Base, Kansas, by striking out "$19,130,000" in the amount column and inserting in lieu thereof "$25,830,000".

(b) CONFORMING AMENDMENT.—Section 2304 of such Act (110 Stat. 2774) is amended—

(1) in the matter preceding paragraph (1), by striking out "$1,894,594,000" and inserting in lieu thereof "$1,901,294,000"; and

(2) in paragraph (1), by striking out "$603,834,000" and inserting in lieu thereof "$610,534,000".

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Commissary Agency.	Fort Lee, Virginia	$9,300,000
Defense Finance & Accounting Service.	Naval Station, Pearl Harbor, Hawaii	$10,000,000
	Columbus Center, Ohio	$9,722,000
	Naval Air Station, Millington, Tennessee	$6,906,000
	Naval Station, Norfolk, Virginia	$12,800,000
Defense Intelligence Agency.	Redstone Arsenal, Alabama	$32,700,000
	Bolling Air Force Base, District of Columbia	$7,000,000
Defense Logistics Agency.	Elmendorf Air Force Base, Alaska	$21,700,000
	Naval Air Station, Jacksonville, Florida	$9,800,000
	Westover Air Reserve Base, Massachusetts	$4,700,000
	Defense Distribution New Cumberland—DDSP, Pennsylvania	$15,500,000
	Defense Distribution Depot—DDNV, Virginia	$16,656,000
	Defense Fuel Support Point, Craney Island, Virginia	$22,100,000
	Defense General Supply Center, Richmond, Virginia	$5,200,000
	Defense Fuel Support Center, Truax Field, Wisconsin	$4,500,000
	CONUS Various, CONUS Various	$11,275,000
Defense Medical Facility Office.	Naval Station, San Diego, California	$2,100,000
	Naval Submarine Base, New London, Connecticut	$2,300,000
	Naval Air Station, Pensacola, Florida	$2,750,000
	Robins Air Force Base, Georgia	$19,000,000
	Fort Campbell, Kentucky	$13,600,000
	Fort Detrick, Maryland	$4,650,000
	McGuire Air Force Base, New Jersey	$35,217,000
	Holloman Air Force Base, New Mexico	$3,000,000
	Wright-Patterson Air Force Base, Ohio	$2,750,000
	Lackland Air Force Base, Texas	$3,000,000
	Hill Air Force Base, Utah	$3,100,000
	Marine Corps Combat Development Command, Quantico, Virginia	$19,000,000
	Naval Station, Everett, Washington	$7,500,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
National Security Agency.	Fort Meade, Maryland	$29,800,000
Special Operations Command.	Naval Amphibious Base, North Island, California	$7,400,000
	Eglin Auxiliary Field 3, Florida	$11,200,000
	Hurlburt Field, Florida	$2,450,000
	Fort Benning, Georgia	$9,814,000
	Hunter Army Air Field, Fort Stewart, Georgia	$2,500,000
	Naval Station, Pearl Harbor, Hawaii	$7,400,000
	Mississippi Army Ammunition Plant, Mississippi	$9,900,000
	Fort Bragg, North Carolina	$9,800,000
	Total:	$408,090,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Ballistic Missile Defense Organization.	Kwajalein Atoll	$4,565,000
Defense Logistics Agency.	Defense Fuel Support Point, Anderson Air Force Base, Guam	$16,000,000
	Defense Fuel Supply Center, Moron Air Base, Spain	$14,400,000
	Total:	$34,965,000

SEC. 2402. MILITARY HOUSING PLANNING AND DESIGN.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(13)(A), the Secretary of Defense may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $50,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriation in section 2405(a)(13)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $4,950,000.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(11), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $2,778,531,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $408,090,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $34,965,000.

(3) For military construction projects at Anniston Army Depot, Alabama, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2587), $9,900,000.

(4) For military construction projects at Walter Reed Army Institute of Research, Maryland, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (106 Stat. 2599), $20,000,000.

(5) For military construction projects at Umatilla Army Depot, Oregon, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 539) and section 2408(2) of this Act, $57,427,000.

(6) For military construction projects at the Defense Finance and Accounting Service, Columbus, Ohio, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 1996 (110 Stat. 535), $14,200,000.

(7) For military construction projects at Portsmouth Naval Hospital, Virginia authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1640), $34,600,000.

(8) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $9,844,000.

(9) For unspecified minor construction projects under section 2805 of title 10, United States Code, $34,457,000.

(10) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $31,520,000.

(11) For energy conservation projects authorized by section 2404 of this Act, $25,000,000.

(12) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), $2,060,854,000.

(13) For military family housing functions:

(A) For improvement and planning of military family housing and facilities, $4,950,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $32,724,000, of which not more than $27,673,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2406. CLARIFICATION OF AUTHORITY RELATING TO FISCAL YEAR 1997 PROJECT AT NAVAL STATION, PEARL HARBOR, HAWAII.

The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775) is amended in the item relating to Special Operations Command, Naval Station, Ford Island, Pearl Harbor, Hawaii, in the installation or location column by striking out "Naval Station, Ford Island, Pearl Harbor, Hawaii" and inserting in lieu thereof "Naval Station, Pearl City Peninsula, Pearl Harbor, Hawaii".

SEC. 2407. AUTHORITY TO USE PRIOR YEAR FUNDS TO CARRY OUT CERTAIN DEFENSE AGENCY MILITARY CONSTRUCTION PROJECTS.

(a) AUTHORITY TO USE FUNDS.—Notwithstanding any other provision of law and subject to subsection (c), the Secretary of Defense may carry out the military construction projects referred to in subsection (b), in the amounts specified in that subsection, using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3042) for the military construction project authorized at McClellan Air Force Base, California, by section 2401 of that Act (108 Stat. 3041).

(b) COVERED PROJECTS.—Funds available under subsection (a) may be used for military construction projects as follows:

(1) Construction of an addition to the Aeromedical Clinic at Anderson Air Base, Guam, $3,700,000.

(2) Construction of an occupational health clinic facility at Tinker Air Force Base, Oklahoma, $6,500,000.

(c) LIMITATION ON AVAILABILITY.—Unless funds available under subsection (a) are obligated for a project referred to in subsection (b) by the later of the dates set forth in section 2701(a), the authority in subsection (a) to use such funds for the project shall expire on the later of such dates.

SEC. 2408. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1995 PROJECTS.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), under the agency heading relating to Chemical Weapons and Munitions Destruction, is amended—

(1) in the item relating to Pine Bluff Arsenal, Arkansas, by striking out "$115,000,000" in the amount column and inserting in lieu thereof "$134,000,000"; and

(2) in the item relating to Umatilla Army Depot, Oregon, by striking out "$186,000,000" in the amount column and inserting in lieu thereof "$187,000,000".

SEC. 2409. AVAILABILITY OF FUNDS FOR FISCAL YEAR 1995 PROJECT RELATING TO RELOCATABLE OVER-THE-HORIZON RADAR, NAVAL STATION ROOSEVELT ROADS, PUERTO RICO.

(a) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law and except as provided in subsection (b), funds appropriated under the heading "DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE" in title VI of the Department of Defense Appropriations Act, 1995 (Public Law 103–335; 108 Stat. 2615) for the construction of a relocatable over-the-horizon radar at Naval Station Roosevelt Roads, Puerto Rico, shall be available for that purpose until the later of—

(1) October 1, 1998; or

(2) the date of enactment of an Act authorizing funds for military construction for fiscal year 1999.

(b) EXCEPTION.—Subsection (a) shall not apply to the use of funds covered by that subsection for the purpose specified in that subsection if such funds are obligated before the later of the dates specified in that subsection.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $152,600,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1997, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $155,416,000; and

(B) for the Army Reserve, $87,640,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $21,213,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $193,269,000; and

(B) for the Air Force Reserve, $34,580,000.

SEC. 2602. AUTHORIZATION OF ARMY NATIONAL GUARD CONSTRUCTION PROJECT, AVIATION SUPPORT FACILITY, HILO, HAWAII, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

Section 2601(1)(A) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2780) is amended by striking out "$59,194,000" and inserting in lieu thereof "$65,094,000".

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2000; or

(2) the date for the enactment of an Act authorizing funds for military construction for fiscal year 2001.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2000; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2001 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1995 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3046), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2201, 2202, 2301, 2302, 2401, or 2601 of that Act, shall remain in effect until October 1, 1998, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1995 Project Authorization

State	Installation or location	Project	Amount
California	Fort Irwin	National Training Center Airfield Phase I.	$10,000,000

Navy: Extension of 1995 Project Authorizations

State	Installation or location	Project	Amount
Maryland	Indian Head Naval Surface Warfare Center	Upgrade Power Plant.	$4,000,000

Navy: Extension of 1995 Project Authorizations—Continued

State	Installation or location	Project	Amount
	Indian Head Naval Surface Warfare Center	Denitrification/ Acid Mixing Facility.	$6,400,000
Virginia	Norfolk Marine Corps Security Force Battalion Atlantic	Bachelor Enlisted Quarters.	$6,480,000
Washington	Naval Station, Everett	Housing Office	$780,000
CONUS Classified	Classified Location	Aircraft Fire and Rescue and Vehicle Maintenance Facilities.	$2,200,000

Air Force: Extension of 1995 Project Authorizations

State	Installation or location	Project	Amount
California	Beale Air Force Base	Consolidated Support Center.	$10,400,000
	Los Angeles Air Force Station	Family Housing (50 units).	$8,962,000
North Carolina	Pope Air Force Base	Combat Control Team Facility.	$2,450,000
	Pope Air Force Base	Fire Training Facility.	$1,100,000

Defense Agencies: Extension of 1995 Project Authorizations

State	Installation or location	Project	Amount
Alabama	Anniston Army Depot	Carbon Filtration System.	$5,000,000
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Facility.	$115,000,000
California	Defense Contract Management Area Office, El Segundo	Administrative Building.	$5,100,000
Oregon	Umatilla Army Depot	Ammunition Demilitarization Facility.	$186,000,000

Army National Guard: Extension of 1995 Project Authorizations

State	Installation or location	Project	Amount
California	Camp Roberts	Modify Record Fire/Maintenance Shop.	$3,910,000
	Camp Roberts	Combat Pistol Range.	$952,000
Pennsylvania	Fort Indiantown Gap	Barracks	$6,200,000

Naval Reserve: Extension of 1995 Project Authorization

State	Installation or location	Project	Amount
Georgia	Naval Air Station Marietta	Training Center	$2,650,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1994 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1880), authorizations for the projects set forth in the table in subsection (b), as provided in section 2201 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2783), shall remain in effect until October 1, 1998, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 1994 Project Authorizations

State	Installation or location	Project	Amount
California	Camp Pendleton Marine Corps Base	Sewage Facility	$7,930,000
Connecticut	New London Naval Submarine Base	Hazardous Waste Transfer Facility.	$1,450,000

SEC. 2704. EXTENSION OF AUTHORIZATION OF FISCAL YEAR 1993 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2602), the authorization for the project set forth in the table in subsection (b), as provided in section 2101 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 541) and section 2703 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2784), shall remain in effect until October 1, 1998, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 1993 Project Authorization

State	Installation or location	Project	Amount
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Support Facility.	$15,000,000

SEC. 2705. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1992 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535), authorizations for the projects set forth in the table in subsection (b), as provided in section 2101 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3047), section 2703 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 543), and section 2704 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2785), shall remain in effect until October 1, 1998, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
Oregon	Umatilla Army Depot	Ammunition Demilitarization Support Facility.	$3,600,000
	Umatilla Army Depot	Ammunition Demilitarization Utilities.	$7,500,000

SEC. 2706. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1997; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCREASE IN CEILING FOR MINOR LAND ACQUISITION PROJECTS.

(a) INCREASE.—Section 2672 of title 10, United States Code, is amended by striking out "$200,000" each place it appears in subsection (a) and inserting in lieu thereof "$500,000".

(b) CONFORMING AMENDMENTS.—(1) The section heading for such section is amended by striking out "**$200,000**" and inserting in lieu thereof "**$500,000**".

(2) The table of sections at the beginning of chapter 159 of such title is amended in the item relating to section 2672 by striking out "$200,000" and inserting in lieu thereof "$500,000".

SEC. 2802. SALE OF UTILITY SYSTEMS OF THE MILITARY DEPARTMENTS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by adding at the end the following:

"§ 2695. Sale of utility systems

"(a) AUTHORITY.—The Secretary of the military department concerned may convey all right, title, and interest of the United States, or any lesser estate thereof, in and to all or part of a utility system located on or adjacent to a military installation under the jurisdiction of the Secretary to a municipal utility, private utility, regional or district utility, or cooperative utility or other appropriate entity.

"(b) SELECTION OF PURCHASER.—If more than one utility or entity referred to in subsection (a) notifies the Secretary concerned of an interest in a conveyance under that subsection, the Secretary shall carry out the conveyance through the use of competitive procedures.

"(c) CONSIDERATION.—

"(1) IN GENERAL.—The Secretary concerned shall accept as consideration for a conveyance under subsection (a) an amount equal to the fair market value (as determined by the Secretary) of the right, title, or interest conveyed.

"(2) FORM OF CONSIDERATION.—Consideration under this subsection may take the form of—

"(A) a lump sum payment; or

"(B) a reduction in charges for utility services provided the military installation concerned by the utility or entity concerned.

"(3) TREATMENT OF PAYMENTS.—

"(A) CREDITING.—A lump sum payment received under paragraph (2)(A) shall be credited, at the election of the Secretary—

"(i) to an appropriation of the military department concerned available for the procurement of the same utility services as are provided by the utility system conveyed under this section;

"(ii) to an appropriation of the military department available for carrying out energy savings projects or water conservation projects; or

"(iii) to an appropriation of the military department available for improvements to other utility systems on the installation concerned.

"(B) AVAILABILITY.—Amounts so credited shall be merged with funds in the appropriation to which credited and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriation with which merged.

"(d) INAPPLICABILITY OF CERTAIN CONTRACTING REQUIREMENTS.—Sections 2461, 2467, and 2468 of this title shall not apply to the conveyance of a utility system under subsection (a).

"(e) NOTICE AND WAIT REQUIREMENT.—The Secretary concerned may not make a conveyance under subsection (a) until—

"(1) the Secretary submits to the Committees on Armed Services and Appropriations of the Senate and the Committees on National Security and Appropriations of the House of Representatives an economic analysis (based upon accepted life-cycle costing procedures) demonstrating that—

"(A) the long-term economic benefit of the conveyance to the United States exceeds the long-term economic cost of the conveyance to the United States; and

"(B) the conveyance will reduce the long-term costs of the United States for utility services provided by the utility system concerned; and

"(2) a period of 21 days has elapsed after the date on which the economic analysis is received by the committees.

"(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary concerned may require such additional terms and conditions in connection with a conveyance under subsection (a) as such Secretary considers appropriate to protect the interests of the United States.

"(g) UTILITY SYSTEM DEFINED.—For purposes of this section:

"(1) IN GENERAL.—The term 'utility system' means the following:

"(A) A system for the generation and supply of electric power.

"(B) A system for the treatment or supply of water.

"(C) A system for the collection or treatment of wastewater.

"(D) A system for the generation and supply of steam, hot water, and chilled water.

"(E) A system for the supply of natural gas.

"(2) INCLUSIONS.—The term 'utility system' includes the following:

"(A) Equipment, fixtures, structures, and other improvements utilized in connection with a system referred to in paragraph (1).

"(B) Easements and rights-of-ways associated with a system referred to in that paragraph.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2695. Sale of utility systems.".

SEC. 2803. ADMINISTRATIVE EXPENSES FOR CERTAIN REAL PROPERTY TRANSACTIONS.

(a) IN GENERAL.—(1) Chapter 159 of title 10, United States Code, as amended by section 2802 of this Act, is further amended by adding at the end the following:

"§ 2696. Administrative expenses relating to certain real property transactions

"(a) AUTHORITY TO COLLECT.—Upon entering into a transaction referred to in subsection (b) with a non-Federal person or entity, the Secretary of a military department may collect from the person or entity an amount equal to the administrative expenses incurred by the Secretary in entering into the transaction.

"(b) COVERED TRANSACTIONS.—Subsection (a) applies to the following transactions:

"(1) The exchange of real property.

"(2) The grant of an easement over, in, or upon real property of the United States.

"(3) The lease or license of real property of the United States.

"(c) USE OF AMOUNTS COLLECTED.—Amounts collected under subsection (a) for administrative expenses shall be credited to the appropriation, fund, or account from which such expenses were paid. Amounts so credited shall be merged with funds in such appropriation, fund, or account and shall be available for the same purposes and subject to the same limitations as the funds with which merged.".

(2) The table of sections at the beginning of chapter 159 of such title, as so amended, is further amended by adding at the end the following:

"2696. Administrative expenses relating to certain real property transactions.".

(b) CONFORMING AMENDMENT.—Section 2667(d)(4) of such title is amended by striking out "to cover the administrative expenses of leasing for such purposes and".

SEC. 2804. USE OF FINANCIAL INCENTIVES FOR ENERGY SAVINGS AND WATER COST SAVINGS.

(a) IN GENERAL.—Section 2865(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "and financial incentives described in subsection (d)(2)";

(2) in paragraph (2)—

(A) by striking out "section 2866(b)" in the matter preceding subparagraph (A) and inserting in lieu thereof "section 2866(b)(2)"; and

(B) by striking out "section 2866(b)" in subparagraph (A) and inserting in lieu thereof "section 2866(b)(2)"; and

(3) by adding at the end the following:

"(3)(A) Financial incentives received from gas or electric utilities under subsection (d)(2), and from utilities for water demand or conservation under section 2866(b)(1) of this title, shall be credited to an appropriation designated by the Secretary of Defense. Amounts so credited shall be merged with the appropriation to which credited and shall be available for the same purposes and the same period as the appropriation with which merged.

"(B) The Secretary shall include in the annual report under subsection (f) the amounts of financial incentives credited under this paragraph during the year of the report and the purposes for which such amounts were utilized in that year.".

(b) CONFORMING AMENDMENT.—Section 2866(b) of such title is amended to read as follows:

"(b) USE OF FINANCIAL INCENTIVES AND WATER COST SAVINGS.—(1) Financial incentives received under subsection (a)(2) shall be used as provided in paragraph (3) of section 2865(b) of this title.

"(2) Water cost savings realized under subsection (a)(3) shall be used as provided in paragraph (2) of that section.".

Subtitle B—Land Conveyances

SEC. 2811. MODIFICATION OF AUTHORITY FOR DISPOSAL OF CERTAIN REAL PROPERTY, FORT BELVOIR, VIRGINIA.

(a) REPEAL OF AUTHORITY TO CONVEY.—Section 2821 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1658), as amended by section 2854 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 568), is repealed.

(b) TREATMENT AS SURPLUS PROPERTY.—(1) Notwithstanding any other provision of law, the real property described in paragraph (2) shall be deemed to be surplus property for purposes of section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484).

(2) Paragraph (1) applies to a parcel of real property, including improvements thereon, at Fort Belvoir, Virginia, consisting of approximately 820 acres and known as the Engineer Proving Ground.

SEC. 2812. CORRECTION OF LAND CONVEYANCE AUTHORITY, ARMY RESERVE CENTER, ANDERSON, SOUTH CAROLINA.

(a) CORRECTION OF CONVEYEE.—Subsection (a) of section 2824 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2793) is amended by striking out "County of Anderson, South Carolina (in this section referred to as the 'County')" and inserting in lieu thereof "Board of Education, Anderson County, South Carolina (in this section referred to as the 'Board')".

(b) CONFORMING AMENDMENTS.—Subsections (b) and (c) of such section are each amended by striking out "County" and inserting in lieu thereof "Board".

SEC. 2813. LAND CONVEYANCE, HAWTHORNE ARMY AMMUNITION DEPOT, MINERAL COUNTY, NEVADA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Mineral County, Nevada (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, consisting of approximately 33.1 acres located at Hawthorne Army Ammunition Depot, Mineral County, Nevada, and commonly referred to as the Schweer Drive Housing Area.

(b) CONDITIONS OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) That the County accept the conveyed property subject to such easements and rights of way in favor of the United States as the Secretary considers appropriate.

(2) That the County, if the County sells any portion of the property conveyed under subsection (a) before the end of the 10-year period beginning on the date of enactment of this Act, pay to the United States an amount equal to the lesser of—

(A) the amount of sale of the property sold; or

(B) the fair market value of the property sold as determined without taking into account any improvements to such property by the County.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a), and of any easement or right of way granted under subsection (b)(1), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), and any easement or right of way granted under subsection (b)(1), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2814. LONG-TERM LEASE OF PROPERTY, NAPLES, ITALY.

(a) AUTHORITY.—The Secretary of the Navy may acquire by long-term lease structures and real property relating to a regional hospital complex in Naples, Italy, that the Secretary determines to be necessary for purposes of the Naples Improvement Initiative.

(b) LEASE TERM.—Notwithstanding section 2675 of title 10, United States Code, the lease authorized by subsection (a) shall be for a term of not more than 20 years.

(c) EXPIRATION OF AUTHORITY.—The authority of the Secretary to enter into a lease under subsection (a) shall expire on September 30, 2002.

SEC. 2815. LAND CONVEYANCE, TOPSHAM ANNEX, NAVAL AIR STATION, BRUNSWICK, MAINE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the Maine School Administrative District No. 75, Topsham, Maine (in this section referred to as the "District"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 40 acres located at the Topsham Annex, Naval Air Station, Brunswick, Maine.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the District use the property conveyed for educational purposes.

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed pursuant to this section is not being used for the purpose specified in subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) INTERIM LEASE.—(1) Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, together with the improvements thereon, to the District.

(2) As consideration for the lease under this subsection, the District shall provide such security services for the property covered by the lease, and carry out such maintenance work with respect to the property, as the Secretary shall specify in the lease.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The District shall bear the cost of the survey.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), and the lease, if any, under subsection (d), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2816. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT NO. 464, OYSTER BAY, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey, without consideration, to the County of Nassau, New York (in this section referred to as the "County"), all right, title, and interest of the United States in and to parcels of real property consisting of approximately 110 acres and comprising the Naval Weapons Industrial Reserve Plant No. 464, Oyster Bay, New York.

(2)(A) As part of the conveyance authorized in paragraph (1), the Secretary may convey to the County such improvements, equipment, fixtures, and other personal property (including special tooling equipment and special test equipment) located on the parcels as the Secretary determines to be not required by the Navy for other purposes.

(B) The Secretary may permit the County to review and inspect the improvements, equipment, fixtures, and other personal property located on the parcels for purposes of the conveyance authorized by this paragraph.

(b) CONDITION OF CONVEYANCE.—The conveyance of the parcels authorized in subsection (a) shall be subject to the condition that the County—

(1) use the parcels, directly or through an agreement with a public or private entity, for economic redevelopment purposes or such other public purposes as the County determines appropriate; or

(2) convey the parcels to an appropriate public or private entity for use for such purposes.

(c) REVERSIONARY INTEREST.—If during the 5-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a) the Secretary determines that the conveyed real property is not being used for a purpose specified in subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) INTERIM LEASE.—(1) Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, together with improvements thereon, to the County.

(2) As consideration for the lease under this subsection, the County shall provide such security services and fire protection services for the property covered by the lease, and carry out such maintenance work with respect to the property, as the Secretary shall specify in the lease.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), and the lease, if any, under subsection (d), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2817. LAND CONVEYANCE, CHARLESTON FAMILY HOUSING COMPLEX, BANGOR, MAINE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of Bangor, Maine (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 19.8 acres, including improvements thereon, located in Bangor, Maine, and known as the Charleston Family Housing Complex.

(b) PURPOSE OF CONVEYANCE.—The purpose of the conveyance under subsection (a) is to facilitate the reuse of the real property, currently unoccupied, which the City proposes to use to provide housing opportunities for first-time home buyers.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the City, if the City sells any portion of the property conveyed under subsection (a) before the end of the 10-year period beginning on the date of enactment of this Act, pay to the United States an amount equal to the lesser of—

(1) the amount of sale of the property sold; or

(2) the fair market value of the property sold as determined without taking into account any improvements to such property by the City.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2818. LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Greater Box Elder Area Economic Development Corporation, Box Elder, South Dakota (in this section referred to as the "Corporation"), all right, title, and interest of the United States in and to the parcels of real property located at Ellsworth Air Force Base, South Dakota, referred to in subsection (b).

(b) COVERED PROPERTY.—(1) Subject to paragraph (2), the real property referred to in subsection (a) is the following:

(A) A parcel of real property, together with any improvements thereon, consisting of approximately 53.32 acres and comprising the Skyway Military Family Housing Area.

(B) A parcel of real property, together with any improvements thereon, consisting of approximately 137.56 acres and comprising the Renal Heights Military Family Housing Area.

(C) A parcel of real property, together with any improvements thereon, consisting of approximately 14.92 acres and comprising the East Nike Military Family Housing Area.

(D) A parcel of real property, together with any improvements thereon, consisting of approximately 14.69 acres and comprising the South Nike Military Family Housing Area.

(E) A parcel of real property, together with any improvements thereon, consisting of approximately 14.85 acres and comprising the West Nike Military Family Housing Area.

(2) The real property referred to in subsection (a) does not include the portion of the real property referred to in paragraph (1)(B) that the Secretary determines to be required for the construction of an access road between the main gate of Ellsworth Air Force Base and an interchange on Interstate Route 90 located in the vicinity of mile marker 67 in South Dakota.

(c) CONDITIONS OF CONVEYANCE.—The conveyance of the real property referred to in subsection (b) shall be subject to the following conditions:

(1) That the Corporation, and any person or entity to which the Corporation transfers the property, comply in the use of the property with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study.

(2) That the Corporation convey a portion of the real property referred to in paragraph (1)(A) of that subsection, together with any improvements thereon, consisting of approximately 20 acres to the Douglas School District, South Dakota, for use for education purposes.

(d) REVERSIONARY INTEREST.—If the Secretary determines that any portion of the real property conveyed under subsection (a) is not being utilized in accordance with the applicable provision of subsection (c), all right, title, and interest in and to that portion of the real property shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(e) LEGAL DESCRIPTION.—The exact acreage and legal description of the property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Corporation.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle C—Other Matters

SEC. 2831. DISPOSITION OF PROCEEDS OF SALE OF AIR FORCE PLANT NO. 78, BRIGHAM CITY, UTAH.

Notwithstanding the provisions of section 204(h)(2)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)(A)), the entire amount deposited by the Administrator of General Services in the account in the Treasury under section 204 of that Act as a result of the sale of Air Force Plant No. 78, Brigham City, Utah, shall be available to the Secretary of the Air Force for maintenance and repair of facilities, or environmental restoration, at other industrial plants of the Air Force.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) STOCKPILE STEWARDSHIP.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of $1,726,900,000, to be allocated as follows:

(1) For core stockpile stewardship, $1,243,100,000, to be allocated as follows:

(A) For operation and maintenance, $1,144,290,000.

(B) For the accelerated strategic computing initiative, $190,800,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $98,810,000, to be allocated as follows:

Project 97-D-102, Dual-Axis Radiographic Hydrodynamic facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $46,300,000.

Project 96-D-102, stockpile stewardship facilities revitalization, Phase VI, various locations, $19,810,000.

Project 96-D-103, ATLAS, Los Alamos National Laboratory, Los Alamos, New Mexico, $13,400,000.

Project 96-D-105, Contained Firing Facility addition, Lawrence Livermore National Laboratory, Livermore, California, $19,300,000.

(2) For inertial confinement fusion, $414,800,000, to be allocated as follows:

(A) For operation and maintenance, $217,000,000.

(B) For the following plant project (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and land acquisition related thereto):

Project 96-D-111, National Ignition Facility, Lawrence Livermore National Laboratory, Livermore, California, $197,800,000.

(3) For technology transfer and education, $69,000,000.

(b) STOCKPILE MANAGEMENT.—Funds are hereby authorized to be appropriated to the

Department of Energy for fiscal year 1998 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $2,033,050,000, to be allocated as follows:

(1) For operation and maintenance, $1,861,465,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $171,585,000, to be allocated as follows:

Project 98-D-123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Site, Aiken, South Carolina, $11,000,000.

Project 98-D-124, stockpile management restructuring initiative, Y-12 consolidation, Oak Ridge, Tennessee, $6,450,000.

Project 98-D-125, Tritium Extraction Facility, Savannah River Site, Aiken, South Carolina, $9,650,000.

Project 98-D-126, accelerator production of tritium, various locations, $67,865,000.

Project 97-D-122, nuclear materials storage facility renovation, Los Alamos National Laboratory, Los Alamos, New Mexico, $9,200,000.

Project 97-D-124, steam plant wastewater treatment facility upgrade, Y-12 Plant, Oak Ridge, Tennessee, $1,900,000.

Project 96-D-122, sewage treatment quality upgrade, Pantex Plant, Amarillo, Texas, $6,900,000.

Project 96-D-123, retrofit heating, ventilation, and air conditioning and chillers for ozone protection, Y-12 Plant, Oak Ridge, Tennessee, $2,700,000.

Project 95-D-102, Chemical and Metallurgy Research Building upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $15,700,000.

Project 95-D-122, sanitary sewer upgrade, Y-12 Plant, Oak Ridge, Tennessee, $12,600,000.

Project 94-D-124, hydrogen fluoride supply system, Y-12 Plant, Oak Ridge, Tennessee, $1,400,000.

Project 94-D-125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $2,000,000.

Project 93-D-122, life safety upgrades, Y-12 Plant, Oak Ridge, Tennessee, $2,100,000.

Project 92-D-126, replace emergency notification systems, various locations, $3,200,000.

Project 88-D-122, facilities capability assurance program, various locations, $18,920,000.

(c) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for program direction in carrying out weapons activities necessary for national security programs in the amount of $268,500,000.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) ENVIRONMENTAL RESTORATION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for environmental restoration in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,748,073,000.

(b) WASTE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for waste management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,559,644,000, to be allocated as follows:

(1) For operation and maintenance, $1,478,876,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $80,768,000, to be allocated as follows:

Project 98-D-401, H-tank farm storm water systems upgrade, Savannah River Site, Aiken, South Carolina, $1,000,000.

Project 97-D-402, tank farm restoration and safe operations, Richland, Washington, $13,961,000.

Project 96-D-408, waste management upgrades, various locations, $8,200,000.

Project 95-D-402, install permanent electrical service, Waste Isolation Pilot Plant, Carlsbad, New Mexico, $176,000.

Project 95-D-405, industrial landfill V and construction/demolition landfill VII, Y-12 Plant, Oak Ridge, Tennessee, $3,800,000.

Project 95-D-407, 219-S secondary containment upgrade, Richland, Washington, $2,500,000.

Project 94-D-404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $1,219,000.

Project 94-D-407, initial tank retrieval systems, Richland, Washington, $15,100,000.

Project 93-D-187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $17,520,000.

Project 92-D-172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas, $5,000,000.

Project 89-D-174, replacement high-level waste evaporator, Savannah River Site, Aiken, South Carolina, $1,042,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $11,250,000.

(c) TECHNOLOGY DEVELOPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for technology development in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $252,881,000.

(d) NUCLEAR MATERIAL AND FACILITY STABILIZATION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for nuclear material and facility stabilization in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,265,481,000, to be allocated as follows:

(1) For operation and maintenance, $1,181,114,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $84,367,000, to be allocated as follows:

Project 98-D-453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $8,136,000.

Project 98-D-700, road rehabilitation, Idaho National Engineering and Environmental Laboratory, Idaho, $500,000.

Project 97-D-450, actinide packaging and storage facility, Savannah River Site, Aiken, South Carolina, $18,000,000.

Project 97-D-451, B-Plant safety class ventilation upgrades, Richland, Washington, $2,000,000.

Project 97-D-470, environmental monitoring laboratory, Savannah River Site, Aiken, South Carolina, $5,600,000.

Project 97-D-473, health physics site support facility, Savannah River Site, Aiken, South Carolina, $4,200,000.

Project 96-D-406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $16,744,000.

Project 96-D-461, electrical distribution upgrade, Idaho National Engineering and Environmental Laboratory, Idaho, $2,927,000.

Project 96-D-464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering and Environmental Laboratory, Idaho, $14,985,000.

Project 96-D-471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $8,500,000.

Project 95-D-155, upgrade site road infrastructure, Savannah River Site, Aiken, South Carolina, $2,173,000.

Project 95-D-456, security facilities consolidation, Idaho Chemical Processing Plant, Idaho National Engineering and Environmental Laboratory, Idaho, $602,000.

(e) POLICY AND MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for policy and management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $18,104,000.

(f) ENVIRONMENTAL MANAGEMENT SCIENCE PROGRAM.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for environmental science and risk policy in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $40,000,000.

(g) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $373,251,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for other defense activities in carrying out programs necessary for national security in the amount of $1,582,981,000, to be allocated as follows:

(1) For verification and control technology, $458,200,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, $210,000,000.

(B) For arms control, $214,600,000.

(C) For intelligence, $33,600,000.

(2) For nuclear safeguards and security, $47,200,000.

(3) For security investigations, $20,000,000.

(4) For emergency management, $27,700,000.

(5) For program direction, nonproliferation, and national security, $84,900,000.

(6) For environment, safety and health, defense, $54,000,000.

(7) For worker and community transition assistance:

(A) For assistance, $65,800,000.

(B) For program direction, $4,700,000.

(8) For fissile materials disposition:

(A) For operation and maintenance, $99,451,000.

(B) For program direction, $4,345,000.

(9) For naval reactors development, $683,000,000, to be allocated as follows:

(A) For program direction, $20,080,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $14,000,000, to be allocated as follows:

Project 98–D–200, site laboratory/facility upgrade, various locations, $5,700,000.

Project 97–D–201, advanced test reactor secondary coolant system refurbishment, Idaho National Engineering and Environmental Laboratory, Idaho, $4,100,000.

Project 95–D–200, laboratory systems and hot cell upgrades, various locations, $1,100,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $3,100,000.

(10) For the Chernobyl shutdown initiative, $2,000,000.

(11) For nuclear technology research and development, $25,000,000.

(12) For nuclear security, $4,000,000.

(13) For the Office of Hearings and Appeals, $2,685,000.

SEC. 3104. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 to carry out environmental management privatization projects in connection with national security programs in the amount of $215,000,000, to be allocated as follows:

Project 98–PVT–1, contact handled transuranic waste transportation, Carlsbad, New Mexico, $29,000,000.

Project 98–PVT–4, spent nuclear fuel dry storage, Idaho Falls, Idaho, $27,000,000.

Project 98–PVT–7, waste pits remedial action, Fernald, Ohio, $25,000,000.

Project 98–PVT–11, spent nuclear fuel transfer and storage, Savannah River, South Carolina, $25,000,000.

Project 97–PVT–1, tank waste remediation system phase 1, Hanford, Washington, $109,000,000.

SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $190,000,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $2,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $2,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same time period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY; LIMITATIONS.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same time period as the authorization to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(3) The authority provided by this subsection to transfer authorizations may only be used to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred.

(c) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT OF CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design report for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $2,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by the title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy, pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, or 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated

pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION PROJECTS.

(a) LIMITATION ON CONTRACTS.—Funds authorized to be appropriated by section 3104 for a project referred to in that section are available for a contract under the project only if the contract—

(1) is awarded on a competitive basis;

(2) requires the contractor to construct or acquire any equipment or facilities required to carry out the contract before the commencement of the provision of goods or services under the contract;

(3) requires the contractor to bear any of the costs of the design, construction, acquisition, and operation of such equipment or facilities that arise before the commencement of the provision of goods or services under the contract; and

(4) provides for payment to the contractor under the contract only upon the meeting of performance objectives specified in the contract.

(b) NOTICE AND WAIT.—The Secretary of Energy may not enter into a contract or option to enter into a contract, or otherwise incur any contractual obligation, under a project authorized by section 3104 until 30 days after the date which the Secretary submits to the congressional defense committees a report with respect to the contract. The report shall set forth—

(1) the anticipated costs and fees of the Department under the contract, including the anticipated maximum amount of such costs and fees;

(2) any performance objectives specified in the contract;

(3) the anticipated dates of commencement and completion of the provision of goods or services under the contract;

(4) the allocation between the Department and the contractor of any financial, regulatory, or environmental obligations under the contract;

(5) any activities planned or anticipated to be required with respect to the project after completion of the contract;

(6) the site services or other support to be provided the contractor by the Department under the contract;

(7) the goods or services to be provided by the Department or contractor under the contract, including any additional obligations to be borne by the Department or contractor with respect to such goods or services;

(8) the schedule for the contract;

(9) the costs the Department would otherwise have incurred in obtaining the goods or services covered by the contract if the Department had not proposed to obtain the goods or services under this section;

(10) an estimate and justification of the cost savings, if any, to be realized through the contract, including the assumptions underlying the estimate;

(11) the effect of the contract on any ancillary schedules applicable to the facility concerned, including milestones in site compliance agreements; and

(12) the plans for maintaining financial and programmatic accountability for activities under the contract.

(c) COST VARIATIONS.—(1) The Secretary may not enter into a contract under a project referred to in paragraph (2), or incur additional obligations attributable to the capital portion of the cost of such a contract, whenever the current estimated cost of the project exceeds the amount of the estimated cost of the project as shown in the most recent budget justification data submitted to Congress.

(2) Paragraph (1) applies to an environmental management privatization project that is—

(A) authorized by section 3104; or

(B) carried out under section 3103 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2824).

(d) USE OF FUNDS FOR TERMINATION OF CONTRACT.—Not less than 15 days before the Secretary obligates funds available for a project authorized by section 3104 to terminate the contract or contracts under the project, the Secretary shall notify the congressional defense committees of the Secretary's intent to obligate the funds for that purpose.

(e) ANNUAL REPORT ON CONTRACTS.—Not later than February 28 of each year, the Secretary shall submit to the congressional defense committees a report on the activities, if any, carried out under each contract under a project authorized by section 3104 during the preceding year. The report shall include an update with respect to each such contract of the matters specified under subsection (b)(1) as of the date of the report.

(f) REPORT ON CONTRACTING WITHOUT SUFFICIENT APPROPRIATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report assessing whether, and under what circumstances, the Secretary could enter into contracts under defense environmental management privatization projects in the absence of sufficient appropriations to meet obligations under such contracts without thereby violating the provisions of section 1341 of title 31, United States Code.

SEC. 3132. INTERNATIONAL COOPERATIVE STOCKPILE STEWARDSHIP PROGRAMS.

(a) FUNDING PROHIBITION.—No funds authorized to be appropriated or otherwise available to the Department of Energy for fiscal year 1998 may be obligated or expended to conduct any activities associated with international cooperative stockpile stewardship.

(b) EXCEPTIONS.—Subsection (a) does not apply to the following:

(1) Activities conducted between the United States and the United Kingdom.

(2) Activities conducted between the United States and France.

(3) Activities carried out under title III of this Act relating to cooperative threat reduction with states of the former Soviet Union.

SEC. 3133. MODERNIZATION OF ENDURING NUCLEAR WEAPONS COMPLEX.

(a) FUNDING.—Subject to subsection (b), of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, $15,000,000 shall be available for carrying out the program described in section 3137(a) of the National Defense Authorization Act for Fiscal Year 1996 (42 U.S.C. 2121 note).

(b) LIMITATION ON AVAILABILITY.—None of the funds available under subsection (a) for carrying out the program referred to in that subsection may be obligated or expended until 30 days after the date of the receipt by Congress of the report required under subsection (c).

(c) REPORT ON ALLOCATION OF FUNDS.—Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a report setting forth the proposed allocation among specific Department of Energy sites of the funds available under subsection (a).

SEC. 3134. TRITIUM PRODUCTION.

(a) FUNDING.—Subject to subsection (c), of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, $262,000,000 shall be available for activities related to tritium production.

(b) ACCELERATION OF TRITIUM PRODUCTION.—(1) Not later than June 30, 1998, the Secretary of Energy shall make a final decision on the technologies to be utilized, and the accelerated schedule to be adopted, for tritium production in order to meet the requirements in the Nuclear Weapons Stockpile Memorandum relating to tritium production, including the tritium production date of 2005 specified in the Nuclear Weapons Stockpile Memorandum.

(2) In making the final decision, the Secretary shall take into account the following:

(A) The requirements for tritium production specified in the Nuclear Weapons Stockpile Memorandum, including, in particular, the requirements for the so-called "upload hedge" component of the nuclear weapons stockpile.

(B) The ongoing activities of the Department of Energy relating to the evaluation and demonstration of technologies under the accelerator program and the commercial light water reactor program.

(C) The potential liabilities and benefits of each potential technology for tritium production, including—

(i) regulatory and other barriers that might prevent the production of tritium using the technology by the production date referred to in subsection (a);

(ii) potential difficulties, if any, in licensing the technology;

(iii) the variability, if any, in tritium production rates using the technology; and

(iv) any other benefits (including scientific or research benefits or the generation of revenue) associated with the technology.

(c) REPORT.—If the Secretary determines that it is not possible to make the final decision by the date specified in subsection (b), the Secretary shall submit to the congressional defense committees on that date a report that explains in detail why the final decision cannot be made by that date.

(d) LIMITATION ON AVAILABILITY OF FUNDS.—The Secretary may not obligate or expend any funds authorized to be appropriated or otherwise made available for the Department of Energy by this Act for the purpose of evaluating or utilizing any technology for the production of tritium other than a commercial light water reactor or an accelerator until the later of—

(1) July 30, 1998; or

(2) the date that is 30 days after the date on which the Secretary makes a final decision under subsection (b).

SEC. 3135. PROCESSING, TREATMENT, AND DISPOSITION OF SPENT NUCLEAR FUEL RODS AND OTHER LEGACY NUCLEAR MATERIALS AT THE SAVANNAH RIVER SITE.

(a) FUNDING.—Of the funds authorized to be appropriated pursuant to section 3102(d), not more than $47,000,000 shall be available for the implementation of a program to accelerate the receipt, processing (including the

H-canyon restart operations), reprocessing, separation, reduction, deactivation, stabilization, isolation, and interim storage of high level nuclear waste associated with Department of Energy spent fuel rods, foreign spent fuel rods, and other nuclear materials that are located at the Savannah River Site.

(b) REQUIREMENT FOR CONTINUING OPERATIONS AT SAVANNAH RIVER SITE.—The Secretary of Energy shall continue operations and maintain a high state of readiness at the F-canyon and H-canyon facilities at the Savannah River Site and shall provide technical staff necessary to operate and maintain such facilities at that state of readiness.

SEC. 3136. LIMITATIONS ON USE OF FUNDS FOR LABORATORY DIRECTED RESEARCH AND DEVELOPMENT PURPOSES.

(a) GENERAL LIMITATIONS.—(1) No funds authorized to be appropriated or otherwise made available to the Department of Energy in any fiscal year after fiscal year 1997 for weapons activities may be obligated or expended for activities under the Department of Energy Laboratory Directed Research and Development Program, or under any Department of Energy technology transfer program or cooperative research and development agreement, unless such activities under such program or agreement support the national security mission of the Department of Energy.

(2) No funds authorized to be appropriated or otherwise made available to the Department of Energy in any fiscal year after fiscal year 1997 for environmental restoration, waste management, or nuclear materials and facilities stabilization may be obligated or expended for activities under the Department of Energy Laboratory Directed Research and Development Program, or under any Department of Energy technology transfer program or cooperative research and development agreement, unless such activities support the environmental restoration mission, waste management mission, or materials stabilization mission, as the case may be, of the Department of Energy.

(b) LIMITATION IN FISCAL YEAR 1998 PENDING SUBMITTAL OF ANNUAL REPORT.—Not more than 30 percent of the funds authorized to be appropriated or otherwise made available to the Department of Energy in fiscal year 1998 for laboratory directed research and development may be obligated or expended for such research and development until the Secretary of Energy submits to the congressional defense committees the report required by section 3136(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2831; 42 U.S.C. 7257b) in 1998.

(c) SUBMITTAL DATE FOR ANNUAL REPORT ON LABORATORY DIRECTED RESEARCH AND DEVELOPMENT PROGRAM.—Section 3136(b)(1) of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7257b(1)) is amended by striking out "The Secretary of Energy shall annually submit" and inserting in lieu thereof "Not later than February 1 each year, the Secretary of Energy shall submit".

(d) ASSESSMENT OF FUNDING LEVEL FOR LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—The Secretary shall include in the report submitted under such section 3136(b)(1) in 1998 an assessment of the funding required to carry out laboratory directed research and development, including a recommendation for the percentage of the funds provided to Government-owned, contractor-operated laboratories for national security activities that should be made available for such research and development under section 3132(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1832; 42 U.S.C. 7257a(c)).

(e) DEFINITION.—In this section, the term "laboratory directed research and development" has the meaning given that term in section 3132(d) of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 7257a(d)).

SEC. 3137. PERMANENT AUTHORITY FOR TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) PERMANENT AUTHORITY.—Section 3139 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2832) is amended—

(1) by striking out subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(b) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—Subsection (c) of that section is amended by striking out "The requirements of section 3121" and inserting in lieu thereof "No recurring limitation on reprogramming of Department of Energy funds contained in an annual authorization Act for national defense".

(c) DEFINITIONS.—Subsection (f)(1) of that section is amended by striking out "any of the following:" and all that follows and inserting in lieu thereof "any program or project of the Department of Energy relating to environmental restoration and waste management activities necessary for national security programs of the Department.".

(d) REPORT.—Subsection (g) of that section, as redesignated by subsection (a)(2), is amended—

(1) by striking out "September 1, 1997," and inserting in lieu thereof "November 1 each year";

(2) by inserting "during the preceding fiscal year" after "in subsection (b)"; and

(3) by striking out the second sentence.

(e) CONFORMING AMENDMENT.—The section heading of that section is amended by striking out "**TEMPORARY AUTHORITY RELATING TO**" and inserting in lieu thereof "**AUTHORITY FOR**".

SEC. 3138. PROHIBITION ON RECOVERY OF CERTAIN ADDITIONAL COSTS FOR ENVIRONMENTAL RESPONSE ACTIONS ASSOCIATED WITH THE FORMERLY UTILIZED SITE REMEDIAL ACTION PROJECT PROGRAM.

(a) PROHIBITION.—The Department of Energy may not recover from a party described in subsection (b) any costs of response actions, for an actual or threatened release of hazardous substances that occurred before the date of enactment of this Act, at a site included in the Formerly Utilized Site Remedial Action Project program other than the costs stipulated in a written, legally binding agreement with the party with respect to the site as referred to in that subsection.

(b) COVERED PARTIES.—A party referred to in subsection (a) is any party that has entered into a written, legally binding agreement with the Department before August 28, 1996, which agreement stipulates a formula for the sharing by the party and the Department of the costs of response actions at a site referred to in that subsection.

Subtitle D—Other Matters

SEC. 3151. ADMINISTRATION OF CERTAIN DEPARTMENT OF ENERGY ACTIVITIES.

(a) PROCEDURES FOR PRESCRIBING REGULATIONS.—Section 501 of the Department of Energy Organization Act (42 U.S.C. 7191) is amended—

(1) by striking out subsections (b) and (d);

(2) by redesignating subsections (c), (e), (f), and (g) as subsections (b), (c), (d), and (e), respectively; and

(3) in subsection (c), as so redesignated, by striking out "subsections (b), (c), and (d)" and inserting in lieu thereof "subsection (b)".

(b) ADVISORY COMMITTEES.—(1) Section 624 of the Department of Energy Organization Act (42 U.S.C. 7234) is amended—

(A) by striking out "(a)"; and

(B) by striking out subsection (b).

(2) Section 17 of the Federal Energy Administration Act of 1974 (15 U.S.C. 776) is repealed.

SEC. 3152. MODIFICATION AND EXTENSION OF AUTHORITY RELATING TO APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

(a) REPEAL OF REQUIREMENT FOR EPA STUDY.—Section 3161 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 3095; 42 U.S.C. 7231 note) is amended—

(1) by striking out subsection (c); and

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

(b) EXTENSION OF AUTHORITY.—Paragraph (1) of subsection (c) of such section, as so redesignated, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1999".

SEC. 3153. ANNUAL REPORT ON PLAN AND PROGRAM FOR STEWARDSHIP, MANAGEMENT, AND CERTIFICATION OF WARHEADS IN THE NUCLEAR WEAPONS STOCKPILE.

(a) IN GENERAL.—(1) Not later than March 15, 1998, the Secretary of Energy shall submit to the congressional defense committees a plan and program for maintaining the warheads in the nuclear weapons stockpile (including stockpile stewardship, stockpile management, and program direction).

(2) Not later than March 15 of each year after 1998, the Secretary shall submit to the congressional defense committees an update of the plan and program submitted under paragraph (1) current as of the date of submittal of the updated plan and program.

(3) The plan and program, and each update of the plan and program, shall be consistent with the programmatic and technical requirements of the Nuclear Weapons Stockpile Memorandum current as of the date of submittal of the plan and program or update.

(b) ELEMENTS.—The plan and program, and each update of the plan and program, shall set forth the following:

(1) The numbers of warheads (including active and inactive warheads) for each type of warhead in the nuclear stockpile.

(2) The current age of each warhead type and any plans for stockpile life extensions and modifications or replacement of each warhead type.

(3) The process by which the Secretary is assessing the lifetime and requirements for life extension or replacement of the nuclear and non-nuclear components of the warheads (including active and inactive warheads) in the nuclear stockpile.

(4) The process used in recertifying the safety, reliability, and performance of each warhead type (including active and inactive warheads) in the nuclear weapons stockpile.

(5) Any concerns which would affect the recertification of the safety, security, or reliability of warheads (including active and inactive warheads) in the nuclear stockpile.

(c) FORM.—The Secretary shall submit the plan and program, and each update of the plan and program, in unclassified form, but may include a classified annex.

SEC. 3154. SUBMITTAL OF BIENNIAL WASTE MANAGEMENT REPORTS.

Section 3153(b)(2)(B) of the National Defense Authorization Act for Fiscal Year 1994

(42 U.S.C. 7274k(b)(2)(B)) is amended by striking out "odd-numbered year after 1995" and inserting in lieu thereof "odd-numbered year after 1997".

SEC. 3155. REPEAL OF OBSOLETE REPORTING REQUIREMENTS.

(a) ANNUAL REPORT ON ACTIVITIES OF THE ATOMIC ENERGY COMMISSION.—(1) Section 251 of the Atomic Energy Act of 1954 (42 U.S.C. 2016) is repealed.

(2) The table of sections at the beginning of that Act is amended by striking out the item relating to section 251.

(b) ANNUAL REPORT ON WEAPONS ACTIVITIES BUDGETS.—Section 3156 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2841; 42 U.S.C. 7271c) is repealed.

(c) ANNUAL UPDATE OF MASTER PLAN FOR NUCLEAR WEAPONS STOCKPILE.—Section 3153 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 624; 42 U.S.C. 2121 note) is repealed.

(d) ANNUAL REPORT ON WEAPONS ACTIVITIES BUDGETS.—Section 3159 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 626; 42 U.S.C. 7271b note) is repealed.

(e) ANNUAL REPORT ON STOCKPILE STEWARDSHIP PROGRAM.—Section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1946; 42 U.S.C. 2121 note) is amended—

(1) by striking out subsections (d) and (e);

(2) by redesignating subsections (f), (g), and (h) as subsections (d), (e), and (f), respectively; and

(3) in subsection (e), as so redesignated, by striking out "and the 60-day period referred to in subsection (e)(2)(A)(ii)".

(f) ANNUAL REPORT ON DEVELOPMENT OF TRITIUM PRODUCTION CAPACITY.—Section 3134 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2639) is repealed.

(g) ANNUAL REPORT ON RESEARCH RELATING TO DEFENSE WASTE CLEANUP TECHNOLOGY PROGRAM.—Section 3141 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1679; 42 U.S.C. 7274a) is amended—

(1) by striking out subsection (c); and

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

(h) QUARTERLY REPORT ON MAJOR DOE NATIONAL SECURITY PROGRAMS.—Section 3143 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1681; 42 U.S.C. 7271a) is repealed.

(i) ANNUAL REPORT ON NUCLEAR TEST BAN READINESS PROGRAM.—Section 1436 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2075; 42 U.S.C. 2121 note) is amended by striking out subsection (e).

SEC. 3156. COMMISSION ON SAFEGUARDING AND SECURITY OF NUCLEAR WEAPONS AND MATERIALS AT DEPARTMENT OF ENERGY FACILITIES.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the Commission on Safeguards and Security at Department of Energy Facilities (in this section referred to as the "Commission").

(b) ORGANIZATIONAL MATTERS.—(1)(A) The Commission shall be composed of eight members appointed from among individuals in the public and private sectors who have significant experience in matters relating to the safeguarding and security of nuclear weapons and materials, as follows:

(i) Two shall be appointed by the chairman of the Committee on Armed Services of the Senate, in consultation with the ranking member of the committee.

(ii) One shall be appointed by the ranking member of the Committee on Armed Services of the Senate, in consultation with the chairman of the committee.

(iii) Two shall be appointed by the chairman of the Committee on National Security of the House of Representatives, in consultation with the ranking member of the committee.

(iv) One shall be appointed by the ranking member of the Committee on National Security of the House of Representatives, in consultation with the chairman of the committee.

(v) Two shall be appointed by the Secretary of Energy.

(B) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(C) The chairman of the Commission shall be designated from among the members of the Commission by the chairman of the Committee on Armed Services of the Senate, in consultation with the chairman of the Committee on National Security of the House of Representatives, the ranking member of the committee on Armed Services of the Senate, and the ranking member of the Committee on National Security of the House of Representatives.

(D) Members shall be appointed not later than 60 days after the date of enactment of this Act.

(2) The members of the Commission shall establish procedures for the activities of the Commission, including procedures for calling meetings, requirements for quorums, and the manner of taking votes.

(c) DUTIES.—(1) The Commission shall—

(A) visit various Department facilities, including the Rocky Flats Plant, Colorado, Los Alamos National Laboratory, New Mexico, the Savannah River Site, South Carolina, the Pantex Plant, Texas, Oak Ridge National Laboratory, Tennessee, and the Hanford Reservation, Washington, in order to assess the adequacy of safeguards and security with respect to nuclear weapons and materials at such facilities;

(B) evaluate the specific concerns with respect to the safeguarding and security of nuclear weapons and materials raised in the report of the Office of Safeguards and Security of the Department of Energy entitled "Status of Safeguards and Security for 1996"; and

(C) review applicable orders and other requirements governing the safeguarding and security of nuclear weapons and materials at Department facilities.

(d) REPORT.—(1) Not later than February 15, 1998, the Commission shall submit to the Secretary and to the congressional defense committees a report on the review conducted under subsection (c).

(2) The report may include—

(A) recommendations regarding any modifications of policy or procedures applicable to Department facilities that the Commission considers appropriate to provide adequate safeguards and security for nuclear weapons and materials at such facilities without impairing the mission of such facilities;

(B) recommendations for modifications in funding priorities necessary to ensure basic funding for the safeguarding and security of such weapons and materials at such facilities; and

(C) such other recommendations for additional legislation or administrative action as the Commission considers appropriate.

(e) PERSONNEL MATTERS.—(1)(A) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for Level IV of the Executive Schedule under section 53115 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(B) All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3)(A) The Commission may, without regard to the civil service laws and regulations, appoint and terminate such personnel as may be necessary to enable the Commission to perform its duties.

(B) The Commission may fix the compensation of the personnel of the Commission without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(4) Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil status or privilege.

(f) APPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Commission.

(g) TERMINATION.—The Commission shall terminate 30 days after the date on which the Commission submits its report under subsection (d).

(h) FUNDING.—Of the amounts authorized to be appropriated pursuant to section 3101, not more that $500,000 shall be available for the activities of the Commission under this section. Funds made available to the Commission under this section shall remain available until expended.

SEC. 3157. MODIFICATION OF AUTHORITY ON COMMISSION ON MAINTAINING UNITED STATES NUCLEAR WEAPONS EXPERTISE.

(a) COMMENCEMENT OF ACTIVITIES.—Subsection (b)(1) of section 3162 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2844; 42 U.S.C. 2121 note) is amended—

(1) in subparagraph (C), by adding at the end the following new sentence: "The chairman may be designated once five members of the Commission have been appointed under subparagraph (A)."; and

(2) by adding at the end the following:

"(E) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under subparagraph (C).".

(b) DEADLINE FOR REPORT.—Subsection (d) of that section is amended by striking out "March 15, 1998," and inserting in lieu thereof "March 15, 1999,".

SEC. 3158. LAND TRANSFER, BANDELIER NATIONAL MONUMENT.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—The Secretary of Energy shall transfer to the Secretary of the Interior administrative jurisdiction over a parcel of real

property consisting of approximately 4.47 acres as depicted on the map entitled "Boundary Map, Bandelier National Monument", No. 315/80,051, dated March 1995.

(b) BOUNDARY MODIFICATION.—The boundary of the Bandelier National Monument established by Proclamation No. 1322 (16 U.S.C. 431 note) is modified to include the real property transferred under subsection (a).

(c) PUBLIC AVAILABILITY OF MAP.—The map described in subsection (a) shall be on file and available for public inspection in the Lands Office at the Southwest System Support Office of the National Park Service, Santa Fe, New Mexico, and in the office of the Superintendent of Bandelier National Monument.

(d) ADMINISTRATION.—The real property and interests in real property transferred under subsection (a) shall be—

(1) administered as part of Bandelier National Monument; and

(2) subject to all laws applicable to the Bandelier National Monument and all laws generally applicable to units of the National Park System.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1998, $17,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. DEFINITIONS.

In this title:

(1) The term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term "National Defense Stockpile Transaction Fund" means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATIONS AUTHORIZED.—During fiscal year 1998, the National Defense Stockpile Manager may obligate up to $60,000,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3303. AUTHORITY TO DISPOSE OF CERTAIN MATERIALS IN NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL REQUIRED.—Subject to subsection (c), the President shall dispose of materials contained in the National Defense Stockpile and specified in the table in subsection (b) so as to result in receipts to the United States in amounts equal to—

(1) $9,222,000 by the end of fiscal year 1998;

(2) $134,840,000 by the end of fiscal year 2002; and

(3) $295,886,000 by the end of fiscal year 2007.

(b) LIMITATION ON DISPOSAL QUANTITY.—The total quantities of materials authorized for disposal by the President under subsection (a) may not exceed the amounts set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Beryllium Copper Master Alloy.	7,387 short tons
Chromium Metal	8,511 short tons
Cobalt	14,058,014 pounds
Columbium Carbide	21,372 pounds
Columbium Ferro	249,395 pounds
Diamond, Bort	61,543 carats
Diamond, Dies	25,473 pieces
Diamond, Stone	3,047,900 carats
Germanium	28,200 kilograms
Indium	14,248 troy ounces
Palladium	1,249,485 troy ounces
Platinum	442,641 troy ounces
Tantalum, Carbide Powder.	22,688 pounds contained
Tantalum, Minerals	1,751,364 pounds contained
Tantalum, Oxide	123,691 pounds contained
Titanium Sponge	34,831 short tons
Tungsten, Ores & Concentrate.	76,358,235 pounds
Tungsten, Carbide	2,032,954 pounds
Tungsten, Metal Powder	1,899,283 pounds
Tungsten, Ferro	2,024,143 pounds

(c) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of materials under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

(d) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection.

SEC. 3304. RETURN OF SURPLUS PLATINUM FROM THE DEPARTMENT OF THE TREASURY.

(a) RETURN OF PLATINUM TO STOCKPILE.—Subject to subsection (b), the Secretary of the Treasury, upon the request of the Secretary of Defense, shall return to the Secretary of Defense for sale or other disposition platinum of the National Defense Stockpile that has been loaned to the Department of the Treasury by the Secretary of Defense, acting as the stockpile manager. The quantity requested and transferred shall be any quantity that the Secretary of Defense determines appropriate for sale or other disposition.

(b) ALTERNATIVE TRANSFER OF FUNDS.—The Secretary of the Treasury, with the concurrence of the Secretary of Defense, may transfer to the Secretary of Defense funds in a total amount that is equal to the fair market value of any platinum requested under subsection (a) and not returned. A transfer of funds under this subsection shall be a substitute for a return of platinum under subsection (a). Upon a transfer of funds as a substitute for a return of platinum, the platinum shall cease to be part of the National Defense Stockpile. A transfer of funds under this subsection shall be charged to any appropriation for the Department of the Treasury and shall be credited to the National Defense Stockpile Transaction Fund.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Energy $117,000,000 for fiscal year 1998 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title). Funds appropriated pursuant to such authorization shall remain available until expended.

SEC. 3402. LEASING OF CERTAIN OIL SHALE RESERVES.

(a) REQUIREMENT TO LEASE.—The Secretary of Energy may lease, subject to valid existing rights, the United States interest in Oil Shale Reserves Numbered 1, 2, and 3 to one or more private entities for the purpose of providing for the exploration of such reserves for, and the development and production of, petroleum.

(b) MAXIMIZATION OF FINANCIAL RETURN TO THE UNITED STATES.—A lease under this section shall be made under terms that result in the maximum practicable financial return to the United States, without regard to production limitations provided under chapter 641 of title 10, United States Code.

(c) DISPOSITION OF WELLS, GATHERING LINES, AND EQUIPMENT.—A lease of a reserve under subsection (a) may include the sale or other disposition, at fair market value, of any well, gathering line, or related equipment owned by the United States that is located at the reserve and is suitable for use in the exploration, development, or production of petroleum on the reserve.

(d) DISPOSITION OF ROYALTIES AND OTHER PROCEEDS.—All royalties and other proceeds accruing to the United States from a lease under this section shall be disposed of in accordance with section 7433 of title 10, United States Code.

(e) INAPPLICABILITY OF CERTAIN SECTIONS OF TITLE 10, UNITED STATES CODE.—The following provisions of chapter 641 of title 10, United States Code, do not apply to the leasing of a reserve under this section nor to a reserve while under a lease entered into under this section: section 7422(b), subsections (d), (e), (g), and (k) of section 7430, section 7431, and section 7438(c)(1).

(f) DEFINITIONS.—In this section:

(1) The term "Oil Shale Reserves Numbered 1, 2, and 3" means the oil shale reserves identified in section 7420(2) of title 10, United States Code, as Oil Shale Reserve Numbered 1, Oil Shale Reserve Numbered 2, and Oil Shale Reserve Numbered 3.

(2) The term "petroleum" has the meaning given such term in section 7420(3) of such title.

SEC. 3403. REPEAL OF REQUIREMENT TO ASSIGN NAVY OFFICERS TO OFFICE OF NAVAL PETROLEUM AND OIL SHALE RESERVES.

Section 2 of Public Law 96–137 (42 U.S.C. 7156a) is repealed.

TITLE XXXV—PANAMA CANAL COMMISSION

Subtitle A—Authorization of Expenditures From Revolving Fund

SEC. 3501. SHORT TITLE.

This subtitle may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 1998".

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to use amounts in the Panama Canal Revolving Fund to make such expenditures within the limits of funds and borrowing authority

available to it in accordance with law, and to make such contracts and commitments, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, improvement, and administration of the Panama Canal for fiscal year 1998.

(b) LIMITATIONS.—For fiscal year 1998, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $85,000 for official reception and representation expenses, of which—

(1) not more than $23,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than $12,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than $50,000 may be used for official reception and representation expenses of the Administrator of the Commission.

SEC. 3503. PURCHASE OF VEHICLES.

Notwithstanding any other provision of law, the funds available to the Commission shall be available for the purchase and transportation to the Republic of Panama of passenger motor vehicles, the purchase price of which shall not exceed $22,000 per vehicle.

SEC. 3504. EXPENDITURES ONLY IN ACCORDANCE WITH TREATIES.

Expenditures authorized under this subtitle may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

Subtitle B—Facilitation of Panama Canal Transition

SEC. 3511. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This subtitle may be cited as the "Panama Canal Transition Facilitation Act of 1997".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.).

SEC. 3512. DEFINITIONS RELATING TO CANAL TRANSITION.

Section 3 (22 U.S.C. 3602) is amended by adding at the end the following new subsection:

"(d) For purposes of this Act:

"(1) The term 'Canal Transfer Date' means December 31, 1999, such date being the date specified in the Panama Canal Treaty of 1977 for the transfer of the Panama Canal from the United States of America to the Republic of Panama.

"(2) The term 'Panama Canal Authority' means the entity created by the Republic of Panama to succeed the Panama Canal Commission as of the Canal Transfer Date.".

PART I—TRANSITION MATTERS RELATING TO COMMISSION OFFICERS AND EMPLOYEES

SEC. 3521. AUTHORITY FOR THE ADMINISTRATOR OF THE COMMISSION TO ACCEPT APPOINTMENT AS THE ADMINISTRATOR OF THE PANAMA CANAL AUTHORITY.

(a) AUTHORITY FOR DUAL ROLE.—Section 1103 (22 U.S.C. 3613) is amended by adding at the end the following new subsection:

"(c) The Congress consents, for purposes of the 8th clause of article I, section 9 of the Constitution of the United States, to the acceptance by the individual serving as Administrator of the Commission of appointment by the Republic of Panama to the position of Administrator of the Panama Canal Authority. Such consent is effective only if that individual, while serving in both such positions, serves as Administrator of the Panama Canal Authority without compensation, except for payments by the Republic of Panama of travel and entertainment expenses, including per diem payments.".

(b) WAIVER OF CERTAIN CONFLICT-OF-INTEREST STATUTES.—Such section is further amended by adding at the end the following new subsections:

"(d) The Administrator, with respect to participation in any matter as Administrator of the Panama Canal Commission (whether such participation is before, on, or after the date of the enactment of the Panama Canal Transition Facilitation Act of 1997), shall not be subject to section 208 of title 18, United States Code, insofar as the matter relates to prospective employment as Administrator of the Panama Canal Authority.

"(e) If the Republic of Panama appoints as the Administrator of the Panama Canal Authority the individual serving as the Administrator of the Commission and if that individual accepts the appointment—

"(1) the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.), shall not apply to that individual with respect to service as the Administrator of the Panama Canal Authority;

"(2) that individual, with respect to participation in any matter as the Administrator of the Panama Canal Commission, is not subject to section 208 of title 18, United States Code, insofar as the matter relates to service as, or performance of the duties of, the Administrator of the Panama Canal Authority; and

"(3) that individual, with respect to official acts performed as the Administrator of the Panama Canal Authority, is not subject to the following:

"(A) Sections 203 and 205 of title 18, United States Code.

"(B) Effective upon termination of the individual's appointment as Administrator of the Panama Canal Commission at noon on the Canal Transfer Date, section 207 of title 18, United States Code.

"(C) Sections 501(a) and 502(a)(4) of the Ethics in Government Act of 1978 (5 U.S.C. App.), with respect to compensation received for, and service in, the position of Administrator of the Panama Canal Authority.".

SEC. 3522. POST-CANAL TRANSFER PERSONNEL AUTHORITIES.

(a) WAIVER OF CERTAIN POST-EMPLOYMENT RESTRICTIONS FOR COMMISSION PERSONNEL BECOMING EMPLOYEES OF THE PANAMA CANAL AUTHORITY.—Section 1112 (22 U.S.C. 3622) is amended by adding at the end the following new subsection:

"(e) Effective as of the Canal Transfer Date, section 207 of title 18, United States Code, shall not apply to an individual who is an officer or employee of the Panama Canal Authority, but only with respect to official acts of that individual as an officer or employee of the Authority and only in the case of an individual who was an officer or employee of the Commission and whose employment with the Commission was terminated at noon on the Canal Transfer Date.".

(b) CONSENT OF CONGRESS FOR ACCEPTANCE BY RESERVE AND RETIRED MEMBERS OF THE ARMED FORCES OF EMPLOYMENT BY PANAMA CANAL AUTHORITY.—Such section is further amended by adding after subsection (e), as added by subsection (a), the following new subsection:

"(f)(1) The Congress consents to the following persons accepting civil employment (and compensation for that employment) with the Panama Canal Authority for which the consent of the Congress is required by the last paragraph of section 9 of article I of the Constitution of the United States, relating to acceptance of emoluments, offices, or titles from a foreign government:

"(A) Retired members of the uniformed services.

"(B) Members of a reserve component of the armed forces.

"(C) Members of the Commissioned Reserve Corps of the Public Health Service.

"(2) The consent of the Congress under paragraph (1) is effective without regard to subsection (b) of section 908 of title 37, United States Code (relating to approval required for employment of Reserve and retired members by foreign governments).".

SEC. 3523. ENHANCED AUTHORITY OF COMMISSION TO ESTABLISH COMPENSATION OF COMMISSION OFFICERS AND EMPLOYEES.

(a) REPEAL OF LIMITATIONS ON COMMISSION AUTHORITY.—The following provisions are repealed:

(1) Section 1215 (22 U.S.C. 3655), relating to basic pay.

(2) Section 1219 (22 U.S.C. 3659), relating to salary protection upon conversion of pay rate.

(3) Section 1225 (22 U.S.C. 3665), relating to minimum level of pay and minimum annual increases.

(b) SAVINGS PROVISION.—Section 1202 (22 U.S.C. 3642) is amended by adding at the end the following new subsection:

"(c) In the case of an individual who is an officer or employee of the Commission on the day before the date of the enactment of the Panama Canal Transition Facilitation Act of 1997 and who has not had a break in service with the Commission since that date, the rate of basic pay for that officer or employee on or after that date may not be less than the rate in effect for that officer or employee on the day before that date of enactment except—

"(1) as provided in a collective bargaining agreement;

"(2) as a result of an adverse action against the officer or employee; or

"(3) pursuant to a voluntary demotion.".

(c) CROSS-REFERENCE AMENDMENTS.—(1) Section 1216 (22 U.S.C. 3656) is amended by striking out "1215" and inserting in lieu thereof "1202".

(2) Section 1218 (22 U.S.C. 3658) is amended by striking out "1215" and "1217" and inserting in lieu thereof "1202" and "1217(a)", respectively.

SEC. 3524. TRAVEL, TRANSPORTATION, AND SUBSISTENCE EXPENSES FOR COMMISSION PERSONNEL NO LONGER SUBJECT TO FEDERAL TRAVEL REGULATION.

(a) REPEAL OF APPLICABILITY OF TITLE 5 PROVISIONS.—(1) Section 1210 (22 U.S.C. 3650) is amended by striking out subsections (a), (b), and (c).

(2) Section 1224 (22 U.S.C. 3664) is amended—

(A) by striking out paragraph (10); and

(B) by redesignating paragraphs (11) through (20) as paragraphs (10) through (19), respectively.

(b) CONFORMING AMENDMENTS.—(1) Section 1210 is further amended—

(A) by redesignating subsection (d)(1) as subsection (a) and in that subsection striking out "paragraph (2)" and inserting in lieu thereof "subsection (b)"; and

(B) by redesignating subsection (d)(2) as subsection (b) and in that subsection—

(i) striking out "Notwithstanding paragraph (1), an" and inserting in lieu thereof "An"; and

(ii) striking out "referred to in paragraph (1)" and inserting in lieu thereof "who is a citizen of the Republic of Panama".

(2) The heading of such section is amended to read as follows:

"AIR TRANSPORTATION".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1999.

SEC. 3525. ENHANCED RECRUITMENT AND RETENTION AUTHORITIES.

(a) RECRUITMENT, RELOCATION, AND RETENTION BONUSES.—Section 1217 (22 U.S.C. 3657) is amended—

(1) by redesignating subsection (c) as subsection (e);

(2) in subsection (e) (as so redesignated), by striking out "for the same or similar work performed in the United States by individuals employed by the Government of the United States" and inserting in lieu thereof "of the individual to whom the compensation is paid"; and

(3) by inserting after subsection (b) the following new subsections:

"(c)(1) The Commission may pay a recruitment bonus to an individual who is newly appointed to a position with the Commission, or a relocation bonus to an employee of the Commission who must relocate to accept a position, if the Commission determines that the Commission would be likely, in the absence of such a bonus, to have difficulty in filling the position.

"(2) A recruitment or relocation bonus may be paid to an employee under this subsection only if the employee enters into an agreement with the Commission to complete a period of employment with the Commission established by the Commission. If the employee voluntarily fails to complete such period of employment or is separated from service in such employment as a result of an adverse action before the completion of such period, the employee shall repay the entire amount of the bonus received by the employee.

"(3) A relocation bonus under this subsection may be paid as a lump sum. A recruitment bonus under this subsection shall be paid on a pro rata basis over the period of employment covered by the agreement under paragraph (2). A bonus under this subsection may not be considered to be part of the basic pay of an employee.

"(d)(1) The Commission may pay a retention bonus to an employee of the Commission if the Commission determines that—

"(A) the employee has unusually high or unique qualifications and those qualifications make it essential for the Commission to retain the employee for a period specified by the Commission ending not later than the Canal Transfer Date, or the Commission otherwise has a special need for the services of the employee making it essential for the Commission to retain the employee for a period specified by the Commission ending not later than the Canal Transfer Date; and

"(B) the employee would be likely to leave employment with the Commission before the end of that period if the retention bonus is not paid.

"(2) A retention bonus under this subsection—

"(A) shall be in a fixed amount;

"(B) shall be paid on a pro rata basis (over the period specified by the Commission as essential for the retention of the employee), with such payments to be made at the same time and in the same manner as basic pay; and

"(C) may not be considered to be part of the basic pay of an employee.

"(3) A decision by the Commission to exercise or to not exercise the authority to pay a bonus under this subsection shall not be subject to review under any statutory procedure or any agency or negotiated grievance procedure except under any of the laws referred to in section 2302(d) of title 5, United States Code.".

(b) EDUCATIONAL SERVICES.—Section 1321(e)(2) (22 U.S.C. 3731(e)(2)) is amended by striking out "and persons" and inserting in lieu thereof ", to other Commission employees when determined by the Commission to be necessary for their recruitment or retention, and to other persons".

SEC. 3526. TRANSITION SEPARATION INCENTIVE PAYMENTS.

Chapter 2 of title I (22 U.S.C. 3641 et seq.) is amended by adding at the end of subchapter III the following new section:

"TRANSITION SEPARATION INCENTIVE PAYMENTS

"SEC. 1233. (a) In applying to the Commission and employees of the Commission the provisions of section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (as contained in section 101(f) of division A of Public Law 104–208; 110 Stat. 3009–383), relating to voluntary separation incentives for employees of certain Federal agencies (in this section referred to as 'section 663')—

"(1) the term 'employee' shall mean an employee of the Commission who has served in the Republic of Panama in a position with the Commission for a continuous period of at least three years immediately before the employee's separation under an appointment without time limitation and who is covered under the Civil Service Retirement System or the Federal Employees' Retirement System under subchapter III of chapter 83 or chapter 84, respectively, of title 5, United States Code, other than—

"(A) an employee described in any of subparagraphs (A) through (F) of subsection (a)(2) of section 663; or

"(B) an employee of the Commission who, during the 24-month period preceding the date of separation, has received a recruitment or relocation bonus under section 1217(c) of this Act or who, within the 12-month period preceding the date of separation, received a retention bonus under section 1217(d) of this Act;

"(2) the strategic plan under subsection (b) of section 663 shall include (in lieu of the matter specified in subsection (b)(2) of that section)—

"(A) the positions to be affected, identified by occupational category and grade level;

"(B) the number and amounts of separation incentive payments to be offered; and

"(C) a description of how such incentive payments will facilitate the successful transfer of the Panama Canal to the Republic of Panama;

"(3) a separation incentive payment under section 663 may be paid to a Commission employee only to the extent necessary to facilitate the successful transfer of the Panama Canal by the United States of America to the Republic of Panama as required by the Panama Canal Treaty of 1977;

"(4) such a payment—

"(A) may be in an amount determined by the Commission not to exceed $25,000; and

"(B) may be made (notwithstanding the limitation specified in subsection (c)(2)(D) of section 663) in the case of an eligible employee who voluntarily separates (whether by retirement or resignation) during the 90-day period beginning on the date of the enactment of this section or during the period beginning on October 1, 1998, and ending on December 31, 1998;

"(5) in the case of not more than 15 employees who (as determined by the Commission) are unwilling to work for the Panama Canal Authority after the Canal Transfer Date and who occupy critical positions for which (as determined by the Commission) at least two years of experience is necessary to ensure that seasoned managers are in place on and after the Canal Transfer Date, such a payment (notwithstanding paragraph (4))—

"(A) may be in an amount determined by the Commission not to exceed 50 percent of the basic pay of the employee; and

"(B) may be made (notwithstanding the limitation specified in subsection (c)(2)(D) of section 663) in the case of such an employee who voluntarily separates (whether by retirement or resignation) during the 90-day period beginning on the date of the enactment of this section; and

"(6) the provisions of subsection (f) of section 663 shall not apply.

"(b) A decision by the Commission to exercise or to not exercise the authority to pay a transition separation incentive under this section shall not be subject to review under any statutory procedure or any agency or negotiated grievance procedure except under any of the laws referred to in section 2302(d) of title 5, United States Code.".

SEC. 3527. LABOR-MANAGEMENT RELATIONS.

Section 1271 (22 U.S.C. 3701) is amended by adding at the end the following new subsection:

"(c)(1) This subsection applies to any matter that becomes the subject of collective bargaining between the Commission and the exclusive representative for any bargaining unit of employees of the Commission during the period beginning on the date of the enactment of this subsection and ending on the Canal Transfer Date.

"(2)(A) The resolution of impasses resulting from collective bargaining between the Commission and any such exclusive representative during that period shall be conducted in accordance with such procedures as may be mutually agreed upon between the Commission and the exclusive representative (without regard to any otherwise applicable provisions of chapter 71 of title 5, United States Code). Such mutually agreed upon procedures shall become effective upon transmittal by the Chairman of the Commission to the Congress of notice of the agreement to use those procedures and a description of those procedures.

"(B) The Federal Services Impasses Panel shall not have jurisdiction to resolve any impasse between the Commission and any such exclusive representative in negotiations over a procedure for resolving impasses.

"(3) If the Commission and such an exclusive representative do not reach an agreement concerning a procedure for resolving impasses with respect to a bargaining unit and transmit notice of the agreement under paragraph (2) on or before July 1, 1998, the following shall be the procedure by which collective bargaining impasses between the Commission and the exclusive representative for that bargaining unit shall be resolved:

"(A) If bargaining efforts do not result in an agreement, the parties shall request the Federal Mediation and Conciliation Service to assist in achieving an agreement.

"(B) If an agreement is not reached within 45 days after the date on which either party requests the assistance of the Federal Mediation and Conciliation Service in writing (or

within such shorter period as may be mutually agreed upon by the parties), the parties shall be considered to be at an impasse and shall request the Federal Services Impasses Panel of the Federal Labor Relations Authority to decide the impasse.

"(C) If the Federal Services Impasses Panel fails to issue a decision within 90 days after the date on which its services are requested (or within such shorter period as may be mutually agreed upon by the parties), the efforts of the Panel shall be terminated.

"(D) In such a case, the Chairman of the Panel (or another member in the absence of the Chairman) shall immediately determine the matter by a drawing (conducted in such manner as the Chairman (or, in the absence of the Chairman, such other member) determines appropriate) between the last offer of the Commission and the last offer of the exclusive representative, with the offer chosen through such drawing becoming the binding resolution of the matter.

"(4) In the case of a notice of agreement described in paragraph (2)(A) that is transmitted to the Congress as described in the second sentence of that paragraph after July 1, 1998, the impasse resolution procedures covered by that notice shall apply to any impasse between the Commission and the other party to the agreement that is unresolved on the date on which that notice is transmitted to the Congress.".

SEC. 3528. AVAILABILITY OF PANAMA CANAL REVOLVING FUND FOR SEVERANCE PAY FOR CERTAIN EMPLOYEES SEPARATED BY PANAMA CANAL AUTHORITY AFTER CANAL TRANSFER DATE.

(a) AVAILABILITY OF REVOLVING FUND.—Section 1302(a) (22 U.S.C. 3712(a)) is amended by adding at the end the following new paragraph:

"(10) Payment to the Panama Canal Authority, not later than the Canal Transfer Date, of such amount as is computed by the Commission to be the future amount of severance pay to be paid by the Panama Canal Authority to employees whose employment with the Authority is terminated, to the extent that such severance pay is attributable to periods of service performed with the Commission before the Canal Transfer Date (and assuming for purposes of such computation that the Panama Canal Authority, in paying severance pay to terminated employees, will provide for crediting of periods of service with the Commission).".

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) by striking out "for—" in the matter preceding paragraph (1) and inserting in lieu thereof "for the following purposes:";

(2) by capitalizing the initial letter of the first word in each of paragraphs (1) through (9);

(3) by striking out the semicolon at the end of each of paragraphs (1) through (7) and inserting in lieu thereof a period; and

(4) by striking out "; and" at the end of paragraph (8) and inserting in lieu thereof a period.

PART II—TRANSITION MATTERS RELATING TO OPERATION AND ADMINISTRATION OF CANAL

SEC. 3541. ESTABLISHMENT OF PROCUREMENT SYSTEM AND BOARD OF CONTRACT APPEALS.

Title III of the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) is amended by inserting after the title heading the following new chapter:

"CHAPTER 1—PROCUREMENT

"PROCUREMENT SYSTEM

"SEC. 3101. (a) PANAMA CANAL ACQUISITION REGULATION.—(1) The Commission shall establish by regulation a comprehensive procurement system. The regulation shall be known as the 'Panama Canal Acquisition Regulation' (in this section referred to as the 'Regulation') and shall provide for the procurement of goods and services by the Commission in a manner that—

"(A) applies the fundamental operating principles and procedures in the Federal Acquisition Regulation;

"(B) uses efficient commercial standards of practice; and

"(C) is suitable for adoption and uninterrupted use by the Republic of Panama after the Canal Transfer Date.

"(2) The Regulation shall contain provisions regarding the establishment of the Panama Canal Board of Contract Appeals described in section 3102.

"(b) SUPPLEMENT TO REGULATION.—The Commission shall develop a Supplement to the Regulation (in this section referred to as the 'Supplement') that identifies both the provisions of Federal law applicable to procurement of goods and services by the Commission and the provisions of Federal law waived by the Commission under subsection (c).

"(c) WAIVER AUTHORITY.—(1) Subject to paragraph (2), the Commission shall determine which provisions of Federal law should not apply to procurement by the Commission and may waive those laws for purposes of the Regulation and Supplement.

"(2) For purposes of paragraph (1), the Commission may not waive—

"(A) section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423);

"(B) the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.), other than section 10(a) of such Act (41 U.S.C 609(a)); or

"(C) civil rights, environmental, or labor laws.

"(d) CONSULTATION WITH ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY.—In establishing the Regulation and developing the Supplement, the Commission shall consult with the Administrator for Federal Procurement Policy.

"(e) EFFECTIVE DATE.—The Regulation and the Supplement shall take effect on the date of publication in the Federal Register, or January 1, 1999, whichever is earlier.

"PANAMA CANAL BOARD OF CONTRACT APPEALS

"SEC. 3102. (a) ESTABLISHMENT.—(1) The Secretary of Defense, in consultation with the Commission, shall establish a board of contract appeals, to be known as the Panama Canal Board of Contract Appeals, in accordance with section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607). Except as otherwise provided by this section, the Panama Canal Board of Contract Appeals (in this section referred to as the 'Board') shall be subject to the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.) in the same manner as any other agency board of contract appeals established under that Act.

"(2) The Board shall consist of three members. At least one member of the Board shall be licensed to practice law in the Republic of Panama. Individuals appointed to the Board shall take an oath of office, the form of which shall be prescribed by the Secretary of Defense.

"(b) EXCLUSIVE JURISDICTION TO DECIDE APPEALS.—Notwithstanding section 10(a)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 609(a)(1)) or any other provision of law, the Board shall have exclusive jurisdiction to decide an appeal from a decision of a contracting officer under section 8(d) of such Act (41 U.S.C. 607(d)).

"(c) EXCLUSIVE JURISDICTION TO DECIDE PROTESTS.—The Board shall decide protests submitted to it under this subsection by interested parties in accordance with subchapter V of title 31, United States Code. Notwithstanding section 3556 of that title, section 1491(b) of title 28, United States Code, and any other provision of law, the Board shall have exclusive jurisdiction to decide such protests. For purposes of this subsection—

"(1) except as provided in paragraph (2), each reference to the Comptroller General in sections 3551 through 3555 of title 31, United States Code, is deemed to be a reference to the Board;

"(2) the reference to the Comptroller General in section 3553(d)(3)(C)(ii) of such title is deemed to be a reference to both the Board and the Comptroller General;

"(3) the report required by paragraph (1) of section 3554(e) of such title shall be submitted to the Comptroller General as well as the committees listed in such paragraph;

"(4) the report required by paragraph (2) of such section shall be submitted to the Comptroller General as well as Congress; and

"(5) section 3556 of such title shall not apply to the Board, but nothing in this subsection shall affect the right of an interested party to file a protest with the appropriate contracting officer.

"(d) PROCEDURES.—The Board shall prescribe such procedures as may be necessary for the expeditious decision of appeals and protests under subsections (b) and (c).

"(e) COMMENCEMENT.—The Board shall begin to function as soon as it has been established and has prescribed procedures under subsection (d), but not later than January 1, 1999.

"(f) TRANSITION.—The Board shall have jurisdiction under subsection (b) and (c) over any appeals and protests filed on or after the date on which the Board begins to function. Any appeals and protests filed before such date shall remain before the forum in which they were filed.

"(g) OTHER FUNCTIONS.—The Board may perform functions similar to those described in this section for such other matters or activities of the Commission as the Commission may determine and in accordance with regulations prescribed by the Commission.".

SEC. 3542. TRANSACTIONS WITH THE PANAMA CANAL AUTHORITY.

Section 1342 (22 U.S.C. 3752) is amended—

(1) by designating the text of the section as subsection (a); and

(2) by adding at the end the following new subsections:

"(b) The Commission may provide office space, equipment, supplies, personnel, and other in-kind services to the Panama Canal Authority on a nonreimbursable basis.

"(c) Any executive department or agency of the United States may, on a reimbursable basis, provide to the Panama Canal Authority materials, supplies, equipment, work, or services requested by the Panama Canal Authority, at such rates as may be agreed upon by that department or agency and the Panama Canal Authority.".

SEC. 3543. TIME LIMITATIONS ON FILING OF CLAIMS FOR DAMAGES.

(a) FILING OF ADMINISTRATIVE CLAIMS WITH COMMISSION.—Sections 1411(a) (22 U.S.C. 3771(a)) and 1412 (22 U.S.C. 3772) are each amended in the last sentence by striking out "within 2 years after" and all that follows

through "of 1985," and inserting in lieu thereof "within one year after the date of the injury or the date of the enactment of the Panama Canal Transition Facilitation Act of 1997,".

(b) FILING OF JUDICIAL ACTIONS.—The penultimate sentence of section 1416 (22 U.S.C. 3776) is amended—

(1) by striking out "one year" the first place it appears and inserting in lieu thereof "180 days"; and

(2) by striking out "claim, or" and all that follows through "of 1985," and inserting in lieu thereof "claim or the date of the enactment of the Panama Canal Transition Facilitation Act of 1997,".

SEC. 3544. TOLLS FOR SMALL VESSELS.

Section 1602(a) (22 U.S.C. 3792(a)) is amended—

(1) in the first sentence, by striking out "supply ships, and yachts" and inserting in lieu thereof "and supply ships"; and

(2) by adding at the end the following new sentence: "Tolls for small vessels (including yachts), as defined by the Commission, may be set at rates determined by the Commission without regard to the preceding provisions of this subsection.".

SEC. 3545. DATE OF ACTUARIAL EVALUATION OF FECA LIABILITY.

Section 5(a) of the Panama Canal Commission Compensation Fund Act of 1988 (22 U.S.C. 3715c(a)) is amended by striking out "Upon the termination of the Panama Canal Commission" and inserting in lieu thereof "By March 31, 1998".

SEC. 3546. APPOINTMENT OF NOTARIES PUBLIC.

Section 1102a (22 U.S.C. 3612a) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

"(g)(1) The Commission may appoint any United States citizen to have the general powers of a notary public to perform, on behalf of Commission employees and their dependents outside the United States, any notarial act that a notary public is required or authorized to perform within the United States. Unless an earlier expiration is provided by the terms of the appointment, any such appointment shall expire three months after the Canal Transfer Date.

"(2) Every notarial act performed by a person acting as a notary under paragraph (1) shall be as valid, and of like force and effect within the United States, as if executed by or before a duly authorized and competent notary public in the United States.

"(3) The signature of any person acting as a notary under paragraph (1), when it appears with the title of that person's office, is prima facie evidence that the signature is genuine, that the person holds the designated title, and that the person is authorized to perform a notarial act.".

SEC. 3547. COMMERCIAL SERVICES.

Section 1102b (22 U.S.C. 3612b) is amended by adding at the end the following new subsection:

"(e) The Commission may conduct and promote commercial activities related to the management, operation, or maintenance of the Panama Canal. Any such commercial activity shall be carried out consistent with the Panama Canal Treaty of 1977 and related agreements.".

SEC. 3548. TRANSFER FROM PRESIDENT TO COMMISSION OF CERTAIN REGULATORY FUNCTIONS RELATING TO EMPLOYMENT CLASSIFICATION APPEALS.

Sections 1221(a) and 1222(a) (22 U.S.C. 3661(a), 3662(a)) are amended by striking out "President" and inserting in lieu thereof "Commission".

SEC. 3549. ENHANCED PRINTING AUTHORITY.

Section 1306 (22 U.S.C. 3714b) is amended by striking out "Section 501" and inserting in lieu thereof "Sections 501 through 517 and 1101 through 1123".

SEC. 3550. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CLERICAL AMENDMENTS.—The table of contents in section 1 is amended—

(1) by striking out the item relating to section 1210 and inserting in lieu thereof the following:

"Sec. 1210. Air transportation.";

(2) by striking out the items relating to sections 1215, 1219, and 1225;

(3) by inserting after the item relating to section 1232 the following new item:

"Sec. 1233. Transition separation incentive payments.";

and

(4) by inserting after the item relating to the heading of title III the following:

"CHAPTER 1—PROCUREMENT

"Sec. 3101. Procurement system.

"Sec. 3102. Panama Canal Board of Contract Appeals.".

(b) AMENDMENT TO REFLECT PRIOR CHANGE IN COMPENSATION OF ADMINISTRATOR.—Section 5315 of title 5, United States Code, is amended by striking out the following:

"Administrator of the Panama Canal Commission.".

(c) AMENDMENTS TO REFLECT CHANGE IN TRAVEL AND TRANSPORTATION EXPENSES AUTHORITY.—(1) Section 5724(a)(3) of title 5, United States Code, is amended by striking out ", the Commonwealth of Puerto Rico," and all that follows through "Panama Canal Act of 1979" and inserting in lieu thereof "or the Commonwealth of Puerto Rico".

(2) Section 5724a(j) of such title is amended—

(A) by inserting "and" after "Northern Mariana Islands,"; and

(B) by striking out "United States, and" and all that follows through the period at the end and inserting in lieu thereof "United States.".

(3) The amendments made by this subsection shall take effect on January 1, 1999.

(d) MISCELLANEOUS TECHNICAL AMENDMENTS.—

(1) Section 3(b) (22 U.S.C. 3602(b)) is amended by striking out "the Canal Zone Code" and all that follows through "other laws" and inserting in lieu thereof "laws of the United States and regulations issued pursuant to such laws".

(2)(A) The following provisions are each amended by striking out "the effective date of this Act" and inserting in lieu thereof "October 1, 1979": sections 3(b), 3(c), 1112(b), and 1321(c)(1).

(B) Section 1321(c)(2) is amended by striking out "such effective date" and inserting in lieu thereof "October 1, 1979".

(C) Section 1231(c)(3)(A) (22 U.S.C. 3671(c)(3)(A)) is amended by striking out "the day before the effective date of this Act" and inserting in lieu thereof "September 30, 1979".

(3) Section 1102a(h), as redesignated by section 3546(a)(1), is amended by striking out "section 1102B" and inserting in lieu thereof "section 1102b".

(4) Section 1110(b)(2) (22 U.S.C. 3620(b)(2)) is amended by striking out "section 16 of the Act of August 1, 1956 (22 U.S.C. 2680a)," and inserting in lieu thereof "section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927)".

(5) Section 1212(b)(3) (22 U.S.C. 3652(b)(3)) is amended by striking out "as last in effect before the effective date of section 3530 of the Panama Canal Act Amendments of 1996" and inserting in lieu thereof "as in effect on September 22, 1996".

(6) Section 1243(c)(2) (22 U.S.C. 3681(c)(2)) is amended by striking out "retroactivity" and inserting in lieu thereof "retroactively".

(7) Section 1341(f) (22 U.S.C. 3751(f)) is amended by striking out "sections 1302(c)" and inserting in lieu thereof "sections 1302(b)".

By Mr. COVERDELL:

S. 925. A bill to provide authority for women' business centers to enter into contracts with Federal departments and agencies to provide specific assistance to women and other underserved small business concerns; to the Committee on Small Business.

THE WOMEN'S SMALL BUSINESS PROGRAMS ACT OF 1997

Mr. COVERDELL. Mr. President, I rise today to introduce the Support for Women's Small Business Programs Act of 1997. As a member of the Senate's Small Business Committee, I have focused on helping small businesses succeed in an increasingly competitive environment. Women-owned small businesses have made impressive strides in recent years. To me, this is no surprise.

Women-owned businesses are an increasingly important part of our Nation's economy. In 1996, they accounted for an estimated $2.3 trillion in sales and employed one out of every four workers totaling 18.5 million employees. According to the National Foundation of Women Business Owners, the growth of women-owned business continues to outpace overall business growth nearly 2 to 1. In my home State of Georgia, there are 143,045 women-owned businesses both full time and part time.

I believe it is important the Federal Government continue to support the development of these small businesses and assist them in overcoming the unique challenges facing them. Currently, the Office of Women Business Ownership administers women's demonstration sites where women-owned small businesses can find critical support. These demonstration women business development centers at these sites are required to be completely self-sufficient a short period of time. I hope we succeed in the coming Small Business Administration reauthorization legislation to make these centers permanent.

My legislation is simple. It allows these women business development centers to enter into contracts with other Federal departments and agencies to provide specific assistance to small business concerns. It expands their pool of available resources they can use to nurture women-owned small business.

I have been working with the Senate Small Business Committee on this matter, and it is my understanding

this proposal will become part of this year s SBA Reauthorization bill. I look forward to working with the committee to ensure the Federal Government provides women's business centers this critical support.

By Mr. HARKIN (for himself and Mrs. MURRAY):

S. 926. A bill to amend the Internal Revenue Code of 1986 to expand the child and dependent care credit, and for other purposes; to the Committee on Finance.

THE WORKING FAMILY CHILD CARE TAX RELIEF ACT OF 1997

Mr. HARKIN. Mr. President, today, I rise to introduce the Working Family Child Care Tax Relief Act of 1977. This legislation is targeted to those families most in need of a tax break—working families with child or dependent adult care expenses. The need for child care continues to grow, 60 percent of women in the workforce have children under 6 years of age. Moreover, hard working families throughout Iowa and across America are struggling to meet the escalating costs of child care. A family with a preschool-age child spent an average of $15 more per week on child care in 1993 than in 1986. Currently, average child care costs for a working family in Iowa run about $3,000 to $6,000 per year.

Today, there is a child care tax credit available for many working families—but that credit hasn't been increased since 1982—and it wasn't even adequate then. Inflation has reduced the value of the credit by about 60 percent since it was last adjusted in 1982. Under current law, families with $10,000 in adjusted gross income are eligible for a 30-percent credit on the first $2,400 in child care expenses for one child or $4,800 for two children. The credit phases down to 20 percent at $28,000 and all incomes above that level. Because the child care tax credit is not refundable, few families actually qualify for the full 30 percent credit under current law. Families with an income of less than $10,000 do not have a tax liability against which they can apply the credit.

This legislation would expand the child care tax credit and make it available for more working families. The amount of child care expenses eligible for the credit would be increased to $4,000 for one child or other dependent and $8,000 for two or more dependents. For example, my proposal would provide a 30-percent refundable credit for working couples with an adjusted gross income of up to $50,000 on the first $8,000 in child care expenses for two or more children or other dependents. For families earning between $50,000 and $80,000, the credit gradually phases down to current level. Families earning more than $80,000 would be eligible for the same level of benefits they receive under current law.

Although we must continue our efforts to reach a balanced budget, we must also realize that American families with child or dependent care expenses deserve a tax break. But I am not talking about doling out huge new tax breaks for those on top who don't need it. This legislation is targeted directly to families in the middle—they are not on welfare and they are not rich. They work hard, they care about their families and their jobs, and they deserve a break.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 926

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Working Family Child Care Tax Relief Act of 1997".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. EXPANSION OF CHILD AND DEPENDENT CARE CREDIT.

(a) INCRESE IN CREDIT.—Paragraph (2) of section 21(a) (relating to credit for expenses for household and dependent care services necessary for gainful employment) is amended to read as follows:

"(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1), the term 'applicable percentage' means 30 percent reduced (but not below 20 percent) by 1 percentage point for each $3,000 (or fraction thereof) by which the taxpayer's adjusted gross income exceeds $50,000."

(b) INCREASE IN MAXIMUM AMOUNT CREDITABLE.—

(1) IN GENERAL.—Section 21(c) (relating to dollar limit on amount creditable) is amended—

(A) by striking "$2,400" in paragraph (1) and inserting "$4,000", and

(B) by striking "$4,800" in paragraph (2) and inserting "$8,000".

(2) PHASEOUT FOR TAXPAYERS WITH ADJUSTED GROSS INCOME IN EXCESS OF $50,000.—

(A) IN GENERAL.—Section 21(c) is amended by adding at the end the following new paragraph:

"(2) LIMITATION BASED ON ADJUSTED GROSS INCOME.—If the taxpayer's adjusted gross income for the taxable year exceeds $50,000, the applicable dollar amount under paragraph (1) shall be reduced as follows:

"(A) the $4,000 amount under paragraph (1)(A) shall be reduced (but not below $2,400) by $53.33 for each $1,000 (or fraction thereof) of such excess.

"(B) the $8,000 amount under paragraph (1)(B) shall be reduced (but not below $4,800) by $106.66 for each $1,000 (or fraction thereof) of such excess."

(2) CONFORMING AMENDMENTS.—Section 21(c), as amended by subsection 9(b), is amended—

(A) by striking "The amount" and inserting:

"(1) IN GENERAL.—The amount",

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and

(C) by striking "paragraph (1) or (2)" and inserting "subparagraph (A) or (B)".

(c) CREDIT MADE REFUNDABLE.—

(1) IN GENERAL.—Section 21 (relating to credit for expenses for household and dependent care services), as amended by this section, is transferred to subpart C of part IV of subchapter A of chapter 1, inserted after section 35, and redesignated as section 36.

(2) CONFORMING AMENDMENTS.—

(A) Section 129 is amended—

(i) by striking "21(e)" in subsection (a)(2)(C) and inserting "36(e)",

(ii) by striking "21(d)(2)" in subsection (b)(2) and inserting "36(d)(2)", and

(iii) by striking "21(b)(2)" in subsection (e)(1) and inserting "36(b)(2)".

(B) Section 213(e) is amended by striking "section 21" and inserting "section 36".

(3) CLERICAL AMENDMENTS.—

(A) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 21.

(B) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 36. Expenses for household and dependent care services necessary for gainful employment."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

By Ms. SNOWE (for herself, Mr. HOLLINGS, Mr. GREGG, Mr. KERRY, Mr. BREAUX, Mr. REED, and Mr. GLENN):

S. 927. A bill to reauthorize the Sea Grant Program.

THE OCEAN AND COASTAL RESEARCH REVITALIZATION ACT OF 1997

Ms. SNOWE. Mr. President, today I am introducing legislation to reauthorize the National Sea Grant College Program. I am pleased to be joined in this effort by Senator HOLLINGS, the ranking member on the Committee on Commerce, Science, and Transportation, and by Senators GREGG, KERRY, REED, GLENN, and BREAUX.

Since its establishment in 1966, the National Sea Grant College Program has provided an invaluable service to the citizens of our Nation, and particularly to those who depend on our Nation's coastal and marine resources. Sea Grant operates programs in concert with 29 academic institutions covering the entire marine coastline of the United States, the Great Lakes region, and Puerto Rico. It serves as a kind of cooperative research and extension program for States and localities with a direct interest in ocean, coastal, and Great Lakes resources. Sea Grant is unique in the breadth of its programs, bringing together the natural and social sciences as well as educational institutions, the private sector, and State and local governments. By facilitating these interactions across institutional boundaries, Sea Grant makes important contributions to the development of management programs that effectively address both resource conservation and the needs of communities who use these resources.

In my home State of Maine, the decline in groundfish populations has had a devastating impact on the fishing community. The joint Maine/New Hampshire Sea Grant Program has supported research looking at the economic and social impacts of this decline, as well as biological investigations into the ecology of the fisheries. With the results of these studies, Maine has been able to mitigate some of the losses these citizens have suffered. Management programs have been adapted to better account for the needs of local residents and the vagaries of an ever-changing ocean. In all of their programs, Maine Sea Grant has consistently reinvested in local communities, providing knowledge and tools for working with the sea.

I know from my colleagues that the work I have witnessed in Maine is representative of the quality work Sea Grant programs are doing across the country. The wealth of benefits Sea Grant provides comes from a small Federal investment. By requiring matching grants, State Sea Grant Programs use their partnerships with industry and academia to generate a high return on every Federal dollar expended. This investment, in turn, helps to stimulate industry productivity and increase the efficiency of coastal management programs. In these cost-conscious times, Sea Grant is a model of being able to do more with less.

This legislation will allow Sea Grant to continue its work by reauthorizing the program for 3 years. It caps the national administrative costs of the program at 5 percent of the total budget, and it repeals an international program and a postdoctoral fellowship program which have never been funded. The bill also responds to a National Research Council Report by clarifying the responsibilities of the Sea Grant director and streamlining the process for reviewing State program proposals.

This bill is supported by the Sea Grant Association, whose membership includes many of the land grant universities and other institutions with an interest in the program, and it was drafted in close consultation with the Clinton administration. The legislation is deserving of broad bipartisan support in the Senate, and I look forward to working with my colleagues for its quick passage. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 927

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 "Ocean and Coastal Research Revitalization Act of 1997".

SEC. 2. AMENDMENT OF NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

SEC. 3. FINDINGS.

(a) Section 202(a)(1) (33 U.S.C. 1121(a)(1)) is amended—

(1) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (C) the following:

"(D) encourage the development of forecast and analysis systems for coastal hazards;".

(b) Section 202(a)(6) (33 U.S.C. 1121(a)(6)) is amended by striking the second sentence and inserting the following: "The most cost-effective way to promote such activities is through continued and increased Federal support of the establishment, development, and operation of programs and projects by sea grant colleges, sea grant institutes, and other institutions.".

SEC. 4. DEFINITIONS.

(a) Section 203 (33 U.S.C. 1122) is amended—

(1) in paragraph (3)—

(A) by striking "their university or" and inserting "his or her"; and

(B) by striking "college, programs, or regional consortium" and inserting "college or sea grant institute";

(2) by striking paragraph (4) and inserting the following:

"(4) The term 'field related to ocean, coastal, and Great Lakes resources' means any discipline or field, including marine affairs, resource management, technology, education, or science, which is concerned with or likely to improve the understanding, assessment, development, utilization, or conservation of ocean, coastal, or Great Lakes resources.";

(3) by redesignating paragraphs (6) through (15) as paragraphs (7) through (16), respectively, and inserting after paragraph (5) the following:

"(6) The term 'institution' means any public or private institution of higher education, institute, laboratory, or State or local agency.";

(4) by striking "regional consortium, institution of higher education, institute, or laboratory" in paragraph (10) (as redesignated) and inserting "institute or other institution";

(5) by striking paragraphs (11) through (16) (as redesignated) and inserting after paragraph (10) the following:

"(11) The term 'project' means any individually described activity in a field related to ocean, coastal, and Great Lakes resources involving research, education, training, or advisory services administered by a person with expertise in such a field.

"(12) The term 'sea grant college' means any institution, or any association or alliance of two or more such institutions, designated as such by the Secretary under section 207 (33 U.S.C. 1126) of this Act.

"(13) The term 'sea grant institute' means any institution, or any association or alliance of two or more such institutions, designated as such by the Secretary under section 207 (33 U.S.C. 1126) of this Act.

"(14) The term 'sea grant program' means a program of research and outreach which is administered by one or more sea grant colleges or sea grant institutes.

"(15) The term 'Secretary' means the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere.

"(16) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands, or any other territory or possession of the United States.".

(b) The Act is amended—

(1) in section 209(b) (33 U.S.C. 1128(b)), as amended by this Act, by striking ", the Under Secretary,"; and

(2) by striking "Under Secretary" every other place it appears and inserting "Secretary".

SEC. 5. NATIONAL SEA GRANT COLLEGE PROGRAM.

Section 204 (33 U.S.C. 1123) is amended to read as follows:

"SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.

"(a) PROGRAM MAINTENANCE.—The Secretary shall maintain within the Administration, a program to be known as the national sea grant college program. The national sea grant college program shall be administered by a national sea grant office within the Administration.

"(b) PROGRAM ELEMENTS.—The national sea grant college program shall consist of the financial assistance and other activities authorized in this subchapter, and shall provide support for the following elements—

"(1) sea grant programs which comprise a national sea grant college program network, including international projects conducted within such programs;

"(2) administration of the national sea grant college program and this Act by the national sea grant office, the Administration, and the panel;

"(3) the fellowship program under section 208; and

"(4) any national strategic investments developed with the approval of the panel, the sea grant colleges, and the sea grant institutes.

"(c) RESPONSIBILITIES OF THE SECRETARY.—

"(1) The Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall develop a long-range strategic plan which establishes priorities for the national sea grant college program and which provides an appropriately balanced response to local, regional, and national needs.

"(2) Within 6 months of the date of enactment of the Ocean and Coastal Research Revitalization Act of 1997, the Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall establish guidelines related to the activities and responsibilities of sea grant colleges and sea grant institutes. Such guidelines shall include requirements for the conduct of merit review by the sea grant colleges and sea grant institutes of proposals for grants and contracts to be awarded under section 205, providing, at a minimum, for standardized documentation of such proposals and peer review of all research projects.

"(3) The Secretary shall by regulation prescribe the qualifications required for designation of sea grant colleges and sea grant institutes under section 207.

"(4) To carry out the provisions of this subchapter, the Secretary may—

"(A) appoint, assign the duties, transfer, and fix the compensation of such personnel as may be necessary, in accordance with civil service laws; except that one position in addition to the Director may be established without regard to the provisions of Title 5 governing appointments to the competitive service, at a rate payable under section 5376 of title 5, United States Code;

"(B) make appointments with respect to temporary and intermittent services to the extent authorized by section 3109 of title 5, United States Code;

"(C) publish or arrange for the publication of, and otherwise disseminate, in cooperation with other offices and programs in the Administration and without regard to section 501 of title 44, any information of research, educational, training or other value in fields related to ocean, coastal, or Great Lakes resources;

"(D) enter into contracts, cooperative agreements, and other transactions without regard to section 5 of title 41, United States Code;

"(E) notwithstanding section 1342 of title 31, United States Code, accept donations and voluntary and uncompensated services;

"(F) accept funds from other Federal departments and agencies, including agencies within the Administration, to pay for and add to grants made and contracts entered into by the Secretary;

"(G) promulgate such rules and regulations as may be necessary and appropriate.

"(d) DIRECTOR OF THE NATIONAL SEA GRANT COLLEGE PROGRAM.—

"(1) The Secretary shall appoint, as the Director of the National Sea Grant College Program, a qualified individual who has appropriate administrative experience and knowledge or expertise in fields related to ocean, coastal, and Great Lakes resources. The Director shall be appointed and compensated, without regard to the provisions of title 5 governing appointments in the competitive service, at a rate payable under section 5376 of title 5, United States Code.

"(2) Subject to the supervision of the Secretary, the Director shall administer the national sea grant college program and oversee the operation of the national sea grant office. In addition to any other duty prescribed by law or assigned by the Secretary, the Director shall—

"(A) facilitate and coordinate the development of a long-range strategic plan under subsection (c)(1);

"(B) advise the Secretary with respect to the expertise and capabilities which are available within or through the national sea grant college program and encourage the use of such expertise and capabilities, on a cooperative or other basis, by other offices and activities within the Administration, and other Federal departments and agencies;

"(C) advise the Secretary on the designation of sea grant colleges and sea grant institutes, and, if appropriate, on the termination or suspension of any such designation; and

"(D) encourage the establishment and growth of sea grant programs, and cooperation and coordination with other Federal activities in fields related to ocean, coastal, and Great Lakes resources.

"(3) With respect to sea grant colleges and sea grant institutes, the Director shall—

"(A) evaluate the programs of sea grant colleges and sea grant institutes, using the priorities, guidelines, and qualifications established by the Secretary;

"(B) subject to the availability of appropriations, allocate funding among sea grant colleges and sea grant institutes so as to—

"(i) promote healthy competition among sea grant colleges and institutes;

"(ii) encourage successful implementation of sea grant programs; and

"(iii) to the maximum extent consistent with other provisions of this Act, provide a stable base of funding for sea grant colleges and institutes; and

"(C) ensure compliance with the guidelines for merit review under subsection (c)(2).".

SEC. 6. REPEAL OF SEA GRANT INTERNATIONAL PROGRAM.

Section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a) is repealed.

SEC. 7. SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

Section 207 (33 U.S.C. 1126) is amended to read as follows:

"SEC. 207. SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

"(a) DESIGNATION.—

"(1) A sea grant college or sea grant institute shall meet the following qualifications:

"(A) have an existing broad base of competence in fields related to ocean, coastal, and Great Lakes resources;

"(B) make a long-term commitment to the objective in section 202(b), as determined by the Secretary;

"(C) cooperate with other sea grant colleges and institutes and other persons to solve problems or meet needs relating to ocean, coastal, and Great Lakes resources;

"(D) have received financial assistance under section 205 of this title (33 U.S.C. 1124); and

"(E) meet such other qualifications as the Secretary, in consultation with the panel, considers necessary or appropriate.

"(2) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant college if the institution, association, or alliance —

"(A) meets the qualifications in paragraph (1); and

"(B) maintains a program of research, advisory services, training, and education in fields related to ocean, coastal, and Great Lakes resources.

'(3) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant institute if the institution, association, or alliance—

"(A) meets the qualifications in paragraph (1); and "(B) maintains a program which includes, at a minimum, research and advisory services.

"(b) EXISTING DESIGNEES.—Any institution, or association or alliance of two or more such institutions, designated as a sea grant college or awarded institutional program status by the Director prior to the date of enactment of this Act, shall not have to reapply for designation as a sea grant college or sea grant institute, respectively, after the date of enactment of this act, if the Director determines that the institution, or assocation or alliance of institutions, meets the qualifications in subsection (a).

"(c) SUSPENSION OR TERMINATION OF DESIGNATION.—The Secretary may, for cause and after an opportunity for hearing, suspend or terminate any designation under subsection (a).

"(d) DUTIES.—Subject to any regulations prescribed or guidelines established by the Secretary, it shall be the responsibility of each sea grant college and sea grant institute—

"(1) to develop and implement, in consultation with the Secretary and the panel, a program that is consistent with the guidelines and priorities established under section 204(c); and

"(2) to conduct a merit review of all proposals for grants and contracts to be awarded under section 205.".

SEC. 8. REPEAL OF POSTDOCTORAL FELLOWSHIP PROGRAM.

Section 208(c) (33 U.S.C. 208(c)) is repealed.

SEC. 9. SEA GRANT REVIEW PANEL.

(a) Section 209(a)(33 U.S.C. 1128(a)) is amended—

(1) by striking "; commencement date"; and

(2) by striking the second sentence.

(b) Section 209(b)(33 U.S.C. 1128(b)) is amended—

(1) by striking "The Panel" and inserting "The panel";

(2) by striking "and section 3 of the Sea Grant College Program Improvement Act of 1976" in paragraph (1); and

(3) by striking "regional consortia" in paragraph (3) and inserting "institutes".

(c) Section 209(c)(33 U.S.C. 1128(c)) is amended—

(1) in paragraph (1) by striking "college, sea grant regional consortium, or sea grant program" and inserting "college or sea grant institute";

(2) by striking paragraph (5)(A) and inserting the following:

"(A) receive compensation at a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5, United States Code, when actually engaged in the performance of duties for such panel; and".

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS, CONTRACTS, AND FELLOWSHIPS.—Section 212(a) (33 U.S.C. 1131(a)) is amended to read as follows:

"(a) AUTHORIZATION.—There is authorized to be appropriated to carry out this Act—

(1) $55,400,000 for fiscal year 1998;

"(2) $56,500,000 for fiscal year 1999;

"(3) $57,600,000 for fiscal year 2000;

"(4) $58,800,000 for fiscal year 2001; and

"(5) $59,900,000 for fiscal year 2002.".

(b) LIMITATION ON CERTAIN FUNDING.—Section 212(b)(1)(33 U.S.C. 1131(b)(1)) is amended to read as follows:

"(b) PROGRAM ELEMENTS.—

"(1) LIMITATION.—Of the amount appropriated for each fiscal year under subsection (a), no more than 6 percent may be used to fund both the program element contained in section 204(b)(2) and any small business innovation research.".

Mr. HOLLINGS. Mr. President, I am pleased to join my colleagues in introducing this important bill to reauthorize the National Sea Grant College Program. Last year marked the 30th anniversary of the Sea Grant Program, so it is especially fitting that we propose legislation today that will revitalize the program and continue its effective operation into the next century.

At its core, Sea Grant is a program that brings competitive, high-quality science to bear on problems affecting our Nation's oceans and coasts. Sea Grant's top priority is creating new economic opportunities by forging alliances among academia, government, and industry to transfer information and technology into the hands of people who can truly use it. For example, Sea Grant led the development of hybrid striped bass aquaculture, which has grown from a university demonstration project to a $6 million fish farming industry in just 6 years. In addition, Sea Grant has an extraordinary record of success in balancing development with sound marine conservation, working with citizen-volunteers to

clean beaches and monitor environmental quality, and promoting the effective management of fisheries and other marine resources for the benefit of future generations.

Sea Grant is a national leader in the field of marine biotechnology, which has shown enormous promise in truly revolutionizing our use of marine resources. Marine biotechnology research funded by Sea Grant has already succeeded in discovering new pharmaceuticals from the sea, developing new, environmentally-friendly products with a wide range of applications, improving fisheries management and stock assessments through advances at the molecular level, and enhancing environmental remediation through the development of compounds that combat oil spills and other toxic substances in the marine environment. In South Carolina, a study on how the Eastern oyster builds its shell laid the groundwork for the development of alternatives to non-biodegradable water treatment compounds and detergent additives. Based on this research, the Donlor Corporation was formed to synthesize and market these new materials. The company's 50,000 square foot plant will soon begin operations.

A results-oriented point of exchange, Sea Grant brings Federal and State managers together providing an opportunity for local and regional needs to receive national attention. Conversely, national initiatives are placed on local and regional agendas. This legislation will bolster such exchanges by giving members of the Sea Grant network throughout the country a larger voice in planning national initiatives.

Moreover, Sea Grant is training the next century's leaders in marine policy. Sea Grant graduate student fellowships give marine policy training to tomorrow's scientists and managers. Efforts like South Carolina's Sea Partners, a joint program sponsored by the South Carolina Sea Grant Consortium and the U.S. Coast Guard, reach out to kindergarten through high school students regarding the problem of marine pollution. Through such programs, young people become interested in ocean and coastal issues and develop life-long respect for conserving the marine environment.

Mr. President, more than a quarter-century ago, the Stratton Commission outlined a seminal vision for the benefits this Nation could derive from the oceans and coasts. The Sea Grant Program has played a vital part in realizing this vision through the application of sound scientific research to problems affecting our publicly-owned marine resources. The legislation we are introducing today will strengthen the Sea Grant Program, improve the procedures by which it operates, clarify the respective roles of the Federal Government and the universities that participate in the program, and reduce administrative costs. I urge all of my colleagues to join me in supporting this important program and this excellent bill.

By Mr. JEFFORDS:

S. 928. A bill to provide for a regional education and workforce training system in the metropolitan Washington area, to improve the school facilities of the District of Columbia, and to fund such activities in part by an income tax on nonresident workers in the District of Columbia, to be offset by tax credits; to the Committee on Finance.

THE METROPOLITAN WASHINGTON EDUCATION AND WORKFORCE TRAINING ACT OF 1997

Mr. JEFFORDS. Mr. President, I am introducing legislation today to address a problem that has enormous significance for the future of this Nation and the prosperity of our citizens. This legislation will create a regional Education and Workforce Training Partnership for the Washington Metropolitan Area. The partnership created in the Washington Metropolitan region would serve as a national model and would address the infrastructure crisis that exists in the District of Columbia Public Schools. Let me take a moment to explain the importance of this legislation as a national model.

We face a national economic crisis if we fail to prepare our workforce for the high-paying technology jobs of the future. As a nation, we are currently enjoying an extended period of economic strength, and that is terrific. But we mustn't be lulled into a false sense of complacency. We have all read and digested the theory of how the foundation of our economy is shifting from a manufacturing base to what is now called the global knowledge economy. In the global knowledge economy, the ability to use critical thinking skills with advanced technology and information will be at a premium. Technology proficiency will be required to get and keep a good job. Now, I ask you, are we really prepared as a nation to be a leader in the global knowledge economy? Will our workers be surpassed by the workforces of our competitors overseas?

At present there are 190,000 unfilled high-skilled information technology jobs at large and mid-sized U.S. companies. These vacancies are almost equally divided between information technology (IT) and non-IT companies that rely heavily on advanced technology skills to get the job done. This shows us, that as we approach the 21st century technology skills are a must.

In the Washington Metropolitan Area alone there are at least 50,000 jobs—with an average annual salary of $40,000—that cannot be filled by the local labor market. Local area students are not being prepared to fill these jobs. Companies have complained to me in meeting after meeting that they are forced to recruit from other States or from other countries to try and find people for these positions—and that tactic is entirely too cost-prohibitive.

The Metropolitan Washington Education and Workforce Training Improvement Act of 1997 authorizes the establishment of a regional education and work force training partnership. This partnership is to be composed of 13 members representing business and education, together with a government official from the District of Columbia, Maryland, and Virginia. The partnership will chart a course for reforms and investments in education and work force training for the D.C. metropolitan area, making recommendations to the Secretaries of Education and Labor for grants to fund specific activities so that the skills of the regional work force will meet the needs of the regions employers.

By filling the 50,000 IT jobs in the Washington metropolitan area an additional $3.5 billion annually would be injected into the region's economy. And, the partnership created by this legislation with its unique focus on business-education collaboration, would serve as a model for other regions in the Nation that are facing the same pending crisis in labor market shortage and economic development.

In addition, this legislation will fulfill another long awaited promise that we as national leaders living and working in Washington must see through. I believe we have an obligation to make the Nation's Capital a model of what education must be as we enter the next century. The D.C. schools have made administrative progress recently, but the infrastructure problems are still appalling—requiring, according to a 1996 GSA report, an additional $2 billion for reconstruction and repair of dilapidated buildings. We must not let the students of the District of Columbia be sentenced to learning in buildings that would be found in a war zone. We owe more to the students of our Nation's Capital.

I want to be clear that this legislation would provide initial Federal funding to help finance the bonding required to reconstruct the D.C. school infrastructure. No funds would be used towards the present school administration as they have adequate receipts. The legislation would also provide funding for the D.C. school reform legislation passed by the Congress last session.

I want to see this Metropolitan Washington Education and Workforce Training Act enacted to help correct our regional labor market shortage and to serve as a model for the Nation. Through this legislation we can help fill the high-paying jobs we have available in this region, known as the Golden Crescent of Maryland, Virginia, and the District, and in so doing we will make our capital's education system one that is effective and one we can be

proud of. I urge my colleagues to join me in this important effort.

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. DASCHLE, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 15, a bill to control youth violence, crime, and drug abuse, and for other purposes.

S. 28

At the request of Mr. THURMOND, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 70

At the request of Mrs. BOXER, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 70, a bill to apply the same quality and safety standards to domestically manufactured handguns that are currently applied to imported handguns.

S. 146

At the request of Mr. ROCKEFELLER, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 146, a bill to permit medicare beneficiaries to enroll with qualified provider-sponsored organizations under title XVIII of the Social Security Act, and for other purposes.

S. 224

At the request of Mr. WARNER, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 224, a bill to amend title 10, United States Code, to permit covered beneficiaries under the military health care system who are also entitled to medicare to enroll in the Federal Employees Health Benefits program, and for other purposes.

S. 230

At the request of Mr. THURMOND, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 230, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act], and for other purposes.

S. 231

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 231, a bill to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes.

S. 387

At the request of Mr. HATCH, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 389

At the request of Mr. ABRAHAM, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 389, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 460

At the request of Mr. BOND, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 460, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals, to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home, to clarify the standards used for determining that certain individuals are not employees, and for other purposes.

S. 524

At the request of Mr. DASCHLE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 524, a bill to amend title XVIII of the Social Security Act to remove the requirement of an X-ray as a condition of coverage of chiropractic services under the medicare program.

S. 535

At the request of Mr. MCCAIN, the names of the Senator from Arkansas [Mr. HUTCHINSON] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 535, a bill to amend the Public Health Service Act to provide for the establishment of a program for research and training with respect to Parkinson's disease.

S. 578

At the request of Mr. DASCHLE, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 578, a bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes.

S. 674

At the request of Mr. CHAFEE, the name of the Senator from Rhode Island [Mr. REED] was added as a cosponsor of S. 674, a bill to amend title XIX of the Social Security Act to encourage States to expand health coverage of low income children and pregnant women and to provide funds to promote outreach efforts to enroll eligible children under health insurance programs.

S. 727

At the request of Mrs. FEINSTEIN, the names of the Senator from Maine [Ms. SNOWE] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 727, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for women 40 years of age or older if the coverage or plans include coverage for diagnostic mammography.

S. 843

At the request of Mr. HATCH, the names of the Senator from Washington [Mr. GORTON] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 843, a bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the taxation of United States business operating abroad, and for other purposes.

S. 859

At the request of Mr. KYL, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 859, a bill to repeal the increase in tax on social security benefits.

S. 872

At the request of Mr. ROBERTS, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 872, a bill to amend the Internal Revenue Code of 1986 to provide for the nonrecognition of gain for sale of stock to certain farmers' cooperatives, and for other purposes.

S. 891

At the request of Mr. ABRAHAM, the names of the Senator from New Hampshire [Mr. SMITH] and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 891, a bill to require Federal agencies to assess the impact of policies and regulations on families, and for other purposes.

S. 896

At the request of Mr. BENNETT, his name was added as a cosponsor of S. 896, a bill to restrict the use of funds for new deployments of anti-personnel landmines, and for other purposes.

S. 904

At the request of Mr. BREAUX, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 904, a bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with choices, and for other purposes.

AMENDMENT NO. 382

At the request of Mr. SARBANES his name was added as a cosponsor of Amendment No. 382 proposed to S. 903, an original bill to consolidate the foreign affairs agencies of the United States, to authorize appropriations for the Department of State for fiscal years 1998 and 1999, and to provide for reform of the United Nations, and for other purposes.

AMENDMENT NO. 384

At the request of Mr. HELMS the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of Amendment No. 384 proposed to S. 903, an original bill to consolidate the foreign affairs agencies of the United States, to authorize appropriations for the Department of State for fiscal years 1998 and 1999, and to provide for

reform of the United Nations, and for other purposes.

SENATE CONCURRENT RESOLUTION 33—RELATING THE USE OF THE CAPITOL GROUNDS FOR THE NATIONAL SAFE KIDS CAMPAIGN

Mr. DODD (for himself and Mr. ABRAHAM) submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. CON. RES. 33

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL SAFE KIDS CAMPAIGN SAFE KIDS BUCKLE UP SAFETY CHECK.

The National SAFE KIDS Campaign and its auxiliary may sponsor a public event on the Capitol Grounds on August 27 and August 28, 1997, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized under section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police.

(b) EXPENSES AND LIABILITIES.—The National SAFE KIDS Campaign and its auxiliary shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the National SAFE KIDS Campaign and its agents are authorized to erect upon the Capitol Grounds any stage, sound amplification devices, and other related structures and equipment required for the event authorized under section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any other reasonable arrangements as may be required to plan for or administer the event.

Mr. DODD. Mr. President, I rise today along with Senator ABRAHAM to introduce a resolution that will allow the National Safe Kids Campaign to use a small portion of the Capitol Hill grounds to provide a very important community service, a Car Seat Check-Up event. This initiative, called Safe Kids Buckle-Up, is a joint project of the National Safe Kids Campaign and the General Motors Corporation. Its purpose is to educate families about the importance of buckling up on every ride. Child passenger safety has received significant attention in the past year, and this program will provide parents and care givers with the essential information they need to ensure that their children are safely restrained in an automobile.

Motor vehicle crashes are the leading cause of unintentional injury-related death to children ages 14 and under, yet 40 percent of kids are still riding unrestrained! More disturbing is the fact that, of the children who are buckled up, eight out of ten are restrained incorrectly. Each year more than 1400 children die in automobile accidents, and an additional 280,000 are injured. Tragically, most of these injuries could have been prevented. Child safety seats are proven life savers, reducing the risk of death by 69 percent for infants and 47 percent for toddlers.

It will take a nationwide effort to combat this problem. Safe Kids Buckle-Up will be part of such effort. It is a national grassroots effort that will disseminate key safety messages through the more than 200 Safe Kids Coalitions, health and education outlets—such as hospitals and community health centers—and GM dealerships in all 50 states. Additionally, educational workshops and Car Seat Check Up events will be available at participating GM dealerships.

On August 28, 1997, this program will be launched here at the Capitol, highlighted by a Car Seat Check Up for Federal employees, Congressional members and staff, and others from the metropolitan area. This event will kick off Labor Day weekend—one of the biggest travel weekends of the year. I am honored to be supporting this event and the overall program with my friend and colleague Senator ABRAHAM. We urge our colleagues to support this Congressional Resolution allowing this event to take place. Protecting our children is a critical national priority that deserves national attention.

SENATE RESOLUTION 100—RELATIVE TO THE EDUCATION OF AMERICAN INDIANS AND ALASKA NATIVES

Mr. DOMENICI (for himself, Mr. CAMPBELL, Mr. INOUYE, Mr. JOHNSON, Mr. DORGAN, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on Indian Affairs:

S. RES. 100

Whereas, there exists a unique legal and political relationship between the United States and tribal governments and a unique Federal responsibility to American Indians and Alaska Natives; and

Whereas, under law and practice, the United States has undertaken a trust responsibility to protect and preserve Indian tribes, Indians, and tribal assets and resources; and

Whereas, the federal government's commitment to Indian education has been recognized, reinforced and carried out through most treaties with Indian tribes, Congressional legislation, numerous court decisions and presidential executive orders; and

Whereas, this Federal responsibility includes working with tribal governments and their members to improve the education of tribal members; and

Whereas, the 1990 Census shows the poverty rate for American Indians and Alaska Natives was nearly twice the national average—31 percent of Indians live below the poverty level, compared to 13 percent of the total population. Nearly 38 percent of Indian children above the age of 5 were living below the poverty level in 1990, compared with 11 percent of non-minority children; and

Whereas, the development of tribal economies is dependent on physical infrastructure, capital investment, and highly developed human capital and an educated labor force; and

Whereas, excellence in educational facilities and services is a key to building the skills necessary for Indian people to develop vibrant tribal economies; and

Whereas, ever-increasing regional, national, and international economic competition demands that Indians have every competitive advantage accruing from achieving excellence in education; and

Whereas, there are approximately 600,000 American Indian and Alaska Native children attending schools in this country. An estimated 87% of these children attend public schools located on or near reservations and in urban areas; another 10% attend schools funded by the Bureau of Indian Affairs (BIA) and an estimated 3 percent attend private schools; and

Whereas, these schools have experienced an increase in student population of 3–4 percent in the past five years, however, annual funding for the education of Indian children has not increased proportionately; and

Whereas, U.S. Census data shows that the Indian and Alaska Native population has increased significantly in the past three decades. Primary growth concentrations are at ages 5 through 19; and

Whereas, the 1994 National Assessment of Education Progress (NAEP) showed over 50 per cent of American Indian fourth graders scored below the basic level in reading proficiency, compared with 42 percent of all students; and

Whereas, American Indian students have the highest dropout rate of any racial ethnic group (36 percent) and the lowest high school completion and college attendance rates of any minority group. As of 1990, only 66 percent of American Indians aged 25 years or older were high school graduates, compared to 78 percent of the general population; and

Whereas, the demonstrated need for improvements to Indian schools and colleges is acute as reflected in the great disparity between average annual college funding per student of $2,900 for Indian students, and $6,200 for non-Indians in America, and the Federal Government should assist in bringing the Indian schools and colleges up to parity with the rest of America; and

Whereas, tribal scholarship programs nationally are only able to serve an estimated 40 percent of the eligible college student population and funding for graduate scholarships has been cut in half in the past two years; and

Whereas, there is a major backlog of $680 million in funding need for facilities construction, maintenance and repair for the 185 BIA-funded schools as well as for public schools located on and near Indian reservations; and

Whereas, there exists an alarming decline in the use of Native languages indigenous to the United States. A 1969 Senate Committee report stated that in 1969 there were 300 separate languages still being spoken. In 1996, the number had dropped to 206 still being spoken. These languages are spoken nowhere else in the world; and

Whereas, despite these alarming statistics, funding for the education of Indian and Alaska Native students has been reduced substantially in the past three years. The U.S. Congress in FY 1996 eliminated discretionary education programs in the Office of Indian

Education budget which had funded adult education, research and demonstration programs, the Indian Fellowship Program and teacher training and professional development projects. At the same time, funding for reservation-based education programs in the BIA budget was reduced by more than $100 million in the FY 1996 budget. Now, therefore, be it

Resolved, That it is the sense of the United States Senate:

(1) that the Senate recognizes and supports the federal government's legal and moral commitment to the education of American Indian and Alaska Native children, which is a part of treaties, Executive Orders, court decisions and public laws which have been enacted by the House and Senate of the United States government.

(2) that funding for all bills, including reauthorizing legislation in the 105th Congress with specific programs for American Indians and Alaska Natives be funded at levels sufficient to meet the ever-increasing educational and economic demands facing Indian people on reservations, urban communities and Alaska Native villages.

(3) that the Senate recognizes the adult literacy needs of American Indians and Alaska Natives through the inclusion of tribal provisions in the Administration's proposal to reauthorize the Adult Education Act.

(4) that the Administration's bill for reauthorization of the Higher Education Act of 1965, P.L. 102-325, preserve the original purpose and intent of the Tribally-Controlled Community Colleges Act and promote access to higher education opportunities for American Indians and Alaska Natives.

(5) that during the 105th Congress' reauthorization of agricultural research programs, the needs of Tribal Colleges as designated land-grant institutions must be given close attention, through amendments to the Educational Equity in Land-grant Status Act of 1994.

(6) that early childhood programs such as Head Start (P.L. 103-252) and Healthy Start contain resources needed to meet a growing number of American Indian and Alaska Native children whose rate of growth exceeds the national average.

(7) that the Senate recognizes the need for development and implementation of a government-wide policy on Indian education which addresses the needs of American Indian and Alaska Native people.

Mr. DOMENICI. Mr. President, today I am submitting a resolution that recognizes the large disparity between funding for Indian tribal colleges and mainstream colleges. Unfortunately, tribal colleges and technical vocational schools are barely able to keep up with growing enrollments. While many Indian colleges, like Crownpoint Institute of Technology, perform valiantly and have solid records of job placement, they are struggling to educate Indian students with roughly half the resources available to other colleges around the country. Indian colleges receive on average of $2,972 per year per pupil, compared with $6,200 per year for mainstream community colleges.

My statement analyzes this situation further and concludes that the 105th Congress should pay more attention to Indian education as we reauthorize important education legislation like the Carl D. Perkins Vocational Education and Applied Technology Act, the Higher Education Act, and the Tribally-Controlled Community Colleges Act. Hopefully, Senators will review this resolution and come to the conclusion that we are not doing right by Indian colleges and Indian junior colleges, and we could do a much a better job of educating Indians in America.

Mr. President, Indian education remains far behind standard education in America. There are many reasons for this sad state of affairs. The problem is particularly acute among Indian colleges, where the average annual expenditure per student is $2,972 per year compared to $6,200 per year for mainstream community colleges.

It may surprise my colleagues, who may assume that the Bureau of Indian Affairs is primarily in charge of Indian education. The fact is that 87 percent of Indian students in America in grades K-12, are in public schools. Only 10 percent of all school age American Indians are in schools funded by the U.S. Department of the Interior's Bureau of Indian Affairs.

While younger Indians are among America's fastest growing population, funding for their schooling gets further behind every year. While most elementary school Indian students are clearly in public schools, their educational attainments remain far behind most non-Indian students. In the federally funded Indian colleges we are seeing much larger student bodies; they are fed by both the public and Federal school systems.

Federal funding for Indian schools simply has not kept pace with the population growth among Indians, and we are seeing this problem is particularly acute among Indian tribal colleges.

I thank my colleagues, Senator INOUYE, vice chairman of the Senate Committee on Indian Affairs and Senator CAMPBELL, the committee's chairman, for joining me today to alert the Senate to this large disparity in education for American Indians.

Most Americans and many of my Senate colleagues know, that, despite recent income and job increases due to Indian gaming activities, American Indians remain at the bottom by most measures of social and economic well-being. Thirty-one percent live below the poverty line; almost four times as many Indian children over the age of 5 live in poverty compared to non-minority children; life expectancy is the lowest among all ethnic groups; and housing conditions remain substandard for the most part.

In terms of educational attainment, half of all American Indians in the fourth grade—in both BIA and public schools—read below the expected proficiency level, compared to 42 percent of all students who are below this level. American Indian students have the highest dropout level of any racial ethnic group at 36 percent. They also have the lowest high school completion rate and the lowest rate of college attendance. Only 66 percent of all American Indians are high school graduates compared to 78 percent in the general population.

Mr. President, our resolution is really quite simple. We are asking the U.S. Senate to take note of this large disparity in educating American Indians. We ask that the Senate reaffirm the Federal Government responsibility for the education of American Indian and Alaska Native children. This obligation is spelled out in treaties, court decisions, Presidential Executive orders, and public laws. Our resolution delineates several key pieces of legislation that will be pending before the Senate in this Congress. Included in this list are the Higher Education Act of 1965, the Tribally-Controlled Community Colleges Act, the Educational Equity in Land-grant Status Act of 1994, and Head Start and Healthy Start.

In addition, when the Senate considers reauthorization of such national education acts as the Adult Education Act, the Carl D. Perkins Vocational Education and Applied Technology Act, and the Individuals With Disabilities Act, we simply ask that special attention be paid to the great needs of American Indian students.

We also need to consider the establishment of a governmentwide policy on Indian education that will better coordinate and address their educational needs, so that more of our citizens will be better prepared for life in the 21st century. It is our intention to work closely with the appropriate Senate committees to raise the level of educational attainment of American Indians for greater participation in our expanding economy. We hope to bring the funding disparity to a close within a few years. We can hardly expect Indian children to be well educated on less than half the resources we spend on the average American student.

I urge my colleagues to join in this effort to become aware of the educational needs of American Indians and to help us find ways to close the gap.

Mr. JOHNSON. Mr. President, I want to express my strong support for the Sense of the Senate Resolution on Indian Education submitted by Senator DOMENICI today. I am an original cosponsor of this resolution because of my strong commitment to prioritizing education for every American, and to bring attention to the ongoing inadequacies of education facilities and consistently feeble investment in student potential throughout Indian country.

I have witnessed first-hand the devastating effects of poverty and unemployment that too often result from stunted academic growth. There are nine federally recognized tribes in South Dakota, whose members collectively make up one of the largest Native American populations in any

state. At the same time, South Dakota has three of the ten poorest counties in the nation, all of which are within reservation boundaries. Unemployment on these extremely rural reservations averages above 50%. Yet economic depression on rural Indian reservations is not unique to my state.

I encourage my colleagues to join me in supporting this Resolution because Native Americans across the nation have been, and continue to be, disproportionately affected by both poverty and low educational achievement. In 1990, over 36% of Indian children ages 5–17 were living below the poverty level. The high school completion rate for Native Americans aged 20 to 24 was 12.5% below the national average. Indian students, on average, have scored far lower on the National Assessment for Education Progress indicators than all other students. In 1994, the combined average score for Indian students on the Scholastic Achievement Test was 65 points lower than the average for all students. These problems are compounded by the grave school facilities and construction backlog facing Indian Country. Currently, $680 million is needed for facilities construction, maintenance, and repair for the 185 BIA-funded schools and for public schools located on and near Indian reservations. These statistics reflect the continued neglect of America's underserved Indian population and are unacceptable.

Congress must continue to promote the self-determination and self-sufficiency of Indian communities, in keeping with our special trust responsibility to sovereign Indian nations. Education at every level is absolutely vital to this effort. Education is the cornerstone of the success of great nations and is a basic right of all persons. At a time when education is at the top of the agenda both at the White House and in Congress, we must work together to focus national attention on education, on and off reservations. Our goal must be the creation of academic environments where every student will have the opportunity to reach their full potential and acquire the knowledge and skills necessary to create better opportunities for themselves and their children.

With this Resolution, Senator DOMENICI is calling on the Congress to bring equity to education for all students of every age nationwide. Mr. President, I am extremely pleased that my colleague has recognized the national need to improve education in Indian Country. Senator DOMENICI has developed this legislation in close consultation with Indian leaders, and I urge my colleagues to join in supporting this resolution.

SENATE RESOLUTION 101—AUTHORIZING THE SENATE LEGAL COUNSEL TO REPRESENT THE MEMBERS, OFFICERS, AND EMPLOYEES OF THE SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to.

S. RES. 101

Whereas, in the case of *Douglas R. Page* v. *Richard Shelby, et al.*, C.A. No. 97-0068, pending in the United States District Court for the District of Columbia, the plaintiff has named all Members of the Senate, and the Secretary, the Sergeant at Arms, and the Parliamentarian, of the Senate, as defendants;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members, officers, and employees of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Members, officers, and employee of the Senate who are defendants in the case of *Douglas R. Page* v. *Richard Shelby, et al.*

AMENDMENTS SUBMITTED

THE FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997

BENNETT AMENDMENT NO. 392

Mr. BENNETT proposed an amendment to the bill (S. 903) to consolidate the foreign affairs agencies of the United States, to authorize appropriations for the Department of State for fiscal years 1998 and 1999, and to provide for reform of the United Nations, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE ON ENFORCEMENT OF THE IRAN-IRAQ ARMS NON-PROLIFERATION ACT OF 1992 WITH RESPECT TO THE ACQUISITION BY IRAN OF C-802 CRUISE MISSILES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States escort vessel U.S.S. Stark was struck by a cruise missile, causing the death of 37 United States sailors.

(2) The China National Precision Machinery Import Export Corporation is marketing the C-802 model cruise missile for use against escort vessels such as the U.S.S. Stark.

(3) The China National Precision Machinery Import Export Corporation has delivered 60 C-802 cruise missiles to Iran for use by vessels of the Iranian Revolutionary Guard Navy.

(4) Iran is acquiring land batteries to launch C-802 cruise missiles which will provide its armed forces with a weapon of greater range, reliability, accuracy, and mobility than before.

(5) Iran has acquired air launched C-802IC cruise missiles giving it a 360 degree attack capability.

(6) 15,000 members of the United States Armed Forces are stationed within range of the C-802 cruise missiles being acquired by Iran.

(7) The Department of State believes that "[t]hese cruise missiles pose new, direct threats to deployed United States forces".

(8) The delivery of cruise missiles to Iran is a violation of the Iran-Iraq Arms Non-Proliferation Act of 1992 (50 U.S.C. 1701 note).

(9) The Clinton Administration "has concluded at present that the known types [of C-802 cruise missiles] are not of a destabilizing number and type".

(b) SENSE OF SENATE.—It is the sense of the Senate to urge the Clinton Administration to enforce the provisions of the Iran-Iraq Arms Non-Proliferation Act of 1992 with respect to the acquisition by Iran of C-802 model cruise missiles.

SARBANES AMENDMENT NO. 393

Mr. SARBANES proposed an amendment to the bill, S. 903, supra; as follows:

On page 160, strike line 18 and all that follows through line 7 on page 162.

ENZI AMENDMENT NO. 394

Mr. ENZI proposed an amendment to the bill, S. 903, supra; as follows:

At an appropriate place in the bill, insert the new section as follows:

SEC. . LIMITATION ON THE USE OF UNITED STATES FUNDS FOR CERTAIN UNITED NATIONS ACTIVITIES.

(a) Notwithstanding any other provision of law, no United States funds shall be used by the United Nations, or any affiliated international organization, for the purpose of promulgating rules or recommendations, or negotiating or entering into treaties, that would require or recommend that the United States Congress, or any Federal Agency which is funded by the U.S. Congress, make changes to United States environmental laws, rules, or regulations that would impose additional costs on American consumers or businesses.

(b) Any violation of subsection (a) by the United Nations or any affiliated organization shall result in an immediate fifty percent reduction of all funds paid by the United States to the United Nations for the fiscal year in which the violation occurs and for all subsequent years until the United Nations or affiliated organizations revokes or repeals such rule, regulation, or treaty described in subsection (a).

FEINGOLD (AND OTHERS) AMENDMENT NO. 395

Mr. FEINGOLD (for himself, Mr. HARKIN, and Mr. WYDEN) proposed an amendment to the bill, S. 903, supra; as follows:

Strike sections 321 through 326 and insert the following:

"SEC. 321.—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 in that Act to the Director of the United States Information Agency shall be deemed to refer to the Under Secretary of the State for Public Diplomacy."

SMITH OF OREGON (AND OTHERS) AMENDMENT NO. 396

Mr. SMITH of Oregon (for himself, Mr. THOMAS, and Mr. HELMS) proposed an amendment to the bill, S. 903, supra; as follows:

At the appropriate place in the bill, insert the following new section, and renumber the remaining sections accordingly:

SEC. . SENSE OF THE SENATE ON PERSECUTION OF CHRISTIAN MINORITIES IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) The Senate finds that—

(1) Chinese law requires all religious congregations, including Christian congregations, to "register" with the Bureau of Religious Affairs, and Christian congregations, depending on denominational affiliation, to be monitored by either the "Three Self Patriotic Movement Committee of the Protestant Churches of China," the "Chinese Christian Council," the "Chinese Patriotic Catholic Association," or the "Chinese Catholic Bishops College;"

(2) the manner in which these registration requirements are implemented and enforced allows the government to exercise direct control over all congregations and their religious activities, and also discourages congregants who fear government persecution and harassment on account of their religious beliefs;

(3) in the past several years, unofficial Protestant and Catholic communities have been targeted by the Chinese government in an effort to force all churches to register with the government or face forced dissolution;

(4) this campaign has resulted in the beating and harassment of congregants by Chinese public security forces, the closure of churches, and numerous arrests, fines, and criminal and administrative sentences. For example, as reported by credible American and multinational nongovernmental organizations,

—in February 1995, 500 to 600 evangelical Christians from Jiangsu and Zhejiang Provinces met in Huaian, Jiangsu Province. Public Security Bureau personnel broke up the meeting, beat several participants, imprisoned several of the organizers, and levied severe fines on others;

—in April 1996 government authorities in Shanghai closed more than 300 home churches or meeting places;

—from January through May, 1996, security forces fanned out through northern Hebei Province, a Catholic stronghold, in order to prevent an annual attendance at a major Marian shrine by arresting clergy and lay Catholics and confining prospective attendees to their villages.

—a communist party document dated November 20, 1996 entitled "The Legal Procedures for Implementing the Eradication of the Illegal Activities of the Underground Catholic Church" details steps for eliminating the Catholic movement in Chongren, Xian, Fuzhou and Jiangxi Provinces and accuses believers of "seriously disturbing the social order and affecting [the] political stability" of the country; and

—in March 1997, public security officials raided the home of the "underground" Bishop of Shanghai, confiscating religious articles and $2,500 belonging to the church;

(b) It is, therefore, the sense of the Senate that—

(1) the government of the People's Republic of China be urged to release from incarceration all those held for participation in religious activities outside the aegis of the official churches, and cease prosecuting or detaining those who participate in such religious activities;

(2) the government of the People's Republic of China be urged to abolish its present church registration process;

(3) the government of the People's Republic of China fully adhere to the religious principles protected by the U.N. Universal Declaration of Human Rights; and

(4) the Administration should raise the United States' concerns over the persecution of Protestant and Catholic believers with the government of the People's Republic of China, including at the proposed state visit by President Jiang Zemin to the United States, and at other high-level meetings which may take place.

HUTCHISON AMENDMENT NO. 397

Mrs. HUTCHISON proposed an amendment to the bill, S. 903, supra; as follows:

At the end of title XVI, add the following (and conform the table of contents accordingly:)

SEC. . SENSE OF CONGRESS REGARDING THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—Congress finds the following:

(1) The West's victory in the Cold War dramatically changed the political and national security landscape in Europe;

(2) The unity, resolve, and strength of the North Atlantic Treaty Organization was the principal factor behind that victory;

(3) The North Atlantic Treaty was signed in April 1949 and created the most successful defense alliance in history;

(4) The President of the United States and leaders of other NATO countries have indicated their intention to enlarge alliance membership to include at least three new countries;

(5) The Senate expressed its approval of the enlargement process by voting 81–16 in favor of the NATO Enlargement Facilitation Act of 1996.

(6) The United States is bound by Article Five of the North Atlantic Treaty to respond to an attack on any NATO member as it would to an attack on the United States itself;

(7) Although the prospect of NATO membership has provided the impetus for several countries to resolve long standing disputes, the North Atlantic Treaty does not provide for a formal dispute resolution process by which members can resolve differences among themselves without undermining Article Five obligations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the North Atlantic Treaty Organization should consider a formal dispute resolution process within the Alliance prior to its December 1997 ministerial meeting.

MURKOWSKI AMENDMENT NO. 398

Mr. MURKOWSKI proposed an amendment to the bill, S. 903, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . COORDINATOR FOR TAIWAN AFFAIRS.

(a) IN GENERAL.—Section 6 of the Taiwan Relations Act (22 U.S.C. 3305) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c)(1) There shall be in the Department of State a Coordinator for Taiwan Affairs who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The Coordinator shall be responsible to the Secretary of State, under the direction of the President, for the coordination of all activities of the United States Government that relate to the American Institute on Taiwan.".

(b) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Coordinator for Taiwan Affairs.".

HELMS (AND BIDEN) AMENDMENT NO. 399

Mr. HELMS (for himself and Mr. BIDEN) proposed an amendment to the bill, S. 903, supra; as follows:

On page 108, line 8, before the word "Director", insert the words "Attorney General and the".

On page 137, line 11, after the word "the", insert "United States Head of Delegation to the".

On page 137, line 12, strike "a resolution" and insert "resolutions".

On page 137, line 13, add after "Nations" the words "and the OSCE".

On page 77, strike line 24; and

On page 78, strike lines 3–4.

On page 185, strike lines 24 and 25, and on page 186, strike lines 1–6, and redsignate sections (B) and (C) of section 2211(8), as (A) and (B), respectively.

On page 23, beginning on line 19, strike "United" and all that follows through "1997" on line 20 and insert "Foreign Affairs Agencies Consolidation Act of 1997".

On page 26, line 13, insert "and" after the semicolon.

On page 47, line 11, strike "agency" and insert "Agency".

On page 63, line 23, strike "Act" and insert "title".

On page 70, line 22, strike "Act" and insert "title".

On page 71, line 1, strike "Act" and insert "title".

On page 72, line 5, strike "Act" and insert "title".

On page 74, line 11, strike "Act" and insert "title".

On page 77, line 2, strike "Act" and insert "title".

On page 86, line 6, insert "OF" after "JUDICIAL REVIEW".

On page 100, line 5, strike "(a) GRANT AUTHORITY.—".

On page 102, line 6, insert double quotation marks immediately before "(1)".

On page 102, line 8, insert double quotation marks immediately before "(2)".

On page 102, line 10, insert double quotation marks immediately before "(A)".

On page 102, line 13, insert double quotation marks immediately before "(B)".

On page 102, line 17, insert double quotation marks immediately before "(3)".

On page 113, line 19, strike "and" and insert "or".

On page 122, line 13, strike "+".

On page 156, line 18, strike "United Nations led" and insert "United Nations-led".

On page 178, line 10, strike "peacekeeping operation" and insert "United Nations peace operation".

On page 197, line 18, strike "chapter" and insert "title".

On page 198, line 8, strike "chapter" and insert "title".

Redesignate sections 1141 through 1151 as sections 1131 through 1141, respectively.

Redesignate sections 1161 through 1166 as sections 1151 through 1156, respectively

MURKOWSKI (AND ROCKEFELLER) AMENDMENT NO. 400–401

Mr. HELMS (for Mr. MURKOWSKI, for himself and Mr. ROCKEFELLER) proposed an amendment to the bill, S. 903, supra; as follows:

After appropriate place in the bill, insert the following:

AMENDMENT NO. 400

SEC. . JAPAN-UNITED STATES FRIENDSHIP 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) The Japan-United States Friendship Commission is hereby 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 deemed to be a reference to the United States-Japan Commission.

(2) The Japan-United States Friendship Act (22 U.S.C. 2901 et seq.) is amended by striking "Japan-United States Friendship Commission" each place it appears and inserting "United States-Japan Commission".

(3) 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".

(c) REVISION OF NAME OF TRUST FUND.—

(1) The Japan-United States Friendship Trust Fund is hereby 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 deemed to be a reference to the United States-Japan Trust Fund.

(2)(A) Subsection (a) of section 3 of the Japan-United States Friendship Act (22 U.S.C. 2902) is amended by striking "Japan-United States Friendship Trust Fund" and inserting "United States-Japan Trust Fund".

(B) The section heading of that section is amended to read as follows:

"UNITED STATES-JAPAN TRUST FUND".

AMENDMENT NO. 401

On page 118, between line 16 and 17, insert the following:

SEC. 1215. SENSE OF THE SENATE ON USE OF FUNDS IN JAPAN-UNITED STATES FRIENDSHIP TRUST FUND.

(a) FINDINGS.—The Senate makes the following findings:

(1) The funds used to create the Japan-United States Friendship Trust Fund established under section 3 of the Japan-United States Friendship Act (22 U.S.C. 2902) originated from payments by the Government of Japan to the Government of the United States.

(2) Among other things, amounts in the Fund were intended to be used for cultural and educational exchanges and scholarly research.

(3) The Japan-United States Friendship Commission was created to manage the Fund and to fulfill a mandate agreed upon by the Government of Japan and the Government of the United States.

(4) The statute establishing the Commission includes provisions which make the availability of funds in the Fund contingent upon appropriations of such funds.

(5) These provisions impair the operations of the Commission and hinder it from fulfilling its mandate in a satisfactory manner.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Japan-United States Friendship Commission shall be able to use amounts in the Japan-United States Friendship Trust Fund in pursuit of the original mandate of the Commission; and

(2) the Office of Management and Budget should—

(A) review the statute establishing the Commission; and

(B) submit to Congress a report on whether or not modifications to the statute are required in order to permit the Commission to pursue fully its original mandate and to use amounts in the Fund as contemplated at the time of the establishment of the Fund.

GRAHAM (AND McCAIN) AMENDMENT NO. 402

Mr. HELMS (for Mr. GRAHAM for himself and Mr. MCCAIN) proposed an amendment to the bill, S. 903, supra; as follows:

At the appropriate place, insert the following:

SEC. . AVIATION SAFETY.

It is the sense of Congress that the need for cooperative efforts in transportation and aviation safety be placed on the agenda for the Summit of the Americas to be held in Santiago, Chile, in March 1998. Since April 1996, when ministers and transportation officials from 23 countries in the Western Hemisphere met in Santiago, Chile, in order to develop the Hemispheric Transportation Initiative, aviation safety and transportation standardization has become an increasingly important issue. The adoption of comprehensive Hemisphere-wide measures to enhance transportation safety, including standards for equipment, infrastructure, and operations as well as harmonization of regulations relating to equipment, operations, and transportation safety are imperative. This initiative will increase the efficiency and safety of the current system and consequently facilitate trade.

ABRAHAM AMENDMENT NO. 403

Mr. HELMS (for Mr. ABRAHAM) proposed an amendment to the bill, S. 903, supra; as follows:

At the end of title XVI of division B, add the following:

SEC. . SENSE OF THE SENATE ON UNITED STATES POLICY TOWARD THE PEOPLE'S REPUBLIC OF CHINA.

(a) FINDINGS.—Congress makes the following findings:

(1) As the world's leading democracy, the United States cannot ignore the Government of the People's Republic of China's record on human rights and religious persecution.

(2) According to Amnesty International, "A fifth of the world's people are ruled by a government that treats fundamental human rights with contempt. Human rights violations continue on a massive scale.".

(3) According to Human Rights Watch/Asia reported that: "Unofficial Christian and Catholic communities were targeted by the government during 1996. A renewed campaign aimed at forcing all churches to register or face dissolution, resulted in beating and harassment of congregants, closure of churches, and numerous arrests, fines, and sentences. In Shanghai, for example, more than 300 house churches or meeting points were closed down by the security authorities in April alone.".

(4) The People's Republic of China's compulsory family planning policies include forced abortions.

(5) China's attempts to intimidate Taiwan and the activities of its military, the People's Liberation Army, both in the United States and abroad, are of major concern.

(6) The Chinese government has threatened international stability through its weapons sales to regimes, including Iran and Iraq, that sponsor terrorism and pose a direct threat to American military personnel and interests.

(7) The efforts of two Chinese companies, the China North Industries Group (NORINCO) and the China Poly Group (POLY), deserve special rebuke for their involvement in the sale of AK–47 machine guns to California street gangs.

(8) Allegations of the Chinese government's involvement in our political system may involve both civil and criminal violations of our laws.

(9) The Senate is concerned that China may violate the 1984 Sino-British Joint Declaration transferring Hong Kong from British to Chinese rule by limiting political and economic freedom in Hong Kong.

(10) The Senate strongly believes time has come to take steps that would signal to Chinese leaders that religious persecution, human rights abuses, forced abortions, military threats and weapons proliferation, and attempts to influence American elections are unacceptable to the American people.

(11) The United States should signal its disapproval of Chinese government actions through targeted sanctions, while at the same time encouraging worthwhile economic and cultural exchanges that can lead to positive change in China.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should—

(1) limit the granting of United States visas to Chinese government offices who work in entities the implementation of China's laws and directives on religious practices and coercive family planning, and those officials materially involved in the massacre of Chinese students in Tiananmen square;

(2) limit United States taxpayer subsidies for the Chinese government through multilateral development institutions such as the World Bank, Asian Development Bank, and the International Monetary Fund;

(3) publish a list of all companies owned in part or wholly by the People's Liberation Army (PLA) of the Chinese government who export to, or have an office in, the United States;

(4) consider imposing targeted sanctions on NORINCO and POLY by not allowing them

to export to, nor to maintain a physical presence in, the United States for a period of one year; and

(5) promote democratic values in China by increasing United States Government funding of Radio Free Asia, the National Endowment for Democracy's programs in China and existing student, cultural, and legislative exchange programs between the United States and the People's Republic of China.

FEINSTEIN AMENDMENT NO. 404

Mr. HELMS (for Mrs. FEINSTEIN) proposed an amendment to the bill, S. 903, supra; as follows:

At the appropriate place insert the following:

(a) FINDINGS.—

(1) The establishment of the rule of law is a necessary prerequisite for the success of democratic governance and the respect for human rights.

(2) In recent years efforts by the United States and U.S.-based organizations, including the National Endowment for Democracy, have been integral to legal training and the promotion of the rule of law in China drawing upon both western and Chinese experience and tradition.

(3) The National Endowment for Democracy has already begun to work on these issues, including funding a project to enable independent scholars in China to conduct research on constitutional reform issues and the Hong Kong-China Law Database Network.

(b) SENSE OF THE SENATE.—In is the Sense of the Senate to encourage the National Endowment for Democracy to expand its activities in China and Hong Kong, on projects which encourage the rule of law, including the study and dissemination of information on comparative constitutions, federalism, civil codes of law, civil and penal code reform, legal education, freedom of the press, and contracts.

D'AMATO AMENDMENT NO. 405

Mr. HELMS (for Mr. D'AMATO) proposed an amendment to the bill, S. 903, supra; as follows:

At the appropriate place insert the following:

SEC. . CONCERNING THE PALESTINIAN AUTHORITY.

(a) Congress finds that—

(1) The Palestinian Authority Justice Minister Freih Abo Medein announced in April 1997 that anyone selling land to Jews was committing a crime punishable by death;

(2) Since this announcement, three Palestinians were allegedly murdered in the Jerusalem and Ramallah areas for, selling real estate to Jews;

(3) Israeli police managed to foil the attempted abduction of a fourth person;

(4) Israeli security services have acquired evidence indicating that the intelligence services of the Palestinian Authority were directly involved in at least two of these murders;

(5) Subsequent statements by high-ranking Palestinian Authority officials have justified * * * murders, further encouraging this intolerable policy;

(b) It is the Sense of the Congress that—

(1) The Secretary of State should thoroughly investigate the Palestinian Authority's role in any killings connected with this policy and should immediately report its findings to the Congress;

(2) The Palestinian Authority, with Yasser Arafat as its chairman, must immediately issue a public and unequivocal statement denouncing these acts and reversing this policy.

(3) This policy is an affront to all those who place high value on peace and basic human rights; and

(4) The United States should review the provision of assistance to the Palestinian Authority in light of this policy.

HOLLINGS (AND MURRAY) AMENDMENT NO. 406

Mr. HELMS (for Mr. HOLLINGS, for himself and Mrs. MURRAY) proposed an amendment to the bill, S. 903, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Of the amounts authorized to be appropriated pursuant to section 1101 in this Act, up to $90,000,000 are authorized to be appropriated for the renovation, acquisition and construction of housing and secure diplomatic facilities at the United States Embassy Beijing and the United States Consulate in Shanghai, People's Republic of China.

FEINGOLD AMENDMENT NO. 407

Mr. HELMS (for Mr. FEINGOLD) proposed an amendment to the bill, S. 903, surpra; as follows:

On page 20, beginning on line 4, strike all through page 24, line 8, and insert the following:

(1) in paragraph (1), by striking "the United States Information Agency" and inserting "the Broadcasting Board of Governors"; and

(2) in paragraph (2), by striking "the United States Information Agency," and inserting "the Broadcasting Board of Governors,".

(c) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States code, is amended—

(1) by striking the following:

"Inspector General, United States Information Agency."; and

(2) by inserting the following:

"Inspector General, Broadcasting Board of Governors.".

(d) AMENDMENTS TO PUBLIC LAW 103-236.—Subsections (i) and (j) of section 308 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207 (i) and (j)) are amended—

(1) by striking "Inspector General of the United States Information Agency" each place it appears and inserting "Inspector General of the Broadcasting Board of Governors"; and

(2) by striking "the Director of the United States Information Agency,".

(e) TRANSFER OF FUNCTION.—

(1) IN GENERAL.—Except as provided in paragraph (2), there are transferred to the Office of the Inspector General of the Department of State and the Foreign Service 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).

(2) TRANSFER TO INSPECTOR GENERAL OF BROADCASTING BOARD OF GOVERNORS.—There are transferred to the Inspector General of the Broadcasting Board of Governors the functions (including related functions) that the Office of Inspector General of the United States Information Agency exercised with respect to the International Broadcasting Bureau, Voice of America, WORLDNET TV and Film Service, the office of Cuba Broadcasting, and RFE/RL, Incorporated, before the effective date of this title.

(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.

SEC. 315. INTERIM TRANSFER OF FUNCTIONS.

(a) INTERIM TRANSFER.—Except as otherwise provided in this division, there are transferred to the Secretary of State the following functions of the United States Information Agency exercised as of the day before the effective date of this section:

(1) The functions exercised by the Office of Public Liaison of the Agency.

(2) The functions exercised by the Office of Congressional and Intergovernmental Affairs of the Agency.

(b) EFFECTIVE DATE.—This section shall take effect on the earlier of—

(1) October 1, 1998, or

(2) the date of the proposed transfer of functions described in this section pursuant to the reorganization plan described in section 601.

CHAPTER 3—INTERNATIONAL BROADCASTING

SEC. 321. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Congress finds that—

(1) it is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom "to seek, receive, and impart information and ideas through any media and regardless of frontiers," in accordance with Article 19 of the Universal Declaration of Human Rights;

(2) open communication of information and ideas among the peoples of the world contributes to international peace and stability and the promotion of such communication is in the interests of the United States;

(3) it is in the interest of the United States to support broadcasting to other nations consistent with the requirements of this chapter and the United States International Broadcasting Act of 1994; and

(4) international broadcasting is, and should remain, an essential instrument of United States foreign policy.

SEC. 322. CONTINUED EXISTENCE OF BROADCASTING BOARD OF GOVERNORS.

Section 304(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(a)) is amended to read as follows:

"(a) CONTINUED EXISTENCE WITHIN EXECUTIVE BRANCH.—

"(1) IN GENERAL.—The Broadcasting Board of Governors shall continue to exist within the Executive branch of Government as an entity described in section 104 of title 5, United States Code.

"(2) RETENTION OF EXISTING BOARD MEMBERS.—The members of the Broadcasting Board of Governors appointed by the President pursuant to subsection (b)(1)(A) before the effective date of the Foreign Affairs Agencies Consolidation Act of 1997 and holding office as of that date shall serve the remainder of their terms of office without reappointment.

"(3) ESTABLISHMENT OF INSPECTOR GENERAL OF BROADCASTING BOARD OF GOVERNORS.—There shall be established an Inspector General of the Broadcasting Board of Governors.

"(4) INSPECTOR GENERAL AUTHORITIES.—The Inspector General of the Broadcasting Board of Governors shall exercise the same authorities with respect to the Broadcasting Board of Governors as the Inspector General of the Department of State and the Foreign Service exercises under section 209 of the Foreign Service Act of 1980 with respect to the Department of State. The Inspector General of the Broadcasting Board of Governors, in carrying out the functions of the Inspector General, shall respect the professional independence and integrity of all the broadcasters covered by this title.".

GRAMS (AND WELLSTONE) AMENDMENT NO. 408

Mr. HELMS (for Mr. GRAMS, for himself and Mr. WELLSTONE) proposed an amendment to the bill, S. 903, supra; as follows:

At the end of section 2101(a) of the bill, insert the following: "Of the funds made available under this subsection $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.".

MCCAIN AMENDMENT NO. 409

Mr. HELMS (for Mr. MCCAIN) proposed an amendment to the bill, S. 903, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . ELIGIBILITY FOR REFUGEE STATUS.

Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-171) is amended—

(1) in subsection (a)—

(A) by striking "For purposes" and inserting "Notwithstanding any other provision of law, for purposes"; and

(B) by striking "fiscal year 1997" and inserting "fiscal years 1997 and 1998"; and

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

"(b) ALIENS COVERED.—

"(1) IN GENERAL.—An alien described in this subsection is an alien who—

"(A) is the son or daughter of a qualified national;

"(B) is 21 years of age or older; and

"(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

"(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term 'qualified national' means a national of Vietnam who—

"(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

"(ii) is the widow or widower of an individual described in clause (i); and

"(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

"(ii) on or after April 1, 1995, is accepted—

"(I) for resettlement as a refugee; or

"(II) for admission as an immigrant under the Orderly Departure Program.".

COVERDELL (AND KERRY) AMENDMENT NO. 410

Mr. HELMS (for Mr. COVERDELL, for himself and Mr. KERRY) proposed an amendment to the bill, S. 903, supra; as follows:

On page 89, between lines 9 and 10, insert the following:

SEC. 1128. COUNTERDRUG AND ANTI-CRIME ACTIVITIES OF THE DEPARTMENT OF STATE.

(a) COUNTERDRUG AND LAW ENFORCEMENT STRATEGY.—

(1) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall establish, implement, and submit to Congress a comprehensive, long-term strategy to carry out the counterdrug responsibilities of the Department of State in a manner consistent with the National Drug Control Strategy. The strategy shall involve all elements of the Department in the United States and abroad.

(2) OBJECTIVES.—In establishing the strategy, the Secretary shall—

(A) coordinate with the Office of National Drug Control Policy, the development of clear, specific, and measurable counterdrug objectives of the Department that support the goals and objectives of the National Drug Control Strategy;

(B) develop specific, and to the maximum extent practicable, quantifiable measures of performance relating to the objectives, including annual and long-term measures of performance, for purposes of assessing the success of the Department in meeting the objectives;

(C) assign responsibilities for meeting the objectives to appropriate elements of the Department;

(D) develop an operational structure within the Department that minimizes impediments to meeting the objectives;

(E) ensure that every United States ambassador or chief of mission is fully briefed on the strategy and works to achieve the objectives; and

(F) ensure that all budgetary requests and transfers of equipment (including the financing of foreign military sales and the transfer of excess defense articles) relating to international counterdrug efforts conform to meet the objectives.

(3) REPORTS.—Not later than February 15 each year, the Secretary shall submit to Congress an update of the strategy submitted under paragraph (1). The update shall include an outline of the proposed activities with respect to the strategy during the succeeding year, including the manner in which such activities will meet the objectives set forth in paragraph (2).

(4) LIMITATION ON DELEGATION.—The Secretary shall designate an official in the Department who reports directly to the Secretary to oversee the implementation of the strategy throughout the Department.

(b) INFORMATION ON INTERNATIONAL CRIMINALS.—

(1) INFORMATION SYSTEM.—The Secretary shall, in consultation with the heads of appropriate United States law enforcement agencies, including the Attorney General and the Secretary of the Treasury, take appropriate actions to establish an information system or improve existing information systems containing comprehensive information on serious crimes committed by foreign nationals. The information system shall be available to United States embassies and missions abroad for use in consideration of applications for visas for entry into the United States.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the actions taken under paragraph (1).

(c) OVERSEAS COORDINATION OF COUNTERDRUG AND ANTI-CRIME PROGRAMS, POLICY, AND ASSISTANCE.—

(1) STRENGTHENING COORDINATION.—The responsibilities of every foreign mission of the United States shall include the strengthening of cooperation between and among the United States and foreign governmental entities and multilateral entities with respect to activities relating to international narcotics and crime.

(2) DESIGNATION OF OFFICERS.—

(A) IN GENERAL.—The chief of mission of every foreign mission to carry out the responsibility of the mission under paragraph (1), including the coordination of counterdrug programs, policy, and assistance and law enforcement programs, policy, and assistance. Such officer or officers shall report to the chief of mission, or the designee of the chief of mission, on a regular basis regarding activities undertaken in carrying out such responsibility.

(B) REPORTS.—The chief of mission of every foreign mission shall submit to the Secretary on a regular basis a report on the actions undertaken by the mission to carry out such responsibility.

(3) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the status of any proposals for action or on action undertaken to improve staffing and personnel management at foreign missions in order to carry out the responsibility set forth in paragraph (1).

FEINSTEIN (AND SARBANES) AMENDMENT NO. 411

Mr. HELMS (for Mrs. FEINSTEIN, for herself and Mr. SARBANES) proposed an amendment to the bill, S. 903, supra; as follows:

On line 17 on page 110, delete "knowingly assists or has" and insert in lieu thereof: "is known by the Department of State to have intentionally".

On line 20 on page 110, delete "is providing or has provided" and insert in lieu thereof: "is known by the Department of State to have intentionally providing".

At the end of line 3 on page 111 insert the following: "as designated at the discretion of the Secretary of State,".

On line 7 on page 111 before the period, insert the following: ", and such person and child are permitted to return to the United States. Nothing in clauses (i) or (ii) of this section shall be deemed to apply to a government official of the United States who is acting within the scope of his or her official duties. Nothing in clause (i) or (ii) of this section shall be deemed to apply to a government official of any foreign government if such person has been designated by the Secretary of State at the Secretary's discretion".

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs and the House Committee on Resources will

meet on Wednesday, June 18, 1997, at 10:30 a.m. to conduct a joint hearing on S. 569/H.R. 1082, to amend the Indian Child Welfare Act of 1978. The joint hearing will be held in room 106 of the Dirksen Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The hearing will take place Thursday, July 3, 1997 at 9:30 a.m. in the Ceremonial Courtroom #1 of the Federal Courthouse, 200 NW 4th Street, Oklahoma City, OK 73102. The purpose of this hearing is to receive testimony on S. 871, a bill to establish the Oklahoma City National Memorial as a unit of the National Park System; to designate the Oklahoma City Memorial Trust, and for other purposes.

The Subcommittee will invite witnesses representing a cross-section of views and organizations to testify at the hearing. Every attempt will be made to accommodate as many witnesses as possible, while ensuring that all views are represented.

Witnesses invited to testify are requested to bring 10 copies of their testimony with them to the hearing, it is not necessary to submit any testimony in advance. Statements may also be submitted for inclusion in the hearing record. Those wishing to submit written testimony should send two copies of their testimony to the attention of Jim O'Toole, Subcommittee on National Parks, Historic Preservation, and Recreation, Committee on Energy and Natural Resources, United States Senate, 354 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, June 17, 1997, at 9:30 a.m. on the Committee Budget Reconciliation Instructions.

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

COMMITTEE ON FINANCE

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Tuesday, June 17, 1997 beginning at 10:00 a.m. in room SH–216, to conduct a markup on budget reconciliation.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HELMS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, June 17, at 10 a.m. for a markup on the following agenda items:

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

COMMITTEE ON THE JUDICIARY

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, June 17, 1997 at 10:00 a.m. to hold a hearing on: "Baseball Antitrust Reform."

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources Subcommittee on Public Health and Safety be authorized to meet for a Hearing on "Ethics and Theology: A Continuation of the National Discussion on Human Cloning" during the session of the Senate on Tuesday, June 17, 1997, at 9:30 a.m.

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

SUBCOMMITTEE ON CONSUMER AFFAIRS/FOREIGN COMMERCE AND TOURISM

Mr. HELMS. Mr. President, I ask unanimous consent that the Consumer Affairs/Foreign Commerce and Tourism Subcommittee of the Committee on Commerce, Science and Transportation be authorized to meet on Tuesday, June 17, 1997, at 2:30 p.m. on Liability Reform for Charitable Organizations.

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

SUBCOMMITTEE ON HOUSING OPPORTUNITY AND COMMUNITY DEVELOPMENT

Mr. HELMS. Mr. President, I ask unanimous consent that the Subcommittee on Housing Opportunities and Community Development, of the Committee on Banking, Housing and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, June 17, 1997, to conduct a hearing on S. 513, the Multifamily Assisted Housing Reform and Affordability Act of 1997.

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

ADDITIONAL STATEMENTS

DECLARATION BY THE TRUST FOR THE FUTURE OF THE U.S. SENATE

• Mr. THOMPSON. Mr. President, it gives me great pleasure to submit this declaration by the Trust for the Future to the U.S. Senate to honor the work of the trust and its founder and president, Charles A. Howell III:

Be it known by all present, that, from this day forward, the last Sunday of June is to be known as Descendants Day. Henceforth, this shall be the day in each year when all the world's citizens assess the impact of their activities during the preceding year on their neighbors and their descendants across time.

Be it further proclaimed, that the ultimate goal of this endeavor is to reach the day when we can celebrate a year in which the consequences of our activities had no measurable negative impact on our neighbors or our descendants and instead see clearly that the impact of our actions on posterity is decidedly beneficial and sustainable.

Each generation of Americans has an unspoken bond and commitment with the previous and next generations to leave the world better than we found it. In many ways, today we are not keeping that commitment. We aspire to encourage others around the world to join in this yearly celebration of courageous accountability in the sure knowledge that we will be followed by billions of persons who will either condemn us or praise us for efforts we may or may not expend on their behalf.

On this the Seventeenth Day of the Sixth Month in the Year of our Lord One Thousand Nine Hundred and Ninety-Seven, we affirm our desire to pursue this course with all diligence.•

RETIREMENT TRIBUTE TO JIMMIE RUTH JOHNSON

• Mr. KOHL. Mr. President, I rise today to commemorate the retirement of Mrs. Jimmie Johnson. Mrs. Johnson retires after 36 years of dedicated service to Milwaukee Public Schools. I want to take this opportunity to acknowledge her hard work and commitment to the students of Milwaukee.

Throughout her 36 years as an education professional, she has earned the respect and admiration of her students and colleagues by upholding educational standards, while maintaining a loving and caring relationship with all who encountered her. She is known to her coworkers and students as a counselor, a problem solver, and consummate friend.

As socioeconomic and family issues changed over the years for the students within the school system, she maintained the same love for making a difference. Her dedication shines through in her desire to feed, clothe, and counsel her students.

Her commitment to education transcended the school system, as she taught Sunday school faithfully for more than 25 years. She also taught vacation Bible school out of her home to the children in her neighborhood. This same commitment is also exemplified by her ability to obtain a masters degree in education, while working fulltime and raising a family.

A success not only in the classroom, but in her personal life as well—Mrs. Johnson is a devout Christian who lends her time to the development of

other Christians. She is also the faithful wife to Oscar Sr., a world class mother to Oscar Jr. and Derrick, and a loving grandmother to Janae and Dilona. Throughout the process of fulfilling these responsibilities, she has managed to balance her professional career with her family life. Her kind spirit has made her the unofficial adopted mother of countless peers, acquaintances and extended family members.

Mrs. Jimmie Ruth Johnson has left a mark on the countless students that she has taught and deserves this recognition. She has played an integral part of the development of excellence through educating the city of Milwaukee's youth with optimism, patience and love.•

CONGRATULATING THE STUDENTS OF GORHAM HIGH SCHOOL

• Mr. GREGG. Mr. President, I would like to congratulate the students of Gorham High School of Gorham, NH, who participated in the "We the People . . . The Citizen and the Constitution" national finals. I commend these exceptional young people in their impressive performance against 50 other classes from around the Nation. These students demonstrated great knowledge of the principles of American constitutional development.

The distinguished members of the team representing New Hampshire are: David Arsenault, Jan Bindas-Tenney, Melissa Borowski, Alyssa Breton, Mike Burrill, Kevin Carpenter, Todd Davis, Rebecca Evans, Brad Fillion, Cyndy Gibson, Patrick Gilligan, Sean Griffith, Reid Hartman, Sarah King, Michelle Leveille, Monica McKenzie, Ashley Thompson, Michael Toth, Julie Washburn, Tuuli Winter, and Melanie Wolf. I also would like to recognize their teacher Mike Brosnan, their district coordinator Ray Kneeland, and their State coordinator Holly Belson. These three people dedicated much time and effort to help the team make it to the national finals.

This competition, which is organized by the Center for Civic Education, attracts over 1,200 students and tests their comprehension of the Constitution and Bill of Rights. Also, the students must be able to relate these ideals to contemporary issues before simulated congressional committees composed of constitutional lawyers, journalists, and scholars. The students of Gorham did an exceptional job demonstrating all of these important skills. Their dedication to our Nation's founding ideals is impressive and should serve as an example to any young person who is interested in the U.S. Government and its laws.

The "We the People . . . The Citizen and the Constitution" Program provides an excellent educational experience for students. These young people gain extensive knowledge of the Constitution and the active role it plays in all of our lives. I wish the best of luck to the students of Gorham High School in their future endeavors.•

STEVEN J. SHIMBERG'S DEPARTURE

• Mr. MOYNIHAN. Mr. President, this Friday, June 20, marks the last day Steven J. Shimberg will work here in the Senate as staff director and chief counsel of the Committee on Environment and Public Works. Next month, he will begin a new career with the National Wildlife Federation.

Steve Shimberg is a New York native and a magna cum laude graduate of the State University of New York at Buffalo. Upon graduating from Duke University School of Law, Steve spent 3 years as a trial attorney with the U.S. Department of Justice's Land and Natural Resources Division before joining the staff of the Committee on Environment and Public Works in 1981.

I have been a member of the Committee since I entered the Senate in 1977. I served as the chairman or ranking minority member of the Water Resources Subcommittee from the 96th Congress through the 103d Congress, and I served as full committee chairman from September 1992 through January 1993. So, over the years, I have seen Steve shepherd through the committee enormously complicated and thoroughly bipartisan legislation to protect our natural resources. I can attest to Steve's personableness, his sense of humor and good cheer, his comity, and his utter competence. Consummately professional, always courteous, and always calm.

Environmental policy, to be supportable, must be based on sound science. And so I have argued that the committee needs more scientists and fewer lawyers on the staff. Steve certainly is an exception; he has been indispensable. While I applaud Federation officials for their astuteness in hiring Steve, I lament the loss his departure means to the committee, and to the Senate. We will miss him.

Sir Christopher Wren's tombstone reads, "Lector, si monumentum requiris circumspice." With regard to Steve's work over the past 17 years on the committee, the products are around us all: cleaner air, cleaner water, a greatly redeemed physical and human environment.•

EXPLANATION OF VOTES ON THE NUCLEAR WASTE POLICY ACT

• Mr. ABRAHAM. Mr. President, on Wednesday, April 10, the Senate once again turned to consideration of the Nuclear Waste Policy Act. This legislation, Senate bill 104, is the latest attempt to force action on the long overdue construction of a Federal, spent nuclear waste depository. A centralized waste storage facility must be located soon if the Department of Energy [DOE] is to have any hope of fulfilling its contractual obligation to collect the spent fuel stored at over 100 facilities around the country in the next decade.

Michigan needs the DOE to fulfill this obligation. My State has four nuclear plants: Big Rock in Charlevoix, Fermi in Monroe, Palisades in Southhaven, with 2 reactors, and DC Cook in Southhaven. All four of these plants were designed with some small storage capacity, but a couple of years ago, Palisades ran out of spent fuel pool storage space. The Nuclear Waste Policy Act will mandate the removal and storage of this spent fuel at a safe, central facility.

The first amendment to S. 104 was a Reid amendment stipulating that no waste may be transported through a State without the prior written consent of that State's Governor. In effect, this amendment would have permitted any Governor to block the implementation of the Nuclear Waste Policy Act and impede the safe storage of nuclear waste. I supported, therefore, the tabling motion which passed by a 72 to 24 margin.

The Thompson amendment which was considered next sought to exempt Oak Ridge, TN, from being considered as an interim waste site should the President search for a location other than Yucca Mountain. In general, I do not like the idea of deleting from consideration particular sites without a debate on the matter. This site, however, lies in a geological zone comprised primarily of limestone bedrock that is frequently riven by shallow underground rivers. As such, the risk of contaminated waste leaking into the area's water table is too great for this site to be a reasonable replacement for the Yucca Mountain site. For that reason, I supported the Thompson amendment and it passed on a 60 to 33 vote.

The Bumpers amendment that followed was a sense of the Senate resolution stating that the Department of Energy had an unavoidable delay in its contractual obligations to begin taking possession of spent fuel in 1998. If passed, this resolution could have undermined the current lawsuit which has been filed by Michigan and 34 other States against the DOE for not taking this waste in the agreed to time. For that reason, I opposed this resolution. The great majority of my colleagues agreed with me, and the resolution failed on a 24 to 69 vote.

The next amendment, a Bingaman effort to eliminate the language to exempt Oak Ridge, TN, from consideration as an interim site, failed by a 36 to 56 margin. As I have noted, this site is not a suitable interim storage site, and I voted against the Bingaman measure.

The second Bingaman amendment which was considered sought to eliminate the default provision for designating an interim storage site. The legislation as passed gives the President the authority to declare whether Yucca Mountain is a suitable interim storage site. If the President says it is not, he has 18 months to identify a new interim site. If, however, the President does not designate another facility within that time, then Yucca Mountain becomes the interim site by default. The Bingaman amendment would have changed this. Had it passed, the President could have rejected Yucca Mountain and then simply refused to identify another interim site. The end result would be years of lost time, millions of wasted taxpayer dollars, and a return to the present, untenable situation. I opposed the Bingaman amendment for this reason and supported the motion to table which passed 59 to 39.

The final amendments to be considered were a Domenici amendment and a Murkowski second degree amendment. The bill as written could have been considered to allow a waiver on a budget point of order. The Domenici amendment clarified and reinstated existing law, which does not permit waiving a point of order prospectively.

The Murkowski second degree to the Domenici amendment was a technical fix that capped the annual fee for each civilian nuclear powerplant at 1.0 mill per kilowatt-hour. The original provisions limiting user fees to 1.0 mill per kilowatt-hour were poorly worded. With the budgetary fix provided by the Domenici amendment, this provision was restored.

I supported the Murkowski amendment and it was adopted by a 66 to 32 vote. Shortly after, the Senate passed the Domenici amendment as modified by a voice vote.

Upon the disposition of these amendments, the Senate turned to final passage of the Nuclear Waste Policy Act. Once again, I voted in favor of this important act and was pleased to see it pass by a 65 to 34 margin.•

RACE FOR THE CURE

• Mr. DODD. Mr. President, I rise today to express my admiration for the thousands of Americans who spent last Saturday morning running to help bring attention to breast cancer and to raise money to aid in finding a cure for this terrible disease—the leading cause of death among women ages 35 to 54. In Washington alone, more than 35,000 runners and walkers, including several members of my own staff, joined the Vice President and his wife to raise more than $1 million for breast cancer research in the Race for the Cure. This effort is even more impressive when you consider that this race took place in 77 cities across the country. Since its inception in 1982, the Race for the Cure has raised $45 million and funded 230 grants in basic science and clinical research, as well as education and screening projects. The incredible turnout for this event displays the widespread concern over the devastation of breast cancer.

Every 3 minutes another woman is diagnosed with breast cancer. This year alone, more than 180,000 women will struggle with this disease, and more than 44,000 women will die as a result of it. One in eight women will develop breast cancer within their lifetime, making it likely that every American will be touched in some way by this disease.

Until we find a cure for this disease, it is crucial that we educate women about the importance of early detection. If the cancer can be confined to the breast, the survival rate is 93 percent. Women need to understand the importance of mammograms, monthly breast self-examinations, regular exercise and a low-fat, high fiber diet.

Mammography screening exams are the best early detection system available, and I am pleased to be an original cosponsor of the reauthorization of the Mammography Quality Standards Act. Since it was originally passed in the 102d Congress, this legislation has provided women with safe and reliable mammography services. Through this reauthorization, mammography service providers will be required to retain women's mammography records so that an accurate medical history is maintained. In addition, it will ensure that patients are notified about substandard mammography facilities. It is crucial that we address this need, as early detection is often the key to effective treatment and recovery.

Women who undergo treatment for breast cancer deserve the best and most appropriate care. The Women's Health and Cancer Rights Act of 1997, another bill that I have cosponsored, guarantees that health care providers cover inpatient care for mastectomies, lumpectomies, and lymph node dissection. These procedures can be both physically and psychologically traumatizing, and we must provide these women with the option to have an overnight stay in the hospital after surgery.

This bill would also require HMO's to provide coverage for reconstructive surgery that is necessitated by breast cancer. Currently, this reconstructive surgery may be considered cosmetic, but this categorization is illogical as it ignores the trauma that results from a full mastectomy and other breast cancer related procedures. Last, this bill will guarantee that HMO's cover secondary consultations when any form of cancer has been diagnosed.

I know that my colleagues share my concern with the problem of breast cancer, and I hope that they will support these legislative efforts to help women prevail over this disease.

Again, I wish to commend all those who participated in the Race for the Cure, and I only hope that their efforts move us closer to the Race's noble goal: a true cure for this debilitating illness.•

TRIBUTE TO JOHN J. DEPIERRO

• Mr. D'AMATO. Mr. President, this year John J. DePierro, president and chief executive officer of the Sisters of Charity Health Care System, celebrates a milestone in his career. For 25 years he has served the Sisters of Charity health care efforts on Staten Island in New York City. In so doing, he has given vision to the health care mission of the sisters and has been a pivotal force in insuring the success of the many institutions of human service that comprise the Sisters of Charity Health Care System.

Through St. Vincent's Medical Center of Richmond, a broad array of acute care services are made available to the community including maternal and child care programs, centers of excellence in cardiology and oncology, a broad array of psychiatric and addiction services and an active emergency medicine program.

Through Bayley Seton Hospital which was the former Public Health Service Hospital which Mr. DePierro played a key role in providing for its transition to community service working closely with me, a strong range of outpatient services together with inpatient programs with specific emphasis on the centers of excellence of dermatology and ophthalmology are available to the community. As with St. Vincent's, there is an effective emergency medicine program to meet the needs of the surrounding community.

Bayley Seton has also, working closely with me, forged a productive relationship with the Department of Defense to provide military health care as a uniformed services treatment facility.

In 1994, St. Elizabeth Ann's Health Care and Rehabilitation Center became a reality and through it a range of chronic, subacute and rehabilitative services were provided for the community of Staten Island. Special populations that are served include persons with AIDS as well as ventilator-dependent patients.

The system also has concerned itself with insuring a continuum of community-based services. Pax Christi Hospice, a home-based hospice program, has served the needs of Staten Islanders since 1988 and the Sisters of Charity Home Health Care Program meets their posthospital needs.

To Mr. DePierro's abiding credit, he has also concerned himself with other human needs of the community of Staten Island. Through his commitment, three senior housing programs have been developed to provide over 225

residential units of housing for seniors. He is also seeing to the needs of the employees of the system with the development of the Sister Elizabeth Boyle Child Learning Center which provides day care services for both the staff of the corporations of the system, let alone the community.

It is rare in the context of health care today to see an individual have such long and illustrious tenure in an institution. This is made all the more unique by the strength that has been created in the vertically integrated health care delivery system that is the Sisters of Charity.

Mr. DePierro's background speaks to his capacity as a hospital administrator and health care leader. A graduate of St. Peter's College with a master's in business administration majoring in hospital administration from George Washington University, he completed a residency in hospital administration at Bellevue Hospital Center. He is a fellow of the American College of Health Care Executives, a member of the American Hospital Association, the American Public Health Association and the Public Health Association of New York City.

He has served as a regent for New York State for the American College of Health Care Executives. He has lent his significant leadership to the professional associations of the industry including serving as a member of the board of governors of the Greater New York Hospital Association of which he is also past chairman as well as a member of the board of the Healthcare Association of New York State of which he is also a past chairman. He has been a delegate to the regional advisory board II of the American Hospital Association and currently serves as chairperson of the hospital advisory council of the Catholic Health Care Network of the Archdiocese of New York.

Mr. DePierro, despite the heavy demands on his professional responsibilities, makes time to serve on the board of the Seton Foundation for Learning which provides educational programs in the Catholic tradition for special children. He is also a past president of the foundation.

A man committed to his family, he and his wife, Jeanne, are the proud parents of four children and delight in their six grandchildren—soon to be seven.

All of this, Mr. President, gives testimony to the capacity of a single individual motivated and concerned about the needs of others to work effectively over the course of time to insure that those needs are provided for effectively and good works are accomplished by harnessing the involvement of others and by personal example.

I am proud of the strong relationship that I have enjoyed with the Sisters of Charity Health Care System over the years and the opportunities that I have had to work with Mr. DePierro in the transition of Bayley Seton Hospital, the provision of military health care and the development of housing programs.

I know of his forthright commitment and his unquestioned integrity in his dealings will all. These traits are exemplary of the pattern of care of the Sisters of Charity on Staten Island.

I join with Mr. DePierro's countless friends and associates in wishing him professional and personal success in the years ahead. I trust too Mr. President that knowing of John's fondness for golf, that his handicap will be reduced in inverse ratio to his years of service with the Sisters of Charity and his hole-in-one shot in Aruba was only the first of many.

I share the prayer of those who are honoring John at a celebration on Staten Island on Tuesday, July 1, that he shall continue to be blessed with good health and a steadfast concern for others.•

HONORING THE DETROIT RED WINGS

• Mr. LEVIN. Mr. President, I rise today to ask my colleagues to join me in saluting the 1997 Stanley Cup Champion Detroit Red Wings. After 42 years of frustration and near misses, on Saturday night a week ago the Red Wings completed a 4–0 sweep of the powerful Philadelphia Flyers and brought the most coveted trophy in professional sports back to the city known by hockey fans across North America as "Hockeytown."

My wife, Barbara, and I had one of the most thrilling experiences of our lives when we were able to attend the game. Our daughter, Erica, came within a whisker of coming to Detroit from New York but ended up glued to her TV instead, with our daughter, Laura, 800 miles away. With our daughter, Kate, watching in Ann Arbor, the family was together, electronically watching history in the making. The outpouring of positive emotion after the game was almost as memorable as the game itself! The long drought was finally over and Detroit's fans poured forth into the streets all across Michigan to whoop it up.

The Detroit Red Wings are one of the most successful teams in hockey history. An "Original Six" franchise, today's team is rooted in the tradition of hockey legends like Sid Abel, Ted Lindsay, Terry Sawchuck, and the greatest player ever to lace up skates, Gordie Howe. Their numbers have been retired and hang on banners from the rafters of Joe Louis Arena, reminding today's players and fans of glory years past.

The 1996–97 Red Wings won the Stanley Cup because of an organizationwide commitment to excellence. That commitment begins at the top with team owners Mike and Marian Ilitch, and is matched only by their dedication to the city of Detroit. When Mike and Marian purchased the team 15 years ago, the Wings regularly missed the playoffs and gave away a car at each home game to put fans in the seats. Their perseverance, dedication to winning and commitment to the city of Detroit have paid off with their Stanley Cup triumph.

The Red Wings' tremendous victory was truly a team effort, but a few individuals deserve a special mention. Coach Scotty Bowman won his seventh Stanley Cup, and became the first coach in NHL history to win the cup with three teams. Mike Vernon, the Red Wings' veteran goalie, earned the Conn Smythe trophy as the most valuable player in the playoffs with his stellar netminding. But this victory may mean the most to Red Wings Captain Steve Yzerman, one of the classiest professional athletes one could ever meet. Steve was drafted 14 years ago and was named team captain 11 years ago, making him the longest serving captain with the same team in the NHL. He has carried his team, and the often weighty hopes of Red Wings fans, on his shoulders with dignity and grace. My congratulations go to Mike and Marian Ilitch, Scotty Bowman, Mike Vernon, Steve Yzerman, Jimmy Devellano; and players Doug Brown, Mathieu Dandenault, Kris Draper, Sergei Fedorov, Viacheslav Fetisov, Kevin Hodson, Tomas Holmstrom, Mike Knuble, Joey Kocur, Vladimir Konstantinov, Vyacheslav Kozlov, Martin LaPointe, Igor Larionov, Nicklas Lidstrom, Kirk Maltby, Darren McCarty, Larry Murphy, Chris Osgood, Jamie Pushor, Bob Rouse, Tomas Sandstrom, Brendan Shanahan, Tim Taylor and Aaron Ward.

I would like to extend my congratulations as well to the Philadelphia Flyers for a well-played series. Their strength and power gave the Red Wings a tough battle.

Last Friday, after a week of celebration which saw 1 million people fill Hart Plaza and Woodward Avenue for the Red Wings' victory parade, Hockeytown met with tragedy as three members of the team were involved in a limousine accident. Two of the Wings' famous "Russian Five," Vladimir Konstantinov and Slava Fetisov, as well as the team's masseur, Sergei Mnatsakanov, were seriously injured. Today, Vladimir and Sergei are each in a coma with critical head injuries. Slava, thankfully, is listed in good condition with chest injuries. Vladimir, a finalist for the Norris Trophy as the National Hockey League's top defenseman, and Slava, a 39-year-old known to his teammates as "Papa Bear," are fan favorites around the league. Hockey fans in the Detroit area and across North America are praying for the full recovery of all three men.

Mr. President, the Detroit Red Wings showed people around the world what it takes to be a champion. I know my colleagues will join me in extending the congratulations of the entire U.S. Senate to the 1997 Stanley Cup Champion Detroit Red Wings and also send our hopes and prayers for the full recovery of all those injured last Friday night.•

CORRECTIONS TO STATEMENT OF MANAGERS ACCOMPANYING CONFERENCE REPORT ON FISCAL YEAR 1998 BUDGET RESOLUTION

• Mr. DOMENICI. Mr. President, I ask that the following errata sheet correcting minor errors that occurred in the printing of the Joint Explanatory Statement of the Committee of Conference printed in the CONGRESSIONAL RECORD at this point. Further, I would like to draw the attention of my colleagues to the printing error in the table which shows the section 302 allocation (5-year total) for the Committee on Governmental Affairs on page 148. In order to avoid the costs of a Star Print, the correct number is included on the errata sheet and that is the level which will be used for the purpose of determining Budget Act violations.

The material follows:

CORRECTIONS

In the report:

On page 57, for the 1998 Budget Resolution Conference Agreement Function Totals, the off-budget budget authority for Undistributed Offsetting Receipts for the year 2000 should read "−9.1".

On page 58, for the 1998 Budget Resolution Conference Agreement Function Totals, the off-budget outlays for Undistributed Offsetting Receipts for the year 2000 should read "−9.1".

On page 58, for the 1998 Budget Resolution Conference Agreement Function Totals, total budget authority for Undistributed Offsetting Receipts for the year 2001 should read "−50.1".

On page 58, for the 1998 Budget Resolution Conference Agreement Function Totals, total outlays for Undistributed Offsetting Receipts for the year 2001 should read "−50.1".

On page 107, under section 203 of the Senate amendment, the following text: "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." should be placed on page 108 under section 203 of the Conference agreement.

On page 148, for the Senate Committee Budget Authority and Outlay Allocations Pursuant to Section 302 of the Congressional Budget Act 5-Year Total: 1998–2002, entitlements funded in annual appropriations, the outlays for Governmental Affairs should read "33".•

VICTIMS' RIGHTS CLARIFICATION ACT OF 1997

Mr. ABRAHAM. Mr. President, I want to thank my colleague Senator NICKLES for introducing the Victims' Rights Clarification Act of 1997. I believe this important legislation will help victims of crime exercise their deserved rights.

The 104th Congress did much to ensure that victims are no longer casualties of a skewed justice system where their voices are often ignored. This year, we are picking up where we left off in standing up for the innocent. I am proud to join several of my colleagues in cosponsoring this legislation.

The purpose of the Victims' Rights Clarification Act of 1997 is really quite simple. This act will guarantee that victims of crime may be present at public court proceedings, barring their presence will not be a detriment to his or her testimony. Frankly, I am disheartened it takes an act of Congress to reaffirm this right. But, I am pleased we are making progress in correcting these deficiencies in America's legal system.

The devastation of lives in the Oklahoma City bombing and the senseless acts of violence occurring in our neighborhoods every day gives this Chamber cause to enact policies empowering victims. In my estimation, the accused should see their victim's face in a court of law and know they scarred a life forever. I believe this legislation drafted on a bipartisan basis will entitle victims of crime their overdue rights and merits widespread support.

GLOBAL CLIMATE CHANGE

• Mr. HOLLINGS. Mr. President, I rise today as a supporter and cosponsor of Senator BYRD's sense-of-the-Senate resolution, Senate Resolution 98, regarding ratification of any international agreement on greenhouse gas emissions under the United Nations Framework Convention on Climate Change. Back in 1992, the United States and the rest of the world agreed to work, on a voluntary basis, to reduce greenhouse gas emissions which scientists believed could affect climate and sea levels over the next century. Unfortunately, this agreement, aimed at returning greenhouse gas emissions to 1990 levels, has failed.

Now, the administration is negotiating an agreement aimed at meeting this 1990 level. Instead of requiring countries, all countries—developed, developing, and underdeveloped—to agree on voluntary efforts, these negotiations are focused on making the 1990 level mandatory for only developed countries. In short, it will increase the burden of compliance on the United States and other developed countries, while doing nothing to ensure that developing countries meet these targets.

Yes, the United States and other developed countries are responsible for the bulk of these emissions but that will not always be the case. Many developing countries, such as China, Mexico, India, and Brazil, are on course to surpass United States emissions. It makes no sense to give these countries a pass. I am not saying the United States should not do its fair share, we should. My concern is that the agreement is shortsighted. Failing to include these developing countries does nothing to head off the emission problems which they will soon face.

In addition, I have a long record of defending the American worker and American industry from unfair business and trade practices overseas—many of which occur in these developing countries. My fear is that failing to include developing nations in this agreement will undermine America's ability to compete internationally and will only work to force American industry overseas to these developing areas. America has the strongest economy in the world. I want to ensure it remains that way. Placing the burden of reducing greenhouse gas emissions only on developed countries and ignoring developing countries will do nothing to secure economic stability.

In short, this resolution calls for the United States to refuse to sign any agreement unless the developing countries are included in a legally binding regime of emission control measures. It is an effort to ensure that all countries are placed on a level playing field.

With regard to my record on environmental issues, there have been some who have asked if my support of Senate Resolution 98 undermines my long record of supporting efforts to clean and protect our environment. Let me say now, it does not. In my opinion, this resolution will strengthen efforts to reduce worldwide greenhouse gas emissions by ensuring that all countries meet the same standards.

In closing, I submit for the RECORD the authoritative and expert opinion of Dr. James B. Edwards, the former Secretary of Energy, and encourage my colleagues to read his opinions on this matter.

The material follows:

POURING GAS REDUCTIONS DOWN DRAIN

If a new climate treaty to include binding restrictions on the emission of greenhouse gases is a bad idea—and it is—then the immediate consequence of such a move is even worse: that a tax is imposed on U.S. industries that burn oil, gas and coal. The cost would ultimately fall on American consumers—without necessarily providing benefits to anyone if other countries continue to pollute.

The logical conclusion should be: Don't make the first blunder so you are not forced into making the even worse second blunder.

But in just seven months an agreement on a new climate treaty could be a done deal. If government commitments made at the latest round of negotiations in Europe are any indication, there could be a treaty in place by December. There is just one problem: U.S. ratification is going to take a two-thirds vote of the Senate eventually.

In the view of climatologists as esteemed as Patrick Michaels of the University of Virginia, an expert on computer simulations of the climate, and the University of Alabama's John Christy, it will take decades before scientists gain a comprehensive understanding of how greenhouse gas emissions affect the earth's climate. One thing scientists do know is that the concentration of greenhouse gases is building up slowly—less than 0.5 percent annually for carbon dioxide—and that gives us time to implement effective mitigation measures.

Unfortunately, the proposed treaty places binding commitments on industrial nations but none on developing countries. Even such economic powerhouses as China, Korea, and Indonesia would be let off the hook, while the United States would be required to cut greenhouse-gas emissions 15 to 20 percent by 2010 or soon thereafter. Such self-imposed restrictions could backfire.

Simply put, the danger is that developing countries will have no incentive to reduce emissions. Their output would overwhelm reductions made by industrial nations—just the opposite of what a new treaty is supposed to achieve. In fact, developing countries, as a group, are expected to produce the majority of greenhouse emissions in future years.

According to a report by the U.S. Department of Energy, efforts to restrict fossil fuel emissions with a carbon tax would do serious damage to our economy. The hardest hit would be energy-intensive industries, especially petroleum refining, chemicals, automobile manufacturing, paper products, iron and steel, aluminum and cement. These large industries would be at a disadvantage in the world marketplace, and the cost in dollars, as well as in lost jobs, would be staggering.

The most responsible economic estimates of the cost to cap carbon dioxide emissions at 1990 levels by the year 2010 or soon thereafter range from $250 billion to $300 billion per year—an amount that would reduce the U.S. gross domestic product by about 4 percent. For comparison, that's nearly equal to what was spent last year on Social Security.

This is not to suggest that the United States should do nothing about reducing greenhouse-gas emissions. When major industrialized countries meet in Denver in late June at the "Group of Seven" economic summit, climate change will be on the agenda. Efforts should be directed toward establishing a flexible route that could achieve the same long-term benefits but at far lower cost. For example, spreading the responsibility globally, possibly through an emissions trading system involving developing countries, would lower the cost substantially.

Under an emissions trading system, any country exceeding its allotment of greenhouse emissions, pays a regulatory fine. The significant differences between this plan and a carbon tax are that technological innovation, market mechanisms and total global emissions are the defining characteristics of this alternative approach to reducing greenhouse emissions.

Major efforts should be directed at exporting advanced power systems to developing countries such as China and India so that they can begin to stabilize their emissions, without depriving them of an opportunity for economic growth. After all, as its share of industrial output rises, China is expected to become the world's largest source of carbon dioxide, emitting nearly double the amount the United States emits and more than triple what Western Europe produces.

It's very simple: Before we hobble our economy and our society with costly new regulations and taxes we should ask ourselves whether the hoped-for benefits justify the cost to our economy and whether there is a better alternative. And environmentalists ought to keep another perspective mind: For any global emissions reduction program to succeed, all nations must participate.●

HANS A. BETHE

● Mr. MOYNIHAN. Mr. President, the great Nobel physicist, Hans A. Bethe, is the subject of the lead article in the "Science Times" section of the New York Times. One cannot help but marvel at the life Dr. Bethe, a national treasure, has led. In 1935, he fled Nazi Germany, settling at Cornell University in Ithaca, New York. Within three years, he developed an equation to explain solar fusion which won him a Nobel prize in 1967.

Hans Bethe led the Theoretical Division at Los Alamos; he was, one could say, present at the creation. He stood next to J. Robert Oppenheimer on July 16, 1945 in the New Mexico desert, a witness to the testing of the first atomic bomb. The scientists at the site knew that if the test worked it would end World War II, as it did within a month, and forever change the nature of warfare.

At the moment of that explosion, a new era began. It changed us. Changed the world, and changed all those present. Maurice M. Shapiro, now chief scientist emeritus of the Laboratory for Cosmic Physics at the Naval Research Station, in Washington, recalled the scene in the New Mexico desert in an interview two years ago:

> At precisely 5:30 there was a blinding flash—brighter than many suns—and then a flaming fireball. Within seconds a churning multicolored column of gas and dust was rising. Then, within it, a narrower column of debris swirled upward, spreading out into an awesome mushroom-shaped apparition high in the atmosphere—Maurice M. Shapiro, "Echoes of the Big Bang," *New York Times*, July 15, 1995.

Next came "an oppressive sense of foreboding."

Oppenheimer described the event as follows:

> We waited until the blast had passed, walked out of the shelter and then it was extremely solemn. We knew the world would not be the same. A few people laughed, a few people cried. Most people were silent. I remembered the line from the Hindu scripture, the Bhagavad-Gita: Vishnu is trying to persuade the Prince that he should do his duty and to impress him he takes on his multi-armed form and says, "Now I am become Death, the destroyer of worlds," I suppose we all thought that, one way or another.

Hans Bethe's role in shaping United States nuclear policy had only just begun. For the past fifty years, he has involved himself in thoughtful and constructive efforts to develop responsible policies to deal with this technology he played such a crucial role in creating. The article in today's New York Times, for instance, characterizes him as a "prime mover behind the first East-West arms accord, the 1963 Limited Test Ban Treaty, which ended nuclear explosions in the atmosphere." And just a few months ago—on April 25—he wrote the President an historic letter which states:

> It seems that the time has come for our Nation to declare that it is not working, in any way, to develop further weapons of mass destruction of any kind.

Mr. President, Dr. Bethe is one of our living treasures. It is entirely fitting that his many contributions to society are publicized and studied, and that his policy pronouncements are accorded the attention they so deserve, for as the author of the Times article, William J. Broad, states, Bethe's voice may be gentle, but his words are sharp. I hope that Dr. Bethe will soon complete work on his autobiography and share with us the breadth of his life experiences.

I ask that the article in the New York Times, the letter from Dr. Bethe to the President, and the President's response be printed in the RECORD.

The material follows:

[From the New York Times]

HE LIT NUCLEAR FIRE; NOW HE WOULD DOUSE IT

(By William J. Broad)

"For the things I do, it's accurate enough," Dr. Hans A. Bethe said as he rummaged through his briefcase and pulled out a slide rule, a relic from the days before computers took over tedious number-crunching for most scientists. It's battered case told of considerable use.

What Dr. Bethe does at the age of 90, and has done for more than seven decades, is ponder such riddles of nature as how stars live and die. It is his passion. Once it won him a Nobel Prize in Physics and now it keeps him excited and in his office at Cornell University, where he arrived more than 60 years ago after fleeing Nazi Germany.

A combination lock on a metal cabinet hints at what else he does, his sideline, as he puts it, an avocation of more than a half century that helped change history. The atomic bomb.

Dr. Bethe knows how it lives—having overseen its birth during the World War II, having felt its blistering heat across miles of desert sand, having watched its progeny fill superpower arsenals—and now he is working hard to make it die.

In April, he wrote a letter to President Clinton that some advocates of arms control regard as historic. As the most senior of the living scientists who begat the atomic age, Dr. Bethe called on the United States to declare that it would forgo all work to devise new kinds of weapons of mass destruction.

But his dream, it turns out, is larger than that, much larger. In an interview last week, Dr. Bethe said that a concerted push by the world's nations and people might yet cut nuclear arsenals down from their current levels of thousands of arms to perhaps 100 in the East, 100 in the West and few in between.

"Then," added this survivor of Hitler and Mussolini, his voice gentle but words sharp, "even if statesmen go crazy again, as they used to be, the use of these weapons will not destroy civilization."

Eventually, perhaps late next century, Dr. Bethe said, the right social conditions may finally arise so that the bomb is no more, so that no nation on earth will want to wield the threat of nuclear annihilation. The nightmare will be over.

He paused.

"That is my hope," he said. "My fear is that we stay where we are," with each side keeping thousands of nuclear arms poised to fly at a moment's notice. "And if we stay where we are, then additional countries will get nuclear weapons" and the earth may yet blaze with thermonuclear fire, the kind that powers stars and destroys most everything in its path.

Hans Albrecht Bethe (pronounced BAY-ta) was born on July 2, 1906, in Strasbourg, Alsace-Lorraine. His father, a physiologist at the university there, was Protestant and his mother Jewish. Hans was their only child.

Displaying an early genius for mathematics, he excelled in school and received a Ph.D. in physics in 1928 at the University of Munich, graduating summa cum laude. He fled Germany after Hitler came to power, going first to England and then to America, arriving at Cornell in 1935.

While helping to found the field of atomic physics, he became fascinated by nature's extremes. In 1938 he penned the equations that explain how the Sun shines and how stars in the prime of life feed their nuclear fires. In 1967 he won a Nobel Prize for the discovery.

From 1943 to 1945 he headed the theoretical division of Los Alamos, the top-secret laboratory in New Mexico where thousands of scientists and technicians, fearful that Hitler might do it first, labored day and night to unlock the atom's power.

Dr. Bethe coaxed some of world's brightest and most idiosyncratic experts to success as they toiled behind rows of barbed wire. Their atomic bomb shook the New Mexican desert on July 16, 1945. The next month the American military dropped similar ones on the Japanese cities of Hiroshima and Nagasaki.

After the war, Dr. Bethe devoted himself not only to nuclear science but to the social dangers posed by that knowledge, in particular to keeping the bomb from ever killing people again.

He advised the Federal Government on matters of weapons and arms limitation, becoming a prime mover behind the first East-West arms accord, the 1963 Limited Test Ban Treaty, which ended nuclear explosions in the atmosphere and permitted them only beneath the earth.

That stopped the rain of radioactive fallout that had raised the risk of cancer and birth defects among many people. But Dr. Bethe wanted more. He campaigned for a complete cessation to all testing, contrary to Pentagon planners and politicians intent on redoubling the size of the nation's nuclear arsenal.

The development of new types of nuclear arms requires numerous test firings and, as flaws inevitably come to light, design improvements. The absence of explosive testing sharply increases the odds of failure and virtually rules out the possibility of perfecting new designs.

In the 1980's, Dr. Bethe was on the losing side of the political war over nuclear-arms development as the Reagan Administration pressed ahead with dozens of underground explosions. One series aimed at perfecting a new generation of bombs that fired deadly beams.

In the 1990's, he was on the winning side as President Clinton signed, and the United Nations endorsed, the Comprehensive Test Ban Treaty. Its goal is to halt the development of new weapons of mass destruction by imposing a global ban on nuclear detonations.

A remaining trouble, as Dr. Bethe sees it, is that the United States over the decades has become so good at designing nuclear arms that it still might make progress despite the ban. Indeed, the Clinton Administration recently began a $4-billion-a-year program of bomb maintenance that is endowing the weapons laboratories with all kinds of new tools and test equipment, including a $2.2 billion laser the size of the Rose Bowl that is to ignite tiny thermonuclear explosions.

Critics fear the custodians might get carried away, begetting new designs and perhaps even new classes of nuclear arms.

So it was that Dr. Bethe wrote President Clinton in April, asking for a pledge of no new weapons.

"The time has come for our nation to declare that it is not working, in any way, to develop further weapons of mass destruction," he wrote.

The United States "needs no more," Dr. Bethe stressed. "Further, it is our own splendid weapons laboratories that are, by far and without question, the most likely to succeed in such nuclear inventions. Since any new types of weapons would, in time, spread to others and present a threat to us, it is logical for us not to pioneer further in this field."

In the interview, Dr. Bethe waxed philosophic about the odds that his personal appeal might engender new Federal policy. "It's a big step for the President to say so, but it's a small step for me," he mused. "Maybe the laboratories will feel that my letter was useful and maybe they'll even follow my advice. I think that's all one can expect."

The issue is important, he added. If the community of nations comes to view the United States as a nuclear hypocrite, whether true or not, that perception could threaten to undermine the new treaty and its ratification around the world. Instead, Dr. Bethe said, the United States must be seen as striving to obey the letter of the law.

Dr. Bethe's face comes alive as the topic turns to his current scientific research: how a single aging star can suddenly explode with the power and brilliance of an entire galaxy of 100 billion stars.

It seems like pure poetry given the light he himself is now shedding in his final years.

"I want to understand just how the mechanism works," Dr. Bethe said, "how you get a shock wave that propels most of the star outward, propels it at very high speed."

Most days, he said, he spends about four hours studying the nature of the exploding stars, which are known as supernovas. Occasionally, he works up to six hours.

Theoretic physics is a quintessential young man's field, where geniuses often peak at the age of 30, like athletes. Very few make significant contributions at 50. But at 90, Dr. Bethe, a living legend among his peers, is still going strong. "Here's my latest paper," he said with a grin, displaying it proudly on his cluttered desk. "It has been accepted by The Astrophysical Journal." The main point, he said, "is that it's easy to get the supernova to expel the outside material," eliminating the problems theorists once encountered.

Dr. Bethe is not interrupting his research to write memoirs. Instead, a biographer is at work. "It's much easier to have a biographer," he remarked, "and he writes much better than I do."

The back of his office door, in an easy-to-view position, held a poster of the Matterhorn. For nearly a half century, a small town at the foot of the great Swiss mountain has been a vacation spot for Dr. Bethe and his wife, Rose Ewald, whom he met in Germany and married in 1939 while the two were newcomers to the United States.

"I couldn't live without her," he said.

His hair askew, his eyes agleam, Dr. Bethe looked a bit like an aged wizard on the verge of disappearing in a puff of smoke. He seemed at ease with his many lives over many decades and appeared to have reconciled his early work on the bomb with his current push to eliminate it. For him, doing the right thing in different periods of history seemed to call for different kinds of actions.

"I am a very happy person," he said with a relaxed smile. "I wouldn't want to change what I did during my life."

FEDERATION OF AMERICAN SCIENTISTS,
Washington, DC, April 25, 1997.

President WILLIAM J. CLINTON,
The White House, Washington, DC.

MY DEAR MR. PRESIDENT: As the Director of the Theoretical Division at Los Alamos, I participated at the most senior level in the World War II Manhattan Project that produced the first atomic weapons. Now, at age 90, I am one of the few remaining senior project participants. And I have followed closely, and participated in, the major issues of the nuclear arms race and disarmament during the last half century. I ask to be permitted to express a related opinion.

It seems that the time has come for our Nation to declare that it is not working, in any way, to develop further weapons of mass destruction of any kind. In particular, this means not financing work looking toward the possibility of new designs for nuclear weapons. And it certainly means not working on new types of nuclear weapons, such as pure-fusion weapons.

The United States already possesses a very wide range of different designs of nuclear weapons and needs no more. Further, it is our own splendid weapons laboratories that are, by far and without any question, the most likely to succeed in such nuclear inventions. Since any new types of weapons would, in time, spread to others and present a threat to us, it is logical for us not to pioneer further in this field.

In some cases, such as pure-fusion weapons, success is unlikely. But even reports of our seeking to invent them could be, from a political point of view, very damaging to our national image and to our effort to maintain a world-wide campaign for nuclear disarmament. Do you, for example, want scientists in laboratories under your Administration trying to invent nuclear weapons so efficient, compared to conventional weapons, that someday, if an unlikely success *were* achieved, they would be a new option for terrorists?

This matter is sure to be raised in conjunction with the Senate's review of the Comprehensive Test Ban Treaty, because that Treaty raises the question of what experiments are, and what experiments are not, permitted. In my judgment, the time has come to cease all physical experiments, no matter how small their yield, whose primary purpose is to design new types of nuclear weapons, as opposed to developing peaceful

uses of nuclear energy. Indeed, if I were President, I would not fund computational experiments, or even creative thought designed to produce new categories of nuclear weapons. After all, the big secret about the atomic bomb was that it *could* be done. Why should taxpayers pay to learn new such secrets—secrets that will eventually leak—even and especially if we do not plan, ourselves, to implement the secrets?

In effect, the President of the United States, the laboratory directors, and the atomic scientists in the laboratories should all adopt the stance of the "Atomic Scientists' Appeal to Colleagues," which was promulgated two years ago, to "cease and desist from work creating, developing, improving and manufacturing further nuclear weapons—and, for that matter, other weapons of potential mass destruction such as chemical and biological weapons."

I fully support the Science-based Stockpile Stewardship program, which ensures that the existing nuclear weapons remain fully operative. This is a challenging program to fulfill in the absence of nuclear tests. But neither it nor any of the other Comprehensive Test Ban Treaty Safeguards require the laboratories to engage in creative work or physical or computational experiments on the design of new types of nuclear weapons, and they should not do so.

In particular, the basic capability to resume nuclear test activities can and will be maintained, under the Stockpile Stewardship program, without attempting to design new types of nuclear weapons. And even if the Department of Energy is charged to "maintain capability to design, fabricate and certify new warheads"—which I do not believe is necessary—this also would not require or justify research into new types of nuclear weapons.

The underlying purpose of a complete cessation of nuclear testing mandated by the Comprehensive Test Ban Treaty is to prevent new nuclear weapons from emerging and this certainly suggests doing everything we can to prevent new categories of nuclear weapons from being discovered. It is in our national and global interest to stand true to this underlying purpose.

Accordingly, I hope you will review this matter personally to satisfy yourself that no nuclear weapons design work is being done, under the cover of your Safeguards or other policies, that you would not certify as absolutely required. Perhaps, in conjunction with the Comprehensive Nuclear Test Ban Treaty hearings in the Senate, you might consider making a suitable pronouncement along these lines, to discipline the bureaucracy, and to reassure the world that America is vigilant in its desire to ensure that new kinds of nuclear weapons are not created.

Sincerely,

HANS A. BETHE.

THE WHITE HOUSE,
Washington, DC, June 2, 1997.

Prof. HANS BETHE,
Federation of American Scientists, Washington, DC.

DEAR PROFESSOR BETHE: Thank you for sharing your thoughts on nuclear weapons with me, and for the tremendous service you have rendered this nation and the world for well over half a century. Your efforts to develop the atomic bomb during a grave period of national emergency, and your subsequent courageous and principled efforts in support of international agreements to control the awesome destructive power of these weapons, have made our country more secure and the entire world a safer place.

I am fully committed to securing the ratification, entry into force and effective implementation of the Comprehensive Test Ban Treaty (CTBT). By banning all nuclear explosions, the CTBT will constrain the development and qualitative improvement of nuclear weapons and end the development of advanced new types of nuclear weapons. In this way, the Treaty will contribute to the process of nuclear disarmament and the prevention of nuclear proliferation, and it will strengthen international peace and security.

I appreciate your support for the Science-Based Stockpile Stewardship Program. The objective of this program is to ensure that our existing nuclear weapons remain safe and reliable in the absence of nuclear testing. As you are aware, my support for the CTBT is conditioned upon such a program, including the conduct of a broad range of effective and continuing experimental programs. I have also directed that the United States maintain the basic capability to resume nuclear test activities prohibited by the CTBT in the unlikely event that the United States should need to withdraw from this treaty. These precautions notwithstanding, I remain confident that the CTBT points us toward a new century in which the roles and risks of nuclear weapons can be further reduced, and ultimately eliminated.

Thank you again for sharing your views with me as we work to lift the nuclear backdrop that has darkened the world's stage for far too long.

Sincerely,

BILL CLINTON.●

MEASURE RETURNED TO THE CALENDAR—S. 903

Mr. HELMS. Mr. President, I ask unanimous consent that S. 903 be placed back on the calendar.

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

AUTHORIZING SENATE LEGAL COUNSEL REPRESENTATION

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 101, submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 101) to authorize representation of Members, officers, and an employee of the Senate in the case of Douglas R. Page v. Richard Shelby, et al.

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

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, a resident of California has, for the second time in the past several years, filed a lawsuit in the United States District Court for the District of Columbia challenging the constitutionality of rule XXII of the Standing Rules of the Senate. Under rule XXII, debate on a pending matter may be limited by a vote of three-fifths of the Senators duly chosen and sworn or, in the case of an amendment to a Senate rule, a vote of two-thirds of the Senators voting, a quorum being present.

The plaintiffs has named as defendants in this action all Members of the Senate, together with the Secretary of the Senate, the Sergeant at Arms, the Parliamentarian, and two executive branch officials. He seeks a declaration that rule XXII is unconstitutional and a court order rewriting rule XXII to permit a simple majority of a quorum to limit debate in the Senate.

With respect to a prior action filed by the same plaintiff also challenging rule XXII, Senate Resolution 150 of the 103d Congress authorized the Senate Legal Counsel to defend Senators named as defendants in that action. With respect to the plaintiff's prior challenge, the district court dismissed the suit for lack of standing. On appeal to the D.C. Circuit Court of Appeals, the appellate court vacated the district court's decision and ordered the plaintiff's complaint dismissed as moot. In his complaint, the plaintiff had sought to present his alleged injury as frustration of the majority party's legislative program by the minority. The appellate court noted that the intervening change in the control of the Senate after the 1994 election had mooted his allegations of injury.

The plaintiff's new action alleges an injury independent of party control, as well as adding non-Member defendants. The new action is subject to the same grounds for dismissal as was the previous action.

Over the years, the Senate has vigorously debated the merits of rule XXII. That debate has included the question that the plaintiff seeks to present to the court in the instant action of whether a majority of the Senate should be permitted to end debate. The resolution of this issue under our constitutional system, Mr. President, is best decided in the Senate and not in the courts.

The resolution at the desk would authorize the Senate Legal Counsel to represent the Members, officers, and an employee of the Senate who have been named as defendants in this case and to move to dismiss the complaint.

Mr. HELMS. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and that any statements relating to the resolution appear at this point in the CONGRESSIONAL RECORD.

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

The question is on agreeing to the resolution.

The resolution (S. Res. 101) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 101

Whereas, in the case of *Douglas R. Page* v. *Richard Shelby, et al.*, C.A. No. 97-0068, pending in the United States District Court for

the District of Columbia, the plaintiff has named all Members of the Senate, and the Secretary, the Sergeant at Arms, and the Parliamentarian, of the Senate, as defendants;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members, officers, and employees of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Members, officers, and employee of the Senate who are defendants in the case of *Douglas R. Page* v. *Richard Shelby, et al.*

COMMENDING THE STATE OF COLORADO FOR ITS EFFORTS REGARDING THE DENVER SUMMIT OF EIGHT

Mr. HELMS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 81, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 81) expressing the sense of the Senate regarding the political and economic importance of the Denver Summit of Eight and commending the State of Colorado for its outstanding efforts in ensuring success of this historic event.

The Senate proceeded to consider the resolution.

Mr. HELMS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and that any statements relating to the resolution appear at this point in the RECORD.

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

The question is on agreeing to the resolution.

The resolution (S. Res. 81) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 81

Whereas this is the first Economic Summit to be held in the United States since the 1990 Economic Summit was held in Houston, Texas;

Whereas on May 29, 1996, the State of Colorado was announced as the host of the Group of Seven Economic Summit, to be held on June 20 through 22, 1997;

Whereas the Economic Summit is an annual meeting that brings together the leaders of the world's 7 most economically successful democracies: Canada, France, Germany, Great Britain, Italy, Japan, and the United States;

Whereas this is the first Economic Summit to include the transitioning economy of Russia, which has resulted in a new reference to the Economic Summit as the Denver Summit of Eight;

Whereas the central location of Denver among the summit members, with Europe to the east, Japan to the west, and central Canada to the north, enables the residents of Colorado to serve as a central pillar supporting the international bridge of friendship and prosperity;

Whereas the selection of the State of Colorado and the Denver metropolitan region as the host of the Summit of Eight reflects the region's growing economic importance in the international community;

Whereas Colorado has distinguished itself as an ideal site for the Summit of Eight because of its leading industries of telecommunications, aerospace, biotechnology, high technology, health care, education, agriculture, recreation, and tourism;

Whereas Colorado's dedicated law enforcement officers, firefighters, emergency medical technicians, and other public servants are able and committed to provide vital support to the Summit of Eight; and

Whereas the Summit of Eight promises to be 1 of the more significant summits of recent years, with results that will benefit the larger world community, including progress toward relieving international debt, supporting the economic development of Russia and the Ukraine, paving the way to increased efficiencies in international commercial transactions by reducing the regulatory barriers to electronic banking, and minimizing destabilizing factors in the world's financial markets: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its appreciation to the citizens of Colorado and the Denver metropolitan region for hosting the Summit of Eight; and

(2) accords recognition of the hospitality to be provided by the people of Colorado and the Denver metropolitan region.

ORDERS FOR WEDNESDAY, JUNE 18, 1997

Mr. HELMS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10 a.m., Wednesday, June 18. I further ask unanimous consent that on Wednesday, immediately following the Chaplain's prayer, the routine requests through the morning hour be granted, and that the Senate then be in a period of morning business until 12 noon, with Senators permitted to speak for up to 5 minutes, with the following exceptions: Senator SESSIONS, 60 minutes; Senator DORGAN, 10 minutes; Senator KERRY of Massachusetts, 15 minutes.

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

PROGRAM

Mr. HELMS. Mr. President, for the information of all Senators, the Armed Services Committee has filed the DOD authorization bill. It is the leader's intention to ask consent to turn to that bill at 12 noon on Wednesday. It is the leader's hope that Senators will grant the consent so the Senate can begin debate on this very important piece of legislation. Also, the Senate may be asked to consider the intelligence authorization bill. Therefore, votes can be expected to occur throughout the session of the Senate on Wednesday.

The leader would remind Senators that we have a lot of work to do between now and the Fourth of July recess. Therefore, all Senators' cooperation is essential in order to complete our business in a responsible fashion.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, the only point I would like to make is that under the situation as it now stands as it relates to the DOD bill, there is at least one conflict. Unless it is worked out overnight, or by noon tomorrow, it would be very difficult to move to that piece of legislation. I think everything is all right as it relates to going to the intelligence bill. I think everybody understands it. But for the RECORD, we would be hard pressed, or I would be hard pressed not to recognize Senators on my side and your side.

Mr. HELMS. I thank the Senator.

RECESS UNTIL 10 A.M. TOMORROW

Mr. HELMS. Mr. President, if there be no further business to come before the Senate, I now ask the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:06 p.m., recessed until Wednesday, June 18, 1997 at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 17, 1997:

DEPARTMENT OF AGRICULTURE

SHIRLEY ROBINSON WATKINS, OF ARKANSAS, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD, NUTRITION, AND CONSUMER SERVICES, VICE ELLEN WEINBERBER HAAS, RESIGNED.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be brigadier general

COL. EDWIN J. ARNOLD, JR., X...
COL. JOHN R. BATISTE, X...
COL. BUFORD C. BLOUNT III, X...
COL. STEVEN W. BOUTELLE, X...
COL. JOHN S. BROWN, X...
COL. EDWARD T. BUCKLEY, JR., X...
COL. EDDIE CAIN, X...
COL. KEVIN T. CAMPBELL, X...
COL. JONATHAN H. COFER, X...
COL. BANTZ J. CRADDOCK, X...
COL. KEITH W. DAYTON, X...
COL. BARBARA DOORNINK, X...
COL. PAUL D. EATON, X...
COL. JEANETTE K. EDMUNDS, X...
COL. KARL W. WIKENBERRY, X...
COL. DEAN R. ERTWINE, X...
COL. STEVEN W. FLOHR, X...
COL. NICHOLAS P. GRANT, X...
COL. STANLEY E. GREEN, X...
COL. CRAIG D. HACKETT, X...
COL. FRANKLIN L. HAGENBECK, X...
COL. HUBERT L. HARTSELL, X...
COL. GEORGE A. HIGGINS, X...
COL. JAMES C. HYLTON, X...
COL. GENE M. LACOSTE, X...
COL. MICHAEL D. MAPLES, X...
COL. PHILIP M. MATTOX, X...
COL. DEE A. MCWILLIAMS, X...
COL. THOMAS F. METZ, X...
COL. DANIEL G. MONGEON, X...
COL. WILLIAM E. MORTENSEN, X...
COL. RAYMOND T. ODIERNO, X...
COL. ERIC T. OLSON, X...
COL. JAMES W. PARKER, X...
COL. RICARDO S. SANCHEZ, X...
COL. JOHN R. SCHMADER, X...
COL. GARY D. SPEER, X...
COL. MITCHELL H. STEVENSON, X...

COL. CARL A. STROCK, x...
COL. CHARLES H. SWANNACK, JR., x...
COL. ANTONIO M. TAGUBA, x...
COL. HUGH B. TANT III, x...
COL. TERRY L. TUCKER, x...
COL. WILLIAM G. WEBSTER, JR., x...
COL. JOHN R. WOOD, x...

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL* AND THE ASSISTANT JUDGE ADVOCATE GENERAL**, U.S. ARMY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 3037:

To be major general

*BRIG. GEN. WALTER B. HUFFMAN, x...
**BRIG. GEN. JOHN D. ALTENBURG, JR., x...

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. MONTGOMERY C. MEIGS, x...

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. JOHN N. ABRAMS, x...

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY UNDER TITLE 10, UNITED STATES CODE, SECTION 624 AND 628:

To be lieutenant colonel

JULIET T. TANADA, x...

IN THE AIR FORCE

THE FOLLOWING-NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, UNITED STATES COMMISSION, SECTIONS 12203 AND 12212:

To be colonel

JAMES W. ADAMS, x...
LYLE M. ANDVIK, x...
EUGENE D. ASHLEY, x...
GEOFFREY S. AVERY, x...
PAUL D. BOESHART, x...
LARRY G. BROOKS, x...
GARY R. CAZIER, x...
STANLEY W. CHAPMAN, x...
WILLIAM E. CHMELIR, x...
EUGENE R. CHOJNACKI, x...
FORREST C. CLARK, x...
JOHN W. CLARK, x...
HARVEY S. CLEMENT, x...
BLAINE COFFEY, x...
TIMOTHY J. COSSALTER, x...
JOHN R. CROFT, x...
HENRY J. DAHLQUIST, x...
DANA B. DEMAND, x...
RALPH L. DEWSNUP, x...
JAMES E. GREEN, x...
WAYNE A. GREEN, x...
SCOTT A. HAMMOND, x...
VAUGHON C. HANCHETT, x...
JOHN J. HARTNETT, x...
MICHAEL E. HAYEK, x...
TERRY P. HEGGEMEIER, x...
DAVID N. HIPP, x...
CHARLES R. HOBBS, x...
MARK R. JOHNSON, x...
JESSE D. KINGHORN, JR., x...
DAVID F. KIRST, x...
PHILIP C. KOCH, x...
CARL R. KOSTIVAL, x...
JAMES W. KWIATKOWSKI, x...
BARBARA A. LOGAN, x...
JUDD K. LUNN, x...
TIMOTHY B. MALAN, x...
DARRYL L. MARSHALL, x...
JERRY M. MATSUDA, x...
STEPHEN L. MELTSNER, x...
DONALD C. MOZLEY, x...
RICHARD D. NEWBOLD, x...
MAUREEN E. NEWMAN, x...
THOMAS W. PAPE, x...
MARK W. PARKER, x...
GEORGE B. PATRICK III, x...
FRANK PONTELANDOLFO, JR., x...
RICHARD D. RADTKE, x...
ROBERT L. RAVENCAMP, x...
MICHAEL R. REED, x...
STEPHEN D. RICHARDS, x...
RAMSEY B. SALEM, x...
STEVEN H. SAYLOR, x...
THOMAS E. SCHART, x...
TERRY L. SCHERLING, x...
WILLIAM J. SCHWARTZ, JR., x...
RODGER F. SEIDEL, x...
RICHARD A. SHAW, JR., x...
MAYNARD R. SHEPHERD, x...
SAMUEL M. SHIVER, x...
CHARLES E. SMITH, x...
FREDERICK H. SMITH, x...
ANNETTE L. SOBEL, x...
WILLIAM S. TEER, x...
JESSE A. THOMAS, x...
RANDALL A. VEENSTRA, x...
DONALD F. WAID, x...
JOHN R. WALTERS, x...
PHILIP H. WARREN, x...
HAROLD E. WHALEY, x...
GARY H. WILFONG, x...
MICHAEL B. WOOD, x...

EXTENSIONS OF REMARKS

D.C. FLAT FEDERAL TAX

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. GINGRICH. Mr. Speaker, I wish to recommend the following editorial to my colleagues, entitled "Fixing a Flat," which appeared in the May 19, 1997, Wall Street Journal. I commend the Congresswoman for fighting against the District of Columbia's destructively high tax policies and for a pro-growth, pro-investment flat tax:

FIXING A FLAT

Summer's almost here, which means soon tourists will be pouring into Washington, D.C., to see the sights in their beloved capital city, a municipality so broke, so inept, so seemingly beyond hope that the financial control board that oversees its affairs is weighing a plan to appoint a city manager and largely supplant Mayor Marion Barry. There has to be a better way to save the capital, and believe it or not, some of the attending politicians may have hit on an answer: a flat 15% federal income tax and elimination of all capital gains taxes in the District of Columbia.

It's closer to reality than you might imagine. Last week, Senate Majority Leader Trent Lott won rousing cheers from a crowd of D.C. residents when he and four other Senators embraced a flat tax sponsored by Eleanor Holmes Norton, the District's Democratic Delegate.

The Norton plan would levy a flat 15% federal tax on all bona fide District residents. The first $25,000 of income would be exempt for single filers and the first $30,000 for married couples. Her plan would zero out capital gains taxes on investments in the District made by residents. Senator Lott would go further: no residency requirement for investors and he'd add a $5,000 tax credit for first-time home buyers to encourage a return of the middle-class. Since 1950, the District's population has plummeted to less than 520,000 from 800,000.

Ms. Norton says that the combined support of Senator Lott and Speaker Newt Gingrich has convinced her that "there is going to be some configuration of tax cuts for District residents" this year. She has other powerful allies, including Democratic Senator Joe Lieberman and GOP Senators Connie Mack and Sam Brownback.

No one pretends that a new tax regime will solve all the District's problems, but Delegate Norton says a dramatic confidence-building measure is needed to stop the exodus. She says her tax plan has "united black, whites and Hispanics" and in every part of the city "the enthusiasm and the chorus is the same: Do it and we'll stay."

The opposition to a flat tax for D.C. comes in two forms. Some claim it wouldn't spur economic growth and that rising property values will create a zero-sum housing crisis. "There are not enough homes for the poor now," says liberal activist Mark Thompson. "Where are they going to live when all these people start coming back in the city?" As far as we can see, every city with the exception of rent-controlled New York City manages to build housing for a variety of incomes. A tax-liberated D.C. would likely see an explosive growth in construction.

Others object that a D.C. flat tax is unfair to nearby suburbs and other states; D.C. residents get a tax break while other Americans endure combined marginal tax rates of more than 40%. A fair point, we suppose, but hardly cause to condemn the District to economic and social collapse. And if it succeeded, the idea would spread rapidly elsewhere.

That, of course, is precisely why it's believed President Clinton will persist in his opposition to Delegate Norton's flat tax. The opposition of old-line Democratic constituency groups to any idea they didn't dream up 25 years ago is utterly pro-forma by now. Delegate Norton thinks the first step is to get her bill onto the President's desk. Senator Lott seems to agree. Keep pushing.

A TRIBUTE TO RISA MUNITZ-GRUBERGER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to honor Risa Munitz-Gruberger for her dedication to teaching Judaism throughout the Conejo Valley community. I recognize Risa on behalf of the Chabad of the Conejo as the recipient of the Lifetime Achievement Award.

This award is given to thank Risa for imparting her educational training on the Jewish Community. Risa has had great success achieving her goals—spreading a sense of values, morals, and ethics throughout our community and assisting the needy when they are troubled physically or spiritually. It is for this success that we are honoring her today.

Risa's contributions to Judaic education include countless hours of volunteering and lecturing, but most importantly, the design and distribution of her own innovative educational materials. These materials encourage young and old to embrace their Jewish identity.

Risa's recognition here today is long overdue. Shortly after moving to the area, Risa read about Chabad and knew she wanted to become a part of it. She immediately began planning a communitywide parent education series in conjunction with the Jewish Community Center and the Conejo Jewish Academy which explored Jewish ideas and theology. Risa has since sponsored several other programs and continues to support Judaism in our community.

In the spirit of building the bridge—a bridge to the past, future, and all people, I join our community in honoring Risa Munitz-Gruberger for her hard work and recognition of the Lifetime Achievement Award.

HONORING THE 10TH ANNIVERSARY OF THE GREATER LANSING BUSINESS MONTHLY

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Ms. STABENOW. Mr. Speaker, 10 years ago J. Christopher Holman founded the Greater Lansing Business Monthly in hopes of publicizing and promoting local business within the community of Lansing. This week the Greater Lansing Business Monthly will celebrate its 10th anniversary.

I wish to acknowledge the efforts of Chris Holman and his staff to promote the strengths of the Lansing business community. With readership of over 30,000, the Greater Lansing Business Monthly is distributed to all nonresident addresses in Lansing, Mason, Holt, Grand Ledge, East Lansing, Haslett, and Okemos. The monthly features local stocks, profiles products made in the Lansing area, and provides updates on the overall Michigan economy.

The Greater Lansing Business Monthly serves as a base of local economic information to the community and its commitment to local small businesses is unmatched. It is much more than a periodical trumpeting Greater Lansing as a marvelous place to do business. It is also an integral part of the business community with the formation of CEO networks, directors luncheons, and the entrepreneurial awards.

On behalf of all the citizens of Michigan's eighth district, I extend congratulations and best wishes to Chris Holman and his staff.

THE FAILURE OF RACIAL PREFERENCES

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. COX of California. Mr. Speaker, this past weekend, President Clinton delivered a speech in San Diego criticizing the people of California for enacting the California Civil Rights Initiative [CCRI]. The wisdom of CCRI in outlawing special preferences based solely on race, said Mr. Clinton, should be suppressed in favor of continued race-based classifications by our Government. The following essay, published in the New York Times the same weekend, describes why Californians—and Americans—are indeed wise to abhor Government-mandated racial preferences.

[From the New York Times, June 15, 1997]

FACE THE FAILURE OF RACIAL PREFERENCES

(By Newt Gingrich and Ward Connerly; Newt Gingrich is Speaker of the House of Representatives. Ward Connerly is chairman of the American Civil Rights Institute and a University of California regent)

In August 1963, the Rev. Dr. Martin Luther King Jr. gave heartfelt voice to his dream of a world where children are judged by the content of their character rather than the color of their skin. A few months later, in May 1964, President Lyndon Johnson told the graduating class of the University of Michigan, "The Great Society is a place where every child can find knowledge to enrich his mind and to enlarge his talents."

Unfortunately, three decades and $5.4 trillion of Federal Government spending later, Dr. King's dream still remains unfulfilled and nearly all of America knows that the Great Society has become an expensive failed tribute to the collective liberal imagination. Over the years, Federal welfare programs for the poor were enacted that created and sustained an illusion of activity but that, in reality, did more harm than good.

Even worse, a complicated set of Government rules and regulations were developed in almost every area of life, the intent of which was to eliminate discrimination. Yet the cruel fact has been that Government has brought about nearly as much discrimination as it has eliminated—just in a different form—and has masked the very real problems that still exist.

President Clinton's speech on race yesterday in San Diego was actually a missed opportunity to address these issues; there was little indication that his advisory board on race includes anyone who will critically examine the impact of racial preferences on society. But more important, we wish he could have laid out a plan for real education reform that would produce genuine equality of opportunity for all.

Let us take a look at the record. Welfare spending is more than eight times what it was in 1965, adjusted for inflation, and it's time to ask, What do our children have to show for it? Well, for starters, over four million more of them are now living in poverty—43 percent of all black children and 41 percent of all Hispanic children. Violent crime has skyrocketed, especially in the inner cities.

But for evidence of the Great Society's greatest failure, look no further than the current state of public education and President Clinton's politically expedient but totally indefensible support for racially based "Band-Aid" measures. Rather than face up to the catastrophic failure of inner-city educational systems and deal honestly with their essential problems, the President, like others holding on to this failed system, refuses to reform a system that fails morally as well as practically.

Like so many whose political fortunes depend on unions and bureaucracy, Mr. Clinton, sadly, refuses to acknowledge that the ill-conceived education policies of the 1960's deserted the children who needed help the most.

The education bureaucracy won't concede that, despite spending trillions of dollars on education over the past 30 years, American children are further behind today. It doesn't want to admit that the S.A.T. scores of African-American children, which average 100 points less than the scores of white children, are the direct result of the current policies. The National Education Association doesn't want to bear the blame for the fact that 40 percent of all 9-year-olds can't meet basic literacy standards or that 66 percent of African-American fourth graders fail national geography standards. These are not racial inadequacies, they are education inadequacies.

Nor will the education bureaucracy admit that low-income high school students are giving up on school in ever increasing numbers. The fact is that disadvantaged children are not receiving the "knowledge to enrich their minds and to enlarge their talents," as President Johnson promised. Instead, many education and minority leaders cling to a system of racial preferences using the diplomas of an arbitrary few to paper over what has become a national human catastrophe. For the sake of all our children, these people must face the cold, hard truth: Every time we use racial preference to effect change, it is proof that we have failed a child somewhere.

President Clinton refuses to face the core of the problem: Money without reform will not educate our children. Look at the spending in inner-city schools today. The District of Columbia spends more money to educate its children than any state in the country—more than $9,000 per student per year—and yet its children rank at or near the bottom of national test scores. Something is very wrong with the schools of our nation's capital; both the teachers and their students are being shortchanged by a stagnant, uncaring educational bureaucracy.

Government-imposed quotas are no substitute for education reform. Racial preferences may offer an illusory way out for a few students, but sadly, the vast majority of children in the inner cities are being deprived by their schools of the opportunity to go to college. We've all seen recently the dramatic drop in minority admissions to the University of California at Berkeley and the University of Texas School of Law, institutions that did away with race-based preferences. This shamefully underscores how much race and race alone has been used instead of merit in our halls of higher education.

Supporters of preferences see those numbers as vindication for their claims of racism in America; they are simply wrong. The real villain in this 30-year morality play isn't bigotry or the University of California Board of Regents or the United States Court of Appeals for the Ninth Circuit. The original affirmative action policies were indeed well-intentioned efforts to redress centuries of racial discrimination. Yet they have been perverted over the years. The racial preferences used in their name have been used as masks to avoid real reform. They have become an excuse to perpetuate an inner-city system to cheat those children most in need out of a real future.

Failing to save these children should cause shame to all Americans. No one has chosen to help our underprivileged develop their talents. No one has insisted they have schools in which they can succeed. As a country, we all share that shame, but the creation of a small minority professional class through racial preferences to ease elitist guilt is an unacceptable and unconscionable alternative. And applying racial preferences to business practices is no better.

Yet the education bureaucracy warns that "radical" reform could harm children. It is difficult to imagine that any of the education proposals being offered today could do any more damage than the failed policies of the last 30 years.

There are promising solutions: In the 104th Congress, for the first time ever, a legitimate school voucher initiative for the children of the District of Columbia was passed in the House; there were enough votes to pass it in the Senate.

Unfortunately, unions, resistant to change, prevented it from coming to a vote. Representative Dick Armey of Texas, the majority leader, has introduced a similar measure this year. Is giving poor parents the same opportunity as wealthy ones to send their children to the school of their choice a risky venture?

Is giving poor parents the opportunity to send their children to a safe school truly dangerous or just threatening to those dependent on the status quo? Is it harmful to the future of our children to demand that they be able to read before they are passed on, or do real standards bring too many of the failures of the current bureaucratic system to light? Does lowering the standards of graduate school admissions for certain individuals really address inequality of opportunity or simply give one group a place at the table while trampling on the basic rights of another? Do we bring the people of this country closer together when we reject one of America's most basic principles—the notion that people should be judged individually on merit, not collectively by the color of their skin—or do we breed new resentment and doubt?

Education is the key to a productive, healthy citizenship. But our system of racial preferences is the wrong door. The failed Great Society policies have devastated and divided two generations. We have seen how Government-imposed racial preferences actually stand in the way of true educational reform. The President must abandon the misguided belief that our society should ever use discrimination to end discrimination.

TRIBUTE TO JOHN TALLMAN

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. WELLER. Mr. Speaker, I rise today to honor the work and dedication of John Tallman who is retiring from the Bourbonnais Fire Protection District board of trustees after 48 years of service. Mr. Tallman has been Bourbonnais' Fire Protection District's only president since 1948 until his official retirement on September 19, 1997.

John Tallman has been instrumental in helping the fire district to grow and modernize. In 1948, a four-wheeled cart containing an ax and a hose was pulled by car to the fire scene. The first fire engine arrived in 1950. Today, The Bourbonnais Fire Protection District consists of three pumpers, two tankers, two ambulances, one grass fire truck, one rescue truck, one disaster trailer, one boat, two automobiles, extrication equipment, high angle rescue equipment, and gumby suits, all housed in a new fire station.

In addition to his work with the fire protection district, John Tallman farmed over 500 acres of land. He and his wife, Eileen, have raised four children on their farm. John has also served as a school board chairman and has served on the county board.

John Tallman's commitment and impact on his community is not only deserving of congressional recognition, but should serve as a model for others to follow.

At a time when our Nation's leaders are asking the people of this country to make serving their community a core value of citizenship, honoring John Tallman is both timely and appropriate.

I urge this body to identify and recognize others in their communities whose actions have so greatly benefited and enlightened America's communities.

NATIONAL HISTORY DAY

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. KLINK. Mr. Speaker, I rise today to congratulate several constituents from my district for their participation in National History Day.

National History Day inspires students to learn and think critically about people, places and events that have shaped history. Every year National History Day selects a theme. For the 1996–97 school year their theme was "Triumph & Tragedy in History."

Those who participated in this contest competed against fellow students at the district, State and national levels, presenting what they learned with creative and original performances, media presentations, papers, or three-dimensional projects. Encouraged to understand and comprehend the full historical importance of their topics, students then asked insightful questions about when and why the event they had researched occurred, what it's subsequent historical significance.

In a day and age when far too many of our Nation's youth seem to be ignorant of our rich heritage, it is encouraging to see how the students involved in the National History Day contest took an active interest in remembering the events of the past.

I would especially like to congratulate my constituents, Dean Walker, Dana Frishkorn, Jonathan Patrick, Jonathan Wise, Alexis Bohan, and their teachers, Dale Wagner, and Diane McAfee, for their outstanding achievements in this year's National History Day competition.

They are a credit to education in Pennsylvania and an inspiration to all of the students in the Fourth Congressional of Pennsylvania. I hope my colleagues will join me in recognizing their exceptional work.

THE CIVIL RIGHTS ACT OF 1997

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. GEPHARDT. Mr. Speaker, just this past weekend the President gave a commencement address in San Diego, CA, in which he announced the beginning of his race initiative that over the next year will seek to engage the American people in an honest and open dialog on race relations. Through this initiative, the President has set a goal of focusing national attention on lessening the barriers that divide our nation along racial lines and developing concrete policy solutions that will unite us as one America. I commend the President and his advisory panel, chaired by the distinguished scholar Dr. John Hope Franklin, as they begin a journey, that if successful, will bring us closer to realizing our fullest potential as a nation. It is a journey on which I hope they will be joined by all of the American people.

But unlike the President who has chosen to lead us down a path toward racial reconciliation, today, once again Republicans in Congress have chosen to take the hackneyed and politically expedient path of exploiting racial division by reintroducing legislation that seeks to erase the gains that many women and minorities have made toward achieving equal opportunity. Today, Representative CANADY and Senator MCCONNELL introduce what they call the "Civil Rights Act of 1997," a bill that would abolish affirmative action in Federal Government employment and contracting.

Those who support the Canady-McConnell bill claim that affirmative action is unfair because it uses "quotas" and gives "preferences" to undeserving and unqualified women and minorities. But they could not be further from the truth. The majority of American people support affirmative action because they know that it is a moderate and effective remedy for providing equal opportunity to those who have historically been treated unfairly. Affirmative action, like other Federal civil rights laws, is a bipartisan solution that has enjoyed the support of Democratic and Republican Presidents, Democratic and Republican Members of Congress, and continues to have the support of Republican Governors like Christine Todd Whitman of New Jersey, Jim Edgar of Illinois, Bill Weld of Massachusetts, Tom Ridge of Pennsylvania, and others including Retired Gen. Colin Powell.

We as a Congress must reject the path of racial divisiveness represented by the Canady-McConnell bill and chart our own path that will complement the efforts of the President's race initiative. As we begin the appropriations process, let us provide the funding necessary to the agencies of the Federal Government that enforce our antidiscrimination laws. This is an action that we must take to demonstrate our continued commitment to the full enforcement of these laws.

If we are to realize the potential of our democracy, then the choice is clear. We must continue to open the doors of opportunity in the classroom and the workplace to all our citizens and come to fully appreciate that the growing diversity of our great Nation is truly our greatest resource. Let us heal the wounds of race, not reopen them. Let us not abandon affirmative action.

IN HONOR OF WESTERN QUEENS GAZETTE 15TH ANNIVERSARY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. SCHUMER. Mr. Speaker, one of the pleasures of serving in this legislative body is the opportunity we occasionally get to acknowledge publicly the outstanding pillars of our communities.

I rise today to pay tribute to the Western Queens Gazette on the occasion of its 15th anniversary by placing their name in the CONGRESSIONAL RECORD.

The Western Queens Gazette has served as a vehicle to inform and educate the residents of the Queens community for 15 years. I would like to take this opportunity to commend its publisher and founder, Mr. Tony Barsamian, for his initiative and insight in starting and maintaining this paper for so many years. During these times when news seems more focus on highlighting the negative events taking place in our society, it is good to know that individuals, like Mr. Barsamian, still believe there is something useful to delivering good news and relevant information to his friends and neighbors.

The healthy sense of community that exist in that neighborhood today, I believe, can easily be attributed to the Western Queens Gazette. Mr. Barsamian has done a tremendous job at delivering the good news to Queens. Highlighting the good works of the Queens community is good business and the best type of service to provide.

Thank you Western Queens Gazette and Mr. Barsamian for your years of dedicated service to improving public opinion. I ask my colleagues today to join me in saluting this fine citizen and the institution he has built.

TRIBUTE TO RUTH BLOCK

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Ruth Block, an exemplary individual who has selflessly devoted herself to the community and tirelessly sought to foster an ecumenical climate of understanding. Ruth in being honored by the American Jewish Committee with its 1997 Community Service Award and I would like to add my accolades for this outstanding citizen.

The Talmud states that "Charity knows neither race nor creed," and Ruth's devotion to working on behalf of the entire community illustrates that service to others also recognizes no such boundaries. Ruth Block's accomplishments are truly remarkable and these brief remarks can hardly hope to fully acknowledge all that she has done for the community.

Ruth Block has selflessly devoted her time and energy to numerous causes, including the Rockefeller Foundation, the League of Women Voters and has been an active leader of the American Jewish Committee. Additionally, Ruth's diligent work to foster understanding extends to the international sphere as well. She was awarded the Gold Medal of Honor by the Austrian Government and has also been presented with the Officer's Cross of the Order of Merit by the German Government for her efforts to build bridges of understanding between the German and Jewish people.

What makes Ruth truly amazing is that despite her countless hours of community service, she has also found the time to raise a

family and spend time with her grandchild. I am proud to pay tribute to such an outstanding citizen as Ruth Block.

RECOGNITION OF MICHIGAN WOMEN'S HISTORICAL CENTER ON ITS 10TH ANNIVERSARY

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Ms. STABENOW. Mr. Speaker, 10 years ago the Michigan Women's Studies Association opened the Michigan Women's Historical Center and Hall of Fame.

During this landmark year, I commend the Michigan Women's Studies Association for their outstanding efforts.

Through the years, the Michigan Women's Historical Center and Hall of Fame's publications, programs, and traveling exhibits, have enabled the people of Michigan to learn more about outstanding women leaders in our State. These leaders have made an enduring contribution to our State and our society. Without the MWSA, their work might not ever have been acknowledged.

The Michigan Women's Studies Association and the Historical Center and Hall of Fame have been a catalyst in bringing the diverse roles of women to the forefront in Michigan. Through their work, the accomplishments of hundreds of women have now become an important part of the social fabric and collective memory of the State.

Michigan's history is rich in the achievements and contributions of our State's women. I am proud that we have a way of honoring the women who have been shining examples to us all.

ON THE NEED FOR IRS OVERSIGHT

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. COX of California. Mr. Speaker, the Internal Revenue Service has too much power in Americans' lives. This recent example, from the Associated Press, shows why greater congressional oversight of IRS mismanagement and taxpayer abuse is so vitally necessary.

IRS IS FOUND TO HAVE RETALIATED OVER AN INSULT

(By Margaret Katz)

DENVER (AP).—In hindsight, insulting the IRS agent during an audit was probably not a good idea.

But Carole Ward, who this week moved to Albuquerque from Colorado Springs, let fly with this gem: "Honey, from what I can see of your accounting skills, the country would be better served if you were dishing up chicken-fried steak on some interstate in west Texas, with all the clunky jewelry and big hair."

A short time later, federal agents raided Ward's business and then released confidential information about her taxes to the media in what Ward called "character assassination."

This week, a federal judge reprimanded the IRS for its actions and awarded the woman about $325,000 in damages and attorney's fees.

"By this award, this court gives notice to the IRS that reprehensible abuse of authority by one of its employees cannot and will not be tolerated," U.S. District Judge William Downes said after the non-jury trial. "Part of that responsibility requires that you accept criticism, however inaccurate and/or unjustified, in silence."

Ward, 49, said she is not proud of what she said to auditor Paula Dzierzanowski during the 1993 audit. The meeting was one of several regarding income taxes owed by the children's clothing stores owned by her son, Tristan, then 20.

Two weeks later, IRS agents seized and padlocked the stores with a so-called jeopardy assessment demanding $325,000 in back taxes from Ward. Such an order is considered extreme and is normally used when the IRS fears it is in danger of never collecting the taxes, said Ward's attorney, William C. Waller.

Ward's family depended on the stores as their sole source of income, and the seizure put them in desperate straits. She said her family even lost their electricity because they were unable to pay bills.

Why the IRS targeted Ward rather than her son is unclear, said Dennis Mark, another of Ward's attorneys.

"They took the position that Carole Ward owned the stores," Mark said.

By July, Ward had hired a tax attorney and the parties had agreed that the actual amount owed by Ward was about $3,500.

"It was over and done," Waller said. But then the IRS went public with information about Ward that was the crux of her lawsuit.

IRS District Director Gerald Swanson and his assistant Patricia Callahan appeared on a Colorado Springs talk show and disclosed tax return information. They also discussed the original $325,000 dispute and allegations against Ward even though the case had been settled, Waller said.

The IRS also disclosed information to TV's "Inside Edition" in the form of a fact sheet about the dispute.

The IRS agents said that since Ward had already gone public with information about the dispute, they were within their rights. However, the judge found their behavior negligent.

Another IRS agent, James Scholan, further disclosed information about the dispute in a letter published in a local newspaper. Scholan said he had obtained that information from newspaper accounts, but the judge ruled that he had obtained it as an IRS employee, committing a "blatant violation."

Ward was also upset about notices posted in the windows of the stores during the seizure that she said implied she was a drug smuggler.

The judge found that the IRS had caused mental distress, emotional damage and humiliation to Ward.

"Public servants cannot be arbitrarily selective in their treatment of citizens, dispensing equity to those who please them and withholding it from those who do not," the judge said.

The IRS had no comment on the case. Nor did the Justice Department's tax division.

Ward said she is glad to be vindicated. But her son's stores are still struggling, she said, and the fight took a huge toll on her personally.

"When you take on these people . . . it would be wonderful if I felt like dancing on graves, but by the time you get the victory, it doesn't feel like a victory," Ward said. "They take out the joy."

LITTLE WONDERS OF THE WORLD: WINNERS OF THE ART OF COOPERATION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. TOWNS. Mr. Speaker, I am pleased to highlight the great achievement of Ms. Shadia Borum, president and CEO of the Little Wonders of the World, Inc., and the 10 young talented wonders of Public School 137, located at 121 Saratoga Avenue in Brooklyn. On May 30, 1997, each of these children received $1,000 in U.S. savings bonds held in trust until their 18th birthday or entrance into college.

Little Wonders of the World, Inc., is the only organization of it's kind; a Brooklyn based, not for profit 501(c)(3) education management company. The purpose of this organization is to raise children's educational standards and to uplift their self-esteem by increasing their opportunities for intellectual growth. This organization's dedication to children is exemplified by its development of educational programs, the organization of special events and creation of motivational contests for inner-city school children between the ages of 4–12 years of age in grades K–6.

Little Wonders of the World, Inc., created "The Art of Cooperation Contest." This contest is a motivation contest, open to children in third, forth, and fifth grades, that promotes cooperative behavior between the children, teachers, and family. The goal of this contest is to have all the participants develop their own successful method of cooperation through poetry, art of essay. This year's winners are: Chinae Albritton, Wesley Bankes, Christin Barratt, Crystal Brown, Crystal Foster, Crystal Hawley, Kenneth Jenkins, Chanelle Lugo, Luis Ortiz, and Roberto Ortiz.

I am delighted that the Little Wonders of the World, Inc., is available to the young children of Brooklyn. I commend Ms. Shadia Borum and Little Wonders of the World, Inc., for its vision and execution in developing this outstanding service center.

INTRODUCTION OF LEGISLATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. YOUNG of Alaska. Mr. Speaker, today, I am introducing legislation to authorize and direct a land exchange which will greatly benefit the town of Sitka, AK. This bill has several components to the exchange. First, it will ensure that an important water system now currently under an easement will be conveyed to the city of Sitka in order to provide its residents with an assured water supply into the future.

This exchange will also provide for a spectacular inholding on Admiralty Island National

Monument to be added to the monument. Admiralty Island is considered to be an area holding outstanding conservation values within the American conservation system. The land exchange authorized in the bill I am sponsoring will ensure that this private inholding is included in the monument and in the wilderness.

The final component of the exchange will be the extinguishment of a reversionary interest on land owned at Sitka by the Alaska Pulp Corp. The corporation also owns the valuable inholding at Admiralty Island and the lands which the city of Sitka wishes to have conveyed to it. In return for the extinguishment of the reversionary interest, the corporation will convey the inholding to the monument and the water system lands to the city.

This exchange is supported by the city and borough of Sitka, and the city administrator has requested me to sponsor this legislation and expedite the exchange.

This exchange is truly in the best interests of all involved. The U.S. Government even comes out ahead on value. Recent appraisals for the various lands and interests exchanged show that the Admiralty Island land is valued at more than the reversionary interest which will be exchanged. As a condition of my legislation, the corporation is required to waive its right to any compensation for this difference in value.

In summary, as a result of this exchange the Admiralty Island Monument land ownership pattern will be consolidated, the city of Sitka will receive valuable lands in fee ownership on which parts of its water system are located, and the corporation will be free of a problematic reversionary interest in its property. As a bonus, the Federal Government realizes a net benefit in the value of the exchange. This is a sound deal in the best interests of all parties.

It is my hope that this legislation can pass this body and the Congress in the near future.

HONORING THE DETROIT RED WINGS STANLEY CUP VICTORY

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. CAMP. Mr. Speaker, the Detroit Red Wings were rewarded for their excellence last Saturday night by sweeping the Philadelphia Flyers and bringing home the Stanley Cup for the first time in 42 years. Several images from the Red Wings triumphant run for the Cup will forever be imbedded in the hearts and memories of Wings fans everywhere. The steel-jawed determination of head coach Scotty Bowman, who became the first coach to win the Stanley Cup with three different teams; the spectacular performance of playoff-MVP goaltender Mike Vernon, who turned away shot after opposing shot; or the gritty play of Brendan Shanahan, Darren MacCarty, the "Grind Line"; and of course the international flair of the team, led by the likes of Sergei Fedorov and Igor Larionov.

However no player demonstrated the unwavering intensity and unselfishness of the team more than the captain Steve Yzerman. After years of personal triumphs, Yzerman's leadership finally brought home the Stanley Cup to the great State of Michigan. His perseverance and unwavering dedication gave one of the classiest players in pro sports the recognition he has so long deserved.

The Red Wings are an example of a team working together in the pursuit of excellence. Their play and accomplishments should be applauded, along with the integrity and commitment to overcome the many obstacles that stood before them. The State of Michigan is proud to salute the 1997 Stanley Cup Champions, the Detroit Red Wings.

HONORING AARON EDD JACKSON HENRY, "DOC"

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. PARKER. Mr. Speaker, I rise today to honor a very special man and a great American who has recently passed away. Aaron Edd Jackson Henry, better known to friends and family as "Doc," was born July 2, 1922, and died May 19, 1997.

During his life, Doc Henry served as 1 of the 200 U.S. soldiers during World War II to live in a multiracial experiment leading to the 1945 congressional bill outlawing segregated military housing, he organized the Coahoma County Branch of the NAACP in 1953, he was president emeritus of the Mississippi State Conference NAACP, and he owned and operated the Fourth Street Drug Store which is famous locally for being a center of civil rights activity.

Doc Henry also served on numerous other boards and organizations, such as the National Caucus and Center for Black Aged, the Federal Council on Aging, the Southern Christian Leadership Conference, the Southern Regional Council, the Mississippi Council on Human Relations, Mississippi Action for Progress, Inc., and the Civic Communications Corp. He was involved in such civic organizations as the American Legion, the Elks, the Masonic Order, the Veterans of Foreign Wars, and Omega Psi Phi Fraternity. Yet through all of this community involvement, he still made personal time for his wife, Noelle Celestine Henry, and his daughter, Rebecca Elizabeth Henry.

Doc Henry's quest for equality took him across the Nation and around the world. He was instrumental in enacting laws that impacted the core of human rights in our Nation. For these accomplishments, he has been recognized with honorary doctorates from Mississippi Baptist Seminary, Tougaloo College, Rust College, Mary Homes College, Prentiss Institute, Queens College, and Boston University. He also received accolades such as the Distinguished Mississippians Award, the Clarksdale Hall of Fame Award, the NAACP's Living Legacy Award, the Jammie Whitten Award, and the prestigious Hubert H. Humphrey Award.

Though the voice of a great humanitarian has ceased to resound to believers of civil rights everywhere, Doc Henry will live forever in our hearts and memories.

TRIBUTE TO ST. JOHN THE BAPTIST CATHOLIC CHURCH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. VISCLOSKY. Mr. Speaker, it is my privilege to congratulate St. John the Baptist Catholic Church in Hammond, IN, on the joyous occasion of its centennial celebration this Sunday, June 22, 1997. The day's festivities will begin with a Mass of Thanksgiving at 3:00 p.m., officiated by the Most Reverend Dale J. Melczek. Following the mass, a gala reception will begin at 4:30 p.m. in the parish's Panel Room Banquet Hall. The reception will include dinner, several guest speakers, and live performances by the Lubo Pala Slovak Folk Band, the Vychodna Slovak Folk Dance Ensemble, soprano, Dorothy Hoover, the St. John adult choir, and the Stanley Paul Orchestra.

The founding of St. John the Baptist Church is one of struggle and triumph. In the spring of 1897, after successfully petitioning Bishop Joseph Radermacher for a Czechoslovakian priest to serve those in the community of Slovak heritage, a welcoming committee met Father Benedict Rajcany in Hammond on April 17, Holy Saturday. His first mass was offered on Easter Sunday 1897 at Sacred Heart Church in Whiting, IN, since no Slovak church existed at the time. Soon after, the Slovak Catholic Union Branch 130 transformed its meeting hall into a church, which was dedicated on July 4, 1897. The church was dedicated to St. John the Baptist because the new pastor stated he felt like "one crying in the wilderness" in his new assignment in the United States.

By the time World War I began in 1914, the church had been enlarged to accommodate 650 parishioners. By 1921, the first regular assistant, Father Michael Kosko, was appointed to the church. During his ministry, Father Rajcany continued to place emphasis on the English language and on the Americanization of his parishioners. Some objected, but their reluctance was soon overcome. At approximately the same time, priests from St. Joseph College in Rensselaer, IN, journeyed to assist the parish on weekends.

By 1925, it became apparent that a new and larger church would be needed. That same year, the future pastor of St. John, Reverend John Kostik, C.P.P.S., arrived as a permanent assistant. Later, at the suggestion of Father Rajcany, Father Kostik was appointed pastor of St. John by Bishop John F. Noll. Also during that year, the parish was placed under the supervision of the Society of the Precious Blood, and it continues to be served by priests of the society to this day.

Groundwork for the new church, the work of Chicago architect Herman Gaul, began in May, 1930. Knowing the economic seriousness of the times and the dangers of bankruptcy, Father Kostik placed the success of the $300,000 venture in the hands of St. Therese, the Little Flower of Jesus. Amazingly,

during this period of financial disaster, the parish lost only $340, and the entire debt was retired by 1942. The new Romanesque style church, with its 190-foot steeple, stands as a tribute to God from those founders of Slovak heritage.

In the late 1940's, much-needed additions to the parish were begun. Plans conceived by then-pastor Father John F. Lafko, C.P.P.S., were carried out by his successor, Father Gabriel Brenkus, C.P.P.S. In 1948, construction on the first phase of the new school, consisting of classrooms, a convent, and the Panel Room Banquet Hall, began. After its completion in 1951, the second phase of construction, consisting of an auditorium, gymnasium, and additional classrooms, began in 1955. The final addition to the St. John the Baptist complex was a new rectory, which was completed in 1967.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating the parish family of St. John the Baptist, under the guidance of Father John Kalicky, C.P.P.S., and former pastor-in-residence Father Edward Homco, C.P.P.S., as they prepare to celebrate their centennial in 1997. Their slogan, "We Remember, We Celebrate, We Believe," reverberates throughout the community in a celebration of faith—faith in God, faith in country, and faith in people. In this spirit, St. John has enhanced the quality of life within the Hammond community through its religious, educational, and cultural contributions for the past 100 years.

THE PASSING OF JAY B. WHITE, "AMERICA'S FINEST LAWYER"

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. STOKES. Mr. Speaker, it is with great sadness that I announce the passing of Attorney Jay B. White. Jay was a lifelong friend and a giant in the legal profession. Cleveland, OH, mourns the loss of one of her most distinguished sons, and a man who was one of the Nation's finest criminal defense lawyers. My wife, Jay, joins me in expressing our deepest sympathy to Jay's loving wife, Addye, and members of his family.

A few days ago, on June 13, 1997, the Cleveland Bar Association honored Jay for 50 years as a practicing lawyer, an honor representing a very special milestone in his legal career. Jay and I were boyhood friends and I always knew that he would achieve great things. As a young man, he knew the value of perseverance and hard work.

Jay was born in Cleveland and graduated from West Virginia State College. He earned his law degree from Western Reserve University Law School in 1946. After graduating, Jay began his law practice in Cleveland. At a time when law firms were not opening their doors to hire black lawyers, Jay was more determined than ever to succeed. He concentrated on representing persons charged with crimes and became an outstanding trial lawyer. It was in this capacity that he became one of the founders of the National Association of Defense Lawyers in Criminal Cases, which was founded in 1958 at Northwestern University Law School. He also served on its board for many years. Jay was a past president of the John Harlan Law Club and a member of Alpha Phi Alpha fraternity.

Mr. Speaker, saying goodbye to those whom we hold dear is difficult. In the days ahead, I will miss my good friend, Jay White. Not only did we share a special friendship, but we also enjoyed a special bond through our marriages. It was Jay White who introduced me to my wife, Jay. In turn, she introduced Jay to Addye, his devoted wife of 33 years. Jay's love of people garnered a host of friends and admirers all over the Nation who loved him and mourn the lost of their friend.

I am proud to have been a lifelong friend of Attorney Jay B. White. Our thoughts and prayers are with Addye, their son, Jay B., daughter, Joy, Jay's brother, Reggie, and members of the White family during this difficult period. Jay was a very special individual who, with his unique personality, carved out his own niche in this community. He was unlike anyone else I have ever known. Jay will always be remembered in his own famous words, as "America's finest lawyer."

CLINTON MEMORIAL AME ZION CHURCH ROOF DEDICATION CEREMONY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. PAYNE. Mr. Speaker, this past Sunday witnessed the dedication of a new roof for the Clinton Memorial AME Zion Church at 151 Broadway in Newark, NJ. This accomplishment is truly significant to this particular house of worship. For many years the Clinton Memorial AME Zion Church had no stable church home. The early history of the church was marked by ups and downs and much movement from one location to another. The church was founded in 1822, the same year that free Black men went to Liberia to found Monrovia. This is just one example of the type of vision and moral and social commitment that has permeated the leadership and membership of this church throughout its existence.

While the church was founded in 1822 it did not find its present home until 1930 when Rev. J.M. Hoggard was pastor. Reverend Hoggard was a resident of my childhood neighborhood. He had a great impact on our community and many of its people.

I was fortunate to be affiliated with this church when I was a young man. It was one of the most progressive institutions around. It had the foresight to provide the youth with activities such as socials and sports in a setting that was moralistically sound. While the youngsters were being kept occupied and happy they learned the importance of morals, faith and religion. I think my participation in these programs helped shape my concepts of the youth programs I would run for the YMCA when I became an adult.

Mr. Speaker, I am sure my colleagues would have wanted to join me as I extended my congratulations and best wishes to the congregants of the Clinton Memorial AME Zion Church of Newark, NJ.

TRIBUTE TO IRA KLEIN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to recognize Ira Klein, a young man who has demonstrated outstanding scholastic achievement. Ira is in Washington representing the State of California in the National History Day competition and I would like to congratulate this remarkable eighth-grader on his award-winning report.

The theme of this year's National History Day competition was "Triumph and Tragedy in History" and Ira's exemplary paper focused on the impact of the polio epidemic in America. What makes his report, entitled "Polio: Triumph and Tragedy," truly exceptional is that it focused on the individual victims of this dreaded disease, giving a voice to those countless persons who were afflicted by polio. Furthermore, Ira also brought to light the effect of Post-Polio Syndrome which continues to affect the victims of this diseases even 40 years after its initial onset. The interest in this subject was inspired by Ira's unlce's own battle with polio and Ira transformed this personal connection with the ravages of polio into a truly insightful piece of history.

In successfully completing such an ambitious project, Ira demonstrated a level of academic achievement that far exceeds his age. I would like to commend Ira Klein for his exceptional academic accomplishment.

BROOKLYN ELEMENTARY STUDENTS: THE CREATIVE THINKERS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. TOWNS. Mr. Speaker, I am pleased to have given special recognition and honor to the children of class 4–304 of New York City Public School 208 at 4801 Avenue D in Brooklyn on May 30, 1997.

I am delighted to have presented to the children of class 4–304 official Congressional Triumph Certificates for their magnificent drawings, poems and short stories on immigration. The following children interviewed their parents and represented their cultures through their art; bringing to life the special aspects of their homes:

Efuru Ballantyne; Richina Bicette; Laurae Caruth; Trevor Cayenne; Daniella Marie Clarke; Harrah Creary; Crystal Crossman; Valerie Delice; Kentasha Dickson; Dana Doyley; Ajani Edwards; Adonna Ferrell; Shariel Goldson; Zanita Green; Martin Gustave; Brandon Haynes; Colleen Hinkson; Shawn Hobbs; Alex James; Jodel Jeremie; Lauren Jones; Casey Gabriella Jones; Virginia Lowe; Makeda

Marshall; Terrill Ocona; Torin Perez; Ricardo Suares; and Samantha Ward.

These students' creative expressions detailed how immigration laws affect their families, specifically because they come from all parts of the world: Haiti, Africa, Japan, Puerto Rico, Dominican Republic, Barbados, Trinidad and Tobago, Jamaica, St. Lucia, Grendada, St. Vincent, and Guyana. The teacher of this brilliant class is Ms. Sandra Cinkay. I commend Ms. Cinkay for her tutorage.

TRIBUTE TO RABBI MORTON HOFFMAN

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Ms. STABENOW. Mr. Speaker, I wish to pay tribute to Rabbi Morton Hoffman upon his retirement from Temple Shaaraey Zedek. Rabbi Hoffman has served the people of East Lansing and the congregation of Temple Shaaraey Zedek since 1983. As a rabbi, he has served God and the families of East Lansing through his leadership in his temple, his knowledge of religion and history, and his commitment to his community and family.

Along with his duties as rabbi, Rabbi Hoffman has served as education director for Temple Shaaraey Zedek's religious schools, and has served on the Governor's Committee for the Establishment of the Annual Martin Luther King Day of Observance and the Governor's Committee for the Annual State Observance of the Holocaust Memorial Day. He is a member of the East Lansing Clergy Coalition and, in May 1990, earned the doctor of Hebrew letter degree from the Hebrew Union College-Jewish Institute of Religion.

Rabbi Morton Hoffman's commitment to his community is unparalleled and his leadership will be missed.

I speak for all the people of the eighth district in thanking him for his service. I wish Rabbi Hoffman mazel tov in the future.

TRIBUTE TO SPECIAL GRADUATE OF NEW YORK'S 12TH CONGRESSIONAL DISTRICT WITH PERFECT ATTENDANCE

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Ms. VELÁZQUEZ. Mr. Speaker, it is a pleasure to acknowledge the achievement of a very special graduate of the 12th Congressional District who has had perfect attendance for 6 years; since enrolling in kindergarten at Edward Bush Public School 18 in Brooklyn, NY. This graduate has been undaunted by obstacles and has demonstrated a true commitment to her educational goals.

She has learned that education is priceless and that she will be provided with the tools and opportunities to be successful in any endeavor she pursues by dedicating herself to her studies. Her success is a tribute not only to her strength and discipline but also to the supportive parents and teachers who have encouraged her. I am confident that the combination of these forces will lead her to many more achievements.

Mr. Speaker, as congressional Representatives we often discuss solutions to the plight of our Nation's educational system. We diligently strive to encourage educational excellence and dedication to higher learning. This student's unique achievement can serve as an example to others and I ask my colleagues in the U.S. House Representatives to join me in congratulating her. May her future be filed with many more successes. Congratulations to Kimberly Rodriguez.

A TRIBUTE TO JAMES D. ERICSON

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. BARRETT of Wisconsin. Mr. Speaker, I pay tribute today to one of Milwaukee's truly outstanding citizens, Mr. James D. Ericson. As the Wisconsin Chapter of the State of Israel Bonds gathers this evening to present Mr. Ericson with its 1997 LaSociete Award, I would like to take a moment to reflect on his remarkable contributions to the State of Israel Bonds, the city of Milwaukee, and the State of Wisconsin.

As the president and CEO of Northwestern Mutual Life since 1990, Jim Ericson has skillfully led one of the Nation's largest and most respected insurance companies to unprecedented levels of success. Named the "Most Admired Company" among insurance executives in a recent Fortune magazine survey, Northwestern Mutual has been a responsible and innovative corporate citizen, thanks in no small part to Jim Ericson's hands-on leadership and management capabilities. During the past 5 years, Northwestern Mutual has contributed more than $20 million to an array of educational, health, community, and civic endeavors. And as the president of Northwestern Mutual, Jim Ericson has always encouraged the company's 3,500 employees to volunteer their time and energy to make a real difference in our community. To honor the efforts of his employees, Jim Ericson established the Agent Community Service awards to recognize specific agents for volunteer commitment to their local communities.

Jim Ericson is know throughout Milwaukee and all of Wisconsin for his impressive civic accomplishments. From his initial organization of the Milwaukee Redevelopment Commission, to his successful work to bring professional baseball back to Milwaukee, Jim Ericson has always been at the forefront of all matters important to the economic progress of our city. In addition to his undeniable commitment to the State of Israel Bonds, Jim Ericson has served on more than a dozen boards and advisory panels. Most notably, he is a director of the Metropolitan Milwaukee Association of Commerce, and serves on the boards of the United Way of Milwaukee, Wisconsin Literacy Services, and the Blood Center of Milwaukee, just to name a few. In 1996, Jim Ericson received the prestigious St. Francis Children's Center Community Service Award for his leadership and personal commitment to our community.

The State of Israel Bonds plays a vital role in Wisconsin by creating a public awareness about the importance of maintaining a strong state of Israel. The organization also raises critical capital through Israel bonds which will ensure the long-term economic security and viability of the country. Jim Ericson has always recognized the importance of Israel bonds, and is well deserving of the organization's appreciation.

I would like to congratulate Jim Ericson's wife Patricia, their four children, and four grandchildren on this most special occasion. Thank you Jim Ericson, for all of your hard work and dedication. Your selfless efforts and persistence epitomizes Milwaukee's spirit of giving and sense of community.

REV. DR. EDWARD D. SMART, JR.—A MAN OF PRINCIPLE AND COURAGE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. PAYNE. Mr. Speaker, I would like to bring to the attention of my colleagues an event that was held this past Saturday. It was a reception held for Rev. Dr. Edward D. Smart, Jr. Rev. Dr. Smart is the shepherd of the Israel Memorial AME Church in Newark, NJ.

Rev. Dr. Smart is the epitome of leadership. He is courageous and committed to serving the members of our community, especially our young people. Serving by example is his method. He attended Fisk University where he was a Fisk Jubilee singer. He is a graduate of Penn State University with a degree in political science. He did graduate work at Shippenburg University and received his ministerial preparation at Gettysburg Theological Seminary. He holds a doctorate from the University of California. He is a member of the Essex County Welfare to Workfare Task Force. He is the cochairperson of the Newark Fighting Back Partnership, a program to reduce the demand for illicit drugs and alcohol. He has been involved since its inception. He has been integrally involved with the development of the Interfaith Clergy Community Alliance which is an effort to increase the aftercare for people in recovery by the faith community.

Israel Memorial AME Church has continued to grow under the stewardship of Reverend Smart. It has grown both financially and spiritually since his arrival in May 1991. He has faithfully worked to carry out its mission, "Israel Memorial AME Church strives to maintain a standard of Christian living within the metropolitan Newark area through evangelism, proclamation of the Word, stewardship, worship, bible study, and prayer meeting." He has been innovative in his approach to making life better for everyone he serves, which is the entire community. He is not one to take the safe way out always. He is a thoughtful risktaker when he feels he is justified in his position on

certain issues. Because of this, he has garnered the respect and support of many.

Mr. Speaker, I am sure my colleagues would have joined me as I congratulated Reverend Smart on his dedication to his faith, our community, and our young people.

BLUE RIBBON SCHOOLS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. PACKARD. Mr. Speaker, I want to commend three schools in my California district which the Department of Education recognized as Blue Ribbon schools. All three schools share as their mission an integrated approach to working with the community and with parents to educate and assist children in realizing their full potential as responsible, productive, contributing members of society.

The Philip J. Reilly School in Mission Viejo stands as an example of excellence in the community. The school provides a consolidated facility allowing disabled and nondisabled students to learn side by side and from each other. Architects received awards for designing the school to be entirely physically accessible to all students.

School success rests squarely on both the efforts of teachers and parents. At Barcelona Hills Elementary School, volunteers contributed over 10,000 hours of service just last year alone. Community efforts allowed the school to upgrade and integrate technology into every area of the curriculum. In addition to building students' academic prowess, teachers place emphasis on promoting integrity, responsibility, good citizenship, and perseverance.

Similarly, Laguna Niguel's George L. White Elementary School sets high academic and behavioral standards. White Elementary earned three commendations during its first program quality review. Further, the schoolteacher teaches children to give back to the community, sponsoring the kids in community service program. Projects include beach cleanups, corresponding with nursing home residents, and collecting food for the less fortunate.

As a former school board member, I am keenly aware of the challenges our schools face today. All of us in Congress agree that educating our youth should be one of this Nation's top priorities. A good solid education is the best tool to achieve success and ensure progress. With so many opportunities now available to our young women and men today, it would be a shame if they were not prepared and ready to take advantage of them. We must make sure that our education system is the absolute best it can be, providing students with the basic skills and academics to succeed in college and in the global marketplace.

IN HONOR OF THE GRAND OPENING OF PICKERING PLACE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. STARK. Mr. Speaker, on June 18, 1997, the city of Fremont and the Mid-Peninsula Housing Coalition will celebrate the grand opening of Pickering Place, a 43 unit affordable housing development, in the city of Fremont in California's 13th Congressional District. I commend both the Mid-Peninsula Housing Coalition and the city of Fremont for coming together to complete this project.

Affordable housing is an urgent need in California and the Mid-Peninsula Housing Coalition has been a leader in the development of affordable housing. They have developed over 3,300 units in the Greater Bay Area and are currently working on eight more projects. This new project, Pickering Place, will provide 43 affordable townhouse apartments for low-income families in our community.

I would also like to take this opportunity to congratulate the Fremont City Council and the city of Fremont staff who worked together with the Mid-Peninsula Housing Coalition to develop the vision and the plan for Pickering Place. This development would not have been possible without the funding and support from a variety of sources in the community, including a loan from the Fremont Redevelopment Agency.

Mr. Speaker, Pickering Place is an example of an extraordinary partnership. I applaud all of those who were involved in bringing this project to our community.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 54, PROHIBITING THE PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

SPEECH OF

HON. VINCE SNOWBARGER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. SNOWBARGER. Mr. Speaker, today the House is debating an amendment to the Constitution which will give the people's elected Representatives the authority to protect our Nation's most important and enduring symbol. This emblem is a powerful distillation of our commitment to individual freedom and constitutional democracy. The fact this image is sewn onto the shirt sleeves of Boy Scouts and emblazoned on the heat resistant tiles that protect our Nation's space shuttle fleet, is further testimony to this symbol's relationship to the American character.

This American flag is more than a banner to lead armies. It is the rallying point for our national conversation about freedom. Many have died defending this Nation, not because some great royal family or despot commanded it, but so that each American would continue to enjoy the blessings of liberty. There is a reason why veterans' organizations like the American Legion support this measure. These men and women know, perhaps more than others, what it means to defend America. Their sacrifice is memorialized in the flag itself. The red stripes, which are so recognizable, are representative of the blood spilled by America's sons to defend our treasured liberty. These Kansans of the American Legion want us to stop hoodlums and thugs from desecrating the flag to attack their legacy.

This flag represents America's historic and principled past and these struggles to extend freedom to all Americans. However, it is more than just a symbol of past triumphs. This flag is important to all freedom loving people around the world who long to construct for themselves a similar constitutional order. When Chinese dissidents wanted to communicate the desire for American-style liberty, they chose our flag to convey that message. They didn't want to be Americans; they wanted the freedom that our flag represents.

It is curious to me, Mr. Speaker, that opposition to flag protection persists. Our country has long recognized the icons and trademarks of American business through the patent and copyrighted acts. These corporate symbols are a valuable form of property that companies spend millions of dollars each year to augment and enhance. We have given America's business community the right to protect and defend their own emblems. Why should the most sacred and important symbol of America be treated differently?

At the very least, we should be allowed to criminalize violent destruction of our flag. This act approximates a personal attack on veterans and patriotic Americans. Remember, as other members—like the distinguished chairman of the Judiciary Committee—have pointed out, we have carved out this type of narrow restriction on expression before. Consider our hate crime laws that prohibit individuals from engaging in certain types of abhorrent speech to which constitutional protection does not apply. Clearly, Mr. Speaker, acts of contempt like burning a cross or displaying racial epithets do not amount to "speech," in the common meaning of the word. To the contrary, these activities fall into a class of behavior meant only to frighten, intimidate, and discourage the very political discourse contemplated by the Framers of the Constitution.

To put all of these issues together, Mr. Speaker, when individuals see an American flag passing in a Labor Day parade or in the fist of an enthusiastic child cheering a returning hero, they feel proud. When Americans see or hear about the desecration of their flag, they feel a tremendous pain. This is not a question about free speech or the right of dissent. Burning a flag is not speech. Nor is it dissent. Dissent is saying how you disagree. It implies a dialog.

This amendment is about preventing an attack on American citizens, collectively and individually. That is why our Kansas Legislature, and the legislatures of 40 other States, have petitioned this Congress to act. We owe it to these Americans, and Americans yet to be born, to extend protection to this transcendent national symbol.

TRIBUTE TO CHICAGO

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Ms. BROWN of Florida. Mr. Speaker, on Wednesday, June 18, 1997, the Congressional Black Caucus [CBC] will gather in the Rayburn House Office Building to celebrate the unprecedented success of the smash hit premiere national touring musical "Chicago" in our Nation's Capital. The CBC will honor "Chicago"'s brilliantly innovative and charismatic cast, and will pay special tribute to the stars: Jasmine Guy, Obba Babatunde, and Carol Woods.

A congressional reception was held April 8, 1997, hosted by the Illinois delegation and featuring the "Singing Senators," Senators TRENT LOTT, JOHN ASHCROFT, LARRY CRAIG, and JIM JEFFORDS to welcome the cast to Washington, DC. Also in attendance were the Honorables BILL BARRETT, HOWARD COBLE, JOHN CONYERS, ASA HUTCHINSON, HENRY HYDE, WILLIAM JENKINS, DENNIS KUCINICH, NITA LOWEY, MICHAEL MCNULTY, CONSTANCE MORELLA, SILVESTRE REYES, TIM ROEMER, CARLOS ROMERO-BARCELÓ, JOHN SHIMKUS, LOUISE SLAUGHTER, and Secretary William Daley. "Chicago" cast members, Obba Babatunde and "The Girls," performed for the distinguished audience.

"Chicago" has broken box office records at the National Theatre and in New York City with its Broadway cast. "Chicago" is also the season's biggest musical hit.

The Broadway cast received six Tony Awards including Best Musical Revival, Best Director—Walter Bobbie, Best Choreography—Ann Reinking, and Best Lighting Design—Ken Billington. This wave of recognition continues with nominations from the prestigious New York Drama Desk for Outstanding Musical Revival, Outstanding Direction, Outstanding Choreography, Outstanding Actress in a Musical, Outstanding Actor in a Musical, Outstanding Supporting Actor in a Musical, Outstanding Supporting Actress in a Musical, and Outstanding Lighting Design. The New York Drama Critics Circle, the Nation's second oldest theatre award, after the Pulitzer Prize, voted a special award to the cast and creative team of "Chicago" for outstanding contribution to Broadway. "Chicago" continues to win raves and awards with five Outer Critics Circle Awards, including Best Musical Revival, Best Director, and Best Choreography.

The Musical is based on the 1926 play of the same name by Maurine Dallas Watkins. The play inspired the 1942 movie, "Roxie Hart," starring Ginger Rogers. The John Kander-Fred Ebb-Bob Fosse musical premiered in 1975 and the new revival, under the direction of Walter Bobbie and choreography—in the style of Bob Fosse—by Ann Reinking, opened on Broadway on November 14, 1996. "Chicago" has been hailed as "A triumph" by Time magazine. The New York Times raves "Chicago" is a musical for the ages with the sexiest, most sophisticated dancing seen on Broadway for years. It flies us right into musical heaven.

The Congressional Black Caucus will honor these talented and ambitious African-Americans for their inspiring success as artists and human beings. For it is individuals such as these who raise our aspirations, motivate our youth, and provide us with powerful national role models of integrity and spirit. We thank you for your commitment and honor your achievements.

IN RECOGNITION OF THE SHEPARD ACCELERATED SCHOOL

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. GEPHARDT. Mr. Speaker, I rise today to salute Shepard Accelerated School in my district for being named a national Blue Ribbon School recipient.

The Blue Ribbon Schools Program identifies and gives national recognition to a diverse group of public and private schools that are unusually effective in meeting local, State, and national goals and in educating all of their students. The program seeks to promote school improvement nationwide through the collaborative self-evaluation required of local school communities that participate. In addition, recognized schools serve as models for other schools and communities seeking to provide high quality education for all their students.

Shepard Accelerated School was one of only 264 schools across the United States recognized as a Blue Ribbon School. Now, you might think that sounds like a lot of schools. But think about this—there are about 76,000 public and private elementary and middle schools in America. That means that one out of every 288 elementary and middle schools in the entire United States has been named a Blue Ribbon School for 1997. And I'm pleased that Shepard Accelerated School right here in St. Louis, MO, is one of those schools.

To qualify for this award, I know Shepard went through rigorous reviews by some of the Nation's leading educators. The school impressed everybody and they deserve the highest praise for that. The innovative programs and supportive community Shepard has established truly demonstrate the importance of a positive learning environment.

Shepard Accelerated School has a shared purpose among faculty, students, and parents to improve the education of the 600 children who attend. I am proud of Shepard for being named a national Blue Ribbon School recipient. Ms. Savannah Young, all the teachers, and especially the students should be saluted for their dedication to high standards and excellence in teaching and learning.

Congratulations Shepard Accelerated School.

TRIBUTE TO MARGARET S. BENEDIKT

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. SHAW. Mr. Speaker, I rise today to convey the sad message of the death of a great American, Margaret S. Benedikt.

Widowed in the 1950's with a dependent child, Peggy Benedikt submersed herself learning all there was to investment and construction. Her daughter remembers awaking late at night to find her mother reading and was amazed at her mother's extraordinary ability to retain what she read. Peggy moved to south Florida in the 1960's and established what would become a very successful construction and development company. Knowledgeable in all areas of the construction business, she felt equally at home donning a hard hat on the building site or dressed for presentations in the sales office.

As her successes grew, Peggy Benedikt was generous with both her time and her money in supporting a wide variety of organizations in her adopted hometown, Fort Lauderdale, FL. She touched many in the community through her efforts with such diverse groups as Kids in Distress, the Opera Guild, the Humane Society, the American Cancer Association, and the Freedoms Foundation.

Margaret S. Benedikt loved Republican politics but she stands as a symbol for Democrats and Republicans alike. Through her actions, she taught all of us that we should stand tight for what we believe in. If there are politics in heaven, Peggy is already in the thick of it.

Margaret S. Benedikt was a great lady and a good friend. Peggy, we love you. We'll miss you.

TRIBUTE TO SPECIAL GRADUATES OF NEW YORK'S 12TH CONGRESSIONAL DISTRICT

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Ms. VELÁZQUEZ. Mr. Speaker, with great pride I would like to congratulate some special graduates of the 12th Congressional District of New York. I am certain that this day marks the culmination of much hard work and many valiant efforts for these students; work and effort which have led and will lead them to continued success. They have overcome the obstacles of overcrowded and dilapidated classrooms, antiquated and insufficient instructional materials, the all too frequent distractions of random violence and pervasive drug activity, and, for some, having to adapt to a new language and new customs. But these students have persevered despite the odds. Their success is a tribute not only to their own strength, but also to the supportive parents and teachers who have encouraged them to achieve.

These students have learned that education is priceless. They know that education will provide them with the tools and opportunities to be successful in any endeavor they pursue. In many respects, this is the most important lesson they will carry with them for the rest of their lives.

In closing, I would like to say that youth in America must be encouraged to stay on course and complete their educations so they can pave the way for a better future. Let us not forget that their future is the future of this Nation. These successful graduates of the 12th Congressional District take the charge to

lead our Nation very seriously as their commitment to their education has demonstrated. Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join me in congratulating the following graduates who have triumphed despite adversity and who have achieved outstanding academic standing.

Congratulations to the 1997 graduates of the 12th Congressional District:

Sherlley Medina, John Denton and Geimy Colon—El Puente Academy for Peace and Justice High School.

Evelyn Reynoso and Carlos Segura—Eastern District High School.

Naisha Arthur and Ragon Atkhas—Bushwick High School.

Dawn Stokes and Alberto Sanchez—East New York High School.

Jetaime Toliver and Shykia Bell—Maxwell High School.

Dory Garcia and Kaleena Torres—Intermediate School 291.

Christina Rodriguez and Bartosz Bernatowicz—Charles O. Dewey Middle School.

Nina Soto—Middle School 88.

Delaila Catalino and Edwin Carrion—Public School 86.

LAVAR FOSTER AND SHALIEK RIVERA: COMMUNITY HEROES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. TOWNS. Mr. Speaker, I rise today to commend two incredibly brave youth, Lavar Foster and Shaliek Rivera, for their heroic efforts.

On May 5, 1997, these P.S. 346 sixth graders rescued a senior citizen from an attacker. Not only did they save her life, but their detailed descriptions ultimately led to the criminal's capture. What makes their accomplishments so remarkable is that they did not let their young age or small size prevent them from extending a helping hand to a fellow citizen. For their fearless efforts, they were also named "New Yorkers of the Week" by New York 1 News.

Lavar and Shaliek are shining beacons of hope for the future of our community. Citizens such as these are few and far between. They are truly role models for Brooklyn and the entire Nation.

Mr. Speaker, it is with great pride that I ask my colleagues to join me in saluting Lavar Foster and Shaliek Rivera for their outstanding contributions to the Brooklyn community.

TRIBUTE TO STEPHEN AND IRIS GAINES

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to honor Stephen and Iris Gaines for their contributions to the Chabad of the Conejo Adult Education Program. In the spirit of Jewish unity, the Chabad of the Conejo recognizes the Gaines family for their time and dedication.

Stephen and Irish were inspired by their children to not only join an adult education program but promote adult education throughout our community. After sending Brandon and Ryan to Chabad, the Gaines' realized that Chabad would also be useful in their own lives.

The Gaines were so inspired by their own personal growth, and desired to contribute more to Chabad, they helped to establish the Gaines Family Adult Educational Institute. This institute in conjunction with Chabad's goals truly builds bridges toward Jewish unity. The institute has served thousands of people providing quality Jewish education, particularly helping those in spiritual need. Without the Gaines' help many members of our community would go unfulfilled.

The Gaines extraordinary vision for the future has made them a grand success in their philanthropic world. They leave a legacy for their children and other members of our community to follow.

It is an honor to join the family and friends of Stephen and Iris in recognizing them for their great work in our community.

WESTHILL GIRLS SOCCER TEAM WINS NYS CLASS B CHAMPIONSHIP

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. WALSH. Mr. Speaker, I ask today that my colleagues join me in recognizing the 1996–97 New York State Lady's Varsity Class B Soccer Champions from Westhill High School in Syracuse, NY.

This is the same team, though some new players have come on board, for whom I asked recognition last year when they won the New York State Class C Championship.

At a school where both academics and athletics are points of intense pride, the girls soccer program at Westhill has been particularly exceptional. This year, goalie Wallis Patulski saved 147 goals while Courtney Spencer, Megan Rogers, and Alissa Hoover scored 32, 30 and 24 goals respectively in a 24–0–1 overall season record on the way to the class B State championship title. Coach Ann Riva's assistant this year was Amy Ehlinger.

Coach Riva has tasted victory before. Under her, the last 2 years' teams have won the class C State championship title.

In addition to those named above, team members include: Jessica Adydan, Gabby Gaspe, Julie Guinn, Lindsay Lazarski, Karen Guinn, Sharon Gates, Jess Vosseteig, Sara Murphy, Jen Conway, Julie Carpenter, Michelle Mahaney, Sheida Tabaie, Shannan Card, and Jen Kirsch. Kirsi Donovan was brought up from JV's for the sectionals and the state championship tournament.

As a parent of Westhill student athletes, I know most of the students who play a sport at Westhill. They have demonstrated not only individual skills and team cohesiveness—but also a collective strength which draws from the entire Westhill community: parents, faculty, staff.

From all of us, congratulations to the team for an impressive accomplishment.

HONORING DANISE CANTLON OF ELLIOT ELEMENTARY SCHOOL

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Ms. STABENOW Mr. Speaker, on behalf of the citizens of Michigan's Eighth Congressional District, I am pleased to honor Danise Joan Cantlon, a math teacher from Elliott Elementary School in Holt, MI, on the occasion of her receipt of the 1996 Presidential Award in Mathematics and Science Training.

The Presidential Awards for Excellence in Mathematics and Science Training are designed to recognize and reward outstanding teachers in the area of science and math. In addition to the national recognition, Danise will receive a National Science Federation grant of $7,500 to be used under her direction.

Teachers such as Ms. Cantlon are role models to our students. Through the receipt of this prestigious award, I hope the students of Elliot Elementary will be even more encouraged and stimulated to excel in math and science. Most importantly, this award should be an inspiration to many young girls in mid-Michigan. Research conducted by the American Association of University Women recently concluded that, in many of our schools, there remains a gender gap in science course enrollment, advanced math courses, and scientific and technological careers. By recognizing successful women in the field of math and science, we also inspire and encourage girls to pursue interests and careers in these areas.

I applaud the work Danise Cantlon has done at Elliot Elementary School. We are very lucky to have her teaching our children.

TRIBUTE TO SANDRA EPPS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to an outstanding educator and a dear friend, Sandra Epps. Mrs. Epps will be honored by her peers at her retirement dinner on Friday, June 20, in Flint, MI.

Sandra Epps is retiring after 33 years of service to the children of Flint. She has worked tirelessly as an educator in the Flint Community Schools during this time. A graduate of the Flint school system, Sandra returned to her community after completing her studies at Eastern Michigan University.

Specializing in elementary education, Sandra started teaching in 1964. Sandra's exemplary teaching style quickly earned accolades from her supervisors. In 1973 she was promoted to the position of assistant principal at

Pierson Community School. She served in this capacity during the 1973–74 school year. During the 1974–75 school year she held the same post at Merrill Community School. In 1975 Sandra was elevated to the position of principal at Dewey Community School. In addition to serving as principal of Dewey, Sandra also spent several years as principal of Martin Luther King Community School and Potter Multicultural Global School. Sandra's commitment to her students reached far beyond the administrator's chair. She understood that problems in the classroom were often closely linked to problems outside the classroom. She took the time over the years to listen to and help her students. Over and over again her students returned the favor. She is an unsung hero in the field of education.

Despite the pressures of raising a family, Sandra has devoted a large part of her life to many community organizations. She is the president of the Flint Human Relations Commission, the coordinator of the Victorious Christian Women Inc., and the vice president of the Flint Neighborhood Improvement and Preservation project. These are just a few of the community activities Sandra is dedicated too. The complete list is extensive.

Sandra Epps is an oustanding educator and an outstanding person. I have known Sandra for many, many, years. Along with her husband John, her children Mark, Randy, and Trayce, Sandra has encouraged and supported me over the years. I very much treasure our friendship. I ask the House of Representatives to rise with me today to honor a truly great educator, Sandra Epps.

IN HONOR OF MARY STRASSMEYER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Mary Strassmeyer as she retires from journalism after 39 years of reporting on the social scene in Cleveland, OH.

After studying history and English at Notre Dame College Mary went on to do graduate work in history at the University of Toledo. In 1983, she graduated from Cleveland Marshall College of Law and passed the bar the same year. Mary held a variety of jobs after graduation, but began her career in journalism in earnest when she quit a Federal job, took a pay cut and joined the editorial staff at the Cleveland News where she stayed for 4 years covering women's news, education and the PTA.

She was hired by the Plain Dealer in 1960 to serve as women's features writer and later became beauty editor and assistant travel editor. In 1965, Mary was named society editor, where she really started to shake things up. She could make or break an event, or even someone's career, simply by what she wrote in her column. She has covered everything from fashion and food to movies and, even though she will not divulge them, knows all the secrets behind the secrets on the business and social scene in Cleveland.

After 4 years as society editor, Mary organized a group of reporters called the Society of American Social Scribes [SASS]. The group's members later elected her president. In the same year, she was listed in Status Magazine as one of the best big-city society editors in the Nation.

In her retirement, Mary plans to devote more time to putting her law degree to use, working at Gerry's International Travel Agency, in which she is a shareholder, and of course, more writing. Mr. Speaker, let us recognize the achievements of Mary Strassmeyer, just as her colleagues and friends will on June 23, 1997. Her weekly witty writings will be missed at the Plain Dealer.

HONORING BISHOP J. NEAUL HAYNES FOR HIS 20 YEARS OF DISTINGUISHED SERVICE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to congratulate and recognize 20 years of dedicated service of a dear friend and the jurisdictional prelate of the Texas Northeast Churches of God in Christ, my friend Bishop James Neaul Haynes. His distinguished service in our religious community will be recognized on Thursday, June 26, 1997, in the sanctuary of Saintsville Sanctuary Church of God in Christ in Dallas at 2200 South Marsalis Avenue.

Bishop James Neaul Hayes was born in Denton, TX, and graduated with honors from Fred Moore High School. He received his bachelor's degree, and went on to study at the University of Denver in Colorado, then at the Dallas Theological Seminary.

He began his service in April 1949, and was licensed as a minister and ordained as elder in the Church of God in Christ in 1950. His first ministerial job was at the Church of God in Christ in Pampa, TX, in 1952. During the early years of his distinguished career he served as pastor of Saint Emanuel Church of God in Christ in Denison, TX, from 1960 to 1969. From 1969 to 1979, he relocated to Wheatley Church of God in Christ in Dallas—the city which he now calls home. He stayed in Dallas and served in many of the great churches of our city: Haynes Chapel Church of God in Christ from 1977 to 1979, and in 1979, he became pastor of the Saintsville Sanctuary Church of God in Christ where he currently serves today.

During his distinguished career, he served the Texas Northeast Jurisdiction of the Church of God in Christ, in many capacities. In 1964, he served on the Texas Jurisdiction Trustee Board, and as district superintendent of the West District of the Texas Northeast Jurisdiction in 1967. In 1969, he served as assistant State secretary of the organization. He was appointed as administrative assistant to the State Bishop in 1973 and in 1978, took the position of presiding prelate of Texas Northeast Jurisdiction. Also during this time, Bishop Haynes served The Church of God in Christ, Inc., which has a membership of 8.5 million.

In 1972, he served as a member of the trustee board of the Church of God in Christ, and assistant secretary of registration from 1972 to 1984. In 1984, he was elected to serve as member of the General Board of Bishops, Presidium, of The Church of God in Christ, Inc., and then was appointed second assistant presiding Bishop of the same organization.

His distinguished service in our community is illustrated by the amount of time he has devoted to Dallas' religious community. His leadership is exemplified by Bishop Haynes' vision and compassion which are sought and respected throughout our Nation. Because of his commitment to the service of mankind, Bishop Haynes has received a number of citations, awards, and plaques. Among these are: 1977 Minister of the Year Award, from the Interdenominational Ministerial Alliance, and the Community Appreciation Award, from the Governor of Texas in 1978.

No matter what board, organization, or committee, Bishop Haynes has served, he has always worked to help people in Dallas by making sure he spent his time helping others and giving back to his community which has given so much to him.

Mr. Speaker, I ask my colleagues assembled here today to join me in recognizing my good friend and the fine Bishop from Saintsville Sanctuary Church of God in Christ for his 20 years of dedicated service to the city of Dallas. All of Dallas and the State of Texas are extremely lucky to have such a great pastor, and I am certain his work for the next 20 years will continue to be full of meaningful accomplishments.

TRIBUTE TO MARCIA BURNAM

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to recognize Marcia Burnam, whose outstanding commitment to helping others is being recognized by the American Jewish Committee with its 1997 Community Service Award. I would like to add my praise for this remarkable woman.

Marcia Burnam truly embodies the spirit of service to others. A wise man once said that "The best charity is good will" and Marcia has certainly demonstrated her good will. She has spent countless hours working for various organizations, such as the Wilstein Institute of Jewish Policy Studies, the Leo Baeck Temple and has also been an active alumnus of Vassar College. Additionally, Marcia was chair of the Portraits of American Women and the Jewish Federation's Volunteer Bureau.

Since 1950's American Jewish Committee President Irving Engel first introduced her to the AJC, Marcia has devoted long hours to this organization in numerous capacities, including working for the Jewish Family Center, directing the committee's fight for civil rights and acting as a national vice president for the organization.

Despite these innumerable hours devoted to others, Marcia was still able to raise a family and now spends time with her four grandchildren. It is a great honor to pay tribute to

Marcia Burnam for receiving this award and I would like to add my praise for her hard work and dedication to our community.

THE COMPUTER SECURITY ENHANCEMENT ACT OF 1997

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. SENSENBRENNER. Mr. Speaker, I rise today to introduce H.R. 1903, the Computer Security Enhancement Act of 1997. I would like to thank Technology Subcommittee Chairwoman CONSTANCE MORELLA, and the full committee and subcommittee ranking minority members, Congressmen GEORGE BROWN and BART GORDON, for their efforts in crafting a bipartisan bill which should help strengthen computer security throughout the Federal Government.

The lack of adequate security for Federal civilian computer systems is a significant problem. Since June 1993, the General Accounting Office [GAO] has issued over 30 reports detailing serious information security weaknesses at Federal agencies. This year, GAO highlighted computer security as a governmentwide, high-risk issue in its high risk series.

H.R. 1903 is intended to address this problem by strengthening the National Institute of Standards and Technology's [NIST] historic role in computer security. The bill updates the Computer Security Act of 1987 (P.L. 100–235) to give NIST the tools it needs to ensure that appropriate attention and effort is concentrated on securing our Federal information technology infrastructure.

The Computer Security Act gives NIST the lead responsibility for computer security for Federal civilian agencies. The act requires NIST to develop the standards and guidelines needed to ensure cost-effective security and privacy of sensitive information in Federal computer systems.

H.R. 1903 updates the act to take into account the evolution of computer networks and their use by both the Federal Government and the private sector. Further, the bill's authorizations are consistent with authorizations that have already passed the House as part of H.R. 1274, the NIST Authorization Act of 1997.

Specifically, the bill:

Reduces the cost and improves the availability of computer security technologies for Federal agencies by requiring NIST to promote the Federal use of off-the-shelf products for meeting civilian agency computer security needs.

Enhances the role of the independent Computer System Security and Privacy Advisory Board in NIST's decisionmaking process. The board, which is made up of representatives from industry, Federal agencies and other outside experts, should assist NIST in its development of standards and guidelines for Federal systems.

Requires NIST to develop standardized tests and procedures to evaluate the strength of foreign encryption products. Through such tests and procedures, NIST, with assistance from the private sector, will be able to judge the relative strength of foreign encryption, thereby defusing some of the concerns associated with the export of domestic encryption products.

Limits NIST's involvement to the development of standards and guidelines for Federal civilian systems. The bill clarifies that NIST standards and guidelines are to be used for the acquisition of security technologies for the Federal Government and are not intended as restrictions on the production or use of encryption by the private sector.

Updates the Computer Security Act to address changes in technology over the last decade. Significant changes in the manner in which information technology is used by the Federal Government has occurred since the enactment of the Computer Security Act. The bill updates the act, taking these changes into account.

Establishes a new computer science fellowship program for graduate and undergraduate students studying computer security. The bill sets aside $250,000 a year, for each of the next two fiscal years, to enable NIST to finance computer security fellowships under an existing NIST grant program.

Requires the National Research Council to conduct a study to assess the desirability of, and the technology required to, support public key infrastructures.

It has been 10 years since Congress passed the Computer Security Act. Over that time, computer technology has changed at a breathtaking rate. The Computer Security Enhancement Act of 1997 will help NIST and the rest of our Federal civilian agencies adapt to those changes.

Mr. Speaker, ensuring that our agencies' computer systems as secure is a priority. H.R. 1903 is an important step toward this goal, and I urge all my colleagues to cosponsor this bipartisan bill.

THE COMPUTER SECURITY ENHANCEMENT ACT OF 1997

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mrs. MORELLA. Mr. Speaker, I rise today to join Science Committee Chairman SENSENBRENNER and ranking committee and subcommittee members BROWN and GORDON in introducing H.R. 1903, The Computer Security Enhancement Act of 1997. H.R. 1903 is designed to improve the security of computer systems throughout the Government.

In 1987, Congress passed the Computer Security Act which gave the National Institute of Standards and Technology [NIST] the lead responsibility for developing security standards and technical guidelines for civilian government agency computer systems. H.R. 1903 updates this 10-year-old statute.

The networking revolution of the last decade has improved the ability of Federal agencies to process and transfer data. It has also made that same data more vulnerable to corruption and theft.

In February, the General Accounting Office [GAO] highlighted computer security as a government-wide, high-risk issue in its high risk series. Concurrent with the release of GAO's high risk report, I held the second in a series of briefing on computer security. During the briefing, members of the Science Committee heard from some of the most respected experts in the field of electronic information security. They all agreed that the Federal Government must do more to secure sensitive electronic data.

The Federal Government is not alone in its need to secure electronic information. The corruption of electronic data threatens every sector of our economy. The market for high-quality computer security products is enormous, and the U.S. software and hardware industries are responding. The Federal Government, through NIST, can harness these market forces to improve computer security within Federal agencies at a fraction of the cost of developing its own hardware and software.

The Computer Security Enhancement Act of 1997 will assist in this process. The bill reduces the cost and improves the availability of computer security technologies for Federal agencies by requiring NIST to promote the use of off-the-shelf products for meeting civilian agency computer security needs.

The bill also enhances the role of the independent Computer System Security and Privacy Advisory Board in NIST's decisionmaking process. The board, which is made up of representatives from industry, federal agencies as well as other outside experts, should assist NIST in its development of standards and guidelines for Federal systems which are compatible with existing private sector technologies.

Further, the bill requires NIST to develop standardized tests and procedures to evaluate the strength of foreign encryption products. Through such tests and procedures, NIST, with assistance from the private sector, will be able to judge the relative strength of foreign encryption, thereby defusing some of the concerns associated with the export of domestic encryption products.

The bill also clarifies that NIST standards and guidelines are to be used for the acquisition of security technologies for the Federal Government and are not intended as restrictions on the production or use of encryption by the private sector.

Additionally, H.R. 1903 addresses the shortage of university students studying computer security. Of the 5500 Ph.D's in computer science awarded over the last 5 years in Canada and the United States, only 16 were in fields related to computer security. To help address such shortfalls, the bill establishes a new computer science fellowship program for graduate and undergraduate students studying computer security. The bill sets aside $250,000 a year, for each of the next two fiscal years, to enable NIST to finance computer security fellowships under an existing NIST grant program.

The provisions of the Computer Security Enhancement Act should help maintain a strong domestic computer security industry. A strong industry will not only help our economy but also significantly improve the security of Federal computer systems.

Mr. Speaker, H.R. 1903 alone will not solve the Federal Government's computer security problems. It is, however, an important step in the right direction. I commend Chairman SENSENBRENNER for crafting a bipartisan bill that should substantially improve computer security for the Federal Government, and I encourage all of my colleagues to join in cosponsoring the Computer Security Enhancement Act of 1997.

INTRODUCTION OF THE COMPUTER SECURITY ENHANCEMENT ACT OF 1997, H.R. 1903

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. GORDON. Mr. Speaker, I am pleased to join Chairman SENSENBRENNER, Ranking Member BROWN, Chairwoman MORELLA and other members of the Committee on Science in introducing the Computer Security Act of 1997.

Not a day that goes by that we don't see some reference to the Internet and the explosive growth of electronic commerce. What was originally envisioned as a network for defense communications and university researchers is now an international communications network of which we are just beginning to realize its potential.

Both Office of Technology Assessment and National Research Council reports have identified a major obstacle to the growth of electronic commerce—the lack of the widespread use of encryption products. The bill we are introducing today is the first step to encourage the use of encryption products, both by Federal agencies and the private sector. This in turn will support the growth of electronic commerce.

The Computer Security Enhancement Act of 1997, which amends the Computer Security Act of 1987 (P.L. 100–235) builds on the close collaboration and cooperation between the National Institute of Standards and Technology [NIST] and industry to develop standard reference materials and the standards that are key to the seamless commerce we take for granted today. This legislation highlights the need for NIST to expand its activities in the area of electronic commerce.

Our legislation also strengthens the NIST's role in coordinating Federal agencies' effort to utilize encryption and digital identification products. It encourages Federal agencies to adopt and use commercially available encryption technologies whenever possible. This legislation allows NIST to evaluate the technical merit of industry claims of the strength of generally available foreign encryption products. Hopefully, this will defuse some of the tension surrounding the issue of export of domestic encryption products.

Not only is this legislation consistent with the recommendations of the Office of Technology Assessment and the National Research Council, it is also in-line with a set of resolutions adopted by NIST's Computer System Security and Privacy Advisory Board on June 6, 1997. Finally, I believe this bill is consistent with the goals President's Clinton's upcoming policy announcement on electronic commerce.

It has been a pleasure working with Chairwoman MORELLA on crafting this piece of legislation and I look forward to continuing to work with her to move this bill through the legislative process.

HONORING ARABELLA MARTINEZ

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. DELLUMS. Mr. Speaker, Arabella Martinez has been a leader in motivating, organizing, and improving the Fruitvale community. A graduate of the University of California, Berkeley, with a masters in social work, Arabella has been a strong clear voice articulating the dimensions of what must be done, and pulling together participation from both the private and public sectors.

As CEO of the Spanish Speaking Unity Council from 1969 to 1974, she immersed herself in the development of programs to build responsibility and economic preparedness in the Latino community. She built the organization into a strong economic development and community organization with considerable assets.

Her abilities and dynamism gained the attention of former President Jimmy Carter, who appointed her Assistant Secretary, Office of Human Development Services, U.S. Department of Health, Education and Welfare, in 1977. In 1980, she returned to Oakland as president of the Center for Policy Development.

Five years ago, when the Unity Council was on the verge of bankruptcy, Arabella was persuaded to come back. She immediately developed a plan to address the organization's complex financial problems. Through her enormous skills, hard work, and dedication, not only has the organization survived the crisis, but it is thriving once again.

The Spanish Speaking Unity Council's assets, including the Community Resource Center, the Education Para Adelantar Building, the Esperanza Center, the Infant Care Center, the De Colores Pre-School, were all saved.

Under Arabella's leadership, all eyes are now on the Unity Council because of its Fruitvale BART project and its sponsorship of the Fruitvale Community Collaborative, formed to bring together residents, community groups, churches, schools, merchants, and agencies to improve the quality of life for children and families who live in the area. Residents are learning organization skills, they're learning how to access services, how to plan a project, and much more. Their philosophy is, "Working together as neighbors and friends, we can make our neighborhood a healthy place to live and keep it that way."

Another effort now underway, spearheaded by Arabella Martinez and the Spanish Speaking Unity Council, is a transit village with a mix of new residential, retail open space and a regional cultural center—within the confines and adjacent to the Fruitvale BART station. A new residential base would help support these shops as would the foot traffic from BART. While the proposed transit village is far from being accomplished, we have confidence that Arabella's drive, determination, negotiation skills, and ability to make things happen, will cause the transit village to happen. It's only a matter of time.

In addition to her service to the Fruitvale area, Arabella has lent her talents to numerous community board and commissions, including: The Women's Initiative for Self-Employment, the Oakland Business Development Corporation, the Bank of America's Police Advisory Committee, the New Oakland Committee, the Oakland Housing Authority, the Oakland Parks and Recreation Commission, and the University/Oakland Metropolitan Forum.

In the civic and community realms, her sagacious leadership, foresight, and compassion have clearly earned her the Oakland Citizen of the Year Award for lifetime achievement.

IN MEMORY OF HARRY (BUDDY) W. CORMIER, JR.

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. BERRY. Mr. Speaker, I rise today with a heavy heart to honor the memory of Buddy Cormier, who passed away last night after a long fight with cancer.

Buddy Cormier was a lifelong resident of DeWitt, AR, a little town not far from my home in Gillett. Buddy ran a small rice mill that his father had founded many years ago and he epitomized the small businessman and community activist that has characterized so many small towns in Arkansas.

When I ran my farming operation, there was no one that was more of a joy to do business with than Buddy Cormier. He was always fair in his dealings and was as concerned about my bottom line as he was about his own—a rare characteristic in today's business world. He was a leader in the rice industry in Arkansas and in the country because he cared about preserving our heritage.

Buddy Cormier was a big man in every sense of the word. He had a limitless appetite for life and for the well-being of those around him. When we did business together, I often found myself with him a little longer than would be normal, simply because he so lifted my spirits. He had boundless energy and a good humor that was simply infectious.

This is the way that I will remember my friend: As a man who embraced the world; who cared deeply about those around him; who worked to make his corner of the world a better place. His body may have succumbed to illness, but his spirit will always live on. Rest in peace my friend, we'll miss you.

A TRIBUTE TO ROBERT C. JASNA

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. BARRETT of Wisconsin. Mr. Speaker, I pay tribute today to one of Milwaukee's truly outstanding citizens, and one of America's top educators. As the Milwaukee Public Schools joins with friends throughout Wisconsin to honor superintendent of schools Robert C. Jasna on the occasion of his retirement, I would like to take a moment to reflect on Bob's remarkable career and his many contributions to public education in Milwaukee and our community as a whole.

A native of Milwaukee, Bob Jasna earned his degree from the University of Wisconsin-Milwaukee, and soon began his teaching career at Lincoln Elementary School in Appleton, WI. Bob then served his Nation as a platoon leader in the Army. Following his military service, Bob returned to Milwaukee and the classroom as a teacher at Juneau Junior/Senior High School, and quickly began to rise through the ranks of the Milwaukee Public Schools System. From 1973 to 1987, Bob served as principal at West Division, North Division, James Madison, and Riverside University High Schools, where the impact of his unique and innovative methods of teaching and leadership are still clear today.

In July 1989, Bob became associate superintendent of the Milwaukee Public Schools, and by 1991 he had become deputy superintendent. Since 1995, Bob has served as superintendent of the Milwaukee Public Schools, supervising all activities of the school system, and providing leadership and management expertise at every level of the system.

Let me be clear about the undeniable role Bob Jasna has played in the improvement of public education in Milwaukee's public schools. Under his steady hand, the Milwaukee Public School District has embraced a series of highly acclaimed reforms which have already made a difference in the quality of education in our schools. Through the implementation of rigorous standards, students are now challenged to pass a series of proficiency examinations, and graduation requirements have been strengthened. Our students have met these challenges, and continue to achieve progress.

Anyone who has had the pleasure of working with Bob Jasna is immediately struck by his passion for education, and by his belief that all children should be able to receive a top notch education, regardless of their economic standing. Bob's hands-on approach to his job as the leader of the Milwaukee Public Schools has made a real difference in the lives of our teachers, and more importantly, our students. In an era of declining resources, aging school infrastructure, and student violence, Bob Jasna has been a beacon of leadership and hope for our schools.

I want to extend my good wishes to Bob's wife Judith, and his two children. Bob will be missed by our schools, but I have no doubt that Bob will enjoy his retirement and will continue to maintain an active presence in our community. Congratulations, Bob Jasna, on this most special occasion.

STATEMENT BY SARAH WACHTEL REGARDING ILLITERACY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 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 Vermont, who was speaking at my recent town meeting on issues facing young people.

Ms. WACHTEL. Two years ago an elderly New York City woman almost died. Why? She ingested too much medication because she could not read the prescription label on the bottle. This woman is not in the minority. One-quarter of the world's population, 905 million people, cannot read. One in five American adults is functionally illiterate and 44 percent of American adults do not read even one book in the course of a year.

Statistics clearly show that illiteracy is on the increase and that fewer than ten percent of those in need are being reached. in 1985 Proctor and Gamble spent more on advertising than the U.S. Government spent on adult basic education.

The truth is by cutting funding for literacy programs we are threatening the future of our nation. The cost of illiteracy to business and the taxpayer is estimated at 20 billion dollars per year.

President Clinton has made literacy a priority with his America Reads initiative. He says such efforts will help us to reach a critical goal, that every American child will be able to read on his or her own by the third grade, but there are large numbers of people who cannot even read to their own children.

Public awareness is key. Parents must realize the importance of education and of literacy. They must know they are their child's first teacher. Illiteracy is a very quite problem which needs attention.

Illiteracy plagues rural areas, not only urban ones. Literacy programs are needed not just in cities but all across the country. Programs for employees can be installed at large corporations. The library system must be supported. It encourages and provides great opportunities for education.

As President Clinton said, literacy is more than reading. It is about opportunity and giving people the tools they need to make the most of their potential. Literacy is one things that can never be taken away. It determines the future of us, our nation, our world.

This is necessary not only because it's literacy but because we need literacy to understand all the problems that we face today, and without an understanding, we have no way of solving them.

RECOGNITION OF COL. RICHARD E. MATLAK

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. McGOVERN. Mr. Speaker, I would like to recognize Col. Richard E. Matlak for his 28 years of honorable and outstanding service to the U.S. Army and to the Nation. On Friday, June 13, 1997, Col. Richard E. Matlak was honored at the Algonquin Club in Boston, MA. I recognize him here in honor of this event.

Colonel Matlak has a long tradition of service and has received numerous decorations. He has received the Legion of Merit, Bronze Star Medal, Meritorious Service Medal with three Oak Leaf Clusters, Army Commendation Medal with an Oak Leaf Cluster, Army Achievement Medal, Army Reserve Components Achievement Medal with four Oak Leaf Clusters, National Defense Service Medal, Vietnam Service Medal with two Overseas Service Bars, Armed Forces Reserve Medal with Time Device, Army Service Ribbon, and the Republic of Vietnam Campaign Medal with 60 Device. The personal extolments of his superiors, subordinates, evaluators, and peers, however most colorfully decorate the colonel as a great soldier and military leader.

Not only has Colonel Matlak shown exemplary character in his over 27 years of commissioned service, but he also dedicated his life to the field of education. The list of awards the colonel received through his work as an educator is equally prestigious. In addition to his numerous academic recognitions, the colonel has authored dozens of books, articles, reviews and conference papers on the subjects of Literature and Poetry.

Col. Richard E. Matlak is a dedicated leader, an accomplished academic, a learned professor, a superior mentor, and an honorable citizen of our Nation. I am proud to commend him for his admirable years of service to his community, to our institutions of learning, and to the United States of America.

DEPOSITORY INSTITUTION CONSUMER PROTECTION ACT OF 1997

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. LAFALCE. Mr. Speaker, today a number of my Democratic colleagues are joining with me to introduce comprehensive consumer protection legislation. It is our hope that key elements of this legislation can become part of the financial modernization legislation we will begin marking up in the Banking Committee later today.

I support financial modernization legislation because I believe It potentially holds out many benefits for consumers and taxpayers. Product diversification and broader competition should increase the safety and soundness of our financial system, improve efficiency and make available more services at lower cost to consumers.

But the continual modernization of financial services holds risks as well as benefits. In limited contexts, banks already participate in the insurance and securities businesses. The result of the pending legislation would be that banks will be entering fully into these businesses, and other financial firms will be able to enter into the banking business.

As consumers deal increasingly with banks that may be part of large-scale diversified financial institutions, they potentially become more vulnerable. Congress must ensure their interests are protected.

Consumers are already experiencing some serious difficulties. There are all too many examples of situations in which consumers have been coerced, misled or confused, and have suffered and endured financial losses as a result.

Banks remain a unique part of our financial services system. They are insured depository institutions, backed by the Federal Government through the Federal Deposit Insurance Corporation. They therefore offer consumers a level of protection—and intuitively instill a sense of confidence—that is not so automatically characteristic of other financial services providers. As a result, they must bear unique responsibilities.

Consumers will no longer simply be using banks to make deposits or purchase a limited array of investments products. They may also be using their bank to pursue a broad range of investment opportunities or purchase a full array of insurance products.

The potential for one-stop shopping and consumer savings is real and substantial. But so is the potential for confusion. It will be increasingly important that consumers fully understand the exact nature of, and risk associated with, the product they are purchasing. And it will be equally important that they understand their rights. Consumers must be assured that applications for extensions of credit will be judged only on their merits.

Some of the key elements in the legislation I am introducing today are:

Clear disclosure requirements which would ensure that consumers know precisely whether a product is or is not an insured product, and what risk is associated with it;

A strong prohibition against misrepresentation about the insured status of, or risk associated with, any product;

Anticoercion requirements that prohibit extensions of credit from being made conditional upon the purchase of another nondeposit product;

A suitability standard to ensure that the nondeposit product is suitable and appropriate based on the financial information disclosed by the consumer;

Provisions requiring reasonable physical segregation of the conduct of banking and nonbanking activities;

A provision requiring the development of a consumer dispute resolution mechanism so that consumers can readily have their concerns heard and any violations of the consumer protection requirements can be redressed; and

Procedures which would allow consumers to exercise more control over the sharing of information related to their financial transactions.

As changes occur in the marketplace in reaction to any modernization legislation we pass, it will be important that we monitor the situation closely to see how well consumers are being served. But this legislation should help ensure they receive the benefits financial modernization has to offer, and are protected from the risks.

THE LOS ANGELES COUNTY 4–H AFTER SCHOOL ACTIVITY PROGRAM WINS SECRETARY OF AGRICULTURE'S HONOR AWARD

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. HORN. Mr. Speaker, today I congratulate the Los Angeles County 4–H After School Activity Program for exemplary work in helping at-risk youth overcome many barriers and realize their dreams. Agriculture Secretary Dan Glickman presented the program with one of the 1997 Department of Agriculture Secretary's Honor Awards.

Some of the best legislation the House has passed so far in this term is designed to improve opportunities for America's at-risk youth. The historic juvenile justice reform bill we approved last month will help deter children from going down the path of crime. By removing work disincentives and fostering a more diverse mix of families in public housing, the landmark public housing bill the House also passed last month will give children who live in public housing more adult role models who work.

The Los Angeles County 4–H After School Activity Program is a step ahead of the federal government in improving the lives of underprivileged children in the nation's second-largest metropolitan area. Administered by the University of California, the program provides a positive, nurturing environment for children ages 7 to 13 who live in public housing. These children are young enough for positive adult role models to have an impact on their lives. But without this program, they could well fall victim to the pressure to join a gang, drop out of school when they get older, or get caught in the terrible trap of drug addiction.

The program was organized in the wake of the 1992 riots. It was so successful that it quickly grew to serve more than 1,500 children in Los Angeles County. Children attend the program 2 to 5 days a week from 2 p.m. to 6 p.m., and they participate in homework assistance and tutoring sessions, learn-by-doing projects, physical recreation, and community service projects. The children's projects focus on subjects ranging from gardening and plant science to computers, from photography and video to leadership development. The 4–H program also expects older children to participate as peer role models who can assist with special projects.

In a refreshing example of a wide range of organizations working together to improve their community, the program is run as a collaborative effort involving educational, governmental, business, and other organizations. The University of California Cooperative Extension provides overall administrative support and staff, with other support coming from the Unocal Corp., the Los Angeles Unified School District, the City of Los Angeles Housing Authority, the Corporation for National Service, the National 4–H Council, and the California 4–H Foundation.

The After School Activity Program has had a major impact on the lives of the participating children. Seventy percent of participants' teachers noted some or much improvement in the children's interest in schoolwork and their ability to solve problems. More than 60 percent of the teachers also reported some or much improvement in participants' ability to adapt to new situations and in their cooperation levels with peers. The children participating have seen a positive impact on their lives: 96 percent say they feel safe at 4–H, and 85 percent say 4–H helps them stay out of gangs.

Too many urban children have no positive role models, so they turn to gangs for acceptance. Too many children in our cities have underdeveloped academic skills, so they face an even steeper hill to climb when they grow up and have to find a job. Too many inner-city children see little hope in their lives, so they seek false solace in drugs and alcohol. The Los Angeles County 4–H After School Activity Program is saving L.A. children from lives of despair. This innovative program is a collaborative effort that is making a real difference in children's lives. My congratulations and deepest appreciation go to George Rendell, who is the director of the University of California's Los Angeles County Cooperative Extension, Resource Development Coordinator Ray Grabinski, and all the dedicated staff members, volunteers and other community-minded individuals who have made this program an outstanding success.

LEE VICTORY, A CAREER OF SERVICE TO SMYRNA AND RUTHERFORD COUNTY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. GORDON. Mr. Speaker, I rise today to pay tribute to an outstanding individual from the Sixth District of Tennessee who is being honored upon his retirement, Mr. Lee Victory.

Mr. Victory has spent his life improving the quality of life for those of the town of Smyrna, TN. For the last several years, he has been the moving force in recreation in Smyrna.

His energy and vision have been the key to providing Smyrna with recreation facilities no other city its size possesses.

He and Mr. W.E. Carter built Smyrna's first Little League baseball fields which were located behind the old Meadowlawn Homes. He personally wired the lights and ran the plumbing to these ballfields.

There is truly no way to tell how many children have been kept out of trouble through his efforts, not only by providing them with recreational opportunities, but by providing a place to stay for many youngsters who needed help as well. He and his late wife, Ruie, opened their home and their hearts to countless youngsters.

As for the future, Mr. Victory plans to spend more time working on his antique clocks, watching his grandchildren play baseball and visiting his many friends. However, for a man with such community spirit, for a man who knows that one person can still make a difference, old habits do not die easily. Fortunately, I am sure he will continue to provide

Smyrna and Rutherford County with his tremendous vision and commitment by serving on the Middle Tennessee Electric Board and the Board of the Rutherford County Highway Department.

Lee Victory's record of achievement explains why those in Smyrna and Tennesseans all across the State are honoring him on Friday, June 20, 1997. I join with them to thank Lee Victory for his tireless dedication and innumerable contributions. We wish for him a happy and fulfilling retirement.

HONORING BENTELER OF GOSHEN, INDIANA

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. ROEMER. Mr. Speaker, it is with great pleasure that I share with our colleagues today a milestone reached by an important business in the Third District of Indiana. Today, Benteler Automotive Corp. of Goshen, IN will receive an outstanding quality award from Honda of America Manufacturing. Benteler will receive this recognition for exceeding Honda's quality targets by greater than 50 percent in 1996.

Mr. Speaker, only 16 of Honda's 380 suppliers are receiving this award. This deserving accolade is in recognition of Benteler's performance in its impact management systems product line, namely steel doorbeams which are placed in front and rear doors to prevent passengers from injury in side-impact collisions. The ceremony took place this morning at the Benteler Plant in Goshen, and Honda presented the award to Benteler employees who were joined by community officials in celebration.

Benteler started out small, incorporating with just a few people in 1980 but growing to some 1,800 employees today. Benteler uses state-of-the-art technologies in manufacturing chassis systems, front exhaust systems and impact management systems for worldwide distribution. The award today is ongoing evidence that they are leaders in these fields. They have related facilities in Goshen and in Grand Rapids and Kalamazoo, MI, and another in Fort Wayne, IN. Annual U.S. sales exceed $300 million in the United States, and reach about $2.5 billion worldwide. Benteler's market niches include passenger safety, fuel economy, and environmental protection through emissions control. The process of creating quality products in a successful business that improve quality of life is not to be found everyday, and we can learn from the successful efforts of Benteler and its employees.

Mr. Speaker, Benteler's proud heritage extends around the world, from Indiana and Michigan, to Europe, to Mexico and through Asia. The original company was founded by visionary Carl Benteler in 1876, and today is one of the largest steel producers and automotive suppliers in Europe. The Benteler worldwide network of companies encompasses 27 worldwide plants and agencies, and employs over 11,000.

Mr. Speaker, I am pleased to acknowledge the accomplishments of the Benteler facility in Goshen, IN. I am honored to help recognize the accomplishments of the Benteler employees on this significant occasion in being recognized for excellence in manufacturing. They are a shining example of Hoosier dedication to hard work and quality. I know they are proud of this accomplishment, and I am pleased to add to the praise they receive from family, friends, and community.

RAND STUDY QUESTIONS CURRENT DRUG SENTENCING POLICY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, I have believed for some time that our policy for mandatory minimum sentences for nonviolent drug offenses at the Federal level represents a poor policy choice, given the resources available to us. A uniform mandatory minimum policy results in unfair sentences to some and an unwise expenditure of funds in many other cases, if our goal is in fact to reduce drug use and drug-related crime.

I was therefore interested to read of the recent study by researchers at the RAND Drug Policy Research Center. Jonathan Caulkins, C. Peter Rydell, William Schwabe, and James Chiesa report that, "mandatory minimums produce the smallest bang for the buck by far", compared to conventional enforcement and treatment of heavy drug users. Indeed, their conclusion is that, "treatment of heavy drug users produces the biggest bang of all."

Because of the importance of this as a public policy question, and because I believe that this RAND research report confirms that we are making a serious error in our current allocation of resources in drug policy, I ask that the RAND Drug Policy Research Center brief on mandatory minimum drug sentences' cost effective be printed here.

WASHINGTON, DC MAY 12.—If cutting drug consumption and drug-related crime are the nation's prime drug control objectives, then the mandatory minimum drug sentencing laws in force at the federal level and in most states are not the way to get there.

This is the key finding of Mandatory Minimum Drug Sentences: Throwing Away the Key or the Taxpayer's Money?, a new RAND study that provides the first quantitative analysis of how successful these measures are in achieving what Director Barry McCaffrey of the Office of National Drug Control Policy has called "our central purpose and mission—reducing illicit drug use and its consequences."

Researchers Jonathan P. Caulkins, C. Peter Rydell, William Schwebe and James Chiesa estimate the cost-effectiveness of extended sentences in reducing cocaine consumption and crime, compare the results to those for two other drug control strategies, and show that mandatory minimums produce the smallest bang for the buck by far. Conventional enforcement (meaning more drug dealer arrests, confiscations, prosecutions and standard-length incarcerations) is a substantially better investment. Treatment of heavy drug users producers the biggest bang of all.

Mandatory minimum drug sentencing laws, dating largely to the 1980s, have been among the most popular crime-fighting measures of recent years. Details vary with the jurisdiction, but all of these statutes stipulate a sentence of specified length given certain triggering criteria, notably the quantity of an illicit drug possessed at time of arrest. For example, federal law requires judges to impose a sentence of at least five years for anyone convicted of possessing half a kilogram of cocaine powder or five grams of crack cocaine.

Caulkins and his colleagues begin their analysis by estimating the effects of spending an additional $1 million on each of several alternative strategies over a 15-year period. The results:

Spending the money on mandatory minimum-length sentences for a representative national sample of drug dealers can reduce total national cocaine consumption by 13 kilograms. Spending it on conventional enforcement against such dealers cuts use by 27 kilograms. Spending it to treat heavy users reduces consumption by over 100 kilograms. A principal reason that long sentences are not more cost-effective is the high cost of incarceration.

If the analysis is restricted to drug dealers at a somewhat higher level—those prosecuted by the federal government and in possession of enough drugs to trigger a federal mandatory-minimum sentence—the numbers change but the rankings remain the same. In fact, mandatory minimums are the least cost-effective way to reduce consumption under any set of conditions save one: They could be efficient if judges were given leeway to apply them only to certain very high-level dealers. Unfortunately, these laws are not selective and do not allow judges to use discretion.

Dollar for dollar, conventional enforcement efforts reduce 70 percent more crimes against persons than longer sentences. Treatment reduces about 10 times more serious crime than conventional enforcement and 15 times more than mandatory minimums. Explanation: Most drug-related crime is economically motivated and associated with the amount of money flowing through the cocaine market. Incarceration has little effect on this flow because it suppresses drug use by driving up drug prices. In contrast, treatment removes some users from the market altogether (both those who are in treatment and the minority who do not relapse afterwards).

To their proponents, the certainty and severity of mandatory minimums ensure that drug criminals will be punished, be kept off the streets for extended periods, and be examples that deter others. Critics protest that the laws foreclose discretionary judgment where it is most needed and often result in unjust punishment or even racial bias. In mid-April, the Supreme Court refused to hear a claim that the distinction between cocaine powder and crack amounts is discriminatory because crack arrestees are predominantly african-american. Two weeks ago, the U.S. sentencing commission recommended reducing the disparities between sentences for possession of crack and powder cocaine.

The RAND study focuses on what is arguably the most problematic substance—cocaine—and provides quantitative answers to a different but fundamental question: How effective are mandatory minimums relative to other means of achieving the nation's drug control goals?

"Our results indicate that we would make greater drug control progress by sentencing more dealers to standard prison terms than

by sentencing fewer dealers to longer, mandatory terms," summarizes study leader Caulkins. "They also suggest that treatment should receive higher priority than it does today. But the shift toward treatment should not be pushed too far. After all, it often takes enforcement to provide willing clients for treatment."

This research was supported by a gift from Florida businessman Richard B. Wolf and by funding from The Ford Foundation and was carried out by RAND's Drug Policy Research Center. RAND is a private, not-for-profit organization that helps improve public policy through research and analysis.

Mandatory minimum sentencing laws have been among the more popular crime-fighting measures of recent years. Such laws require that a judge impose a sentence of at least a specified length if certain criteria are met. For example, a person convicted by a federal court of possessing half a kilogram or more of cocaine powder must be sentenced to at least five years in prison.

Mandatory minimums have enjoyed strong bipartisan support. To proponents, their certainty and severity help ensure that incarceration's goals will be achieved. Those goals include punishing the convicted and keeping them from committing more crimes for a period of time, as well as deterring others not in prison from committing similar crimes. Critics, however, believe that mandatory minimums foreclose discretionary judgment where it may most be needed, and they fear these laws result in instances of unjust punishment.

These are all important considerations, but mandatory minimums associated with drug crimes may also be viewed as a means of achieving the nation's drug control objectives. As such, who do they compare with other means? Do they contribute to the central objective—decreasing the nation's drug consumption and related consequences—at a cost that compares favorably with other approaches? Jonathan P. Caulkins, C. Peter Rydell, William L. Schwabe, and James Chiesa have estimated how successful mandatory minimum sentences are, relative to other control strategies, at reducing drug consumption and drug-related crime.

The DPRC researchers focused on cocaine, which many view as the most problematic drug in America today. They took two approaches to mathematically model the market for cocaine and arrived at the same basic conclusion: Mandatory minimum sentences are not justifiable on the basis of cost-effectiveness at reducing cocaine consumption or drug-related crime. Mandatory minimums reduce cocaine consumption less per million taxpayer dollars spent than spending the same amount on enforcement under the previous sentencing regime. And either enforcement approach reduces drug consumption less, per million dollars spent, than putting heavy users through treatment programs. Mandatory minimums are also less cost-effective than either alternative at reducing cocaine-related crime. A principal reason for these findings is the high cost of incarceration.

REDUCING CONSUMPTION: MORE ENFORCEMENT AGAINST TYPICAL DEALERS

Caulkins, Rydell, and their colleagues first estimated the cost-effectiveness of additional expenditures on enforcement against the average drug dealer apprehended in the United States (whether that apprehension is by federal, state, or local authorities). Increased enforcement places additional costs on dealers, which they pass along to cocaine consumers in the form of higher prices. Studies have shown that higher cocaine prices discourage consumption. By mathematically modeling how cocaine market demand and supply respond to price, the researchers were able to estimate the changes in total cocaine consumption over 15 years for an additional million dollars invested in different cocaine control strategies. These consumption changes, discounted to present value, are shown by the first two bars in Figure 1.

Those bars show the results of spending a million dollars[1] on additional enforcement against a representative sample of drug dealers. As shown by the first bar, if that money were used to extend to federal mandatory minimum lengths the sentences of dealers who would have been arrested anyway, U.S. cocaine consumption would be reduced by almost 13 kilograms.[2] If, however, the money were used to arrest, confiscate the assets of, prosecute, and incarcerate more dealers (for prison terms of conventional length), cocaine consumption would be reduced by over 27 kilograms. As a point of comparison, spending the million dollars to treat heavy users would reduce cocaine consumption by a little over 100 kilograms (rightmost bar).

The results from spending an additional million dollars can be extrapolated to multiples thereof. A case can thus be made for shifting resources from longer sentences to a broader mix of enforcement measures. A case might also be made for shifting resources to treatment, although legislators might find such a shift less palatable. In any event, extrapolation is valid only up to a point. These results certainly do not support shifting all drug control resources from one approach to another, e.g., from enforcement to treatment. Very large changes in enforcement levels or in the number of persons treated would change cocaine supply and demand relations in ways that are not predictable with much confidence.

REDUCING CONSUMPTION: MORE ENFORCEMENT AGAINST HIGHER-LEVEL DEALERS

The first two bars in Figure 1 represent enforcement approaches applied to a representative sample of drug dealers. Perhaps mandatory minimum sentences would be more cost-effective if they were applied only to higher-level dealers, who make more money and thus have more to lose from intensive enforcement. To approximate such a restriction, Caulkins and his colleagues limited the set of dealers analyzed to those prosecuted at the federal level who possess enough drugs to trigger a federal mandatory minimum sentence. Again, they analyzed how costs imposed on dealers influence cocaine market demand and supply. The results are shown in the dark bars in Figure 1.

Spending a million dollars on mandatory minimum sentences for higher-level dealers does indeed have a bigger effect on cocaine consumption than spending the same amount on either enforcement approach against typical dealers. Nonetheless, against any given type of dealer (or at any given level of government), mandatory minimums are less cost-effective than conventional enforcement. Moreover, although federal mandatory minimums do better relative to treating heavy users than do longer sentences for all dealers, treatment is still more cost-effective.

Why is conventional enforcement more cost-effective than mandatory minimums? Drug enforcement imposes costs on dealers through arrest and conviction, which includes seizure of drugs and other assets, and through incarceration, which involves loss of income. It turns out that, per dollar spent, the cost burden from seizures is greater. A million dollars spent extending sentences thus imposes less cost on dealers—less than a million dollars spent on conventional enforcement, which includes asset seizures.[3]

REDUCING COCAINE-RELATED CRIME

Many Americans are worried about the crime associated with cocaine production, distribution, and use. Working with data on the causes of drug-related crime, Caulkins and his colleagues estimated the crime reduction benefits of the various alternatives. They found no difference between conventional enforcement and mandatory minimums in relation to property crime. Conventional enforcement, however, should reduce crimes against persons by about 70 percent more than mandatory minimums. But treatment should reduce serious crimes (against both property and persons) the most per million dollars spent—on the order of fifteen times as much as would the incarceration alternatives.

Why is treatment so much better? Most drug-related crime is economically motivated—undertaken, for example, to procure money to support a habit or to settle scores between rival dealers. The level of economically motivated crime is related to the amount of money flowing through the cocaine market. When a treated dealer stays off drugs, that means less money flowing into the market—therefore, less crime. When a dealer facing greater enforcement pressure raises his price to compensate for the increased risk, buyers will reduce the amount of cocaine they purchase. Money flow equals price times quantity bought. Which effect predominates—the rise in price or the drop in consumption? The best evidence suggests that they cancel each other out, so the total revenue flowing through the cocaine market stays about the same. The effect of the enforcement alternatives is therefore limited almost entirely to the relatively small number of crimes that are the direct result of drug consumption—crimes "under the influence."

SENSITIVITY OF THE RESULTS TO CHANGES IN ASSUMPTIONS

The values shown in Figure 1 are dependent, of course, on various assumptions the researchers made. If the assumptions are changed, the values change. As an example, the results are dependent on the time horizon of interest to those making decisions about cocaine control strategy. Figure 1, for example, ignores any benefits and costs accruing more than 15 years beyond program initiation. A 15-year horizon is a typical one for analyzing public-policy effects. But what if that horizon were closer?

Figure 2 shows the relative cost-effectiveness of treatment and the enforcement alternatives against typical dealers, analyzed when time horizons are set at various points from 1 to 15 years. At 15 years, the lines match the heights of the two short bars and the tallest bar in Figure 1. As the horizon is shortened, treatment looks worse, because treatment's costs, which accrue immediately, remain, while the benefits, which accrue as long as treated individuals reduce their consumption, are cut back. If the horizon is made short enough, long sentences look better, because the costs of additional years of imprisonment are ignored, while the benefits remain. Those benefits, again, are the cocaine price increase and consumption decrease that occur as soon as the imprisonment risk increases. The time horizon must be shortened to three years before long sentences look preferable to additional conventional enforcement, and to little more than

two years before they look preferable to treatment. Hence, longer sentences for typical drug dealers appear cost-effective only to the highly myopic.

More generally, large departures from the assumptions underlying the analysis are required for mandatory minimums to be the most cost-effective approach. Figure 3, for example, displays departures from two key assumptions underlying the results in Figure 1: that it costs the federal government $20,000 to arrest a dealer and that a dealer wants additional drug sales income amounting to $85,000 for risking an additional year of imprisonment. These two assumed values are depicted by the star in Figure 3. The bounded areas and labels indicate which program is the most cost-effective for any combination of substitutes for those two numbers. As the figure shows, mandatory minimums would be the most cost-effective alternative only if arrest cost were to exceed $30,000 and a dealer were to value his time at over $250,000 per year. Such figures would typify only those dealers who are both unusually difficult to arrest and at a fairly high level in the cocaine trade. For dealers costing less than $30,000 to arrest, cocaine control dollars would be better spent on further conventional enforcement. For dealers demanding less than $250,000 compensation for imprisonment risk, the money would be better spent treating heavy users.

Long sentences could thus be a smart strategy if selectively applied. Unfortunately, because mandatory minimum sentences are triggered by quantity of drug possessed, they are not selectively applied to the highest-level dealers. Such dealers often do not physically possess the drugs they own and control; they hire others to carry the drugs and incur the associated risk.

CONCLUSION

Long sentences for serious crimes have intuitive appeal. They respond to deeply held beliefs about punishment for evil actions, and in many cases they ensure that, by removing a criminal from the streets, further crimes that would have been committed will not be. But in the case of black-market crimes like drug dealing, a jailed supplier is often replaced by another supplier. Limited cocaine control resources can, however, be profitably directed toward other important objectives—reducing cocaine *consumption* and the violence and theft that accompany the cocaine market. If those are the goals, more can be achieved by spending additional money arresting, prosecuting, and sentencing dealers to standard prison terms than by spending it sentencing fewer dealers to longer, mandatory terms. The DPRC researchers found an exception in the case of the highest-level dealers, where sentences of mandatory minimum length appear to be the most cost-effective approach. However, it is difficult to identify those dealers solely by quantity of drug possessed. It might be easier to identify them if, in passing sentence, the criminal justice system could consider additional factors, e.g., evidence regarding a dealer's position in the distribution hierarchy. Such factors, ignored by mandatory minimums, can be taken into account by judges working under discretionary sentencing.

FOOTNOTES

[1] All cost calculations in this brief are in 1992 dollars. To convert costs in 1992 dollars to 1996 dollars (the latest year for which inflation data are available), multiply by 1.119. To convert kilograms of cocaine consumption reduced per million 1992 dollars spent to kilograms reduced per million 1996 dollars, divide by 1.119.

[2] Data on quantities possessed by convicted dealers are not readily available below the federal level, so for typical dealers, the researchers assessed, in lieu of the true mandatory minimums, a program applying longer sentences to *all* who were convicted.

[3] As shown in earlier RAND research, treatment is more cost-effective than enforcement, even though the great majority of users revert to their cocaine habit following treatment. Treatment is so much cheaper than enforcement that many more users can be targeted for the same amount of money—so many more that the sum of the small individual effects expected are larger than the effects expected from enforcement.

STATEMENTS BY KRISTEN GARNER, SHYLA BLAIR, AND SHELLY OUELLETTE, REGARDING SAME SEX MARRIAGE

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 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 Proctor, VT, who were speaking at my recent town meeting on issues facing young people.

Ms. BLAIR. Recently in December Hawaii ruled that the state must recognize single-sex marriages. Judge Kevin Chang based his ruling on the fact that there's no legal reason against it. He also ruled on the theory that sexual orientation is fixed at birth and denying them the right to marry is sexual discrimination. Because of this ruling about 20 states have passed laws restricting homosexual marriages. We intend to prove that there is no legal argument against it and that there are only moral arguments based on prejudice.

Ms. GARNER. Some people think of homosexuals as promiscuous or abnormally sexually active, but that has nothing to do with sexual preference. Homosexuals are very committed to their partners. A 1992 study showed that 55.5 percent of all gay men and 71.2 percent of lesbians are in a steady relationship. There are between 1 million and 5 million lesbian mothers and between 1 million and 3 million gay fathers in the United States today. Although the majority of children come from previous homosexual marriages, homosexuals are still acting as active parents. Homosexuals who have not been in a heterosexual relationship in which to have children have many options. Adoption, foster parenting or artificial insemination are also ways of becoming parents.

Some people think that homosexuals will influence their children to become homosexuals, but 35 different studies have showed that the children of gay and lesbians are no more likely to be homosexual than the children of homosexual parents.

Ms. OUELLETTE. Homosexuals have good reasons for wanting to marry. They don't want to marry just to make people mad or start an argument. Homosexuals want to marry for the same reasons heterosexuals want to marry: Love, companionship, shared interests, common goals, emotional and financial security and to raise a family. If we deny homosexuals the right to marry, they will not have the automatic right to medical, legal or financial decisions on behalf of their partner. They can be denied access to visit their partner in the intensive care unit or other hospital departments.

Homosexuals want to feel emotionally and financially safe just like heterosexuals. Homosexuals can attain some benefits of legal marriage when many homosexuals do not have the time or money it takes to get legal aid. Until the United States allows same sex couples to marry, homosexuals will not have rights and benefits that heterosexuals have. By not letting homosexuals marry, we are denying them rights every person should have

Ms. GARNER. Prejudice is a common threat that people of minorities and different opinions face every day. Homosexuals are a large target. The way they live is constantly opposed by people from every direction. The battle homosexuals fight today for the right to marry is not unlike the battle fought nearly 40 years ago also for the right to marry. This was the case of Loving versus Virginia, a black woman, Diana Jetter, and a white man, Harvey Loving, because interracial marriage was banned in the state of Virginia. They went to Washington, D.C. and got married. Because of the law, when they returned to the state they were arrested and sentenced to one year in prison. This sentence was only suspended because they promised not to return to the state for 25 years. In today's society, most people would think this unheard of, two consenting adults unable to marry because of a petty difference? Maybe 40 years from now people will look back at the prejudice we are bestowing on homosexuals and ask how could we?

It's not fair to sterotype that heterosexuals are immoral because of their sexual preference, that they should be denied access to plans or things that heterosexuals get just because of their sexual preference.

TRIBUTE TO DR. RALPH CUTLER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding medical service of Dr. Ralph Cutler of the Loma Linda University Medical Center and the Jerry L. Pettis Memorial Veterans Hospital in Loma Linda, California. Dr. Cutler is retiring on July 14 after a highly distinguished medical career and will be recognized for his 40 years of service to others at an event in his honor on June 26.

Ralph Cutler graduated with honors from UCLA in 1952. After completing his medical degree in 1956, Dr. Cutler began his postgraduate training as an intern and medical resident at the Los Angeles County General Hospital. He served in the U.S. Navy Medical Corps from 1961–63 and worked as the department head of the Metabolic and Arthritis section at the U.S. Naval Hospital in Oakland.

Dr. Cutler has also had a most remarkable academic career at both the University of Washington School of Medicine and the University of Loma Linda School of Medicine. He joined the University of Washington faculty in 1963 and served for 18 years as the chief of nephrology at Harborview Medical Center. In 1981, Dr. Cutler joined the faculty of the University of Loma Linda School of Medicine as a professor of medicine and pharmacology and the chief of pharmacology. He has also

spent much of his time working at the Jerry L. Pettis Memorial Veterans Medical Center as the chief of nephrology.

Over the years, Dr. Cutler has been a mentor, teacher, friend, and inspiration to numerous men and women pursuing their dream of practicing medicine. He has also been a leader through his involvement in numerous professional medical organizations. His research and extensive writings have reshaped the body of medical knowledge in a number of areas. To say the least, Dr. Cutler has made and continues to make a difference in the lives of those people he touches.

Mr. Speaker, Dr. Cutler provides an example of leadership that is deeply respected and admired by his professional colleagues and the community at large. I ask that you join me, our colleagues, and Dr. Cutler's many admirers in thanking him for his remarkable medical service over the years and wishing he and Carol the very best in the years ahead.

STAND DOWN '97

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. HORN. Mr. Speaker, I rise today to pay tribute to an outstanding program and the outstanding group of individuals who run it each year in Long Beach, CA. Stand Down '97, a comprehensive program designed to help homeless veterans reenter mainstream society, will be held in Long Beach on June 20–22.

The seventh annual Stand Down will add to the 3,500 homeless veterans who already have been served in previous years by the tireless work of hundreds of volunteers and a dedicated core group of committee chairs. Stand Down provides a wide range of services to homeless veterans, including medical and legal assistance, employment counseling, mental health services, financial counseling, showers, haircuts, and counseling for substance abuse, AIDS, stress, and exposure to agent orange. The veterans also receive donated shoes and clothing, shelter, and all the food they can eat, in addition to being treated to two variety shows.

These committee chairs do not seek recognition for their contributions, but I would like to take the opportunity to applaud their work. They are: Gus Hein, Gary Quiggle, Randy Scottini, Sergeant Dave Anderson, Pam Welty, Kenny Elmore, William Frink, Dr. Becky Gill, Tom Crochet, Earl and Volney Dunavan, Dr. Bob Delzell, Frank McGrath, Ted Mandl, Paul Ashby, Lori Debose, Don Richardson, Dr. Cal Farmer, John Ek, Mary Lou Hein, Mike Campbell, David L. C. David, Dave Holden, Howard Hargrove, Craig Mandeville, and Al Hamilton.

The ultimate thanks to each of these individuals comes from the smiles on the faces of the homeless veterans at the end of this outstanding 3-day event.

I extend my heartfelt thanks and congratulations to each of the committee chairs and other volunteers. Each has made invaluable contributions to the veteran population and the community at large. Homeless veterans not only need our help, they deserve it. Veterans have a hallowed place in American society for the sacrifices they made, and we owe them all the help we can give. Stand Down '97 will give a needed and well-deserved hand-up to homeless veterans in our area.

STATEMENT BY KATE HAYES REGARDING NATIONAL ENDOWMENT FOR THE ARTS FUNDING

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 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 Vermont, who was speaking at my recent town meeting on issues facing young people.

Ms. HAYES. Writer Justice Conrad said the artist appeals to that part of our being which is not dependent on wisdom, to that in us which is a gift and not an acquisition and, therefore, more permanently enduring. He speaks to our capacity to delight, for delight and wonder, to the sense of mystery surrounding our lives, to our sense of pity, beauty and pain.

The arts cross geographical, ethnic and socioeconomic barriers to enter into the lives of both children and adults. The arts are the heritage we leave to our children and a vital arts environment helps the economic development of this country. You may not know it, but attendance there shows that throughout the United States more people attend art galleries, museums, ballet, theater, opera and symphony concerts in a year than go to all the major professional sports combined. That's good box office, it's good business and it's good for the country.

In particular, I know how important funding is to the arts and the joy and happiness that exposure to arts brings to our residents. For the past six years I have performed in a traveling youth circus that has brought the thrill and antics of the big top to communities throughout New England. Our performances cross all age barriers. The child, the teenager and adults alike all share in the excitement of seeing live performances. If funding disappears, how will we provide that experience of such entertainment to the thousands of Vermonters who cannot travel to the big top in New York?

I've heard people suggest that the Government has no role in supporting the arts and humanities yet in Europe, governments recognize that arts are part of the economy and add essential vitality to modern life. Most European countries support their museums, orchestras, dancers, poets and visual artists to a far greater degree than the U.S. Government has ever done. With the creation of the National Endowment for the Arts in the 1960s, we took a step forward in providing a rich cultural advantage to all citizens. Now in the 1990s we are faced with the attacks by foes who are picking insignificant battles and efforts to undermine the support of the arts.

With cuts up to 40 percent survival is paramount. The focus on funding public arts programs will be on the projects of very wide public appeal and accessibility. Gone will be the funding for public programs of great scholarly significance but smaller audience draw. The proposals to shrink government by severely reducing or eliminating funds for the National Endowment for the Arts is also a move of far-reaching effects on the strength of all art programs.

There are creative ways to fund the arts. In my research I've discovered many new and innovative ways already successful on the state level. In particular, I believe we need to take a look at endowment funds, income tax check-offs and lotteries. Together with local initiatives, we can guarantee support for the arts. Just look at what some state initiatives are, license plate programs, corporate filing fees, special tax districts, local option taxes earmarked for the arts and bond issues.

Endowment funds offer long-term investment opportunities for the arts by using interest only to fund current affairs. Should we offer our wealthy citizens a tax haven through contributions to the arts endowment, we will build up a significant amount to fund the arts well into the next century. Just like the presidential campaign check-offs, let's allow our citizenry to express their support for the arts through a voluntary contribution of their tax refund to such a worthwhile cause.

I propose to further these ideas through a regional petition drive urging Congress to support funding for the National Endowment for the Arts.

I believe I recognize the problems that are going on within the United States, but I also believe that the arts provide a fundamental part of life. You can't really experience life without experiencing the arts because they really show the true human emotion and no human can live without emotion. I believe we can fund it through a number of the things that I listed which were the endowment funds and such, and I believe that if we really try, we can find funding for it if we realize that it is such an important part of our life.

At Burr & Burton we've been provided a lot of educational things that have helped us out. We've had some dancers that have come, some drummers. We've also had plays that have been put on here in the Smith Center for us and I believe that it's been an important part of our school life. It helps us to just know that there's more out there than what we see every day.

I believe that art is subjective and if the person that didn't like it should also recognize that now he knows what he doesn't like and he knows that—what true art is now. He knows what he likes to look for and he also knows what he will never see again, so it is also enriching his life.

I believe that everyone should have the right to go see it if they want to. If they're not funded, then they may not be wide for public appeal and you may not even if you wanted to have the chance to go see it. You have the choice not to go see it and that's your choice, but by federal funding, it allows the people who may not be able to go see it. Like some people can't get up to New York to see the plays and everything and this brings it home to Vermont so everyone is allowed the equal opportunity to see these things.

THE CRIME STOPPERS CLUB OF D.C.

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Ms. NORTON. Mr. Speaker, I rise to commend the Crime Stoppers Club of D.C., a wonderful 30-year old organization in the District that teaches youth in D.C. to "Stop crime by not committing crime." Since it began this valuable work, almost 25,000 boys and girls have become members and taken the Crime Stoppers pledge: "We, the Crime Stoppers of D.C., pledge to obey all laws, respect police officers and all other citizens."

Recently this club celebrated its 30-year history at a special proclamation ceremony at Eastern High School in D.C. where they delivered speeches and celebrated living their lives crime-free. These youth have every reason to celebrate and to be honored by the community. They are contributing to the significant reduction we are seeing in crime in the District. Most important, the commitment of these youth to grow into adulthood without the burden and stigma of a police record shows how bright and successful their futures can be.

Crime and its results have destroyed the lives of many children in many communities. How fortunate District residents are that this grassroots club of great effectiveness continues its work and that it is successful in encouraging children to stop crime and to become tomorrow's law-abiding citizens.

The founder of this club, Margie Wilbur, is the driving force behind this thriving club whose spirit and commitment has made it so effective in reaching youth in D.C. A retired Federal employee, Ms. Wilbur deserves much praise for actively nurturing this club and keeping it alive throughout the years, sometimes with her own funds.

It is my particular pleasure and honor to congratulate and salute the present members of the Crime Stopper's Club and the 25,000 boys and girls whose lives have been changed by its 30-year presence in Washington DC. You look forward to a future full of achievement and opportunity.

TRIBUTE TO MILDRED HELMS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. PAYNE. Mr. Speaker, I would like my colleagues here in the House of Representatives to join me in honoring a very special person who has made an enormous contribution through 40 years of dedicated service to our community, Mrs. Mildred Helms. On June 20, there will be a ceremony in Newark, NJ to pay tribute to Mrs. Helms, who serves as president of Clinton Hill Area Redevelopment Corporation, for her lifetime of service providing housing for residents of Newark and recreational activities for children.

Mrs. Helms is the founder of two housing corporations which provide affordable home ownership to local residents. It was in 1963 that she first approached the Newark Housing Authority Urban Renewal office with a plan to develop new housing for the city. She has shown a great deal of determination, pushing forward for over 15 years until her group, the Clinton Hill Area Redevelopment Corporation, was finally able to see their first project become a reality. When I served as a councilman, I had the pleasure of working with Mrs. Helms to expand housing opportunities. In fact, I first became involved with Mrs. Helms in 1958 at a community meeting at Southside High School where I once taught and which is now called Malcolm X Shabazz High School. Other housing activists at that time included Stanley Winters and Rev. Kim Jefferson.

In addition to her work on housing opportunities, Mrs. Helms gave her time and talents to many volunteer efforts, especially with children and young people. I was pleased to become involved with a youth group she organized which became known as the Clintonians. She organized a group which became active in the Newark YMWCA. She also organized a Summer Fun Day Camp sponsored by her church and a Jewish synagogue. She also planned an annual Halloween Party and parade, involving local merchants who served as sponsors. Among the many awards and accolades Mrs. Helms has received are the 1986 Human Rights Award from the New Jersey Institute of Technology, the Private Sector Initiative Award from President Ronald Reagan, the 1983 Woman of the Year Award from the Sharpe James Civic Association. The Mildred Helms Park is named in her honor. Mr. Speaker, I am very proud of this extraordinary woman who has done so much for our community. I know my colleagues join me in sending congratulations and very best wishes for many more productive and fulfilling years.

CONGRATULATIONS TO DAVID HERBST

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Ms. HARMAN. Mr. Speaker, I rise today to congratulate a community leader and my friend, David Herbst, on his completion of a successful year as the president of the Westchester/LAX Chamber of Commerce.

It has been my pleasure to participate with David in a number of important events, beginning with his magnificent installation ceremony on the campus of his alma mater, Loyola Marymount University.

Under David's tenure, the Westchester/LAX chamber has also played host to important dignitaries, many of whom I cohosted, among them Mickey Kantor, then Secretary of Commerce, and Secretary of Defense William Cohen, who spoke to a breakfast of 400 business leaders just last month.

David deserves a great deal of credit for superb leadership, yielding successful growth in the chamber's financial performance, community support, and interaction with governmental bodies.

I salute David for being one of those rare people who is not only successful in the business world, but dedicated to our community. Westchester is a better place because of his work.

THE OLIVER PROJECT

HON. EDWARD A. PEASE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. PEASE. Mr. Speaker, I rise today to call attention to a very unique teen leadership program being held here in Washington, DC., this week; the Orphan Foundation of America's 1997 Oliver Project. The Oliver Project was established to highlight the hope and potential of America's foster youth by focussing a positive spotlight on their abilities and accomplishments.

The 12 youths participating in the 1997 Oliver Project are bright and shining examples of what's right in America. Despite having young lives that were filled with loss, disappointment, and chaos, these young men and women have shown us that the American spirit is still alive and strong. Instead of feeling sorry for themselves each of these students made a decision to fight for themselves, and what was important to them. Each knew instinctively that education was the key. Even though their turbulent lives sometimes made staying focussed difficult, they each persevered.

All 12 have also expressed a sincere desire to give back to their communities, and indeed they have already begun to do so by being active in everything from church youth groups and choirs, to community clean-up projects, to feeding the homeless and homebound AIDS patients, to working with physically and mentally challenged youngsters. They have played sports, joined teams, held down jobs, and been recognized and honored—both locally and nationally—for their scholastic abilities. In short, these six young women and six young men have shown us that, if given a chance, every child has the ability to succeed.

And so, Mr. Speaker, I would like to personally commend each of the 12 students participating in the 1997 Oliver Project, as well as the Orphan Foundation of America for giving these young Americans a chance to be tomorrow's leaders.

EMPLOYEE OWNERSHIP ENHANCEMENT ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. TRAFICANT. Mr. Speaker, if our economy is so great, than why are American workers losing their jobs? If our economy is so great, than why are American workers going bankrupt in record numbers? If our economy is so great, why do many families need three jobs just to pay their bills? And Mr. Speaker, if our economy is so great, why are so many manufacturing plants going out of business?

On May 31, 1997, something happened in my congressional district that deeply affected

70 of my constituents and their families. The Camcar Textron Brainard Rivet plant in Girard, OH closed its doors and told its workers to go home. The workers at this plant, scared for their futures and the futures of their families, wanted to work with the parent company of Camcar, Textron to negotiate an employee buyout through an Employee Stock Ownership Plan [ESOP]. Unfortunately, Textron did not feel that selling the plant to the employeees through an ESOP would be in the best interests of the company. I was particularly concerned over the fact that Textron has referred 50 former Brainard Rivet customers to another non-Textron company. These customers could have been the base for an employee-owned company.

Mr. Speaker, Congress needs to do all it to encourage ESOP's. That is why today I am introducing legislation, the Employee Ownership Enhancement Act, to require that an employer closing a manufacturing plant to offer the employees an opportunity to purchase the business through an ESOP. This legislation would exempt companies that are planning to continue using the assets and/or capital from a closed plant at another location or the companies that close a plant but still are manufacturing the same product at another plant.

The current economy presents many challenges for both workers and employers. Congress needs to put in place reasonable laws to enable hard working Americans a chance to own and operate manufacturing plants if the owners don't want to anymore. My bill would apply to only a handful of plant closing a year, but would provide hope and opportunity to thousands of workers and their families. It is that simple.

I urge all my colleagues to support this very important piece of legislation.

STATEMENTS BY TISON CAMPBELL AND JONATHAN LAFARGE REGARDING THE U.S. IN THE 21ST CENTURY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD these statements by high school students from Vermont, who were speaking at my recent town meeting on issues facing young people.

Mr. CAMPBELL. In the next three years the United States will enter the 21st Century. We will fined ourselves faced with many challenges that will be difficult but not impossible to overcome. These challenges are overcoming the national debt, dealing with fossil fuel shortages, threats to national security and the future of the global community.

As we near the beginning of the next century, we face a growing national debt. This debt is consuming more and more government money. We must act before this debt gets so large that it causes the downfall of our economy.

In order to solve this problem, the government must raise more money. The most practical way to do this is to raise taxes or to implement a national sales tax. The added income from the tax increase or sales tax would greatly aid in the eradication of this debt.

We will also face the problem of fossil fuel shortages. As we consume more and more of these non renewable resources, we will find it necessary to convert to alternate energy sources. We can utilize the energy from the sun to generate electricity. The most efficient way to accomplish this is to place satellites fitted with solar panels in orbit and then to have the energy beamed back to collecting stations on the earth. This would give us an unlimited supply of cheap electricity thus allowing us to gradually phase out fossil fuels.

There will be many threats to national security in the next century. These threats will be both physical and mental, domestic and international. The mental threat to our society is the public distrust of the government. The members of our government must act to change this image so that people will once again realize that the government is there to make their lives better, not to destroy them. This could be accomplished through a series of speeches or an advertising campaign in which the representatives for a certain district or a state would answer questions from the people about the state of a government.

Another threat to our society is that of terrorism. As the countries of the world grow more peaceful, violent people will have to shift to terrorism in order to get their goals accomplished. In order to combat this threat, we must devise better security measures to scan people entering the country. We can also work with the nations of the world to track down terrorist organizations before they can cause any real damage.

To combat terrorism originating in our country, we must pass strong anti-terrorist laws that call for strict punishment of terrorists. By taking a strong stand on this issue, we can convince potential terrorists that if they want to reform the system, it needs to be done from within with the consent of the majority of the people.

With the invention of the airplane, it became possible to travel long distances in short periods of time. This brought the world together and caused the formation of the global community. As this community expands, alliances will be formed. We are already seeing examples of this with the formation of the European Union and the United Nations. As the world continues to evolve, the people will eventually realize that it will be beneficial to form a world government. This government would be an expansion of the United Nations that would operate under a constitution based on that of the United States. This constitution would guarantee that all people will have the right to life, liberty and the pursuit of happiness.

The creation of this government would all but abolish war. The armies of the world would be combined to form a large world army with each country keeping a smaller force to act as our National Guard does today. This would ensure that the rights of each independent country would not be abused and that, if necessary, the country would be able to defend itself.

The world government would also eliminate the need for atomic weapons. This would allow us to destroy the weapons and to shift our scientific resources to things more beneficial than the creation of weapons.

The world government would allow us to achieve peace on earth and it would ensure the rights of every man, woman and child on the planet.

Mr. LAFARGE. This government would be formed by an expansion of the power of the United Nations. It would be the job of this government to carry out the solutions to the problems listed above.

First, all countries would need to form into a council modeled after the United States Senate with each country having two members. This council would need to choose a chief executive. The Executive Branch would be headed by the chief executive with a cabinet of seven officials. The seven departments would be Justice, Defense, Treasury, Space Exploration, Interior, World Health and International Transportation. The Judicial branch would be headed by an international Supreme Court. There would be a branch of the international court in every country. Then, once established, the government would gradually need to form a world currency. This would ease transaction and aid in the forming of a world stock market. This would also allow businesses around the world to merge and further unify the world.

With the constant advances in technology, this government would need to play an active role in the development of these technologies. Space exploration and medicine are the most prominent areas of study. There could be whole space stations dedicated to one field or disease. Dangerous biohazards could be contained and controlled. The unique properties of a low G environment would enable us to do things that we cannot do on earth. Scientists could create more resilient strains of plants and then clone these to solve world food problems. Scientists could use accelerated cellular reproduction to grow food faster and allow for faster distribution.

Through the implementation of these programs, we can bring humanity into a golden age where all men live under a fair, just government based upon principles in the Constitution of the United States.

Mr. CAMPBELL. I haven't seen much progress with just what I've witnessed from Congress. There have been attempts to balance the budget, and that's a good start; but even with a balanced budget, we won't generate enough capital to quickly pay off this debt before it can really start to affect our economy. I believe that eventually we're going to be forced to increase taxes in order to pay for this.

There was the suggestion of cutting different programs, but the way that I see it is that we're already cutting so many programs as it is that if we end up cutting more programs, some of them are going to eventually have to be dropped and it may be unfortunate, but I believe that if we drop any programs, it will end up being stuff like education or entitlement programs and that would greatly harm a lot of people. We could cut back on defense a bit. I think we're spending a little too much on that. Other than that, I don't really see any that we can really make huge cuts in.

A lot of people might fear that with the formation of a world government we could end up having a dictatorship or an oligarchy where only a few people would really have power. We would have to ensure that this would not happen through different actions before it was even implemented. The people of the world would have to evolve to such a point where they can actually deal with this and where we would be prepared to set this government up without having these dangers. We have to combat that now. If we can get people to trust the government of the United States if we decide to form a world

government, we could encourage that—we could show people that the government would be there to benefit them and to help them, not to take over just for the sake of power.

Mr. LAFARGE. People might fear about the formation of a world government is the loss of culture and the individualism of everyone and that people like Africans maybe might start to lose their history or people just might feel that by moving in this step that they will become kind of like everybody else, and that's sort of a fear.