SENATE—*Tuesday, July 28, 1998*

The Senate met at 9:45 a.m., and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

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

Gracious Father, whose mercies are new every morning, we praise You for Your faithfulness. We exalt You with a rendition of the words of that wonderful old hymn, "Great is Your faithfulness! Great is Your faithfulness! Morning by morning, new mercies we see; all we have needed Your hand has provided. Great is Your faithfulness, Lord, unto us!" As we begin this new day, we thank You for Your faithfulness to our Nation throughout history. And one of the ways You express that now is through the labors of the women and men of this Senate. May they experience fresh assurance of Your faithfulness that will renew their faithfulness to be God-centered, God-honoring, God-guided, God-empowered leaders.

In the quiet of this moment, we ask You to help us experience Your grace in the midst of the grief of this day. We ask You to be with us as we honor the memory of Officers Chestnut and Gibson. Especially, Lord, be with their families and with their fellow officers, that they may know that You are the Lord of life and eternity. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

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

SCHEDULE

Mr. LOTT. Mr. President, I remind all Senators that we will be recessing from 11:55 a.m. until 12:15 p.m. so that the Senate may proceed as a body to the Rotunda to pay our proper respects to the two fallen U.S. Capitol policemen and their families. The Senate will recess again today from 2:45 p.m. until 3:45 p.m. so Members may attend the memorial service for these two heroes.

With regard to the Senate's schedule this morning, the Senate will resume consideration of the credit union bill, with 15 minutes for debate remaining on the Shelby amendment regarding small business exemptions. At approximately 10 a.m; the Senate will proceed to vote on, or in relation to, the Shelby amendment. Following that vote, it is the hope that the Senate will move quickly to final passage of the credit union legislation.

For the remainder of today's session, the Senate may begin consideration of the Treasury appropriations bill, health care legislation, or other appropriations bills or conference reports as available and after consultation with the leadership on both sides of the aisle. Therefore, Members should expect votes throughout today's session and into the evening as the Senate attempts to complete its work prior to the August recess.

I want to emphasize something here, too. The plan has been we would spend Friday afternoon on the credit union bill, and we would have votes Monday afternoon late, and this morning we would vote on the Shelby amendment and go to passage. I understand the managers are not sure they are ready to do that, or other people are showing up with amendments. I discourage amendments. Senators had an opportunity Monday afternoon and Friday afternoon to offer amendments, and to show up now and say, "Oh, by the way, I have another amendment," I think, is not helpful in trying to get done what we agreed to and move our schedule along.

Let's have the final debate on the Shelby amendment and let's vote and move to passage of this legislation, and then go to an appropriations bill. I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, the leadership time is reserved.

CREDIT UNION MEMBERSHIP ACCESS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 1151, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1151) to amend the Federal Credit Union Act to clarify existing law with regard to the field of membership of Federal credit unions, to preserve the integrity and purpose of Federal credit unions, to enhance supervisory oversight of insured credit unions, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Gramm amendment No. 3336, to strike provisions requiring credit unions to use the funds of credit union members to serve persons not members of the credit union. (By 44 yeas to 50 nays (Vote No. 236), Senate failed to table the amendment.

Shelby amendment No. 3338, with respect to exempting certain financial institutions from the Community Reinvestment Act of 1977.

AMENDMENT NO. 3338

The PRESIDING OFFICER. Under the previous order, there will now be 15 minutes equally divided prior to a motion to table Shelby amendment No. 3338.

Mr. SHELBY addressed the Chair.

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

Mr. SHELBY. Mr. President, does this side have 7½ minutes and the other side 7½ minutes? That is my understanding.

The PRESIDING OFFICER. That is correct.

Mr. SHELBY. Mr. President, there has been a lot said about the amendment that we have offered to exempt small banks from the Community Reinvestment Act. A popular mantra is that if the small bank exemption amendment passes, President Clinton will veto the bill; therefore, the Senate should not take up this amendment. I have also been told this is not the time or the place to take up an amendment to CRA. But I believe, Mr. President, that such assertions are not valid.

H.R. 1151 essentially eliminates the common bond requirement, allowing credit unions to serve virtually any and every group now.

In addition, H.R. 1151 explicitly authorizes credit unions to perform commercial lending activities. In doing so, this Congress is overturning a historical Supreme Court decision and the law of the land for about 60 years. While expanding the role of credit unions, we continue to protect the tax exemption credit unions now enjoy.

Small community banks, Mr. President, however, serve the local community but have to compete with the higher cost of funds, a higher regulatory burden, and of course a considerable tax burden. While we increase the competitive advantage of small bank competitors in this bill, we do nothing to help small banks compete on a more level playing field.

So, Mr. President, for those who suggest that this is not the time or the place for this amendment to exempt the small banks of America from the CRA, I have to disagree. Credit unions are increasing their market share over community banks in small local markets with higher savings rates and lower lending rates, rates small banks cannot match thanks to the tax and regulatory burdens that constitute the

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

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competitive disadvantage here. The small bank exemption from the Community Reinvestment Act has everything to do with the competitive equity we are talking about—leveling the playing field between local community banks and credit unions.

The President, of course, has the right to veto a bill if he so chooses. That is the legislative process. We all know that. However, I do not believe the President would veto this bill if this amendment were part of it. The Senate Banking Committee worked very hard to draft a responsible bill, and, by and large, I think we did just that. Nevertheless, Mr. President, I believe H.R. 1151, the bill before us now, can be improved. And, to that extent, this is the time and this is the place to improve the bill.

Yesterday, the Senate failed to table Senator GRAMM's amendment to strike the community-reinvestment-like provisions on credit unions from the bill. I supported that. As a result, it appears the Senate has chosen to adopt Senator GRAMM's amendment to eliminate the expansion of regulatory burden and mandated credit allocation on to credit unions, which I think is good.

If the Senate votes to table the small bank exemption from CRA, the Senate will make a very hypocritical policy statement to the American people, I believe, saying, essentially, that we do not support the expansion of mandated credit allocation and regulatory burden on credit unions, but, Mr. President, on the other hand, we do support the mandated credit allocation and regulatory burden on small community banks. Now that is not what we call competitive equity.

I believe the worst part about this inconsistent policy is that consumers are the ones who bear the brunt of the cost of the Community Reinvestment Act. The CRA tax on banks only gets passed on to the consumer. While the intention, Mr. President, of the Community Reinvestment Act may have been to help consumers, in practice I believe it hurts them. CRA is bad for consumers. CRA is, I believe, bad public policy.

Contrary to what opponents of the amendment would have you believe, the small bank exemption would not gut CRA. Banks with less than $250 million in assets account for less than 12 percent of bank assets nationwide. This is a vote for small community banks in America. I think it is time to do it and the time is now.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. D'AMATO. Mr. President, let me say that I am deeply appreciative of the problem that my good friend, the senior Senator from Alabama, Senator SHELBY, expresses as it relates to community banks. I believe they do need help. Indeed, I think we have to give them some tax relief. I think we can and we should. That is why I have cosponsored the Small Business Financial Institution Tax Relief Act. I believe Senator SHELBY is also a cosponsor. And I believe the Presiding Officer is a cosponsor as well. There are other things we can do.

I think we have to examine CRA as it applies to those who have outstanding records year after year. Should they be subjected to the same compliance requirements or shouldn't there be some way to relieve them of the annual reporting process? Shouldn't there be more flexibility, if an institution has been exemplary for X number of years? Let us discuss that in a different arena and let us not put it on this bill. We can work towards a solution on this important issue and other relief for small banks so they can continue to compete and serve in communities that otherwise would be left without.

So I am sympathetic to the issue of CRA. But again, to put it on this bill, when the administration said clearly they will veto it, I say, will only undo all the effort put into preserving credit unions and making them safer and sounder. I urge restraint on the part of my colleagues, notwithstanding the fact that we need to do something to help that segment of our community which is so vital—the community bank.

Mr. REED. Mr. President, I rise in strong opposition to the Shelby amendment to create a small bank exception to the Community Reinvestment Act.

Mr. President, the Community Reinvestment Act requires financial institutions to meet the credit needs of local communities—including low and moderate income areas—consistent with safe and sound lending practices.

Unfortunately, many proponents of the Shelby amendment have argued that this obligation is tantamount to government mandated credit allocation. Nothing could be further from the truth. Neither the Act nor the regulations specify the number of loans, the type of loans, or the parties to CRA loans. To the contrary, CRA relies on market forces and private sector ingenuity to promote community development lending. This is evidenced by the tremendous flexibility that financial institutions have in satisfying CRA. For example, loans to nonprofits serving primarily low- and moderate-income housing needs; loans to financial intermediaries such as Community Development Financial Institutions; and loans to local, state, and tribal governments may qualify for CRA coverage. Moreover, loans to finance environmental clean-up or redevelop industrial sites in low- and moderate-income areas also qualify as CRA loans.

In addition to lending, CRA is satisfied through investments by financial institutions in organizations engaged in affordable housing rehabilitation, and facilities that promote community development such as child care centers, homeless centers, and soup kitchens. These all qualify for CRA coverage.

Even Federal Reserve Chairman Alan Greenspan has weighed in on this issue, arguing:

> The essential purpose of the CRA is to try to encourage institutions who are not involved in areas where their own self-interest in involved, in doing so. If you are indicating to an institution that there is a foregone business opportunity in an area X or loan product Y, that is not credit allocation. That, indeed, is enhancing the market.

As illustrated by these examples and Chairman Greenspan's comments, it is clear that CRA is a far cry from government mandated credit allocation. To be sure, CRA is predicated on two simple assumptions that should be shared by my colleagues on both sides of the aisle: (1) that a public charter for a bank or savings institution conveys numerous benefits, including deposit insurance, and it is fair for the public to ask something in return, and (2) government cannot and should not provide more than a limited part of the capital required for local housing and economic development needs; financial institutions in our free economic system must play the leading role.

In the words of former Comptroller of the Currency Eugene Ludwig, "CRA is in many respects a model statute. It requires no public subsidy, no private subsidy, and no massive Washington bureaucracy."

These simple concepts, which are the embodiment of CRA, are perhaps most responsible for the significant democratization of credit that we have seen over the last 20 years. Since its enactment in 1977, CRA has resulted in more than $397 billion in loan commitments for low- and moderate-income borrowers. In my state of Rhode Island, it has been estimated that CRA has resulted in over $61 million in commitments for community development lending since 1977.

Mr. President, I fear that the Shelby amendment will significantly undermine these advances. This amendment will exempt 86 percent of all banks from CRA, thereby doing irreparable harm to our communities that are in dire need of investment and opportunity. The adverse impact on community lending will be particularly severe in states such as Iowa, Kansas, Minnesota, Montana, Nebraska, and Oklahoma, where 95 percent of all banks are small and would be exempt from CRA. If communities in these states are not able to turn to their financial institutions for rural and community development lending, to whom will they turn?

Mr. President, this amendment is unnecessary. In response to concerns about regulatory burdens voiced by small banks, CRA was revised in 1995 to provide regulatory relief. The new regulations provide a streamlined examination process for independent banks

and thrifts with assets under $250 million. In addition, under the new regulations, the smallest banks have been exempted from all reporting requirements, and are no longer subject to process-based documentation requirements. Moreover, the actual time spent in the smallest banks on CRA examinations has dropped by 30 percent.

Following promulgation of the revised CRA regulations, many small bankers were effusive in their praise of the reforms. For example, Richard Mount of the Independent Bankers Association of America, which represents small banks, indicated,

> We commend the regulators for instituting a meaningful, streamlined, tiered examination system that recognizes the differences between community banks and their large regional and multinational brethren. The new rules should eliminate the paperwork nightmare of CRA for community banks and allow them to concentrate on what they do best—reinvest in their communities.

Finally, Mr. President, this amendment will significantly weaken one of our most important tools in preventing lending discrimination. Perhaps because of its success, many have forgotten the embarrassing state of lending in many urban communities prior to CRA's enactment. In a Senate Banking Committee hearing in 1977, a study of six banks was presented which showed that these banks, which held $144 million in deposits from low-income and minority communities, returned an embarrassing one-half cent on the dollar in home loans. Throughout hearings on CRA, witnesses from around the country recounted similar stories of lending discrimination.

While certainly we have come a long way since 1977, lending discrimination, unfortunately, persists. In a study published earlier this year by the Fair Housing Council of Greater Washington, it was revealed that Washington area lenders discriminate against two out of five African American and Hispanic mortgage applicants. In one incident cited in the study, a Rockville lender advised a black tester that the lender did not make loans to first-time home buyers. The same lender later met with a white tester, also posing as a first-time home buyer, giving the tester an appointment and encouraging him to apply for a mortgage loan. Lending studies by other organizations reveal similar findings. These studies have shown that minority borrowers receive fewer bank loans even when their financial status is the same as or better than white borrowers.

By encouraging lenders to extend credit to all communities, CRA has been an important weapon in fighting lending discrimination. Because the Shelby amendment would exempt 86 percent of all banks from its coverage, lenders could find it easier to discriminate in the provision of credit.

Mr. President, I do not think we want to return to the dark days before CRA, where access to credit and investment in our urban and rural communities was limited for all the wrong reasons. Instead, with the movement of assets out of the banking system and with increasing industry consolidation, we should be seeking ways to expand community investment, not limit it. For this reason, I will strongly oppose the Shelby amendment, and I encourage my colleagues to do likewise.

Ms. COLLINS. Will the Senator from New York yield for a question?

Mr. D'AMATO. I am happy to yield.

Ms. COLLINS. The Senator from New York, the distinguished chairman of the committee, knows I am very sympathetic to the goals of the amendment offered by the Senator from Alabama. I am concerned about the burden that the CRA imposes on our small community banks. It is my understanding, however, based on the representations of the chairman and a letter from the administration, that if this amendment is adopted, it will lead to the veto of this legislation, which I strongly support.

So I find myself in a real quandary. I support the amendment of the Senator from Alabama, yet I strongly support the underlying bill and do not want to jeopardize it being signed into law.

Could the distinguished chairman give me assurances that he is willing to work with me, with the Senator from Alabama, and others who are concerned about easing this burden on our small banks?

Mr. D'AMATO. I not only give that assurance to you, but to all of my colleagues in the Senate and the House. I think we can do a better job ensuring that small community banks have the ability to compete. We will address some of the requirements that are placed upon them that preclude them from using chapter S corporations in the bill Senator ALLARD has introduced. And while we are at it, we will review some of the regulatory requirements for reporting as required by CRA and we will look for ways to diminish the burdens these requirements place on banks that have exemplary CRA records.

That would be the absolute priority of this Senator, starting now. We will begin with holding hearings, and from the information we gather, we will craft and seek the support of legislation. Certainly I think next year we will be able to come forth and pass, in both Houses, and get signed into law, the kind of relief that does not jeopardize the legitimate use of CRA but, by the same token, does not compromise those institutions that are doing a good job.

I believe my colleagues on the Democratic side would join with us in that effort, but not here, not now, without study and careful craftsmanship.

Again, I understand the need to make these reforms.

Ms. COLLINS. I thank the Senator very much for his assurances. This is a matter of great concern for me. I would very much like to vote for this amendment, but in view of the fact that the President has made it very clear he would veto the bill if it were included, I, unfortunately, am going to have to vote against the amendment.

I thank the Senator.

Mr. SARBANES addressed the Chair.

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

Mr. SARBANES. Mr. President, when this debate on the Shelby amendment first began, my colleague from Alabama quoted the introductory statement made by former chairman William Proxmire when he introduced the CRA legislation. We pointed out at the time that we thought the Proxmire rationale still supported his original position.

I have received a letter from Senator Proxmire and he has asked me to read it into the RECORD. I will do that now.

> DEAR PAUL: I would appreciate your reading this letter into the Congressional Record at the appropriate time during the debate on the Credit Union bill.
>
> I am totally opposed to the Shelby amendment which would exempt small banks from the Community Reinvestment Act and take strong exception to the thrust of his "Dear Colleague" letter which quotes my remarks as the author of CRA and the Chairman of the Banking Committee at some length.
>
> Throughout my 32 year career in the Senate I championed the cause of the independent small banks of America. In my home state of Wisconsin they represented an important constituency. As Chairman of the Banking Committee from 1975–1980 and 1987–1989 and a member of the Committee from 1957–1989 no one fought harder to protect their interests.
>
> I count the enactment of CRA as one of the achievements of which I am most proud. I introduced CRA in 1977 because banks receive significant public benefits, such as federal deposit insurance and access to the Federal Reserve Board's discount window. In turn, banks have an obligation to help meet the credit needs of the localities they are chartered to serve. This obligation should apply to all banks, large and small alike, all of whom receive significant public benefits.
>
> I regret that the statement I made on the Senate floor in 1977 introducing the Community Reinvestment Act is being used to undermine the purpose for which I introduced the legislation.
>
> Sincerely,
>
> WILLIAM PROXMIRE, U.S.S.
> *(Retired—D–Wis.)*

That is Senator Proxmire's direct response to the effort to use his statement to, in effect, undermine support for the CRA.

Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Maryland has 46 seconds remaining.

Mr. SARBANES. Mr. President, very quickly, let me just say to my colleagues that this legislation is not an allocation of credit. Larry Lindsey has

said, and I quote him, former member of the Federal Reserve:

Many [institutions] now recognize in an era of growing competition, CRA performance may be critical to an institution's ability to adjust to the new banking environment. CRA-related activities can help to develop new markets, potentially profitable business and improve a bank's public image.

Federal Reserve Chairman Alan Greenspan stated:

The essential purpose of the CRA is to try to encourage institutions who are not involved in areas where their own self-interest is involved in doing so. If you are indicating to an institution that there is a foregone business opportunity in an area X or loan product Y, that is not credit allocation. That, indeed, is enhancing the market.

Let's continue to enhance the market by supporting CRA and rejecting this amendment.

The PRESIDING OFFICER. All time has expired. The Senator from Alabama has 2 minutes 12 seconds remaining.

Mr. SHELBY. I yield the remaining time to the distinguished Senator from Oklahoma, the assistant majority leader.

Mr. NICKLES. Mr. President, first, I compliment my colleague from Alabama for bringing this amendment because it is a really good, commonsense amendment.

I might mention to our colleagues, yesterday we voted to exempt credit unions from the Community Reinvestment Act. Most of us support that amendment. I supported that amendment. I mentioned to somebody that said I am not sure we should do that because banks have to comply, and I said we have the Shelby amendment that will at least exempt small banks.

Most of my banks in the State of Oklahoma are small banks. They don't need the Federal Government to tell them to invest in their community—they do it anyway. If you have a meeting with your bankers in your State, particularly your small bankers, they will tell you the Community Reinvestment Act is one of the most bureaucratic messes they deal with. They really don't have to have the Federal Government to tell them to invest in their own community. So now we are going to say we will exempt credit unions from the CRA, but we will not exempt small banks? That is not fair. That is not equitable.

Senator SHELBY's amendment would correct that for the small banks. I compliment him for doing it. I think now is the time to do it. We are going to create greater inequities between credit unions and banks; I don't think that is fair. So Senator SHELBY's amendment would at least provide relief for small banks. That is the right thing to do. It is the timely thing to do.

The fact that the President says he might veto—if we pass this by an overwhelming vote, and if we have the Shelby amendment, it would be passed overwhelmingly, it would be adopted by the House, and I think the President would see the wisdom of signing the bill as amended with the Shelby amendment.

I thank my colleague from Alabama.

Mr. D'AMATO. Mr. President, I understand my colleague, the Senator from Alabama, has yielded back the time.

The PRESIDING OFFICER (Mr. SANTORUM). All time has expired.

Mr. D'AMATO. I move to table the amendment and I ask for the yeas and nays.

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

The yeas and nays were ordered.

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

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "no."

Mr. FORD. I announce that the Senator from Iowa (Mr. HARKIN) is absent due to a death in family.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote "aye."

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—59

Akaka	Durbin	Mikulski
Baucus	Feingold	Moseley-Braun
Biden	Feinstein	Moynihan
Bingaman	Ford	Murray
Bond	Glenn	Reed
Boxer	Graham	Reid
Breaux	Hollings	Robb
Bryan	Inouye	Rockefeller
Bumpers	Jeffords	Roth
Byrd	Johnson	Santorum
Campbell	Kennedy	Sarbanes
Chafee	Kerrey	Smith (OR)
Cleland	Kerry	Snowe
Collins	Kohl	Specter
Conrad	Landrieu	Stevens
D'Amato	Lautenberg	Torricelli
Daschle	Leahy	Warner
Dodd	Levin	Wellstone
Domenici	Lieberman	Wyden
Dorgan	Lugar	

NAYS—39

Abraham	Frist	Lott
Allard	Gorton	Mack
Ashcroft	Gramm	McCain
Bennett	Grams	McConnell
Brownback	Grassley	Murkowski
Burns	Gregg	Nickles
Coats	Hagel	Roberts
Cochran	Hatch	Sessions
Coverdell	Hutchinson	Shelby
Craig	Hutchison	Smith (NH)
DeWine	Inhofe	Thomas
Enzi	Kempthorne	Thompson
Faircloth	Kyl	Thurmond

NOT VOTING—2

Harkin	Helms

The motion to lay on the table the amendment (No. 3338) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3336

The PRESIDING OFFICER. The question occurs on the Gramm amendment.

The Senator from Maryland.

Mr. SARBANES. Mr. President, we had a tabling motion on this yesterday. I am prepared to take it on a voice vote, but I understand there may be some colleagues either who didn't vote who weren't here to vote yesterday or others who may want a rollcall vote.

We can have a rollcall vote at this point on the Gramm amendment, as I understand it.

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

Mr. President, I believe that vote was 59—what was the vote?

The PRESIDING OFFICER. The motion to table was defeated 44 to 50.

Mr. LOTT. If we could avoid a vote and go on to final passage, I wish we could do that.

Mr. President, I ask that we pass the Gramm amendment on a voice vote.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object—I shall not object—I don't like to have voice votes by unanimous consent. I don't believe we should do that, but we can have a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the Gramm amendment.

The amendment (No. 3336) was agreed to.

Mr. GRAMM. Mr. President, I move to reconsider the vote.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3339

(Purpose: To amend the bill with respect to review of regulations and paperwork reductions, consultation with State supervisory agencies, and the field of membership exception for underserved areas, and to require a study by the Secretary of the Treasury of member business lending)

Mr. D'AMATO. Mr. President, I would like to send to the desk a managers' amendment that has been approved by both sides and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself and Mr. SARBANES, proposes an amendment numbered 3339.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 40, strike lines 6 through 11, and insert the following:

"(i) is an 'investment area', as defined in section 103(16) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4703(16)), and meets such additional requirements as the Board may impose; and

On page 54, line 8, insert "(a) IN GENERAL.—" before "The".

On page 57, between lines 16 and 17, insert the following:

(b) STUDY AND REPORT.—

(1) STUDY.—The Secretary shall conduct a study of member business lending by insured credit unions, including—

(A) an examination of member business lending over $500,000 and under $50,000, and a breakdown of the types and sizes of businesses that receive member business loans;

(B) a review of the effectiveness and enforcement of regulations applicable to insured credit union member business lending;

(C) whether member business lending by insured credit unions could affect the safety and soundness of insured credit unions or the National Credit Union Share Insurance Fund;

(D) the extent to which member business lending by insured credit unions helps to meet financial services needs of low- and moderate-income individuals within the field of membership of insured credit unions;

(E) whether insured credit unions that engage in member business lending have a competitive advantage over other insured depository institutions, and if any such advantage could affect the viability and profitability of such other insured depository institutions; and

(F) the effect of enactment of this Act on the number of insured credit unions involved in member business lending and the overall amount of commercial lending.

(2) NCUA COOPERATION.—The National Credit Union Administration shall, upon request, provide such information as the Secretary may require to conduct the study required under paragraph (1).

(3) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary shall submit a report to the Congress on the results of the study conducted under paragraph (1).

On page 57, line 16, strike the quotation marks and the final period and insert the following:

"(e) CONSULTATION AND COOPERATION WITH STATE CREDIT UNION SUPERVISORS.—In implementing this section, the Board shall consult and seek to work cooperatively with State officials having jurisdiction over State-chartered insured credit unions.".

On page 92, strike line 7 and all that follows through page 93, line 15, and insert the following:

SEC. 402. UPDATE ON REVIEW OF REGULATIONS AND PAPERWORK REDUCTIONS.

Not later than 1 year after the date of enactment of this Act, the Federal banking agencies shall submit a report to the Congress detailing their progress in carrying out section 303(a) of the Riegle Community Development and Regulatory Improvement Act of 1994, since their submission of the report dated September 23, 1996, as required by section 303(a)(4) of that Act.

Mr. D'AMATO. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3339) was agreed to.

Mr. ROBB. Mr. President, I rise today in support of H.R. 1151, the Credit Union Membership Access Act. I do so because I believe that the legislation is necessary to preserve membership opportunities in these financial cooperatives. Given the Supreme Court ruling limiting membership, it is both appropriate and necessary for Congress to pass this legislation to ensure that the requirements for membership in a specific credit union reflect current practices.

As my colleagues know, since 1982, credit unions have been able to take in new groups of members outside their original common bond provided that the additional groups brought in shared a common bond. Not only was this done for safety and soundness concerns, but it also has helped individuals maintain their credit union ties through base closings and other employment changes.

The bill before us today guarantees that no existing member will be forced to give up his or her ties to their current credit union as a result of the Supreme Court decision. It also allows credit unions to continue to attract new members who are part of an existing membership group as well as new groups provided that the new group has a common bond of occupation or association and has less than 3,000 members at the time they join the credit union. This effectively covers 98% of all businesses in America.

I for one have never quarreled with the need for credit unions to continue to attract new members. But with new opportunities come new responsibilities. If credit unions are to have all the rights of a for-profit financial institution, equity requires that they share in their responsibilities. For this reason, I voted to keep the community reinvestment responsibilities in the bill and I also voted to further limit commercial lending activities of credit unions, hoping thereby to keep them to their original focus of consumer lending. In my view, the continuation of their tax-exempt status is threatened by efforts to have credit unions undertake all the rights of a for-profit financial institution.

In conclusion, Mr. President, I want credit union members in the Commonwealth of Virginia to know that I am a strong supporter of their institutions and their rights of membership. As a credit union member myself, I will continue to preserve membership opportunities in these important institutions.

Mr. GRASSLEY. Mr. President, I would like to say a few words about the Community Reinvestment Act or "CRA" as it is commonly known. The CRA requires banks to extend loans and credit to low- and moderate-income Americans who reside in low-income areas.

Obviously, as we can tell by the tone of the debate in the Senate today, there are strong feelings about whether it's a good idea for the Federal Government to require that credit be extended to people of modest means since these people may not be good credit risks. I would like to focus on some of the comments of those who support the CRA. They claim that credit should be as widely available as possible. The supporters of the CRA argue that requiring banks to open up credit is good for low- and moderate-income people. It gives these people the opportunity to purchase a home, pay for college or better their lives in important ways.

On last Friday—July 24th—several Senators took to the floor to talk about the value of making credit as widely available as possible. For instance, Senator KENNEDY said "In this period of sustained economic growth, it is vital that all families have the opportunity to obtain credit in order to buy a home, start a small business or send a child to college." Senator KENNEDY went on to observe that "There is no capitalism without capital." These are strong words in favor of making credit widely available.

It will be interesting, Mr. President, to see if the supporters of the CRA take the same position when my bankruptcy reform bill comes to the Senate floor in September. There is a fringe element which opposes all bankruptcy reform who wish to derail this legislation, which passed the Judiciary Committee by a vote of 16 to 2. One part of the effort to stop bankruptcy reform involves criticizing banks which send out a lot of credit card solicitations. The argument is apparently that the banks have made too many risky loans and that Congress should restrict these lending practices. I've heard that bankruptcy reform which doesn't include such restrictions wouldn't be fair or balanced.

Mr. President, I find it interesting that many of those who support the CRA, which requires banks to make risky loans to low-income Americans, are also arguing that we should punish banks for issuing credit cards to low- and moderate-income Americans. It seems to me that the opponents of bankruptcy reform can't have it both ways. It's totally inconsistent to push banks to make risky loans to poorer Americans, as the CRA would have it, but then to oppose bankruptcy reform because banks have issued too many loans to poorer Americans.

I wanted to point out this striking contradiction today, Mr. President, while we're considering lending practices and the CRA and while the memory of the debate is fresh in our minds. I will return to this topic later, when the bankruptcy bill is on the floor.

Ms. MIKULSKI. Mr. President, I rise today to support the Credit Union Membership Access Act of 1998. This

legislation will clearly define who is eligible to join a credit union. It will also provide important safeguards and reforms to keep our credit unions strong and to protect our constituents who use credit unions.

One of my priorities for Maryland is to maintain Maryland's robust economy. Credit unions offer an important alternative to consumers in the financial services market. Keeping financial services competitive and keeping fees down will help to keep Maryland's economy strong.

I am pleased that the Senate is finally taking up this legislation almost four months after it was passed overwhelmingly by the House. I am pleased because I know how important credit unions are for Maryland and the Nation. In fact, I helped to start a credit union at a church in Baltimore.

Credit unions are important because they provide good value and good service in a community setting. A setting where the person behind the counter knows your name not just your account number. In the current era of mega-mergers in the financial services industry, credit unions are needed more than ever.

Credit unions are a part of our communities. I have heard from many of my constituents in Maryland about this legislation. They have written letters, sent e-mail, and visited my office, all to express their support for their credit unions. I have heard from Marylanders who are members of credit unions from the Allegany County Teachers Credit Union in LaVale to the Douglas Memorial Credit Union in Baltimore to the Choptank Electric Cooperative Credit Union in Denton. They love their credit unions because they know their credit unions deliver.

I have also heard from members of the Maryland banking community about their concerns with this legislation. Although I can appreciate their reservations, I believe many of their concerns are addressed in this compromise legislation. However, on one significant point I disagree with them. Credit unions should not pay taxes because credit unions are non-profits. The credit union slogan is "not for profit, not for charity, but for service." I applaud that slogan and I stand with the credit unions today.

There are several provisions in this legislation that I feel deserve to be noted. Not only will this legislation allow small groups that share a common bond to join credit unions, but this legislation will improve credit unions by strengthening regulations to ensure safety and soundness of credit unions and to strengthen the credit union deposit insurance fund.

I also want to praise the "common sense" reforms that are included in this legislation, such as the use of Generally Accepted Accounting Principles in credit union reports filed with the National Credit Union Administration, Independent Audits of Credit Unions with more than $500 million in assets, and restrictions on the compensation packages of senior managers in credit unions that convert to for-profit banks.

Finally, Mr. President, I want to send my thanks to the 1.6 million credit union members in Maryland. I am proud of them and the work they do every day. I urge my colleagues to support this bill and to support their local credit unions.

Mr. CHAFEE. Mr. President, I would like to clarify a point that was raised on the floor yesterday concerning an unfortunate event that occurred in my home State of Rhode Island almost a decade ago: the failure of the Rhode Island Share Deposit Insurance Corporation (RISDIC). Some Senators have suggested that the failure of RISDIC was triggered by credit unions getting overly involved in business lending. That is not entirely accurate.

The credit unions did not trigger the RISDIC crisis. Instead, the collapse of the system can be traced to a substantial embezzlement from the Heritage Loan and Investment Corporation, a type of state-chartered bank. In fact, of all the credit unions that were closed in Rhode Island during that crisis, none was federally insured and none was either supervised or examined by federal regulators. Indeed, during that entire period of the so-called credit union crisis, those credit unions that were chartered, insured, supervised, and regulated by the federal government continued to perform flawlessly, despite the disastrous economic turmoil around them.

So I just want to say again that the RISDIC crisis was not caused by credit unions. Rather, the credit unions were the unfortunate victims of a crisis brought about by embezzlement from a bank.

Mr. TORRICELLI. Mr. President, today I rise in support of H.R. 1151. Credit unions have been, and remain, a vital component of our national banking system. At a time when credit unions serve more than 74 million people nationally, any initiative that would impede the ability of credit unions to provide services to their members, would seriously undermine the financial well-being of the public, and the fortitude of our financial industry. That is why today's action is so important to the future of the credit union industry.

Despite the claims by opponents of credit unions that state otherwise, credit unions are nonprofit entities that provide much needed opportunities for hard-working people. To millions of Americans, the low-interest loans that credit unions offer represent the opportunity to buy their first home, the chance to purchase a much needed automobile, the ability to send their children to college, or achieving the dream of starting their own business. For example, in my home State of New Jersey, there are over 315 credit unions that serve more than 1.1 million people.

Passage of this credit union legislation demonstrates a commitment by the U.S. Senate to millions of hard-working American families. Supporting credit unions means bolstering our economy and providing more financial opportunities to save and invest soundly.

Mr. President, I urge my colleagues to support credit unions by voting in favor of H.R. 1151.

Mrs. MURRAY. Mr. President, I rise to state my strong support for the Senate version of H.R. 1151. This legislation is important, bipartisan and should be adopted unanimously by my Senate colleagues. I commend the members of the Banking Committee, where I served for four years, for crafting this legislation and moving it to the floor for full Senate consideration.

I will vote for the Credit Union Membership Access Act. It is the right thing to do and the Senate is overdue in taking this action. This legislation clarifies credit union membership in a manner that protects consumers and the competitive financial services industry. In the Senate bill, existing credit union members are grand-fathered into their current credit unions and new common bond criteria are established for future growth in the credit union industry.

Mr. President, the credit union legislation is widely supported by consumer rights organizations including the Consumer Federation of America and the American Association of Retired Persons. Other key supporters of this legislation include the National Farmers Union, the National Rural Electric Cooperative Association, the National Association of Counties, the Fraternal Order of Police and the American Small Business Association. Perhaps most noteworthy to me is the strong support of my constituents for this legislation. Thousands and thousands of credit union members have contacted me, hundreds have visited my office with personal credit union anecdotes, and numerous others have approached me on my travels through Washington state. This issue has resonated with my constituents who value and want to preserve and protect credit unions and the services they provide.

Importantly, with the August recess approaching and the 105th Congress soon to adjourn, we still have time to get this legislation to President Clinton for his signature. That must be the Senate's objective today; to get this legislation to President Clinton so that we may address the field of membership situation created by last February's Supreme Court decision.

The Senate did make a number of important changes to the House passed

bill. For example, the Senate version of credit union legislation includes new provisions to protect the soundness of credit unions, new capital standards and prompt corrective action for undercapitalized institutions, limitations on commercial lending, new accounting and auditing procedures, and community reinvestment requirements.

While I support the Senate Banking Committee's efforts to improve the House adopted bill, the field of membership issue is really what this bill is all about. The Senate should not lose sight of this objective and certainly, the Senate should not let additional issues imperil this bill. Therefore, I will vote against the amendments to this bill; some of which have been described as killer amendments, and others that will complicate final passage of this bill.

I urge prompt passage of the credit union legislation.

Mr. MCCAIN. Mr. President, as a strong supporter of the credit union industry, I rise to express my support for H.R. 1151, the Credit Union Membership Access Act, on which the Senate will vote today.

As my colleagues are aware, this bill was overwhelmingly passed in the House of Representatives by a vote of 411–8. I anticipate that the support for this bill in the Senate will reflect that of the House of Representatives, and will again pass with a notable bipartisan majority.

Mr. President, this issue came to the forefront when the Supreme Court agreed to hear the Credit Union's arguments for increasing the size of their base membership. While I understand the objections which the banks raised regarding the growth of credit unions, I have always believed that consumers should have the broadest range of choices in financial services.

I support the Credit Union Membership Access Act because I believe that members on both sides of the aisle have worked hard to ensure that this bill is fair and balanced and protects both the rights and securities of consumers.

Mr. KERRY. Mr. President, I would like to take this opportunity to offer my congratulations to Chairman D'AMATO and Democratic Ranking Member SARBANES for their fine work on the Credit Union Membership Access Act and for successfully completing this work on this important bill today. Working families in the United States, whether they live in urban or rural areas, deserve access to fairly priced credit and other financial services.

Credit unions have historically served as a way for people of average means, without easy access to affordable credit, to pool their savings to make credit available to themselves and their fellow credit union members at competitive interest rates. In 1934, the Federal Credit Union Act created the federal credit union charter. Today in Massachusetts, there are 317 Credit Unions serving approximately 1.7 million people.

Since 1934, credit unions have been helping both individuals and working families. They have helped launch and sustain small businesses. Some of them have played an important role in the development and revitalization of economically distressed communities.

Historic mergers, consolidations and acquisitions have taken place in the financial service industry in recent years. Consumers have less choice, not more. Simultaneously, the Supreme Court earlier this year decided a case pertaining to how widely credit unions may reach for membership. These factors have created a necessity for the Congress to consider carefully the role credit unions should play in the mix of financial institutions in our nation.

Federal credit unions have traditionally had "fields of membership" defined by "common bond" of association, occupation or geographic location. In 1982, the National Credit Union Administration developed regulations that allowed credit unions to be composed of multiple unrelated employer groups, each having its own distinct common bond of occupation. In February, the Supreme Court ruled that this NCUA regulation interpreted the law so broadly that it would be permissible to grant a charter to a conglomerate credit union whose members would include employees of every company in the United States. Without the passage of the Credit Union Membership Access Act, some credit unions could be forced to expel current members not affiliated with the original occupation group.

I believe that the members of all current multiple-group credit unions should be allowed to continue in the credit unions they have chosen. It is vital to maintain the current credit union model as a key piece of the financial services system and credit unions must be permitted to prospect for members sufficiently to maintain their viability. Dislocating approximately 10 million credit union members not affiliated with their credit union's original occupation group could potentially have serious effects on the safety and soundness of credit unions in Massachusetts, and across the nation.

This legislation establishes that separate groups having their own common bond of occupation or association that have less than 3,000 members are eligible to join an existing credit union. It assures that 10 million Americans have continued access to their credit union. It will allow another 25 million the right to join a credit union as a result of their employment within a certain company or organization. Finally, this act will help insure that 62 million Americans who own, operate or are employed by a small business will not be limited in their choice of financial institutions in the future.

The purpose of credit unions—and for the tax exemption they receive—is to facilitate loans and other services to low-income communities, individuals, and very small businesses. They were never intended to be simply alternative, tax-exempt commercial banks.

I have heard from a number of community banks in Massachusetts that believe credit unions which offer business loans have a substantial advantage over banks because of their tax exemption. Most credit unions are not involved in business lending and most of those who are focus on assisting very small businesses. However, some community banks believe that a small minority of credit unions that are involved in business lending has taken advantage of the current rules and expanded their product lines to the point that they are banks in all but name.

I am also concerned about the lack of available information on the details of credit union business lending. The National Credit Union Administration does not have accurate information on the size or types of business loans made by credit unions.

That is why I successfully included in this legislation an amendment requiring the Department of the Treasury to study the issue of credit union business lending. This study would include an overall examination of credit union member business lending including the amount of business lending more than $500,000 and less than $50,000, and a breakdown of what types of businesses and the size of businesses that receive loans. It would determine how much credit union business lending goes to low- and moderate-income areas and the extent to which credit union member business lending meets the financial services needs low- and moderate-income individuals. Finally, it would determine whether credit unions which engage in member business lending have an advantage over community banks and if those advantages affect the survival and profitability of community banks. I am grateful to Chairman D'AMATO and Democratic Ranking Member SARBANES for including this study in the credit union legislation.

I remain concerned as to how this legislation will affect the smaller community banks in Massachusetts and across the nation. That is why I worked to include in this legislation a study on legislative and administrative action to reduce and simplify the tax burden for community banks with less than one billion dollars in assets.

I strongly support the requirement that credit unions must hold seven percent of net worth in retained earnings to be considered well-capitalized. If a credit union is critically undercapitalized, this legislation allows the NCUA

to appoint a conservator or liquidating agent to take action to avoid losses to the National Credit Share Insurance Fund. This will limit the use of taxpayer funds to assist insolvent credit unions, and insure the credit union system remains safe and sound. In addition, I heartily endorse the section of this legislation that requires prompt corrective action for credit unions facing financial difficulty.

I am disappointed that the provision to require the NCUA to evaluate annually the record of credit unions in meeting the credit needs of their local communities and low- and moderate-income individuals was taken out of the bill. I believe that this provision would have assisted credit unions in refocusing their energies toward those who need access to financial services the most. These are the people who credit unions were designed to serve.

While not perfect, this legislation will ensure that credit unions continue to offer needed financial services to underserved, low- and moderate-income working families. This is a worthwhile compromise that I believe is basically fair to both credit unions and banks, as well as their customers. I will join my colleagues in supporting this important legislation.

Mr. SARBANES. There is a special class of credit unions—known as community development credit unions—that bear special mention. Community development credit unions serve consumers, neighborhoods, and rural areas that are predominantly low-income. Because of their special mission and circumstances, some community development credit unions may have difficulty in generating capital.

On the deposit side, community development credit unions have high operating costs because they serve an extremely labor-intensive market of very low-balance depositors. The average depositor in a community development credit union has $1,462, which is one-third the $4,300 of the average depositor in non-low-income credit unions. Typically, as much as 40 percent to 60 percent of the community development credit unions' membership base consists of persons with less than $200 on deposit. Moreover, many of community development credit unions' very-low-balance depositors use the credit union solely for transactions—that is, they deposit checks and immediately withdraw virtually the entire balance.

On the lending side, community development credit union's business consists primarily of making small loans to borrowers with imperfect credit. The average loan balance per member at a community development credit union is $1,190 compared to $3,200 at all credit unions. Thus, community development credit union loans tend to have more credit risk and higher transaction costs (i.e., noninterest costs per dollar loaned) than loans made by other credit unions, thereby resulting in lower net returns. These lower net returns mean relatively lower income for the community development credit union, which makes capital accumulation more difficult.

The challenges community development credit unions face from credit risk and low returns are exacerbated because communities served by community development credit unions are especially vulnerable to economic downturns. Unemployment rates in such communities are typically two or three times the national average. Unemployment in low-income communities is slow to decline as the economy improves, and quick to worsen when the economy deteriorates.

Despite these challenges, most community development credit unions today are quite strong and have capital ratios similar to those of other credit unions. And the changes brought about by new capital requirements and prompt corrective action will ultimately strengthen all community development credit unions.

Does the Senator agree that this is a fair description of the challenges facing community development credit unions?

Mr. D'AMATO. Yes. I think that the Senator has set forth a good analysis of the challenges community development credit unions face.

Mr. SARBANES. The bill gives all credit unions two years before these provisions become effective. Because of their mission and the special characteristics that arise from that mission, some community development credit unions may have unique difficulties in becoming and remaining adequately capitalized. Accordingly, some community development credit unions may need more time than most other credit unions to build capital in order to comply with the legislation's new capital standards and prompt corrective action provisions. Does the Senator agree?

Mr. D'AMATO. Yes, it is possible that some community development credit unions may require added time to increase their capital.

Mr. SARBANES. So, the question arises: How may the NCUA deal with this issue while implementing the bill's safety and soundness provisions?

In my view, the NCUA should be mindful of community development credit unions' unique circumstances in applying the bill's prompt corrective action provisions. In addition, community development credit unions that demonstrate that they can build their capital over time to the required levels—as evidenced by an acceptable net worth restoration plan—should be given the full opportunity to do so.

Mr. D'AMATO. The Senator is correct. Community development credit unions must meet the bill's capital requirements like any other credit union. At the same time, there is a transition period, and the bill's prompt corrective action provisions give the NCUA sufficient flexibility to work with undercapitalized community development credit unions that have an acceptable plan for meeting the bill's capital requirements.

Mr. SARBANES. I thank the Senator.

Mr. BENNETT. Mr. President, I rise today to commend Senator D'AMATO, the Chairman of the Banking Committee, for his diligence in bringing this legislation dealing with credit unions to the floor in a timely manner. Although I have concerns with the commercial lending provisions in the legislation, I so support the underlying bill.

I do have one question, however for the Chairman of the Banking Committee relating to the community credit union provisions in the act. Specifically, I am concerned with the way that the National Credit Union Administration (NCUA) will design their regulations dealing with the size and scope of community credit unions. Although I had initially intended to offer an amendment limiting the size of a federally-chartered community credit union to three or four contiguous census tracts, after discussing the matter with the Chairman I decided that my amendment would be unnecessary.

Mr. D'AMATO. I commend the Senator from Utah for his interest in this issue and thank him for refraining from offering this amendment. The Senator is quite correct when he states that his amendment would be unnecessary. The Banking Committee was very careful and direct in its instructions to the NCUA in Section 103 of the legislation, where the UCUA is instructed to define a "well-defined local community, neighborhood, or rural district."

Additionally, in the Committee's report, language was inserted to make this point especially clear. The Committee intends for the NCUA to limit federally-chartered community credit unions to be subject to well-defined, local, geographic expansion limits.

Mr. BENNETT. I thank the Chairman for his clarification on this issue. As I said previously, I had intended to offer an amendment on this issue, but I am satisfied by the Committee's report and by the remarks of the Chairman that such an amendment would be redundant and unnecessary.

Mr. D'AMATO. Mr. President, I rise to make a few closing remarks on a job we are close to finishing—to preserve and protect the right of all Americans to join a credit union, now and into the future, and ensure that none of the 73 million Americans who are now members of credit unions have their membership status threatened in any way.

CREDIT UNIONS WORK FOR THE LITTLE GUY

People love their credit unions and why? Because credit unions take care of the little guy. This Senator is committed to not let these people down.

We must pass this legislation and have it enacted to preserve the right of Americans to be members of a credit union.

CREDIT UNIONS INVEST IN PEOPLE AND COMMUNITIES WHEN OTHERS WILL NOT

For decades, the American dream has been made a reality by credit unions. These cooperatives have reached out to individuals, associations and communities that have had the door slammed in their faces by other institutions. Tens of millions of hard working people have improved their quality of life and passed the benefits along to their families, but all of that could change if we don't act.

CREDIT UNIONS PROVIDE BASIC FINANCIAL SERVICES WITHOUT EXCESSIVE FEES

Mr. President, I know this is a very personal issue, a pocketbook issue, for the over 70 million current members. For example, many people may not be aware that—

Credit unions have had the highest customer service and satisfaction ranking of any depository institution for the past 14 years.

Credit unions offer more services at lower costs than most banks.

Credit union competition is a major force keeping bank service fees and loan rates lower, and interest on savings higher.

Why such amazing support for a financial institution? The answer is simple. Credit unions are for the little guy. Credit unions make a difference.

CREDIT UNIONS PUT CONSUMERS FIRST

To their customers, credit unions are far more than just a safe place to put away a few dollars for tomorrow. Making a deposit or withdrawal is more than just a business transaction.

A credit union has an atmosphere that says friendship and family. The elected leadership is made up of volunteers who actually listen. Tellers actually talk to their customers. With service like that, why wouldn't customers like going to their credit union? It's all about neighbors and fellow employees getting together, working together and investing together for everyone's benefit. Just ask any credit union member.

Mr. President, let me emphasize that those who support credit unions are not anti-bank. After all, many credit union members also have bank accounts. And it also deserves comment that—without any cost to the taxpayer—credit unions have weathered the serious economic downturns that have affected other financial providers. And that's something to be proud of.

Mr. President, the Senate should follow the House vote of 411 to 8 to act to save credit unions based on the principle that competition is beneficial. Without competition, interest rates paid to customers would be lower and loans and ATM fees would be more expensive. Congress should only act in ways that would increase competition between financial institutions.

CREDIT UNIONS CARE ABOUT HARD WORKING AMERICANS

As a matter of principle, it should also be the responsibility of Congress to put the consumer first. We should pass legislation that is all about what is best for individuals, small businesses, large businesses and anyone who needs the services of a financial institution. And that means no one—no one—should be thrown out of a credit union and then forced to do business with another financial institution against their will.

This Senator intends to make sure that does not happen.

Mr. President, hardworking families have a right to choices and opportunities. People with savings of less than $1,000—individuals who struggle each week to pay the mortgage, put food on the table, and put something away for the future—deserve the same financial choices and opportunities that other Americans enjoy. Credit unions are good for the consumer and good for the country.

Mr. President, credit unions work for working families.

Mr. President, again I urge my colleagues to support this legislation and vote to pass H.R. 1151, the Credit Union Membership Access Act as our colleagues did in the House with an overwhelming vote.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. D'AMATO. 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. D'AMATO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment, as amended, and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "no."

Mr. FORD. I announce that the Senator from Iowa (Mr. HARKIN) is absent due to a death in family.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote "aye."

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—92

Abraham	Enzi	Lott
Akaka	Faircloth	Lugar
Allard	Feingold	McCain
Ashcroft	Feinstein	McConnell
Baucus	Ford	Mikulski
Bennett	Frist	Moseley-Braun
Biden	Glenn	Moynihan
Bingaman	Gorton	Murkowski
Bond	Graham	Murray
Boxer	Gramm	Reed
Breaux	Grams	Reid
Brownback	Grassley	Robb
Bryan	Gregg	Rockefeller
Bumpers	Hatch	Roth
Burns	Hollings	Santorum
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Sessions
Chafee	Inouye	Shelby
Cleland	Jeffords	Smith (NH)
Cochran	Johnson	Smith (OR)
Collins	Kempthorne	Snowe
Conrad	Kennedy	Specter
Coverdell	Kerrey	Stevens
Craig	Kerry	Thomas
D'Amato	Kohl	Thompson
Daschle	Kyl	Thurmond
DeWine	Landrieu	Torricelli
Dodd	Lautenberg	Warner
Domenici	Leahy	Wellstone
Dorgan	Levin	Wyden
Durbin	Lieberman	

NAYS—6

Coats	Inhofe	Nickles
Hagel	Mack	Roberts

NOT VOTING—2

Harkin	Helms

The bill (H.R. 1151), as amended, was passed.

Mr. D'AMATO. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I thank all of my colleagues, not only for the final vote on this important legislation, but for the manner in which an excellent debate was conducted. I very much appreciate Senator LOTT scheduling this important bill. But a special commendation is in order to a number of people, starting with the ranking member, my friend, Senator SARBANES. I thank him for his steadfast support in developing the opportunity for Members to be heard, and for Members to have their concerns listened to, and debated, resulting in final passage of the bill, notwithstanding some very contentious issues. I believe that the credit unions, not only of Maryland but of this country, have a

demonstrated champion in Senator SARBANES.

The fact is that credit unions support the little guy. Historically, credit unions have invested in people and in communities when others would not—yes, when others would not.

Credit unions have provided the basic financial services without excessive fees, and they continue to do that. We need them in this day of consolidations and megamergers to be out there to service all communities, especially the small communities and, again, the little guy. I don't mean "little" in terms of size and stature, because they are the hard-working, middle-class Americans who are the backbone of this country. Indeed, they set a standard and they challenge, even when others don't like that challenge.

And likewise, there may be unfair burdens on some of the community banks, and we have to deal with that challenge. But you don't do it at the expense of an organization of the thousands and thousands of credit unions and the hundreds and hundreds of members who work in these credit unions on a voluntary basis, without pay, and in many cases, without any compensation. Yes, truly, America can be proud of our credit unions. Credit unions care about hard-working Americans.

None of this could have been possible without staff because I believe that we have had the best staff that anyone could have, both Republicans and Democrats, working to bring about substantial improvements over the legislation that came from the House—I mean substantial.

For the first time, we set rigorous standards to protect the taxpayers of the United States—that is right—to protect them. For the first time, we limit—and I think prudently so—commercial lending activities that credit unions can undertake while giving them the opportunity to continue doing so and to continue serving their communities. And again, I believe we applied limits to commercial lending in a prudent manner.

Mr. President, I take this opportunity to thank the hard-working staff, a bipartisan staff. I want to acknowledge Senator SARBANES' staff—Steve Harris and Marty Gruenberg and Dean Shahinian. And Phil Bechtel, Madelyn Simmons, Rachel Forward, and our staff director Howard Menell, I thank them for their hard work on this bill. They have done a unique job in working together, never allowing political differences to interfere with the people's work.

Let me say, Mr. President, that the House is to be applauded for moving so speedily on their legislation. I hope that they will accept the improvements that we have made without the necessity of going to conference. Representatives KANJORSKI and LATOURETTE took the lead on this bill in the House. I am hopeful they will view the Senate's well-considered modifications to the original bill as positive changes to enhance the safety and soundness of credit unions and expedite the enactment of this legislation.

I also commend Chairman LEACH and the House leadership in sending us H.R. 1151 as speedily as they did, because were we not to have gotten it in such a timely manner, we could never have completed the legislative changes that we have made part of the legislation.

Mr. President, again, I thank all of my colleagues for their outstanding work and for their cooperation, notwithstanding the differences that may have existed. We passed a good bill for working Americans.

I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Maryland.

Mr. SARBANES. Mr. President, first of all, I express my appreciation to the distinguished chairman for his very kind remarks about my efforts with respect to this legislation. But I really want to underscore the very skillful leadership which Chairman D'AMATO provided in helping to move the bill through the committee and then through the Senate on the Senate floor.

This was not a bill without significant controversy in it. I think the committee worked out a balanced package and preserved most of it on the Senate floor—I regret not all of it. But in any event, I think the legislation we now have passed is a reaffirmation for the credit union movement of their important role in serving consumers.

When the cooperative movement was established in the early part of the century, it was premised on the proposition that individuals coming together, "small people," would gain access to credit; that the credit union movement would remain concerned and dedicated to their needs and would provide them an opportunity to share in the American economy.

Credit unions, by and large, have done a good job of that over the years. And this legislation, I think, will enable them to continue to do a good job. It has important safety and soundness provisions in it, the consequence of a very comprehensive and thorough Treasury study on the basis of which the committee was able to incorporate into the legislation some very important safeguards.

But I say to the credit union movement: We worked very hard in the aftermath of the Supreme Court decision which, of course, cast a pall over the credit union movement. It really raised very severe questions as to what the future of the credit union movement would be. This legislation has answered that question.

But I think implicit on the part of the Congress, in answering that question, is that credit unions will redouble their efforts in terms of serving the purposes for which they were established.

Some have criticized the credit union movement. They say they are getting away from those purposes. I am frank to say I do not think that is generally true of the credit union movement. I think you can point to isolated exceptions. And I only raise the warning flag that to the extent those exist, they tarnish the image of the credit union movement in the eyes of many.

So with this legislation, which has given them a path to move forward, a firm and secure path to move forward, I look forward to the credit union movement reaffirming its basic and original purposes and look forward to continuing to try to work closely with them in achieving those objectives.

I, too, like the chairman, express my very deep appreciation to the staff on both sides, to Howard Menell and Phil Bechtel and Rachel Forward and Madelyn Simmons on the Republican side—we depend very heavily on our staff; they are extremely competent and dedicated; they were in here many nights, late into morning hours in order to help put this legislation together—and Steve Harris and Marty Gruenberg and Dean Shahinian and Mike Beresik on our side of the aisle.

We were able to work together in a cooperative and positive and constructive manner on this legislation. I always look forward to those opportunities with the chairman. It is not always possible. Usually when it is not possible, we set up a separate committee to deal with the issues and work within our own committee.

I close, again, by commending the chairman for a very skillful job in helping to move this legislation through the Senate.

Mr. President, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed—I tell my colleagues I will be very brief—as in morning business.

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

TRIBUTE TO JOHN GIBSON AND JACOB CHESTNUT

Mr. LEAHY. Mr. President, much has been said on the Senate and the House floor about John Gibson and Jacob "J.J." Chestnut, two police officers on the Capitol Police Force. And much more will be said. I add my words of praise and appreciation to both of them.

I knew both these police officers. Officer Chestnut—J.J.—would see us come through the Senate at several different times, and he would tell me a

member of my family has already gone through because he had seen them, or conversely, if they came through he would tell them where I was.

Detective Gibson traveled with many of us at different occasions. He even came to one, I believe, with the "Singing Senators" from the other side of the aisle. He was the man who at events where Senators would gather, would be there because he would recognize not only the Senators, but their spouses; would wave them on through, would greet them, would make them know they were among friends. We always knew we were.

Mr. President, I have been a Senator now for nearly 24 years. I walk into this building every day that we are in session, many when we are not. I have gotten to know many of the police officers, and so many others, the hundreds of people that make this body run, make this Capitol run.

This truly is a death in the family.

Even if I had not known the officers as I did, I would feel that way. But knowing them in some ways makes it even sadder, more poignant, more difficult.

I love the Senate and I love the symbol of democracy that our Capitol holds to the public. To see this terrible, terrible thing happen in something that means so much to all of us, it is almost impossible to describe my feelings.

My wife and I had flown to Vermont last Friday. We got to my office in Burlington and were there only a matter of minutes and heard the news. Much of the rest of the evening was a blur, just sitting in our farmhouse watching the news and not believing it.

Probably the greatest tribute to two brave police officers was the fact that this Capitol, this symbol of democracy not only to our own Nation of a quarter of a billion people but to the rest of the world, this Capitol was open almost immediately thereafter.

There is no way we could bring these officers back. It is a tragedy that will be felt by their spouses and their children, in one case, grandchildren, for the rest of their lives. No matter what we do as Members of the Senate or the House, we cannot bring them back to their families. We can only offer our profound sympathy to their families. It is a sympathy that is felt deeply by every single Member of the Congress, Republican or Democrat. It makes no difference whether they have been here a long time or a short time. Our hearts go out as human beings to the families of these officers.

What we have done in immediately reopening the Capitol, in saying to the public today they can walk in here at any time as they do in the galleries today, we are saying to those officers that your deaths were not in vain. Think, Mr. President, what a different country this would be if somehow this Capitol, this symbol of democracy, was closed down. Think what it would be like if the public, not only Americans but those visiting from around the world, think what it would be like if they could not come into this Capitol, as I did when I was a law student here in Washington or when I first came here with my parents as a teenager. If we could not be here, the public could not come in and see us debate great matters and tiny matters, they could not see that.

Mr. President, at the time of the breakup of the Soviet Union, I remember so many who came here and met with all of us and asked, "How does your democracy work," and they told me—I heard this over and over again—that they would see the picture of our Capitol when they came to Washington, that was the thing they recognized before anything else. They said they saw it sitting up here.

I have been coming to this Capitol Building as a Senator for 24 years. I feel a thrill every time I come up here. I hope I always will because I know it represents democracy. These two brave officers, just like the hundreds of other men and women who guard these Halls, they keep it open. Let's hope they always will. Let us hope that we always have the courage to do that. Then the lives that every one of us would pray we could bring to the family, those lives would not be lost in vain.

Like some others in this body, I had the privilege to serve in law enforcement for years before coming here. I know how all of us felt in law enforcement at that time if one of our own was cut down. I think if you have not served in law enforcement it is almost impossible to explain to the American public how other law enforcement officials feel when they lose one of their own. I know how the men and women in the police force here on Capitol Hill feel, but also how they feel all over the Nation. This is a loss. This is a family, a fraternity, a sorority. It is something that binds all law enforcement people together.

I am joined with every single person who works on Capitol Hill in an expression of appreciation to them and to everybody who responded—all the police officers responded, medical personnel responded. I will take just 1 minute more to express my personal appreciation to Senator BILL FRIST for what he did. I spoke with Senator FRIST yesterday and told him how much his actions meant to me, to my wife, who is a registered nurse. She knows when something like this happens, if you are a medical personnel, you respond. But he responded not only with his great skill as a cardiac surgeon, he responded when there was gunfire erupting only moments before and there might have been more, with no thought to his safety, but thinking of only those who may have been injured.

Mr. President, it is a sad day. Let us say also it is a proud day to our country because this symbol of democracy will not be closed down by the actions of one deranged American, any more than it was in the 1980s when the bomb went off outside this Chamber at night just minutes after we recessed. I remember so well the next morning, every single one of us was in our seats. We were here to show we wouldn't stay home. And we will be here today, as will the President and the Vice President, all of the House and Senate leadership, and the Members, to show nothing closes us down.

I yield the floor, and 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. CAMPBELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MEASURE READ THE FIRST TIME—H.R. 4250

Mr. CAMPBELL. Mr. President, I understand that H.R. 4250, the Patient Protections Act, has arrived from the House and is now at the desk. I now ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4250) to provide new patient protections under group health plans.

Mr. CAMPBELL. I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

Mr. CAMPBELL. Mr. President, I now ask unanimous consent that the Senate now proceed to the consideration of S. 2312, the Treasury-Postal appropriations bill.

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

The clerk will report.

The bill clerk read as follows:

A bill (S. 2312) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes.

The Senate proceeded to consider the bill.

Mr. CAMPBELL. Mr. President, I am pleased to lay before the Senate the committee recommendation for the

Treasury Department, the Postal Service, the Executive Office of the President, and various independent agencies. The bill crafted by the Subcommittee on Treasury, Postal Service, and General Government contains a total of $29,923,547,000 in new budget authority.

Of that amount, $13,613,547,000 is in mandatory accounts, and $3,250,000,000 is provided for much-needed funding for all Federal agencies to address the year 2000, or Y2K, computer problem, contingent upon an emergency designation by the administration.

The committee recommendation is within the 302(b) allocations and strikes a delicate balance between congressional priorities, administrative initiatives, and agency needs. This would not have been possible without the hard work and cooperation from my friend and colleague, Senator KOHL, the subcommittee ranking member, and his staff. It was not easy to strike this balance while staying within our mutually agreed-upon fiscal constraints. As most of our colleagues are aware, approximately 80 percent of the accounts in this bill are for salaries and expenses, meeting those needs, and increasing our flexibility to fund new initiatives and congressional priorities.

The committee recommends a funding of $11,555,000,137 for title I for the Department of the Treasury. This is $176.653 million more than the fiscal year 1998 enacted level. The committee has again placed a priority on promoting the Treasury's law enforcement, ensuring that they can hire, train, and retrain the best of Federal law enforcement, while at the same time support efforts by State and local law enforcement.

There are some provisions of title I that I would like to highlight for colleagues. This bill includes $132 million for law enforcement initiatives through the violent crime reduction trust fund, known as the VCRTF; continuation and expansion of the Gang Resistance Education And Training Program, called the GREAT Program—to help our young people develop the skills to stay out of trouble; $27 million to continue and expand the Youth Crime Gun Interdiction Initiative—to allow Federal, State, and local law enforcement to stem the tide of illegal firearms trafficking to the youth of this country. It includes doubling a staff level for the Customs Service antichild pornography efforts; full funding for Southwest border technology enhancements and staffing; additional funding for the IRS for much-needed customer service initiatives.

In title II, the committee recommends an appropriation of $71.195 million for the U.S. Postal Service. Under the provisions of this bill, the Postal Service is required to provide free mailing for overseas voters and the blind, maintain 6-day delivery and rural delivery, as well as prohibited from consolidating or closing small and rural post offices.

Title III is the Executive Office of the President and funds appropriated to the President. The total recommendation for title III is $3,838,441,000. This includes the White House Office, the Office of Management and Budget, the Office of the National Drug Control Policy, the Federal drug control programs, and funding for the National Antidrug Media Campaign. Also included is the information technology system and related expenses account to deal with the year 2000 problems.

Of special note are: $13 million for the continuation of the technology transfer program under the drug czar's office—to allow State and local law enforcement to benefit from research and development; $175 million to continue the National Antidrug Media Campaign; continued funding for high-intensity drug trafficking areas, known as HIDTAs.

Title IV is independent agencies such as the Federal Election Commission, General Services Administration, and the National Archives, in addition to agencies involved in Federal employment, such as the Federal Labor Relations Authority, the Merit Systems Protection Board, the Office of Government Ethics, the Office of Personnel Management, and the Office of Special Counsel. The committee recommends $14,458,969,000 for this title.

Of particular interest to many of our colleagues is the funding level for the General Services Administration, which includes $500 million for new courthouse construction.

In order to stay within the 302(b) allocations, we were forced to make many difficult decisions regarding outlays. Although I know this is not unique to the Treasury and General Government Subcommittee, our outlays allocations forced us to make difficult choices, which we would not have otherwise made.

This bill deserves the support of the Senate. I believe I can honestly say that although not everybody got what they wanted, we did our best to accommodate all of our colleagues' requests. I must remind my colleagues that if you are considering any additional spending in this bill, it must be offset.

Finally, none of this would have been possible without the work and support of Senator KOHL. I particularly thank Barbara Retzlaff of his staff, who consistently brings her knowledge and expertise to this bill, and also our own staff, Pat Raymond, Tammy Perrin and Lula Edwards, who have worked so hard and so many evenings on this bill.

At this time, I yield the floor to my friend, Senator KOHL.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, before I get started, I express my deep sympathy to the families of Officers John Gibson and Jacob Chestnut. I also want to express my thanks to these brave heroes and to all the other law enforcement officers here in the Capitol and all over our great country who put their lives on the line every day to keep the rest of us safe. The two fallen officers are true heroes. They died protecting the Nation's most precious symbol of democracy and protecting the people who work here and who visit here. I hope their families take some comfort in the deep respect, gratitude, and pride all of us here feel for their acts of bravery.

Mr. President, I thank Senator CAMPBELL for his dedication to resolving many issues, large and small, on this Treasury and General Government appropriations bill.

Throughout this process, he has forged a cooperative relationship not only with me, but with all of the subcommittee members. Throughout his cooperative approach, we were able to work out a reasonable balance among the many programs and activities under the jurisdiction of this subcommittee. In addition, I want to acknowledge the very fine work of the chairman's staff, including Pat Raymond, Tammy Perrin, and Lula Edwards.

As Senator CAMPBELL mentioned, the Treasury and General Government appropriations bill continues and expands many investments in our future. Just for example, the Internal Revenue Service funding level is of critical importance. By passing the IRS restructuring legislation, Congress sent a clear message to the public and to the IRS that it is time for the IRS to provide American taxpayers with the kind of service they have a right to expect. In response, IRS is undertaking its most profound restructuring in more than 40 years. From business practices to organizational structure, the IRS of the future will act differently than the agency we know today.

This appropriations bill provides the IRS over $7.8 billion to continue basic operations while initiating these changes. These funds will launch the new customer service initiatives, the submission and processing of investments, and the compliance research systems requested by the administration. The funding level will let the IRS revamp its business practices so IRS staff can focus on understanding, solving, and preventing taxpayer problems.

To effectively update the Federal Government's computer system for the century date change, the committee added $3.2 billion to the Treasury and General Government appropriations bill. This work must be completed in the next 12 months, so money must reach all Federal agencies quickly. By including this emergency funding, the

committee provides the Federal Government with the tools it needs to ensure that critical Government functions continue smoothly.

Law enforcement activities are another important part of this bill, and the committee has provided over $3 billion to continue and expand these programs. Included in this funding level is full funding for the GREAT Program, which provides local police departments the resources necessary to help children avoid the temptation of gangs or drugs; the Youth Crime Gun Interdiction Initiative, which traces illegal guns and establishes State and local links necessary to end gun trafficking and youth and gang-related violence; and the Customs' Child Pornography and Cyber Smuggling Program, which prevents illegal trafficking and distribution of child pornography both into and throughout the United States.

The Office of National Drug Control Policy's media campaign receives continued funding of $175 million in this bill. This is the second year of a 5-year program aimed at changing attitudes towards drugs. The committee hopes to see dramatic results from this investment—an investment that is four times greater than the funding provided for GREAT, Youth Gun Crime, and Child Pornography Prevention Programs combined.

Finally, I want to talk about the Federal Election Commission. This bill provides the FEC with $33.7 million. This is $2.8 million less than the funding provided by the House, and I hope we will bring the funding level up to the House figure. The need for this funding is clear. In congressional testimony earlier this year, FEC officials said they were forced to drop more than 100 cases because they did not have enough people to handle the caseload.

As you all know, Congress has not been able to agree on campaign finance reforms. But we all agree that the current law must be enforced. And that cannot happen without a fully funded FEC.

In an era of explosive spending on campaigns through innumerable avenues, both legal and illegal, we owe it to the American people to fully fund the only campaign watchdog we have.

Finally, we have tried to accommodate numerous requests for funds while remaining within the funding restrictions imposed by the subcommittee allocation. Although we are required to make substantial reductions in the President's request level, I believe that programmatic funding levels included in this bill are fiscally responsible and very reasonable.

I thank the Chair. I yield the floor.

PRIVILEGE OF THE FLOOR

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the following individuals have floor privileges for the duration of the consideration of S. 2312, the Treasury, Postal Service, and General Government appropriations bill for fiscal year 1999: Ms. Tammy Perrin and Ms. Lula Edwards.

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

Mr. CAMPBELL. Mr. President, before I send the first amendment to the desk, I would like to associate myself with the remarks made by Senator LEAHY, whom I found to be very poignant and very moving in his tribute to the two slain officers.

Today, Mr. President, is sad day indeed for the congressional family, because in just 30 minutes—in fact, a little less than that—we will all participate in a memorial for Detective John Gibson and Officer "J.J." Jacob Joseph Chestnut, who gave their lives in the line of duty this past Friday.

In fact, the Capitol Police patch which I wear today in memory and honor was given to me by Detective Gibson just a few weeks ago. As late as 2 weeks ago, he was kind enough to come out all the way to Dulles Airport when I had a delayed flight and get me here on time for a vote on Monday night.

I was a military policeman, Mr. President, and a deputy sheriff in my younger days. Like most former law enforcement officers, like Senator LEAHY was, perhaps the death of these two wonderful men touched us in a very special way, because for law enforcement people, when a law enforcement officer is killed, it is not like losing a stranger or a colleague, it is like losing a brother or a sister.

But our system of democracy mandates that our citizens, who own this building, have a right to enter it at any time. I think that is the way it should be. Most of us want to keep it that way, as Senator KOHL has alluded to.

Today, however, we debate the Treasury, Postal, and General Government appropriations bill. This bill, above any bill with which we have wrestled, determines the use of and restrictions on firearms. The framers of the Constitution, I believe, could never have foreseen the nuances that have come into play in modern America when we discuss our second amendment rights.

Mr. President, in this very saddened atmosphere in which we bring our bill to the floor, I suppose some of our colleagues may be tempted in the heat of the time to load this bill down with gun amendments. I, frankly, hope that does not happen. It may be the right issue. It may be the right place to talk about them. But this is not the right time. To use this bill as a vehicle for any rush to judgment with those amendments, or to use it as an anti-second amendment platform, I think would be inappropriate and unwise.

No one is more saddened at the loss of our two officer heroes than I am. But I would like to tell my colleagues who are watching these proceedings in their offices now that I intend to move to table any gun amendments that may be offered during this tragic time.

AMENDMENT NO. 3340

Mr. CAMPBELL. With that, Mr. President, I send the first amendment to the desk on behalf of Senator FAIRCLOTH, Senator KOHL, and myself.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for himself, Mr. FAIRCLOTH, and Mr. KOHL, proposes an amendment numbered 3340.

Mr. CAMPBELL. 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:

Strike Section 639 on pages 96 and 97 in its entirety and insert in lieu thereof the following:

"SEC. 639. For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1999 in the rates of basic pay for the statutory pay systems.".

Mr. CAMPBELL. Mr. President, in January of 1999 the rank-and-file Federal employees will automatically receive a salary adjustment based upon the employment cost index. Most people refer to this as the COLA. Some simply call it a pay raise.

Under current law, a similar adjustment is made to the salaries of senior-level Federal employees, Members of Congress, and Federal judges also. This adjustment is automatic under the provisions of the Ethics Reform Act of 1989, unless Congress takes an affirmative action to block the increase.

The bill before us today includes the language to prevent the automatic pay adjustment from going into effect in January for Members of Congress, Federal judges, and senior-level employees of the executive branch.

The text of the provision is slightly different from that which passed the House of Representatives and, therefore, makes it a conferenceable item.

This amendment which we offer today makes that provision identical to the House-passed version.

I am happy to yield to my colleague, Senator KOHL, if he has any statement on this.

Mr. KOHL. Mr. President, I agree with the comments of Senator CAMPBELL.

Mr. CAMPBELL. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment (No. 3340) was agreed to.

Mr. CAMPBELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3341 THROUGH 3346, EN BLOC

Mr. CAMPBELL. Mr. President, I send to the desk the managers' package of amendments and ask unanimous consent that they be considered en bloc.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado (Mr. CAMPBELL), proposes amendments numbered 3341 through 3346 en bloc.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments, en bloc, are as follows:

AMENDMENT NO. 3341

At the appropriate place at the end of title I, insert:

SEC. ___. Section 921(a) of title 18, United States Code, is amended—

(1) in paragraph (5), by striking "the explosive in a fixed shotgun shell" and insert "an explosive";

(2) in paragraph (7), by striking "the explosive in a fixed metallic cartridge" and inserting "an explosive"; and

(3) by striking paragraph (16) and inserting the following:

"(16) The term 'antique firearm'—

"(A) means any—

"(i) firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;

"(ii) replica of any firearm described in clause (i), if such replica—

"(I) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

"(II) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade; and

"(iii) muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, that—

"(I) is designed to use black powder, or a black powder substitute; and

"(II) cannot use fixed ammunition; and

"(B) does not include any—

"(i) weapon that incorporates a firearm frame or receiver;

"(ii) firearm that is converted into a muzzle loading weapon; or

"(iii) muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.".

Mr. GRASSLEY. Mr. President, I wish to make a few comments on the muzzle loader amendment which we are considering.

The purpose of the amendment is to exempt certain muzzle loading weapons from regulation under the Gun Control Act (GCA), 18 U.S.C. Chapter 44. Under current law, "antique firearms" are exempted from the definition of "firearm" in section 921(a)(3) of the GCA and are, therefore, not subject to the interstate controls, licensing provisions, record keeping requirements, or restrictions on possession that apply to firearms. Thus, antique firearms can be sold interstate via mail-order, no records of their sale are kept, and they may be lawfully possessed by any U.S. citizen. The existing definition of "antique firearm" exempts firearms manufactured in or before 1898, replicas of such firearms that utilize matchlock, flintlock, percussion cap, or other primitive types of ignition systems including primers and battery cup primers and other replica firearms that utilize ammunition that is no longer available in commercial channels.

In recent years, there has been a strong increase in popularity in hunting and target shooting involving muzzle loading firearms which could not have been foreseen when the current law was written. As in any other sporting equipment, the technology was refined to provide safer and more reliable equipment, much like the compound bow evolved from the original long bow. Most states now offer a muzzle loading hunting season to improve deer herd management. There have been numerous technological improvements in muzzle loading weapons, including safer propellant, safety mechanism, projectiles, and ignition systems.

As is the case with the compound bow, many of the muzzle loading weapons now produced bear little physical resemblance to traditional antique firearms produced prior to 1898. Significantly, they all require the placing of a propellant down the barrel, pushing a bullet down the barrel on top of the powder, then placing an ignition system behind the powder just as all muzzle loaders have for more than 100 years. Since the BATF has determined that certain of these weapons are not "replicas" under the definition of "antique firearms", they are regulated as "firearms" under the GCA. The BATF has restricted only one inline muzzle loader, the Knight DISC rifle, which is produced in my home state of Iowa, even though Remington states that their muzzle loader is built from their 700 Centerfire.

The amendment would expand the definition of the term "antique firearm" to encompass these modern muzzle loading sporting firearms used by hunters, target shooters, and other sportsmen. The amendment would include within the definition of "antique firearm" a weapon that: (1) is a muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol; (2) is designed to use black powder or a black powder substitute; (3) uses any ignition system; (4) cannot use fixed ammunition; (5) does not use the serial numbered frame or receiver of a firearm; (6) has not been converted from a firearm; and (7) cannot be readily converted to fire fixed ammunition by replacing the barrel, bolt, or breechlock.

The language requiring that the antique firearm not use the frame or receiver of a serial numbered firearm, not be converted from a firearm, and cannot be readily converted to fire fixed ammunition is to prevent the conversion of modern firearms into percussion cap "antique firearms". BATF is concerned that, without this language, various single shot, bolt action, slide action and semi-automatic weapons, and even certain machine guns, could be converted into muzzle loading weapons and then converted back to fire conventional fixed ammunition merely by replacing the barrel or other components. The weapon could then be sold as an "antique firearm" without any GCA controls. Many components which alter the form and function of firearms are available to be easily converted from one form of firearm to another. However, there are no products currently in commercial trade which would convert a muzzle loader to a firearm or a firearm to a muzzle loader.

Since the amendment is limited to muzzle loading rifles, muzzle loading shotguns, and muzzle loading pistols, it would not allow grenade launchers, bazookas, machine guns, or anti-tank guns to be excluded from the regulation. Also, since this amendment will be adopted on the floor, there isn't any report language to assist courts and industry in interpreting the status of muzzle loaders. I hope my comments will serve this purpose.

AMENDMENT NO. 3342

(Purpose: to appropriately reflect the liquidation of debt)

At the appropriate place, strike and insert the following: Page 11, on line 23 strike "$2,854,000,000" and insert in lieu thereof "$3,317,690,000".

AMENDMENT NO. 3343

(Purpose: To provide for reform of the overtime pay of Federal firefighters, and for other purposes)

At the end of title VI add the following new section:

SEC. ___. FEDERAL FIREFIGHTERS OVERTIME PAY REFORM ACT OF 1998.

(a) IN GENERAL.—Subchapter V of chapter 55 of title 5, United States Code, is amended—

(1) in section 5542 by adding at the end the following new subsection:

"(f) In applying subsection (a) of this section with respect to a firefighter who is subject to section 5545b—

"(1) such subsection shall be deemed to apply to hours of work officially ordered or approved in excess of 106 hours in a biweekly pay period, or, if the agency establishes a weekly basis for overtime pay computation, in excess of 53 hours in an administrative workweek; and

"(2) the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of basic pay under section 5545b (b)(1)(A) or (c)(1)(B), as applicable, and such overtime hourly rate of pay may not be less than such hourly rate of basic pay in applying the limitation on the overtime rate provided in paragraph (2) of such subsection (a).'"; and

(2) by inserting after section 5545a the following new section:

"§ 5545b. Pay for firefighters

"(a) This section applies to an employee whose position is classified in the firefighter occupation in conformance with the GS–081 standard published by the Office of Personnel Management, and whose normal work schedule, as in effect throughout the year, consists of regular tours of duty which average at least 106 hours per biweekly pay period.

"(b)(1) If the regular tour of duty of a firefighter subject to this section generally consists of 24-hour shifts, rather than a basic 40-hour workweek (as determined under regulations prescribed by the Office of Personnel Management), section 5504(b) shall be applied as follows in computing pay—

"(A) paragraph (1) of such section shall be deemed to require that the annual rate be divided by 2756 to derive the hourly rate; and

"(B) the computation of such firefighter's daily, weekly, or biweekly rate shall be based on the hourly rate under subparagraph (A);

"(2) For the purpose of sections 5595(c), 5941, 8331(3), and 8704(c), and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe, the basic pay of a firefighter subject to this subsection shall include an amount equal to the firefighter's basic hourly rate (as computed under paragraph (1)(A)) for all hours in such firefighter's regular tour of duty (including overtime hours).

"(c)(1) If the regular tour of duty of a firefighter subject to this section includes a basic 40-hour workweek (as determined under regulations prescribed by the Office of Personnel Management), section 5504(b) shall be applied as follows in computing pay—

"(A) the provisions of such section shall apply to the hours within the basic 40-hour workweek;

"(B) for hours outside the basic 40-hour workweek, such section shall be deemed to require that the hourly rate be derived by dividing the annual rate by 2756; and

"(C) the computation of such firefighter's daily, weekly, or biweekly rate shall be based on subparagraphs (A) and (B), as each applies to the hours involved.

"(2) For purposes of sections 5595(c), 5941, 8331(3), and 8704(c), and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe, the basic pay of a firefighter subject to this subsection shall include—

"(A) an amount computed under paragraph (1)(A) for the hours within the basic 40-hour workweek; and

"(B) an amount equal to the firefighter's basic hourly rate (as computed under paragraph (1)(B)) for all hours outside the basic 40-hour workweek that are within such firefighter's regular tour of duty (including overtime hours).

"(d)(1) A firefighter who is subject to this section shall receive overtime pay in accordance with section 5542, but shall not receive premium pay provided by other provisions of this subchapter.

"(2) For the purpose of applying section 7(k) of the Fair Labor Standards Act of 1938 to a firefighter who is subject to this section, no violation referred to in such section 7(k) shall be deemed to have occurred if the requirements of section 5542(a) are met, applying section 5542(a) as provided in subsection (f) of that section. The overtime hourly rate of pay for such firefighter shall in all cases be an amount equal to one and one-half times the firefighter's hourly rate of basic pay under subsection (b)(1)(A) or (c)(1)(B) of this section, as applicable.

"(3) The Office of Personnel Management may prescribe regulations, with respect to firefighters subject to this section, that would permit an agency to reduce or eliminate the variation in the amount of firefighters' biweekly pay caused by work scheduling cycles that result in varying hours in the regular tours of duty from pay period to pay period. Under such regulations, the pay that a firefighter would otherwise receive for regular tours of duty over the work scheduling cycle shall, to the extent practicable, remain unaffected.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5545a the following:

"5545b. Pay for firefighters.".

(c) TRAINING.—Section 4109 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(d) Notwithstanding subsection (a)(1), a firefighter who is subject to section 5545b of this title shall be paid basic pay and overtime pay for the firefighter's regular tour of duty while attending agency sanctioned training.".

(d) INCLUSION IN BASIC PAY FOR FEDERAL RETIREMENT.—Section 8331(3) of title 5, United States Code, is amended—

(1) by striking "and" after subparagraph (D);

(2) by redesignating subparagraph (E) as subparagraph (G);

(3) by inserting the following:

"(E) with respect to a criminal investigator, availability pay under section 5545a of this title;

"(F) pay as provided in section 5545b (b)(2) and (c)(2); and "; and

(4) by striking "subparagraphs (B), (C), (D), and (E)" and inserting "subparagraphs (B) through (G)".

(e) 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 later of October 1, 1998, or the 180th day following the date of enactment of this section.

(f) REGULATIONS.—Under regulations prescribed by the Office of Personnel Management, a firefighter subject to section 5545b of title 5, United States Code, as added by this section, whose regular tours of duty average 60 hours or less per workweek and do not include a basic 40-hour workweek, shall, upon implementation of this section, be granted an increase in basic pay equal to 2 step-increases of the applicable General Schedule grade, and such increase shall not be an equivalent increase in pay. If such increase results in a change to a longer waiting period for the firefighter's next step increase, the firefighter shall be credited with an additional year of service for the purpose of such waiting period. If such increase results in a rate of basic pay which is above the maximum rate of the applicable grade, such resulting pay rate shall be treated as a retained rate of basic pay in accordance with section 5363 of title 5, United States Code.

(g) NO REDUCTION IN REGULAR PAY.—Under regulations prescribed by the Office of Personnel Management, the regular pay (over the established work scheduling cycle) of a firefighter subject to section 5545b of title 5, United States Code, as added by this section, shall not be reduced as a result of the implementation of this section.

AMENDMENT NO. 3344

(Purpose: To amend chapter 36 of title 39, United States Code, to provide for an annual report on international services of the Postal Service)

At the appropriate place at the end of title VI, insert the following:

SEC. ___. INTERNATIONAL MAIL REPORTING REQUIREMENT.

(a) IN GENERAL.—Chapter 36 of title 39, United States Code, is amended by adding after section 3662 the following:

"§ 3663. Annual report on international services

"(a) Not later than July 1 of each year, the Postal Rate Commission shall transmit to each House of Congress a comprehensive report of the costs, revenues, and volumes accrued by the Postal Service in connection with mail matter conveyed between the United States and other countries for the previous fiscal year.

"(b) Not later than March 15 of each year, the Postal Service shall provide to the Postal Rate Commission such data as the Commission may require to prepare the report required under subsection (a) of this section. Data shall be provided in sufficient detail to enable the Commission to analyze the costs, revenues, and volumes for each international mail product or service, under the methods determined appropriate by the Commission for the analysis of rates for domestic mail.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 63 of title 39, United States Code, is amended by adding after the item relating to section 3662 the following:

"3663. Annual report on international services.".

AMENDMENT NO. 3345

(Purpose: To express the sense of the Senate on the use of random selection of returns for examination by the Internal Revenue Service)

At the appropriate place at the end of title I, insert the following:

SEC. ___. SENSE OF THE SENATE ON THE USE OF RANDOM SELECTION OF RETURNS FOR EXAMINATION BY THE INTERNAL REVENUE SERVICE.

(a) FINDINGS.—The Senate finds that—

(1) in 1995, the Internal Revenue Service indefinitely postponed the 1994 Taxpayer Compliance Measurement Program, a program of audits using random selection techniques (in this section referred to as "random audits");

(2) Congress, taxpayer groups, tax practitioners, and others criticized the program because of its cost to and burden on taxpayers;

(3) there is no law preventing the Internal Revenue Service from resuming its Taxpayer Compliance Measurement Program; and

(4) random audits may be overly burdensome on taxpayers, particularly low-income taxpayers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Internal Revenue Service should make it a top priority to ensure fairness to taxpayers when selecting returns for audit;

(2) the Senate does not approve of the use of random audits of the general population of taxpayers or tax returns; and

(3) the Internal Revenue Service should not conduct random audits of the general population of taxpayers or tax returns.

AMENDMENT NO. 3346

(Purpose: To make modifications to language in Title III)

At the appropriate place, strike and insert the following:

On Page 40, line 25, after the word "campaign," strike through Page 41, line 16 through "campaign," and insert in lieu thereof "(3) ONDCP, or any agent acting on its behalf, may not obligate any funds for the creative development of advertisements from for-profit organizations, not including out-of-pocket production costs and talent reuse payments, unless (a) the advertisements are intended to reach a minority, ethnic or other special audience that cannot be obtained on a pro bono basis within the time frames required by ONDCP's advertising and buying agencies, and (b) it receives prior approval from the Senate Committee on Appropriations, (4) ONDCP will secure corporate sponsorship equaling 40 percent of the appropriated amount in fiscal year 1999, the definition of which is a contribution that is not received as a result of leveraging funds to receive said sponsorship, corporate sponsorship equaling 60 percent of the appropriated amount in fiscal year 2000, corporate sponsorship equaling 80 percent of the appropriated amount in fiscal year 2001, corporate sponsorship equaling 100 percent of the appropriated amount in fiscal year 2002, and will report quarterly on its efforts to meet this goal, (5) ONDCP is mandated to use appropriated funds solely to fund the anti-drug media campaign to include only the purchase of media time and space, talent re-use payments, out-of-pocket advertising production costs, testing and evaluation of advertising, evaluation of the effectiveness of the media campaign, the negotiated fees for the winning bidder on the request for proposal recently issued by ONDCP, partnership with community, civic, and professional groups, and government organizations related to the media campaign, entertainment industry collaborations to fashion anti-drug messages in movies, television programming, and popular music, interactive (Internet and new) media projects/activities, public information (News Media Outreach), and corporate sponsorship/participation, (6) ONDCP shall not obligate funds provided for the national media campaign for fiscal year 1999 until ONDCP has submitted the evaluation and results of Phase I of the campaign to the Senate Committee on Appropriations, and may obligate up to 75 percent of these funds until ONDCP has submitted the evaluation and results of Phase I of the campaign to the Committees,"

Mr. CAMPBELL. Mr. President, the package of amendments I have sent to the desk have been agreed to by both sides.

This package includes the following items:

Language regarding antique firearms regulation and an exemption for muzzle loader firearms under the Gun Control Act;

A technical correction regarding the Federal Financing Bank in order to reflect the true amount of debt accumulated;

Senator SARBANES language reforming Federal firefighter overtime pay;

Senators COCHRAN and STEVENS language on the Postal Service providing an annual report regarding international postal services;

A sense-of-the-Senate from Senator COVERDELL regarding the IRS and random audits;

Finally, the last is language changes relating to the drug czar's office media campaign and the programmatic goals of this campaign.

I yield to Senator KOHL.

Mr. KOHL. Mr. President, these are very good amendments. I support the amendments fully.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that these amendments be agreed to en bloc and that the motions to reconsider be laid upon the table.

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

The amendments (Nos. 3341 through 3346) were agreed to.

AMENDMENT NO. 3347

(Purpose: To insert an omitted funding total in Title IV)

Mr. CAMPBELL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado (Mr. CAMPBELL), for himself, and Mr. KOHL, proposes an amendment 3347.

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

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

The amendment is as follows:

At the appropriate place, insert the following: On page 45, line 21 after "U.S.C. 490(f)), the " insert "$508,752,000 to be deposited into the Fund. The".

Mr. CAMPBELL. Mr. President, this amendment makes a technical correction to title IV under the General Services Administration's Federal Buildings Fund to list the amount we are appropriating in this fund.

Mr. KOHL. Mr. President, I support this amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3347) was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 12:15 p.m.

Thereupon, at 11:54 a.m., the Senate recessed until 12:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SESSIONS).

The PRESIDING OFFICER. The pending business is the Treasury and General Government appropriations bill, fiscal year 1999.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

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

FEDERAL ACTIVITIES INVENTORY REFORM ACT

Mr. THOMAS. Mr. President, there are a number of things that many of us feel to be very important in terms of principles. One of them is federalism, of course—making the appropriate division between those things that are done in State government and those things that are done in local government, and the role of Federal Government. Another, it seems to me, is to do those things that can be done in the private sector, and that has, indeed, been the policy of this Government for a very long time.

I rise today to express my deep appreciation for the members of the Senate Governmental Affairs Committee and staff for their time and effort in developing a consensus on my legislation to codify this 40-year-old Federal principle that has been in place.

In the beginning of this Congress, I introduced S. 314, the Freedom from Government Competition Act. This legislation is an attempt to put in statute a workable process by which the Federal Government utilizes the private sector to do those things that are commercial in nature. This, indeed, has been the policy of the Government for a very long time. In fact, as early as 1932, Congress first became aware of the fact that the Federal Government was starting to carry out activities of a commercial nature and said that is not necessary and we should not do that.

In 1954, a bill to address the issue passed the House and was reported by the Committee on Governmental Affairs. At that time, the Eisenhower administration said that we would take care of it administratively. Therefore, Bureau of the Budget Bulletin 55–4 was issued, and there was no further action taken.

To make a relatively long story short, all the administrations since that time in one way or another have endorsed the idea of taking those things that could at least as well be done in the private sector as in the Government, allowing for some competition.

There is a circular now called A–76 which has been endorsed since 1955. Unfortunately, it hasn't been enforced. Unfortunately, when it is only a bulletin or Executive order, there is no real appeal process. What we are seeking to do is to put that concept into statute—it has now been approved by the committee in the Senate; it has

been approved by the committee in the House—that would simply say to agencies, we want you to take an annual inventory of those kinds of things that you do, those that are commercial in nature. There ought to be a fair opportunity for the private sector to seek to compete in those areas.

Mr. President, we hope that that will come before the Senate and the House before this session is over; that it would, indeed, be put in statute, that concept that has been there for a very long time, the notion simply being that the taxpayers benefit from the cost, and whoever can do this the most efficiently, whether it be mapping, whether it be laboratory work, whether it be all kinds of things that are often and always done in the private sector, that can be done better and more efficiently there, will, indeed, be done there.

To reiterate, that policy is now found in OMB Circular A–76 and has been endorsed by every administration, of both parties, since 1955. However, the degree of enthusiasm for implementation of the circular has varied from one administration to another. In fact, the issue of government competition has become so pervasive that all three sessions of the White House Conference on Small Business, held in 1980, 1986 and 1995, ranked this as one of the top problems facing America's small businesses. According to testimony we received, it is estimated that more than half-a-million Federal employees are engaged in activities that are commercial in nature.

However, the purpose of my legislation is not to bash Federal employees. I believe most are motivated by public service and are dedicated individuals. However, from a policy standpoint, I believe we have gone too far in defining the role of government and the private sector in our economy. Because A–76 is nonbinding and discretionary on the part of agencies, too many commercial activities have been started and carried out in Federal agencies. Because A–76 is not statutory, Congress has failed to exercise its oversight responsibilities. Further, by leaving "make or buy" decisions to agency managers, there has been no means to assure that agencies "govern" or restrict themselves to inherently governmental activities, rather than produce goods and services that can otherwise be performed in and obtained from the private sector.

Among the problems we have seen with Circular A–76 is (1) agencies do not develop accurate inventories of activities (2) they do not conduct the reviews outlined in the Circular, (3) when reviews are conducted they drag out over extended periods of time and (4) the criteria for the reviews are not fair and equitable. These are complaints we heard from the private sector, government employees, and in some cases from both.

In the 1980's our former colleague Senator Warren Rudman first introduced the "Freedom from Government Competition Act" in the Senate. Later, Representative JOHN J. DUNCAN, Jr. (R–TN) introduced similar legislation in the House. I was a cosponsor of that bill when I served in the other body. Upon my election to the Senate in the 104th Congress, I introduced the companion to Representative DUNCAN's bill in the Senate.

On Wednesday, July 15, 1998 the Senate Governmental Affairs Committee unanimously reported a version of S. 314 that is a result of many months of discussions among both the majority and minority on the committee, OMB, Federal employee unions and private sector organizations. The amendment in the nature of a substitute offered by Chairman FRED THOMPSON and approved by the committee is a consensus and a compromise.

It is important to point out that the bill that I introduced in the 104th Congress was an attempt to codify the original 1955 policy that the government should rely on the private sector. After a hearing on that bill was convened by Senator STEVENS, during his tenure as chairman of the Committee on Governmental Affairs, it became clear to me that it was necessary to add to the bill the concept of competition to determine whether government performance or private sector performance resulted in the best value to the American taxpayer. While S. 314 as introduced, and H.R. 716 introduced in the House, was still entitled the "Freedom from Government Competition Act," it in fact not only did not prevent government competition, but it mandated it. This was not a change that private sector organizations came to comfortably support. However, inasmuch as OMB Circular A–76 changed through the years from its original 1955 philosophical statement to its more recent iterations that required public-private competition, I revised my bill when introducing it last year to include such competitions, provided they in fact are conducted and that when conducted, they are fair and equitable comparisons carried out on a level playing field.

I would also hasten to add that the measure reported by the Senate Governmental Affairs Committee, which I hope will be promptly approved by the full Senate, is significantly different than S. 314 as introduced. While S. 314 as introduced was opposed by the administration and by the Federal employee unions, the compromise measure reported from the committee is not opposed by these groups.

Mr. President, this is important legislation that I believe will truly result in a government that works better and costs less. Certainly government agency officials should have the ability to contract with the private sector for goods and services needed for the conduct of government activities. This bill will not inhibit ability. However, it should not be the practice of the government to carry on commercial activities for months, years, even decades without reviewing whether such activities can be carried out in a more cost effective or efficient manner by the private sector. I believe that the drive to reduce the size and scope of the Federal Government will be successful only when we force the government to do less and allow the private sector to do more.

During the course of our hearings, it became abundantly clear that there are certain activities that the Federal Government has performed in-house which can and should be converted to the private sector. Areas such as architecture, engineering, surveying and mapping, laboratory testing, information technology, and laundry services have no place in government. These activities should be promptly transitioned to the private sector.

There are other activities in which a public-private competition should be conducted to determine which provider can deliver the best value to the taxpayer. This includes base and facility operation, campgrounds, and auctioning.

There are several key provisions in the bill upon which I would like to comment. In particular, section 2(d) requires the head of an agency to review the activities on his or her list of commercial activities "within a reasonable time". OMB strongly opposed a legislative timetable for conducting these reviews. As a result of the compromise language on this matter, it will be incumbent on OMB to make certain these reviews are indeed conducted in a reasonable time frame. These reviews should be scheduled and completed within months, not years. I will personally monitor progress on this matter, as will the Governmental Affairs Committee. I urge OMB to exercise strong oversight to assure timely implementation of this requirement by the agencies.

This provision also requires that agencies use a "competitive process" to select the source of goods or services. In my view, this term has the same meaning as "competitive procedure" as defined in Federal law (10 U.S.C. 2302(2) and 41 U.S.C. 259(b)). To the extent that a Government agency competes for work under this section of the bill, the government agency will be treated as any other contractor or offeror in order to assure that the competition is conducted on a level playing field.

Another issue that I have been concerned about is the proliferation of Interservice Support Agreement's (ISSA's). Under the "FAIR" Act, consistent with the Economy Act (31 U.S.C. 1535), items on the commercial inventory that have not been reviewed may not be performed for another federal agency. In addition, any item on

the inventory cannot be provided to State or local governments unless there is a certification, pursuant to the Intergovernmental Cooperation Act (31 U.S.C. 6505(a)).

Enactment of the "FAIR" Act is a major achievement because it codifies a process to assure government reliance on the private sector to the maximum extent feasible. Further, it will put some teeth into Executive Order 12615 issued by President Reagan, which is still on the books today.

Again, I thank the members of the Senate Governmental Affairs Committee and the committee's staff, for all of the hard work necessary to forge this compromise. I look forward to working with them on thorough congressional oversight on the implementation of this bill.

I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

Mrs. FEINSTEIN. Mr. President, following my remarks, it will be my intention to offer an amendment to close a gaping loophole in legislation which we passed 4 years ago to make the streets of this country safe. That specific legislation was legislation that prohibited the manufacture and sale of 19 commonly used assault weapons, semiautomatic assault weapons, that have been used to kill police, used by grievance killers, used by gangs, used by cartels, used by drive-by shooters.

The legislation also contained provisions that sought to eliminate the sale and transfer of the high-capacity clips and magazines that would hold more than 10 rounds of ammunition. And, in fact, today it is illegal in this country to domestically manufacture and sell a new clip, drum or strip that was made in this country, except to the military, police, or for nuclear power plant protection. It has become evident that though this legislation has been successful in reducing the criminal use of the 19 banned assault weapons, the provisions in this law aimed at reducing the availability of these large-capacity ammunition feeding devices have been rendered ineffective.

At the request of the distinguished Senator from Idaho, who was on the floor a moment ago, the 1994 law grandfathered existing high-capacity clips which were manufactured before the effective date of the ban to allow those clips which had a bill of lading on them to enter the country and to allow dealers to recover their expenses by selling off their existing stocks. The same thing existed for assault weapons themselves.

The President and Secretary of the Treasury closed this loophole through his executive decision which used the 1968 law, which said that any weapon imported into this country must meet a sporting use test. And 1.6 million of these semiautomatic assault weapons were essentially cut off from importation. The thrust of the legislation was to eliminate the supply over time —not to prohibit possession, but over time, because there are so many of these weapons and clips in this country now, to cut down on their supply.

I will never forget, because the distinguished Senator from Idaho did approach me on the floor—we were standing right down in the well; I remember it as clear as if it was yesterday, although it was almost 5 years ago—and indicated that he was concerned about weapons that had a bill of lading on them which had been manufactured pre-assault weapons ban and which were in the process of transit into this country.

My point, Mr. President, is that now, 4 or 5 years later, the existing supply of these clips surely has been used up. However, foreign clips have continued to pour into the United States.

From July 1996 to March 1998, the Bureau of Alcohol, Tobacco and Firearms approved 2,500,000 large-capacity clips for importation into this country.

Recently, that number has skyrocketed even further. In just the last 5 months, BATF has approved permits for 8.1 million large-capacity clips for importation into America. That represents a 314-percent increase in one-fourth of the time.

These clips have been approved to come through at least 20 different countries. It is difficult to know the place of manufacture, but they come through 20 different countries into this country.

I would like to just quickly go through the countries that they come through. And there are some interesting things. Austria, Belgium, Chile, Costa Rica, Czech Republic, Denmark, England—and clips manufactured somewhere abroad come through Great Britain; there are actually 250-round magazines—250-round magazines—for sale in this country and 177-round magazines for sale in this country—Germany, Greece, Hungary, Indonesia, Israel, Italy, Nicaragua, South Africa, Switzerland, Taiwan, and Zimbabwe.

So the total is 8.8 million in two years approved to come in.

Unfortunately, there is virtually no reliable method to determine the date of manufacture on the millions of clips that the BATF has estimated are in circulation now in the United States. The inability to determine the date of manufacture is particularly true regarding the foreign importation of large-capacity magazines because BATF has no ability to independently determine whether such clips imported into the country are legal or illegal. It has allowed the continued importation of clips represented to be manufactured before the assault weapons ban took place.

Let me show you how this happened. Here is a clip from Shotgun News, dated February 1998: "Banned semiautomatics, Bulgarian SLR 95. 1 free 40-rd magazine with each purchase."

Here is another one: "Quality replacements, 30 rounds, the choice of the Canadian military. Will not bend or rust, $8.99 a clip."

Here is where you see the impact of, now, the foreign rounds: "30-rd East German"—East German-made—"Ribbed back, AK-47 magazines, $7.99."

Here is one: An "AK magazine special," coming with the pouch, "including 4 Chinese AK-47 30-rd magazines with pouch, $27.50." It also includes "four East German AK-47, 20 rd magazines with a pouch, $29.95."

Now, my staff called a shotgun store and asked to buy some of these magazines. The only question he was asked, "Is it legal to buy this stuff where you are"—he was in Washington, DC, where it is not legal to own a gun, and he said, "I don t know, as far as I know it is," and they said, "We will send it to you."

My point is, you can get these big clips very easily—on the phone, by mail order. And because now the supply of the domestic clips is running out, most of the clips being sold in this country are of foreign manufacture. So we have two sets. We have the domestic manufacturers prohibited. We have the sale and transfer of new clips prohibited. And you have the grandfather clause creating this gigantic loophole which allows these big clips to continue to come into the country.

In April of this year, President Clinton and Treasury Secretary Rubin closed one loophole created by this grandfather clause by blocking further importation of modified semiautomatic assault weapons. About 30 of us sent him a letter. We pointed out there were 1.6 million of these which received approval that were coming in from all over the world. The Treasury Department looked at the 1968 law, which requires all imported weapons to meet a sporting test, and decided that they don't meet this sporting test, and therefore the Executive order is in place and this importation has been prohibited. The remaining loophole to close is this loophole for the big clips. The amendment that we will shortly offer will do just that.

So the change to the law that I have proposed is simple: It would bar further imports of large-capacity clips and magazines, just as U.S. domestic manufacturers have been stopped from producing these magazines. This amendment would not—I repeat, not—ban

further domestic sales and possession of large-capacity clips which are already legally in the United States. There are tens of millions of these already.

Now, let's talk about who uses these high-capacity clips. I pointed out, coming through Great Britain, there were ammunition-feeding devices carrying 250 rounds. You can expel 250 rounds before you have to reload. Do hunters use them? Do marksmen use them? Do skeet shooters use them? Do Olympic team members use them?

Let's take hunters. The answer is no, hunters don't use them. Most States limit the magazine capacity allowed for hunting, usually eight rounds or less. Federal law clearly outlines the ammunition magazine size limits for bird shooting. Federal law does not allow the use of a shotgun that has a capacity of more than three shells—one in the chamber and two in the magazine—when hunting migratory game birds.

How about the Olympic team and other competitive shooters? No.

So who really uses these large-capacity clips? Let me read a list of events that have taken place fairly recently. July, 1998, earlier this month, Rio Hondo, TX, a killing spree leaves five dead, including two Border Patrol officers. In one day, 24-year-old Ernest Moore killed four people in what police called a planned situation. He killed two people and wounded another in a private residence. Police at the scene recovered an MK-70 assault rifle and a 30-round clip. Approximately 30 minutes later, Moore fired as many as 100 rounds at law enforcement officers from a .223-caliber assault rifle. Two Border Patrol agents were killed at the scene and a sheriff's deputy was wounded.

That is who uses these big clips.

June 17, Coeur d'Alene, ID: A State trooper ambushed by merciless assassin. State trooper Linda Huff was ambushed and killed by a man wielding a 9-millimeter pistol with a 15-round clip. Police were not immediately certain why 34-year-old Scott David Yeager bicycled to the police station and fired 17 rounds at Huff in the rear parking lot. Investigators say Yeager fired all 15 rounds from one 15-round clip, disposed of it, reloaded, and continued to fire.

In May of this year, Springfield, OR: A 50-round clip. High school student kills four, injures dozens. After killing his parents, went on a shooting spree at his high school—most of us are familiar with this. To carry out his fatal assault, he used a Ruger 10.22 hunting rifle, a Ruger .22 caliber handgun and a Glock model 19. Found attached to the rifle, a traditional hunting gun, was an empty 50-round clip and found on the student were four 30-round clips and two 20-round clips. During the attack, he fired from the rifle indiscriminately, and it was not until he emptied the 50-round clip that several of his classmates were able to tackle and subdue him.

In March of this year, Jonesboro, AR: 15-round clips. Two middle school students ambush classmates. Two students, age 11 and age 13, pulled the fire alarm in their school in order to draw their classmates outside. The boys lay in wait and ambushed the other students when they got outside. They fired 24 shots into the crowd, 15 of which came from a Universal carbine rifle with a 15-round clip. The shots from the rifle were fired as fast as the shooter could pull the trigger.

February of this year, New Orleans, LA: A 30-round clip. Police recover 30-round clip after chase. After a routine traffic stop, a man led police on a 3-mile chase during which he pointed a 9-millimeter assault pistol with a 30-round clip.

And then it goes on and on and on. Elmhurst, NY, 30-round clip. Indianapolis, 30-round clip; traffic stop pulls the weapon. Orange, CA, 30-round clip; disgruntled employee kills five with 30-round clip; five people were killed, and a police officer was seriously wounded when a disgruntled Caltrans employee began randomly firing from an AK-47S with a 30-round clip. Denver, CO, last November, police officer killed by SKS with a 30-round clip; Denver police officer Bruce VanderJagt was killed by a barrage of gunfire from an SKS assault rifle as he chased a burglary suspect; police later recovered the rifle and the 30-round clip. Magna, UT, police officers shot by SKS with 20-round clip.

It goes on and on and on. The point is, there are so many of these big clips available in this Nation that they become the ammunition-feeding device of choice for the grievance killer, the person going up against police, the gang that wants to engage in intimidation, drive-by shootings, the cartels—these are the weapons of choice, and the weapons of choice are useless if you don't have that big-round clip.

What are we seeing? Five months and 8.1 million of these receiving approval to come into this country because BATF could not assert when they were manufactured. BATF can't go to another country to check a factory supply. Therefore, an understanding that I have with the distinguished Senator from Idaho—and I am pleased he is on the floor now; these would apply to clips or weapons that had bills of lading attached to them—is clearly not the case today. Bills of lading that preexisted a 4-year-old piece of legislation now. The time has come to close this grandfather clause.

Now, a number of the tragedies that I have just indicated probably would have occurred without the availability of killer clips. Some are fond of saying, "Guns don't kill, people do." Yes, that is true. But I don't think ever before in the history of this Nation we have ever had a time when more weapons of destruction were falling into the hands of children.

The case that really struck me was a case in Memphis, TN, when a 5-year-old took a loaded weapon to school to kill a teacher who had given that youngster a "time out" the day before.

All we are trying to do is close the grandfather clause, say all of the clips that were in transit on the day we passed this legislation, 4 years ago, have been used up, and now is the time to close the loophole.

Interestingly enough, some have told me, and Members of this body have told me, "Well, we know people who like to use them plinking." They told me, "Yes, I like to use them plinking." Well, we are not taking away anybody's right to possess or to plink. There are plenty of clips around for plinking. What we are trying to do is stop what is now a massive flood of clips, even those that now carry 250 rounds in these magazines, from coming into this country.

I don't like to do this amendment, frankly, this day, because this is a solemn day and I don't like to mix the two. Unfortunately, the Treasury-Postal bill is on the floor at this time, and this is an opportunity to move the amendment.

I hope that those who know the intent of the grandfather clause to only affect those guns and clips that were in transit at the time of the enactment of the legislation—something that I agreed to because I thought it was fair—will agree to let this legislation go into place. It will not take a clip out of anyone's hands; it will not prohibit possession. Domestic manufacturers of ammunition feeding devices, today, cannot manufacture clips for general sale that are in excess of 10 bullets. We know they are not used in hunting, but we do know that in case after case they are used to kill police officers, they are used to kill employees, used by grievance killers, drive-by shooters, drug gangs, cartels, etc. The real question in my mind is: Do the rights of the majority outweigh the rights of those few who would like to plink, who would like to continue the flood of weapons coming into this country? There is no civilized, industrialized power on Earth in which there are more weapons or in which there are more of these big clips floating around.

The instant case that really jettisoned me into the assault weapons legislation was the 1994 case of Luigi Ferri, who had Tec-9 copycats and a 9 millimeter pistol. When he went into 101 California Street, this was his array of ammunition-feeding devices that he brought with him. He carried with him 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25—25 different ammunition feeding devices, with enough rounds that exceeded 500

rounds. I think it was actually over a thousand rounds of ammunition used to do his dastardly deed. Indeed, he left 8 people dead and about 14 people wounded. And no one could get to him to disarm him. In this case, I don't know whether these are domestic or foreign made clips.

The point I want to make is that the large number, the incredible fire power and the lack of sanity seemed to prevail.

AMENDMENT NO. 3351

(Purpose: To ban the importation of large capacity ammunition feeding devices)

Mrs. FEINSTEIN. 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 California [Mrs. FEINSTEIN] proposes an amendment numbered 3351.

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

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

The amendment is as follows:

On page 104, between lines 21 and 22, insert the following:

SEC. 644. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

(a) SHORT TITLE.—This section may be cited as the "Large Capacity Clip Ban of 1998".

(b) BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.—Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "(1) Except as provided in paragraph (2)" and inserting "(1)(A) Except as provided in subparagraph (B)";

(2) in paragraph (2), by striking "(2) Paragraph (1)" and inserting "(B) Subparagraph (A)";

(3) by inserting before paragraph (3) the following:

"(2) It shall be unlawful for any person to import a large capacity ammunition feeding device."; and

(4) in paragraph (4)—

(A) by striking "(1)" each place it appears and inserting "(1)(A)"; and

(B) by striking "(2)" and inserting "(1)(B)".

(c) CONFORMING AMENDMENT.—Section 921(a)(31) of title 18, United States Code, is amended by striking "manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994".

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I move to table the Feinstein amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Feinstein amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "aye."

Mr. FORD. I announce that the Senator from Iowa (Mr. HARKIN) is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote "no."

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 240 Leg.]

YEAS—54

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

NAYS—44

Akaka	Feingold	Lieberman
Biden	Feinstein	Lugar
Boxer	Ford	Mikulski
Bryan	Glenn	Moseley-Braun
Bumpers	Graham	Moynihan
Byrd	Inouye	Murray
Chafee	Jeffords	Reed
Cleland	Johnson	Reid
Conrad	Kennedy	Robb
D'Amato	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
DeWine	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Levin	

NOT VOTING—2

Harkin	Helms

The motion to lay on the table the amendment (No. 3351) was agreed to.

Mr. CAMPBELL. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3352

(Purpose: To provide for greater access to child care services for Federal employees)

Mr. CAMPBELL. I send an amendment to the desk on behalf of Ms. LANDRIEU and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for Ms. LANDRIEU, proposes an amendment numbered 3352.

Mr. CAMPBELL. 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 title VI, insert the following:

SEC. ___. CHILD CARE SERVICES FOR FEDERAL EMPLOYEES.

(a) IN GENERAL.—An Executive agency which provides or proposes to provide child care services for Federal employees may use agency funds to provide child care, in a Federal or leased facility, or through contract, for civilian employees of such agency.

(b) AFFORDABILITY.—Amounts provided under subsection (a) with respect to any facility or contractor described in such subsection shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) REGULATIONS.—The Office of Personnel Management and the General Services Administration shall, within 180 days after the date of enactment of this Act, issue regulations necessary to carry out this section.

(d) DEFINITION.—For purposes of this section, the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

Mr. CAMPBELL. Mr. President, this is an amendment which has been cleared by both sides of the aisle. This amendment is about child care services for children of Federal employees, which allows agencies to provide child care at an affordable cost.

Mr. KOHL. Mr. President, we support this amendment fully.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3352) was agreed to.

Mr. CAMPBELL. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CAMPBELL. 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. CAMPBELL. Mr. President, at this time, I yield time to Senator THOMPSON for the purpose of submitting an amendment.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I thank my distinguished friend from Colorado.

AMENDMENT NO. 3353

(Purpose: To require the addition of use of forced or indentured child labor to the list of grounds on which a potential contractor may be debarred or suspended from eligibility for award of a Federal Government contract)

Mr. THOMPSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. THOMPSON] proposes an amendment numbered 3353.

Mr. THOMPSON. 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:

Strike out section 642 and insert in lieu thereof the following:

SEC. 642. The Federal Acquisition Regulation shall be revised, within 180 days after the date of enactment of this Act, to include the use of forced or indentured child labor in mining, production, or manufacturing as a cause on the lists of causes for debarment and suspension from contracting with executive agencies that are set forth in the regulation.

Mr. THOMPSON. Mr. President, this amendment addresses a certain provision in the Postal-Treasury appropriations bill at section 642. It is a section that deals with procurement policies. It is a section that deals with a problem of goods that are produced by child labor—a problem about which we are all sensitive. I do think that this provision should not be in this bill. I offer this amendment to amend the provision, leaving in the portion that addresses the child labor issue, but taking out certain portions that I believe are clearly unconstitutional and unneeded.

In the first place, Mr. President, this is an area of some complexity—the procurement laws and regulations of this country. It is an area that is within the jurisdiction of the Governmental Affairs Committee, of which I am chairman. Our committee has spent a good deal of time dealing with this issue. We have passed legislation over the last two Congresses that deal with our procurement policies in this country. We have passed the Federal Acquisition Streamlining Act of 1994—this is a provision that Senator GLENN sponsored—and we passed the Clinger-Cohen Act of 1996—all dealing, at least in part, with the problem of Government procurement, and procurement practices and policies. I think, as most people who deal with this realize, it is certainly a balancing act. There are considerations that have to be given to the contractors. There are considerations certainly that have to be given to the Government—what is fair.

We want to place reasonable requirements and restrictions with regard to the practices and policies that the Government uses when they go out and acquire goods and services, and so forth. Everyone comes in and gets a seat at the table, and we hash those things out. We have been doing that in a free and open debate for some time now.

We discover now that with regard to this provision, instead of it going through the regular process, instead of our having debate on the issue, and instead of us having a discussion on the issue, we find that it winds up being a substantive provision with regard to policies that apply across the board and winds up as a part of this appropriations bill. I do not believe that is a good way to legislate.

We hear a lot of times complaints about amendments on appropriations bills. But here we actually have a provision within the appropriations bill which, as I say, really substantively addresses an issue not only under the jurisdiction of the committee that has been wrestling with this problem for some time but without any really public discussion or debate.

What does this 642 require?

First of all, it requires that the Secretary of Labor publish a list of items that might have been produced by child labor—"might have been produced" by child labor. I am not sure whether or not there is another provision in the law that places a requirement on people based upon the determination that certain items might have had a certain origin, or anything of that nature. But be that as it may, there is nothing wrong with putting something on a list in and of itself.

Then the provision says that the Government may not require an item on that list unless the person or company providing the goods or services certify that it was not a product of child labor.

In other words, apparently the best the Government can do, or the requirement that the Government has, is simply to come up with whether or not an item might have been produced by child labor. But then the supplier of the goods has to certify, based on that list, that in fact it was not produced by child labor.

Then, 642 goes on to say that the contract may be terminated based upon violation of this provision and that the contractor may be disbarred.

So far, so good, although this is, I believe, very, very troublesome language that is used here. But so far, so good. You are debarring someone. You are terminating the contract, if there is any indication that child labor is used.

I must point out that this activity is already not only grounds for debarment but a crime. It is already a crime to place materials produced by child labor in interstate commerce, punishable by a $10,000 fine per child employee and 6 months imprisonment.

In addition, under 18 U.S.C. 1581, whoever holds or returns any person to a condition of peonage shall be fined not more than $5,000, or imprisoned not more than 5 years, or both.

As far as the criminal law is concerned, anyone who would be in a disbarment situation would be violating a very severe criminal law.

But, be that as it may, so we are duplicative. So what? What is the big problem with that?

The biggest problem with all of this is not what I have been discussing so far, although as we see troublesome language duplicative, it is already a criminal act in the Federal Acquisition Regulations. It already has cause for disbarment for the commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the responsibility of the Government contractor or subcontractor.

I can't think of anything that would be more indicative of a lack of business integrity than using child labor.

So not only do we have a criminal act prohibiting this activity, but we have a regulation now saying that you can disbar on the basis of this activity.

But, again, as I say, so far, so good, as far as I am concerned. So we are duplicative. So we use vague language.

The problem that is the major one in this particular section has to do with the provision that is on CB, a capital B, which says the following: That an acquisition contract has to include the following language:

A clause that obligates the contractor to cooperate fully and provide access for any official of the United States to the contractor's records, documents, persons, or premises, if requested by the official for the purpose of determining whether forced or indentured child labor was used to mine, produce, or manufacture any item furnished under this contract.

I believe this is clearly unconstitutional. I know the intent was good. We all have the same intent with regard to the end result here. But we have picked out a particular area—not drug dealing, not selling faulty parts for an airplane that crashes and kills our pilots, and not faulty parts that go on machines that kill our Armed Forces—all the terrible things that could happen.

We have picked out one and have given some Government officials, any Government official, total, unlimited access to the books, records, and persons of anyone whom they choose to exercise that with regard to.

There is a body of law, of course, with regard to unwarranted administrative searches. Under certain circumstances, warrantless administrative searches are permissible. But we have to keep in mind that under those circumstances, under the warrant clause of the Constitution, there is no probable cause requirement.

So these are dangerous things that the courts have said you have to be careful with, and you have to have certain requirements in the statute giving you the right to carry out these warrantless searches, if they are going to be constitutional.

First of all, the Government needs to have a substantial interest. I think that is covered here.

Second, the regulation of the business had to serve that interest. I am willing to concede that.

Third, statutory safeguards are needed to provide an adequate substitute for a warrant requirement.

We have a warrant requirement. Whether we are dealing with the most heinous criminal activity imaginable, we have generally been speaking about a warrant requirement, a due process requirement, under the Constitution. But the courts have said that if you do not have that, if you are going to carry out a warrantless administrative search, you have to have certain statutory safeguards.

They have discussed what they are. None of them is here, Mr. President.

First of all, there is total discretion with regard to the Government official as to which business he decides to check on that day, or which individual. There is no probable cause requirement, or no evidentiary requirement at all. He has total and complete discretion under this language to decide which business he wants to check on.

That is constitutionally suspect from the outset, according to the court cases.

Second, any official of the United States can do it.

I don't know if that includes me or not, or the staff. But any official of the United States, I guess from fire marshals to officials over at the Department of Energy, or whoever.

Third, there is no statutory procedure for challenging of the warrant at all. Some of the statutes say that if the concern refuses to consent to this kind of process, search and seizure, there is a statute, a civil provision, whereby it can be contested. That is not here.

Lastly, it is not just the premises that we are talking about here, but it has to do with all records and documents and persons apparently that are subject to this particular provision. It is a provision that has not been applied to and cannot constitutionally be applied to the most heinous criminal activities imaginable. And although these are certainly reprehensible activities we are dealing with, they cannot amend the Constitution of the United States with regard to all of the various things for which a person or a business can be debarred. Your imagination is the only limitation as to what those things might be. There could be some very, very terrible things, as I indicated, and this is one of them. But here we have selected this particular activity and placed a burden on the supplier of Government goods that, frankly, cannot withstand constitutional scrutiny.

The bill in section 642 has an exception, and it says that this section does not apply to a contract that is for the procurement of any product, article, material or supply containing a product that is mined, produced or manufactured in any foreign country or instrumentality if the foreign country or instrumentality is a party to the agreement on Government procurement annexed to the WTO agreement.

In other words, this provision that I have just been talking about does not apply to a foreign country if it is a party to the WTO agreement or a party to the North Atlantic Free Trade Agreement. As I understand this, if a country is a party to the WTO agreement or is a signatory or a party to NAFTA, they are not covered by this, and presumably goods coming from that country would not be covered by this, so a manufacturer in a country that is a part of NAFTA or WTO presumably would not be covered by this.

The United States of America is a party to NAFTA, but goods emanating from this country would not be covered by this. Now, I am not sure in practical terms how this would work out or what kind of problems this would present, but I do not see why companies of a foreign country should be exempted from this law when companies from this country are targeted by this law and are having these, what I believe are fairly clearly unconstitutional, requirements and burdens placed on them.

So the proper action would be to bring this language back to the Governmental Affairs Committee and consider it in the normal course of Senate business. But the fact remains that the language is pending before the Senate so we must deal with it.

So, Mr. President, I am offering an amendment which will give Federal agencies the ability to debar or suspend companies. And I repeat that. This will give, if there is any question—I don't think there is any question that they have the ability to do that now. It is against the Federal law, and it is provided for in the FAR. But in case there is any question about that, my amendment will give Federal agencies the ability to debar or suspend companies which use forced or indentured child labor, but in a way that is consistent with the current procurement system of the delicate balance that has been worked out which has specific regulatory history and due process requirements, and not in the vague way that this language addresses it.

Mr. President, I yield the floor.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from Wisconsin.

Mr. KOHL. Mr. President, I request that we defer action on this issue until Senator HARKIN, who has taken the lead on this issue, returns. He is away today in Minnesota at a funeral of his father-in-law. I understand he will be back tonight, but I cannot be certain of that. It seems to me, until he is back to respond to Senator THOMPSON's concerns, it would not be fair to take up this amendment. So I request that this amendment be laid aside at this time.

The PRESIDING OFFICER. Is there objection?

Mr. THOMPSON. If the Senator will yield, I have absolutely no objection. I was not aware of Senator HARKIN's situation, and I will certainly defer it until he can be here. I have no objection.

Mr. KOHL. I thank the Senator.

The PRESIDING OFFICER. Without objection, the amendment will be set aside.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. While we have a few moments, I thought I would describe a couple of sections of this bill. One that might be of interest to our colleagues deals with the vehicle program description.

This bill contains a significant amount of funding for the Treasury's law enforcement activities. Senator KOHL and myself are very strong supporters of Treasury's law enforcement efforts.

As our colleagues know, in our fiscal year 1998 bill, we included a request for GAO to do a study on the utilization of vehicles by Treasury's law enforcement bureaus. I have to tell you at the outset, this committee does all it can to ensure that the law enforcement agents within Treasury are well equipped to do their duties.

However, when I became chairman of the subcommittee, I noticed that all law enforcement bureaus in Treasury would put forth requests for new vehicles, stating that many of their vehicles "were well above GSA standards," which in this case means the speedometers said 100,000 miles or more on them.

Upon further discussion with the bureaus, it became apparent that agents have door-to-door use of their vehicles. The rationale here was, if the law enforcement officer is called for duty during their off-duty hours, they need to be able to reach the scene in a vehicle which is up to law enforcement standards.

Having been a former law enforcement officer myself, as I mentioned earlier in the day, I understand and support that rationale that agents must have a vehicle in case they are called to duty unexpectedly. But I do have some difficulty with the fact that it appears that all agents are getting cars which they use for home-to-work transportation, regardless of their position, regardless of the probability of being called while they are at home at all.

The GAO study told us that there is no consistent management of these vehicles, nor is there any determination of need based on how likely it is for one agent to be called to duty once at home. Many of our colleagues may not know this, but when the Government purchases a law enforcement vehicle, it is different from a vehicle that we drive on the highway. For example, it has to be especially equipped with a larger engine, sometimes the springs or shocks are reworked, and they certainly have special radios, and it is not

uncommon for this special equipment to cost $10,000 or more per vehicle.

Therefore, when the vehicles are used for transportation to and from work, the useful life of the vehicle is certainly decreased, and the Government carries the burden of replacing the vehicles sooner than they had planned. Given our tighter budgets, I felt the Treasury needed to get a handle on how they manage this vehicle pool. This year alone, the Treasury requested approximately $30 million to acquire new vehicles. Currently, the bureau manages the usage terms of the vehicles and all the associated costs in a rather indiscriminate fashion. In Treasury's defense, we were pleased to see that they had requested $1 million in this year's budget for a vehicle tracking program, which we have funded.

What we did not fund was the acquisition of new vehicles beyond what the bureaus are already carrying in their budgets. However, I should make it clear that there is funding contained in each bureau's budget to cover the cost of replacing the oldest vehicles. So what we are really doing here is maintaining the current fleet while replacing the oldest, while not adding to the total number of vehicles in the fleet. The rationale here is that the Treasury needs to put this management system in place before we appropriate additional moneys to purchase even more new vehicles. I tell my colleagues, it is a very plain and simple, good Government provision. Senator KOHL and I support law enforcement agents within the Treasury, but I cannot imagine that each and every one of them will have a reasonable chance to be called for duty every night.

As an appropriator, I think it is my responsibility to ask questions about cost management, and we have told the agencies that we will hold them accountable for their costs. In this case, it is vehicle usage which directly impacts the life of the vehicle and ultimately the cost to the Government. During fiscal year 1998, the Department of the Treasury spent a great amount of money for vehicle-related expenses.

I believe this is a much-needed step, and I hope this new vehicle management program will improve Treasury's ability to accurately project vehicle replacement, maintenance, and need for new vehicles. In addition, I hope the Treasury's program will include the impact that portal-to-portal usage has on the maintenance or life of the vehicle. We are certainly looking forward to working with the Treasury to put this new system in place.

Mr. President, with that I yield the floor.

AMENDMENT NO. 3355

(Purpose: To extend certain prohibitions relating to undetectable firearms)

Mr. KOHL. Mr. President, I rise to offer an amendment to continue protecting our airports and our government buildings from terrorist threats. Our proposal would extend the already existing ban on undetectable firearms—guns that don't set off metal detectors—for five more years.

In 1988, we passed the Undetectable Firearms Act to bar the manufacture, sale, and possession of any firearm that is not detectable by metal detectors or the type of x-ray machines commonly used at airports. It passed unanimously in the Senate. It was endorsed by the NRA, and the NRA has no objection to this amendment being offered today.

At the time we passed this law, "plastic" or undetectable guns were not yet developed. But Congress was concerned that technology might make "plastic" guns possible. Ten years later, plastic guns are still not a problem. This law deserves some for that. In fact, on a few occasions, ATF has refused to approve guns intended for commercial distribution because the guns didn't have enough metal in them.

The Act, however, is scheduled to "sunset" this December. The sunset provision exists because in 1988 it was predicted that new technology would soon be able to detect non-metallic firearms. Unfortunately, technology has not developed so rapidly, so extension of this law appears to be warranted.

While the Department of Treasury has requested a permanent extension, we propose a five year extension. A five year extension allows us to study whether a permanent law is necessary, and whether non-detectable guns are really a possibility.

But an extension is appropriate, especially in light of recent events. Indeed, several years ago, it was reported that the columnist Jack Anderson sneaked a "plastic gun" past security into the Capitol. More recently, the New York Times reported that tiny guns made to look like "key chains" could get around metal detectors in Europe.

Mr. President, I send the amendment to the desk, and I ask for its immediate consideration. I ask for unanimous consent that it be accepted.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] proposes an amendment numbered 3355.

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

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

The amendment is as follows:

On page 104, between lines 21 and 22, insert the following:

SEC. 644. EXTENSION OF SUNSET PROVISION.

Section 2(f)(2) of the Undetectable Firearms Act of 1988 (18 U.S.C. 922 note) is amended by striking "(2)" and all that follows through "10 years" and inserting the following:

"(2) SUNSET.—Effective 15 years".

The PRESIDING OFFICER. Is there further debate?

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, this amendment is not new language, as Senator KOHL has alluded, because under current law, there was an original ban of 10 years. This simply extends that current language for another 5 years.

I have checked with the majority, and the people I have checked with so far are supportive of this amendment, but Senator HATCH has asked if we can lay this amendment aside for a few minutes because he would like to read it more carefully, if that is acceptable to Senator KOHL.

Mr. KOHL. That is acceptable.

The PRESIDING OFFICER. Without objection, the amendment will be set aside.

Mr. CAMPBELL. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 2:45 p.m. having arrived, the Senate will now stand in recess until the hour of 3:45 p.m.

Thereupon, the Senate, at 2:45 p.m., recessed until 3:46 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

Mr. BYRD. Mr. President, what is the order?

The PRESIDING OFFICER. The pending business is Senate bill 2312.

Mr. BYRD. Mr. President, I ask unanimous consent to speak out of order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MAN'S LONGING FOR IMMORTALITY SHALL ACHIEVE ITS REALIZATION

Mr. BYRD. Mr. President, we have just returned from a most moving ceremony in the great Rotunda of the Capitol. The flag-draped coffins of Officer Chestnut and Officer Gibson, who died while doing their solemn duties protecting the public, the employees, and the members of the institution they served, rested imposingly on catafalques, mere yards from where these two brave men were brutally cut down by an armed assailant on last Friday. The sublime majesty of the great marble dome rising above us was somehow magnified by the solemn and eerie silence which was broken only by an occasional cough. The sense of loss was palpable. Sadness permeated the very air.

Such times as these cause all of us to ponder anew the fragile brevity and uncertainty of the human condition. Officer Chestnut was apparently writing directions for a tourist—doing a kind deed—when his life was suddenly ended. I am sure that when he arose and dressed for work on Friday morning he expected nothing more than an ordinary day, followed by a night at home with his family and the simple pleasures of a sunny weekend.

Officer Gibson, as he began his day, likewise, probably had no expectations of the bloody gun battle which would, in just hours, mean his death. It is at times like these, when we witness the anguish of families and friends trying to cope with the incomprehensible reality of brutal and sudden death, that some may wonder how a just God could allow such seemingly mindless violence and misery. In the face of such tragedies, some may even question the very existence of a Creator. We reach for answers that elude our grasp. Why do such things happen? What, after all, is the point of human existence? It seems that our faith is tested most severely when good men senselessly die.

Yet, the proof of a living Creator is in abundant evidence all around us. It is in the perfection and order of the natural world in which we live. It is in the beauty and endless variety of the millions of species which inhabit the planet. It is in the mystery and complexity of the human genetic code. It is in the intangible and unconquerable bravery of the human spirit. It is in the magnificence of the wonders which modern science daily unveils. And I, for one, find no disparity between scientific discovery and God's living word in the Holy Bible.

Genesis, the first book of the Bible, gives the account of all Creation, tells of the establishment of the family, the origin of sin, the giving of divine revelation, the development of the human race, and the inauguration of God's plan of redemption through its chosen people. Genesis takes the reader to the moment when the omnipotent Creator spoke into being the matchless wonders of Sun, Moon, and Stars, planets, galaxies, plants, and moving creatures, and man, whom He made in His image. It is the first book of the Pentateuch, which both Scripture and tradition attribute to Moses.

If a student expects to find in Genesis a scientific account of how the world came into existence, with all questions concerning primitive life answered in technical language familiar to the professor or student of science, he will be disappointed. Genesis is not an attempt to answer such questions. It deals with matters far beyond the realm of science. Yet, I have not personally read of any disagreement within the science community concerning the chronological order of the events of creation as set forth in the book of Genesis. Instead of disagreement, it has been my perception that there is agreement.

The opening sentence of the first chapter of Genesis states, "In the beginning God created the heaven and the earth." That is as far back in time as one can get—"in the beginning." And it could include a billion years or ten billion years or 500 billion years.

The second sentence of Genesis, Chapter 1, reads as follows: "And the earth was without form, and void; and darkness was upon the face of the deep." I doubt that any scientist would disagree with this.

According to the account in Genesis, God then divided the light from the darkness, and scientists agree that there could have been cosmic light before the Sun, Moon and Stars were created. The Creator then proceeded to divide the waters and to let the dry land appear. The dry land was called "earth," and the gathering together of the waters was called "seas."

The next step as related by Genesis was the bringing forth of grass, the herb yielding seed, and the fruit tree yielding fruit.

Then, according to Genesis, God said, "Let the waters bring forth abundantly the moving creatures that have life, and fowl that may fly above the earth in the open firmament of heaven.

"And God created great whales, and every living creature that moveth, which the waters brought forth abundantly, after their kind, and every winged fowl after his kind."

On the scientific side, facts from fossils, plus other data, have shown that mammals (animals with solid bones, warm blood, lungs that breathe air, and nourish their young with milk) form the final stage in a long series of development, which began with tiny sea-dwelling creatures. Scientists seem to think that an early type of fish was the ancestor of amphibians and thereafter evolved into mammal-like reptiles. The primitive amphibians also branched into creatures with wings and thus became birds and other fowl. Great changes occurred over time. Primitive true mammals, according to science, lived during the age of reptiles and these were the probable ancestors of the mammals alive today.

Returning, now, to the biblical account of Creation, by the conclusion of the "fifth day," God had said: "Let the earth bring forth the living creatures after his kind, cattle, and creeping thing, and beast of the earth after his kind," and, in the "sixth day," God said: "Let us make man in our image, after our likeness: and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth."

We have reached the "sixth day" in the biblical account. A day, in God's divine revelation to Moses, evidently meant a period of some undetermined length. In Psalm 90—a prayer of Moses—we are told: "Before the mountains were brought forth, or ever thou hadst formed the earth and the world, even from everlasting to everlasting, thou art God. . . . For a thousand years in thy sight are but as yesterday when it is past, and as a watch in the night."

Regardless of the length of the Creation "days", in the sixth, all preparations had been completed for the advent of man. "So God created man"—we are told—"in His own image, in the image of God created He him; male and female created He them."

On the seventh day, God rested from his work. Hence, both science and the Bible seem to agree, in broad terms, regarding the chronological order of the events of Creation.

The modern explanation of evolution dates from 1859, when Charles Darwin published the "Origin of Species." According to Darwin, members of each species compete with each other for a chance to live, as well as with members of different species. In this competition any helpful variation gives its owner an advantage over others in the species that are not so well adapted. Members with such variations, therefore, will win the struggle for existence. They will live and reproduce their kind, while forms not so well equipped will die. Darwin called this process natural selection; it is also referred to as "survival of the fittest."

According to a national poll that was published earlier this year, only 40% of the nation's scientists are said to believe in God. I was amazed that 60% of the scientists, according to the poll, share no belief in a Creator. Darwin, however, apparently did not share such disbelief. Some years ago, I read his "Origin of Species." In this brilliant work of a great British naturalist, I came across this incisive question, posed by Darwin himself: "Have we any right to assume that the Creator works by intellectual powers like those of man?"

What a pertinent question? I think we human beings are prone to forget that the Creator, as Darwin observed, may work by intellectual powers unlike those of man.

In comparing the eye of a human being to an optical instrument made by man, Darwin had this to say: "If we must compare the eye to an optical instrument, we ought in imagination to take a thick layer of transparent tissue, with spaces filled with fluid, and with a nerve sensitive to light beneath, and then suppose every part of this layer to be continually changing slowly in density, so as to separate into layers of different densities and thicknesses, placed at different distances from each other, and with the surfaces of each layer slowly changing in form. Further, we must suppose that there is a power, represented by natural selection or the survival of the fittest, always intently watching each slight alteration in the transparent layers; and carefully preserving each which, under varied circumstances, in any way or in any degree, tends to produce a distincter image. We must suppose each new state of the instrument to be multiplied by the million; each to be preserved until a better one is produced, and then the old ones to be all destroyed. In living bodies, variation will cause the slight alterations, generation will multiply them almost infinitely, and natural selection will pick out with unerring skill each improvement. Let this process go on for millions of years; and during each year on millions of individuals of many kinds"—this is the question that Darwin poses—"and may we not believe that a living optical instrument might best be formed as superior to one of glass, as the works of the Creator are to those of man?"

Thus, Darwin appears to acknowledge a Creator back of the Creation—a master mind back of the work. I suggest that the 60% of today's scientists today who, according to the poll, doubt the existence of a Creator, read what Darwin has to say in this regard, if they have not already done so, and if they have already done so, it may be valid for them to read Darwin's observation again.

Darwin's work is sprinkled throughout with conjecture, assumptions, presumptions, and, in some cases, just plain guess work. For example: the reader often finds such words and phrases as: "Has probably played a more important part", "there can be little doubt", "we may infer", "seems probable," "I have come to the conclusion," "it cannot be doubted," "I am fully convinced" —this is Darwin talking—"it must be assumed," "seems to have been," "appears to have played an important part in the origins of our breeds," "seems to have been the predominant power," "it is probable that they were once thus connected," "thus it is, as I believe," "bearing such facts in mind, it may be believed," "we may conclude," "seem to have been the chief agents in causing organs to become rudimentary," "is probably often aided," "is perhaps intelligible by the aid of the hypothesis of pangenesis, and apparently in no other way," "it may be," "every character, however slight, must be the result of some definite cause," "one chief cause seems to be," "some additional rudimentary structures might here have been adduced," "we have only to suppose that a former progenitor possessed the parts in question in a perfect state," "the more complex instincts seem to have originated independently of intelligence," "appears to have been gained," "such variations appear to arise from the same unknown causes," "it is not improbable," . . . and so on and so on.

Darwin, posing the question, "whether there exists a Creator and Ruler of the universe," responds. Listen to his response to his own question: "And this has been answered in the affirmative by the highest intellects that have ever lived."

Twelve years after the publishing of the "Origin of Species," Darwin published "The Descent of Man." In his second book, Darwin applied his theory of evolution to the human race. In Chapter IV, Darwin makes an interesting admission. Here is what he said:

> I now admit . . . that in the earlier editions of my "Origin of Species," I probably attributed too much to the action of natural selection or the survival of the fittest. I have altered the fifth edition of the Origin so as to confine my remarks to adaptive changes of structure. . . . I may be permitted to say as some excuse, that I had two distinct objects in view, firstly, to show that species had not been separately created, and secondly, that natural selection had been the chief agent of change, though largely aided by the inherited effects of habit, and slightly by the direct action of the surrounding conditions. . . . Hence, if I have erred in giving to natural selection great power, which I am far from admitting, or in having exaggerated its power, which is in itself probable, I have at least, as I hope, done good service in aiding to overthrow the dogma of separate creations.

Darwin was not alone in his effort. Since the earliest days of man's exploration of his universe, science and religion—when not simply ignoring each other—have often been at odds. Throughout the ages, it seems that the more man has learned about the physical nature of the universe and its creatures, the greater the gap between religion and science has become.

To many in the scientific community, the world has largely become divided between that which can be scientifically and mathematically explained away, and that for which the mathematical equation or scientific basis has not yet been discovered. The Creator has had no role. He has been left out. The fabulously intricate pattern of occurrences, which had to exist in order to account for the strictly scientific view of the creation of the universe, has been viewed as merely chance—a lucky shot!—with no connection to any sort of greater intelligence. How absurd!

Mr. President, I have in my pocket a gold watch and a golden chain. Watches are not in the habit of assembling themselves. There has to be a designer. There has to be a maker back of the watch, a creator back of the chain. There has to be a greater intelligence, a Creator.

On the other side, to many of those in the religious community, too tightly held religious doctrine has precluded all possibilities suggested by scientific investigation of the physical world.

Happily, however, scientists and men of the cloth both appear to be rejecting doctrinal absolutism and discovering some common ground.

Recent articles in Newsweek and U.S. News and World Report, point to a change in attitude among scientists and theologians. Rather than opposing one another, the study of science and the practice of religion may at last be able to enhance one another. Science may be recognizing that rules, or tangible events, or even the laws of physics may not always be entirely explainable. As we search for scientific truth we may also provoke a faith that instills in the previously cynical, a wonder for the unexplainable and a tacit admission that there must be a higher power.

In innumerable cases, science is apparently unearthing instances of perfection in the physical world which are so far beyond even the wildest imaginings of the human mind that chance could not account for them, and even nondevout scientists have tended to conclude that such minute miracles can only have been wrought by some form of divine design.

Newsweek, in its edition of July 20, said, "Physicists have stumbled upon signs that the cosmos is custom-made for life and consciousness. It turns out that if the constants of nature—unchanging numbers like the strength of gravity, the charge of an electron and the mass of a proton—were even the tiniest bit different, then atoms would not hold together, stars would not burn, and life would never have made an appearance." As Nobel-prize-winning Physicist and Christian Charles Townes put it, "somehow intelligence must have been involved in the laws of the universe." And, consider the words of Physicist-turned-priest John Polkinghorne, who said that the most fundamental component in the belief in God "is that there is a mind and a purpose behind the Universe."

Similarly, Newsweek and U.S. News and World Report relate the story of Allan Sandage, one of the world's most preeminent, respected, and accomplished astronomers, who spoke at a recent meeting of cosmologists gathered

together to consider the theological implications of their work. Sandage, who reportedly admits to having been "almost a practicing atheist as a boy," has come to the conclusion through his work that Creation can only be explained as a "miracle". "It is my science that drove me to the conclusion that the world is much more complicated than can be explained by science. It is only through the supernatural that I can understand the mystery of existence."

I find it rather exhilarating that men like Sandage and Townes and Polkinghorne, who have devoted so much of their lives to questioning their universe in order to discover its secrets, have come to a conclusion that to me was answered long ago through simple, basic, unquestionable faith, and simple, common-sense reasoning.

There are those who will only ever be comfortable with a world of rules and measurements, in which events are quantifiable and reliable, and a "miracle" is defined only as that which has not yet been thoroughly dissected and concretely explained. There are also those who will always reject scientific theory if it seems in any way to challenge their religious doctrine.

But it seems to me that scientists such as Allan Sandage, who embrace both religion and science, can teach a valuable lesson to us all. A black-and-white science of stiff rules and blinders is fatally flawed. It is the scientist who looks to the heavens for divine intervention and is willing to admit that not all things are explainable, who has the greatest opportunity to achieve medical breakthroughs, uncover the mysteries of outer space and develop life-changing technologies. His is an intellect which is truly free, for he allows for all possibilities.

The two great disciplines of the world, science and religion, represent the ceaseless human probing for answers to the mysteries of life. They are, at their cores, nothing more than man's quest for truth.

As we search, may we never close our hearts to the abundant evidence of His love and his miracles all around us.

Even in the midst of great sorrow and profound tragedy, He is there and His love will prevail and will triumph. So my heart goes out today to the families of the two brave men whose lives and dedication we honored today in this magnificent Capitol, itself a symbol of man's belief in things which cannot be seen. And I hope that these loved ones will remember the words of hope from the Scriptures and the words of William Jennings Bryan:

If the Father deigns to touch with divine power the cold and pulseless heart of the buried acorn, to make it burst forth from its prison walls, again the mighty oak, will He leave neglected in the Earth the soul of man, created in his own image.

If He stoops to give to the rosebush whose withered blossoms float upon the autumn breeze, the sweet assurance of another springtime, will He refuse the words of hope to the sons of men when the frosts of winter come?

If matter, mute and inanimate, though changed by the forces of Nature into a multitude of forms, can never be destroyed, will the imperial spirit of man suffer annihilation when it has paid a brief visit like a royal guest to this tenement of clay?

No, I am sure that He who, notwithstanding His apparent prodigality, created nothing without a purpose, and wasted not a single atom in all His creation, has made provision for a future life in which man's universal longing for immortality will find its realization. I am as sure that we live again as I am sure that we live today.

With those words of William Jennings Bryan, Mr. President, I yield the floor.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3355

Mr. CAMPBELL. Mr. President, I ask unanimous consent the Senate now consider amendment No. 3355, offered by Senator KOHL, and that I be added as a cosponsor. I urge this amendment be adopted. There is support by both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is agreed to.

The amendment (No. 3355) was agreed to.

Mr. CAMPBELL. Mr. President, I yield time to Senator HUTCHINSON for the purpose of offering an amendment.

The PRESIDING OFFICER. The Senator from Arkansas.

TAX CODE SUNSET AMENDMENT

Mr. HUTCHINSON. Mr. President, shortly I will call up the Tax Code sunsetting amendment. I ask unanimous consent to add the following cosponsors: Senator BROWNBACK, Senator MCCAIN, Senator ABRAHAM, Senator INHOFE, Senator GRAMS, Senator SMITH of New Hampshire, Senator HELMS, Senator MURKOWSKI, Senator COATS, Senator SESSIONS, and Senator COVERDELL.

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

Mr. HUTCHINSON. Mr. President, I congratulate the Senator from Colorado for his leadership on this appropriations bill, his leadership on tax reform in this Congress, and his support for the provision sunsetting the Tax Code. The amendment I will be offering on behalf of myself and Senator BROWNBACK would sunset the entire Tax Code, December 31, 2002. I appreciate so much the Senator from Colorado in his cosponsorship of the original legislation that was introduced, and his support of this very, very important concept.

I also point out to my colleagues, with my appreciation, the various organizations that have endorsed the scrapping of the code, the sunsetting, the terminating of the existing Tax Code. The Americans for Hope, Growth and Opportunity, the National Taxpayers Union, the National Federation of Independent Business, the American Conservative Union, Americans for Tax Reform, and Citizens for a Sound Economy have all lent their support for what I think is an essential step for all of us who believe the existing Tax Code does not work for the American people, and that the first step in replacing it with something that is simpler and something that is more fair and something that is less of a burden upon the American people would be to set a date certain in which we terminate and sunset the existing Tax Code.

Congress recently took an important step to protect the American people from an overarching IRS. In the House, and in the Senate under the leadership of the distinguished Finance Committee chairman, Senator ROTH, Congress passed the Internal Revenue Service Restructuring and Reform Act. Under this legislation, the burden of proof has now been shifted to the IRS. A newly restructured IRS will now be overseen by an independent panel, and I commend the work of the Senate Finance Committee and Chairman ROTH for bringing this proposal to fruition.

But this legislation, which I firmly supported, must not be the end of protecting the American taxpayer. On April 2, 1998, the Senate expressed itself on the need for fundamental change in passing an amendment to the budget resolution, not only to restructure the IRS but also to terminate and sunset the Federal Tax Code by the end of 2001. We passed that sense-of-the-Senate resolution, and we have a list of all of those who voted for that sense-of-the-Senate resolution saying we should sunset, we should set a date certain, and we should terminate the existing Tax Code. I invite all my colleagues in the Senate to look at that list of those who voted, on both sides of the aisle, on a bipartisan basis, to sunset the Tax Code.

The House took a bold stride beyond this sense of the Senate in passing the Tax Code Termination Act on June 17, 1998.

Today, the Senate has the opportunity to do the same. The amendment I, along with Senator BROWNBACK and all of our cosponsors, have offered to the Treasury-Postal appropriations bill, that we will be calling up soon, would eliminate the Tax Code by December 31, 2002. Originally, way back last year, the original bill introduced would have sunset it back in the year 2000. Then there was an agreement among all the cosponsors to move that to December 31, 2001, to respond to those who said that is not enough time and the new Congress would not have enough time to enact comprehensive tax reform.

Now, in the spirit of being as responsible as possible, and responding to, I think, the misguided and flawed allegations of the administration concerning Tax Code termination, we have moved that date to December 31, 2002. That allows us 4½ years in order to write a new Tax Code. We say, in this amendment, that it should be in place July 4, prior to the sunset date.

I know the Department of the Treasury, Mr. Rubin, has sent a letter out. Everybody, I am sure, will have seen this letter opposing this amendment, saying the President is going to veto this appropriations bill if the amendment is attached. It is not the first time that those kinds of threats have been made. It is, if you will read the letter, based upon misguided and flawed assumptions, making all kinds of assumptions as to what might be enacted or what might not be enacted at the time of the sunset date.

So I believe what we are proposing is eminently responsible. So we need to join, I believe, the House of Representatives in passing this sunset date. It would allow the Social Security provisions, Medicare, and the Railroad Retirement Board to remain. But we would say the Congress, the President, the American people would replace the current Tax Code with a lean and honest system by no later than Independence Day, July 4, 2002.

For too long, the American people have suffered under the chains of the oppressive regime we call our Federal Tax Code. It is just not enough to reform the IRS when the more fundamental problem is the Tax Code that we ask them to enforce. Each year, Americans spend over 5.4 billion hours slaving away to comply with tax provisions, the equivalent amount of time it takes to produce all of the cars in this country, all of the trucks in this country, to manufacture all of the airplanes in this country for a year. That is how much time we ask the American people to spend just trying to comply with complicated, arcane, and inexplicable tax provisions. A humble family of four will spend the equivalent of 2 weeks just for Tax Code compliance.

Ironically, every year $13.7 billion of the money that taxpayers struggle to pay the Federal Government is spent enforcing tax laws, yet the IRS, the bureaucracy of 110,000 people in over 650 offices nationwide, provides misinformation one-fourth of the time taxpayers call to seek assistance.

Not too long ago, Money magazine did, as they do every year, an interesting study. They found this: 45, the number of professional tax preparers who came up with different answers when asked by Money magazine, in 1997, to fill out a hypothetical family's 1996 tax return. That was the April 1997 edition of Money magazine. They found that 45 professional tax preparers, with the same information, came up with different answers on a hypothetical family's tax return. I think that is powerful evidence that we have a Tax Code that even the professionals cannot understand.

They found also that the average hourly fee charged by professional tax preparers who came up with the 45 wrong answers is $81 an hour. That is what the American people are paying professional tax preparers who come up with the wrong answers time and time again.

Mr. President, 6.4 million—that is the number of taxpayers who visited IRS customer service centers seeking answers to their tax questions in 1996. Over 6 million, according to the General Accounting Office, actually went to the IRS customer service centers seeking answers.

Another figure, though, is 99 million, because it was 99 million taxpayers who called the IRS hotlines in 1996 seeking answers to questions about how they could comply with this complicated Tax Code; 99 million, one-fourth of them getting incorrect answers from the Internal Revenue Service.

The Tax Code is not a stagnant creature. This code has mutated from its original form into an 800,000-word, 7,500-page monster preying on the American taxpayer. We in Congress are culpable for this feeding frenzy, for even in our attempts of incremental reform, even in our attempts to help the American taxpayer, we have made the Tax Code more complex.

In 1997, Congress made serious attempts to ease the burdens of the American taxpayer. It was the first significant tax cut, I think, in 16 years. Yet, even in those efforts to provide tax relief, we unwittingly created new complications. I think everyone in this body would agree if we somehow could just start over and write a tax code, there is not one of us who would say, "Write the Tax Code the way we have it now," because it has been a creation of these incremental changes made by special interest groups who had enough power to get that change enacted into law.

We need to terminate, not complicate, the Tax Code. If you look at this chart, it says:

The number of new sections in the Tax Code created by the 1997 Budget Act—

This was our Tax Relief Act—we created 285 new sections.

The number of changes in the Tax Code accompanying the 1997 tax cut, 824, and the number of pages needed by the Research Institute of America to explain the changes in the tax law of 1997 was 3,132 pages. It was a lawyer's dream and tax accountant's dream when we passed that Tax Relief Act.

While the American people were glad to receive some tax cuts —the $500-per-child tax cut, the change in the estate tax laws, change in the capital gains tax laws—the fact is, the great winners were the tax lawyers and the accountants—3,132 pages just to explain what we did in cutting taxes.

The American people have called for this termination, this comprehensive reform of our tax laws. A recent poll that was conducted by the Americans for Hope, Growth and Opportunity discovered several things. In asking the question, "Do you approve or disapprove of a new Federal law to abolish the current tax system and require that a new Federal tax system be approved by Congress by July 4, 2001, and that this new system should then take effect 6 months after that date?"

The response was 48.9 percent approved of that proposition, which we are going to be voting on, while only 24.1 percent disapproved. By a margin of 2 to 1, the American people are saying we ought to set a date certain. Six months prior to that date certain, we should have a new comprehensive fair tax system in place.

The poll went ahead: "Do you approve or disapprove of a new Federal law to abolish the current tax system and require that a new Federal tax system be approved by Congress July 4, 2002?"

Overwhelming support.

They asked this question: "If you knew that Congress passed a law to create a new Federal Tax Code with the following specific principles: apply one low tax rate to all Americans; provide tax relief for working Americans; protect the rights of taxpayers and reduce tax collection abuses; eliminate bias against savings and investment; promote economic growth and job creation; and not penalize marriage or families—do you believe it is possible that Congress could accomplish these goals?"

That was the question, and 57.3 percent of Americans answered yes, with 34.1 percent saying no, and 8.6 percent saying they did not know or refusing to answer.

That is really quite remarkable, because what that response tells us is that the American people still have faith that their elected representatives can and should replace the current tax system with a simpler, fairer system. They think we can do it.

Americans rapidly, though, I believe are reaching the level of outrage about this tax cut that would resemble even the kind of tax rebellion that occurred in the early days of this Republic in 1776. As an aside, I offer my own statistic. No official poll. No Gallup. No scientific sample. But I suggest this: That 100 percent of the people in this country and 100 Senators in this institution believe that an overhaul of the tax system is overdue and that it should occur.

Mr. President, in the Senate today, we have three options before us—and I can't find another—we have these three

options confronting every Senator in this body: We can ignore the plight of the American taxpayer and do nothing. That is what we have done for far too long. We have done nothing. We have passed resolutions. We have passed sense of the Senates. We have made speeches, and we have debated. We have introduced bills, and we have even passed tax cuts that further complicated the Tax Code. But in the end, what we have really done about comprehensive tax reform is nothing.

Tonight we have that option before us. We can continue to do nothing. We can vote down this amendment to the Treasury-Postal appropriations bill, or we can move to table it when it is offered, and we can go down the path of defending the status quo. I suspect there will be a lot of my colleagues who will make that choice tonight.

Or we can implement incremental reforms and try our best to make repairs to a house built on shifting sand as we have almost every year for the last 12 years. In fact, one study found that since 1913, since the institution of the income tax, we have added about 100 pages to the Tax Code every year; on average, 100 pages are added to the Tax Code.

We can continue to do that. We can continue to make small incremental changes in this complicated Tax Code and hope that somehow we are able to repair this house that is built on shifting sand. I do not believe that is a viable option.

This is the third thing we can do: We can lay a solid foundation for a new house by voting for real reform, the termination of the current Tax Code. I believe the choice is clear.

Secretary Rubin, President Clinton and other critics of this proposal will say that sunsetting is reckless. I suggest that when the opponents of this rise to oppose this amendment, that is what we are going to hear: "This is a reckless proposal." We will hear it over and over.

They have characterized it as irresponsible, reckless, certain to cause uncertainty. The President wants to pretend that sunsetting provisions are somehow unusual, somehow irresponsible. They are neither. He would have us believe they create paralyzing uncertainty, and yet if you will look at the sunset provisions that we have in law, all major spending legislation is sunsetted. We recently debated legislation to replace both the Higher Education Act and the Intermodal Surface Transportation Efficiency Act, the ISTEA bill, both of which expired this year due to sunset provisions included in the original legislation. All major spending legislation contains sunsetting provisions. Sunsetting forces Congress to periodically review the merits, effectiveness and efficiency of the programs it creates. Only then can these programs be continued.

In testimony before Congress, Alan Greenspan expressed his support for the concept of sunsetting. He is the guru, many believe, of the unprecedented period of economic expansion, but he said he believed that everything in Government should face these sunset provisions.

The President has said he believes sunsetting will cause instability. I believe we are going to hear that. He imagines that the current tax system is somehow stable. The truth is, the current Tax Code is riddled with uncertainty. The only certainty in this system is that it will become more complex through incremental reform and that special interests will thread their way through these special loopholes.

To my colleagues who say this is going to create uncertainty, this is my response: If you believe that we need to get from where we are to a simpler, fairer tax system, there is no way, I suggest, to get from where we are to where we all want to be without some degree of uncertainty. You cannot replace this entire Tax Code, no matter how incremental you may do it, over a long period of time without there being certain uncertainties in markets or business planning or whatever.

But I suggest what Senator BROWNBACK and myself have proposed is the most rational way to get from where we are to comprehensive tax reform. Because we allow 4½ years, we set a date certain, we ensure that there are going to be proper oversight hearings by the Finance Committee, that all of the various proposals that have been submitted will have ample time for debate, and that the American people and the American business community will have adequate time to plan for the changes that will be enacted.

I would assume that those changes would be phased in over a period of years as well. But what we have proposed is eminently responsible, not going to create uncertainty, and is not reckless. It is only those who want to defend the status quo, I believe, who throw out those kinds of arguments.

I have a number of other points I would like to make, and perhaps as the debate goes on I will have an opportunity to do that. I know there are a number of others who are cosponsors of this legislation who will be wanting to seek recognition.

Senator WARNER has requested a period of time to discuss the Capitol security program and the new visitor center. I know that is something that is heavy on all of our minds today. And Senator BROWNBACK is certainly willing to postpone his comments.

At this point I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. We have several Senators who want to speak in opposition to this amendment who are not on the floor yet, but I ask unanimous consent that we lay the present amendment aside for the purpose of allowing Senator WARNER from Virginia to introduce another amendment.

The PRESIDING OFFICER. The amendment has not yet been offered.

AMENDMENT NO. 3356

(Purpose: To require the Administrator of General Services to acquire a lease for the Department of Transportation headquarters and to provide additional funding for security for the Capitol complex)

Mr. CAMPBELL. 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 Colorado [Mr. CAMPBELL], for Mr. CHAFEE, for himself, Mr. WARNER and Mr. BAUCUS, proposes an amendment numbered 3356.

Mr. CAMPBELL. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 47, strike lines 11 and 12.

On page 62, between lines 19 and 20, insert the following:

SEC. 4__. DEPARTMENT OF TRANSPORTATION HEADQUARTERS.

(a) IN GENERAL.—The Administrator of General Services, without further review or approval by any other office of the executive branch, shall—

(1) acquire an operating lease for the Department of Transportation headquarters; and

(2) commence procurement of the lease not later than November 1, 1998;

in accordance with the authorizing resolutions passed by the Committee on Environment and Public Works of the Senate on November 6, 1997, and the Committee on Transportation and Infrastructure of the House of Representatives on July 23, 1997.

(b) AUTHORIZATION TO REDUCE ANNUAL LEASE AMOUNTS.—In order to procure an operating lease, the Administrator of General Services shall reduce the annual lease amounts authorized by the resolutions to such extent as is necessary to effectuate an operating lease at the time at which the lease is executed.

SEC. 4__. SECURITY OF CAPITOL COMPLEX.

There is appropriated to the Architect of the Capitol for costs associated with the security of the Capitol complex $14,105,000.

Mr. CAMPBELL. Mr. President, this amendment deals with the Department of Transportation headquarters and redirects the funds for Capitol security. I know Senator WARNER would like to speak to this. I yield him time.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished managers of the bill. I will speak to the amendment. I would suggest, however, as I am speaking, that the distinguished managers look at what possibly could be a rewrite of the bill; and then at such time, if you

agree, we will substitute this for the one that is at the desk.

Mr. President, I wish to just speak briefly, as chairman of the Rules Committee, on behalf of the work that our committee has been doing since I have been privileged to take over the chairmanship.

We have been looking at, first, a program by which the security of the overall square here—we call it a square—both the building security and the outside security can be enhanced.

There is an ongoing—almost weekly—meeting on security at some level in this system. The Rules Committee has given the clearest instructions to the Architect of the Capitol, indeed, to the chief of the police, and others, to bring to the attention of the committee, and others, any new type of equipment or concept that can help improve the security of the Nation's Capitol. That has been done, and done very, very well.

On August 20 of last year—about a year ago—a plan was put forward entitled "United States Capitol Square Perimeter Security Plan." A hearing was held before my committee, the Rules Committee, on September 25, and the Rules Committee accepted the plan on November 4, 1997. It was a concept to upgrade the security on the exterior of the building.

Mr. President, I ask unanimous consent that an executive summary of that report be printed in the RECORD.

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

UNITED STATES CAPITOL SQUARE PERIMETER SECURITY—EXECUTIVE SUMMARY

This report was prepared by the Task Force appointed by the Capitol Police Board (CPB). The membership of the Task Force consists of representatives of the House and Senate Sergeants at Arms, the U.S. Capitol Police and the Architect of the Capitol. Technical support was provided by outside security and architectural consultants.

In light of recent incidents at other public and private facilities, the CPB charged the Task Force with developing options for improved perimeter security at Capitol Square. The options were to incorporate the best available technology, blend with the existing historic Frederick Law Olmsted landscape design and provide for an appropriate and cost effective coupling of these improvements with the security concepts and criteria employed in the design of the proposed U.S. Capitol Visitor Center (CVC).

Four preliminary schemes were developed for evaluation by the Task Force ranging from the simple replacement of the concrete sewer pipes and planters with bollards to an extensive perimeter fence concept that enclosed Capitol Square behind the appropriately designed security barrier.

Of the four schemes, one was chosen for development and forms the basis for the recommendations. The recommended scheme will work within the current constraints of the site and will also support the CVC concept when executed.

The recommended and preliminary schemes built upon the concepts developed in the late 1980's that came to be known as the "Whip's Plan" and expanded those concepts to incorporate the proposed CVC and improved security technology. The primary focus of the current effort is to enhance the deterrents, detection and response capabilities of security systems both existing and planned. In addition, support was also provided by the U.S. Secret Service and other law enforcement entities with overlapping jurisdictional concerns.

* * * * *

Standards for systems, hardware and physical barrier devices were developed as part of the process. These standards are included in the recommended scheme. The systems and other security methodologies used in the recommended scheme for Capitol Square have been organized in a manner that will enable them to be deployed consistently through the Capitol complex.

In that regard, a schematic design was also prepared that eliminates the unsightly concrete "Jersey' barriers, commonly used along highways, from around the Russell, Dirksen and Hart Senate Office Buildings and replaces them with landscaped roundabouts similar to those being proposed for the North and South Entrances of the U.S. Capitol Building. The designs for both Capitol Square and the exterior areas around the Senate Office Buildings are proposed with thoughtful landscape treatments consistent with existing architectural openness and aesthetics that typifies the Capitol complex today. This work is shown to test and expand the concepts on sites contiguous to Capitol Square.

* * * * *

Mr. WARNER, Mr. President, integral to that plan is a visitor center which, while it has been considered separately, it is to be tied in with the overall Capitol security plan.

Tomorrow, the Rules Committee will, hopefully, proceed with a markup of a redraft of a bill submitted by the distinguished majority leader, the minority leader, and myself several months ago. There are meetings going on right now with the Speaker, with the majority leader, and, indeed, their counterparts in the minority, to try to get some refinements to the concept which, hopefully, will be put into the markup tomorrow before the Rules Committee.

I am proud to say the Senate has been moving with steady, firm momentum on this whole concept of security—both external and internal—for some months now.

I ask unanimous consent that a letter to the distinguished Senator BEN NIGHTHORSE CAMPBELL from myself and others asking that this particular amendment reflect the change of the status of the funds which is in the amendment—it is in section 4, "Security Of Capitol Complex . . . is appropriated to the Architect of the Capitol for costs associated with the security of the Capitol complex $14,105,000."

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

U.S. SENATE, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC, July 27, 1998.

Hon. BEN NIGHTHORSE CAMPBELL,
Chairman, Subcommittee on Treasury, Postal Service, and General Government, Dirksen Senate Office Building, Washington, DC.

Hon. HERB KOHL,
Ranking Member, Subcommittee on Treasury, Postal Service, and General Government, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN CAMPBELL AND RANKING MEMBER KOHL: We write to request your assistance in resolving an important matter involving the U.S. Department of Transportation (DOT), its thousands of headquarters employees, and the taxpayers.

As you know, the Committee on Environment and Public Works, at the Administration's behest and the personal request of the Secretary of Transportation, has been working to authorize suitable housing arrangements for DOT headquarters. DOT currently occupies the Nassif Building, which has been under Federal lease for nearly 30 years. However, the building is inadequate for DOT needs and may pose health concerns for the 5,600 DOT employees who work at that location.

The lease on the Nassif Building expires in March of 2000, presenting the government with an opportunity to obtain new housing for DOT. Toward that end, on November 6, 1997, the Committee approved a resolution authorizing the General Services Administration (GSA) to enter into a long-term operating lease for a headquarters building, with the possibility of government ownership at a later point. The terms of the Committee's resolution were based on discussions with, and approved by, Administration officials.

Since that time, however, the Administration has changed its position and prefers a government owned building. Its FY99 budget request included $14.1 million for the design costs associated with the construction of a new government-owned building. This change has resulted in an eight month delay—a delay that has meant no relief for DOT employees, and is threatening to result in significantly higher interim lease payments by the government.

More importantly, while construction of a government-owned building may be a cost-effective solution to DOT's housing needs over the long term, we are concerned that such an option is not realistic in light of our limited budgetary resources. Frankly, we are skeptical that the $300 million necessary for construction of a government-owned building will be made available over the next few years, given the backlog for priority courthouse construction. Should the money become available, however, the Committee's resolution explicitly invites the Administration to return to request authority for government ownership. We have expressed these views in recent meetings and discussions with Administration officials from DOT, GSA, and the Office of Management and Budget (OMB).

Therefore, we believe that it is critical for GSA to move ahead immediately with the lease procurement. Toward that end, we would propose to work with you and your staff to include language in S. 2312 that would ensure that the Solicitation for Offers goes forward. Furthermore, in order to send a clear and unambiguous signal to the Administration to proceed expeditiously, we request that the current earmark of $14.1 million for design of a new DOT building be deleted. We consider this request to be of the

utmost importance, as we wish to resolve this situation for the benefit of the Department, DOT employees, and the taxpayer.

We appreciate your consideration of our request. Attached is the text of our proposed amendment; we look forward to working with you toward a satisfactory resolution.

Sincerely,

Max Baucus, John Warner, Bob Graham, Daniel Moynihan, Joe Lieberman, James Inhofe, Craig Thomas, Kit Bond, Frank R. Lautenberg, John H. Chafee, Tim Hutchinson, Wayne Allard, Dirk Kempthorne, Barbara Boxer, Ron Wyden, Jeff Sessions, Bob Smith.

Mr. WARNER. The amendment is really twofold: one, to transfer those funds; and, secondly, to establish a procedure by which the other problem can be taken care of. I know right now the manager of the bill is comparing the two amendments.

I believe our distinguished chairman of the full committee, Senator CHAFEE, is here to speak to the DOT headquarters issue.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. It is incorporated in the amendment. It is my understanding that this amendment regarding the DOT building and the lease arrangement is acceptable by the managers. While I——

Mr. WARNER. That is correct. Could I finish my statement and then you address that?

Mr. CHAFEE. I have nothing further to say. If they are prepared to take that part, I am delighted.

Mr. WARNER. That is correct. I thank the chairman, and I appreciate his work.

The funds are transferred. As soon as we can reconcile some minor technical differences between the amendment at the desk and another copy, I say to our chairman, we will soon vote on that amendment. The letter I just had printed in the RECORD sets forth the chronology.

Now, the reason that we are transferring this money is that—I am speaking for myself, but I am very optimistic that under the leadership of Senators LOTT and DASCHLE, the Senate will come together in its concept for funding for the visitor center and its concept of how we can make some adjustments to the previous plan, and tomorrow in markup report out a bill which can then be considered by the full Senate and then eventually by the House.

But I would like to read a little background to show you the need for moving ahead. Yes, the tragic events of the last few days—and we have just completed what I regard as a magnificent—magnificent—tribute to the two fallen Capitol policemen, together with their families, the President of the United States, the Vice President of the United States, Senator LOTT, the Speaker, and Chief of Police Albrecht.

But we have been moving steadily on this program. Now we intend, hopefully, to go and take the next step and put a legislative proposal before the Senate; and then, hopefully, the House will act.

I will read from a CRS report, which I ask unanimous consent to have printed in the RECORD, dated July 16, 1998.

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

CAPITOL HILL SECURITY: CAPABILITIES AND PLANNING

(From the Congressional Research Service)

SUMMARY

The U.S. Capitol is simultaneously a national shrine, tourist attraction, and working office building. Each of these functions imposes different security requirements. The Capitol Police Board, established by Congress to protect the Capitol complex, has responsibility to reconcile the needs of safety and openness. Acting under the direction of House and Senate oversight and appropriations committees, the board has recently instituted numerous enhancements to the Capitol security system. To further enhance security, Congress in April appropriated $20 million for a perimeter security plan encompassing Capitol Square, Senate office buildings, and adjacent grounds. Implementation of the plan is contingent upon approval by the appropriate congressional oversight committees. Still under consideration are proposals calling for a visitors' center beneath the east front plaza that would provide more effective remote screening of Capitol visitors, and a perimeter security plan for the Supreme Court.

INTRODUCTION

Seven to 10 million tourists visit the Capitol complex annually. In 1997, the Capitol hosted more than 2,000 American and foreign dignitaries, and was the site for nearly 300 scheduled demonstrations. In addition to lawmakers and their staff, a sizable number of journalists, lobbyists, and service personnel also work within the Capitol complex.

The challenge of achieving a secure environment for the Capitol complex, while still maintaining an atmosphere of openness, has become increasingly difficult in this century. Both the potential threats to the Capitol and the number of people using the area every day have grown dramatically. Incidents such as the 1993 bombing of the World Trade Center and the 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City, as well as international confrontations like Desert Storm in 1991, have prompted increases in the level of security afforded the Capitol complex.

CURRENT SECURITY PROCEDURES

Role of the U.S. Capitol Police

The U.S. Capitol Police force, under the direction of the Capitol Police Board (which is composed of the Architect of the Capitol and the Sergeants at Arms of the House and Senate), is responsible for Capitol complex security. By law, the Capitol Police are responsible for the procurement, installation, and maintenance of security systems for the Capitol, House and Senate office buildings, and adjacent grounds, subject to the direction of the Committee on House Oversight, Senate Committee on Rules and Administration, and the House and Senate Committees on Appropriations. The Architect of the Capitol must approve any alteration to structural, mechanical, or architectural features of the Capitol complex buildings that is required for a security system. The House and Senate Appropriations Committees must approve funding for these programs.

In FY 1997, Congress appropriated $75.4 million for the Capitol Police Board, which included funding for the Capitol Police, and $3.25 million for the design and installation of new and expanded security systems. In addition, the Architect of the Capitol received $250,000 for "architectural and engineering services related to the design and installation" of those systems. For FY 1998, Congress appropriated $74 million for the Capitol Police Board, including funding for 1,255 Capitol Police positions.

Regular Security Procedures

The Capitol Police force is prepared to deal with a wide array of challenges, including armed intruders, bomb threats, and chemical and biological warfare. Metal detectors, X-ray machines, other state-of-the-art security and surveillance systems, and uniformed officers are located at the entrances of all 19 buildings comprising the Capitol Hill complex. Inside the Capitol, security cameras and motion detectors monitor the movement of people. Uniformed and plain-clothes officers are stationed in the House and Senate chambers, and throughout the building. All trucks making deliveries to the Capitol must first go to a central delivery site where the contents are unloaded and subjected to X-ray, weapons, and K-9 inspections before being delivered. K-9 units also perform random sweeps for explosives in adjacent streets and parking garages.

Specialized Units

The Capitol Police also have several specialized units to deal with particular types of security threats. Each of these units, except for the hazardous devices unit, works with other units on other assignments, including street patrols. The specialized units, which were created to address organizational concerns and assure appropriate responses to new kinds of perceived threats, include the: first responder unit, the first to arrive when there is an emergency; mountain bike unit, used for increased mobility across the Capitol grounds when a situation requires quick access to a site; containment and emergency response unit, used for counter-terrorism, hostage rescues, dignitary protection, and chemical/biological warfare situations; hostage negotiations unit, with primary responsibility for all hostage negotiations, frequently assisted by the containment and emergency response unit; civil disturbance unit, responsible for monitoring large demonstrations when the potential for significant public disturbances exists; and hazardous devices unit, acts as the bomb squad on Capitol Hill, conducts off-site explosives security for Members, maintains a K-9 explosives detection corps, and is slated to take over chemical/biological warfare response functions.

Enhanced Capabilities of the Capitol Police Force

In recent years, the Capitol Police force, with the concurrence of Congress and the Capitol Police Board, has enhanced its capabilities and professionalism by: increasing the training opportunities available to members of the force; creating a physical security division charged with the development and implementation of an integrated security plan for the entire Capitol complex; strengthening its ability to deter, interdict, and respond to acts of violence through partnership with other U.S. intelligence and security agencies; and developing a chemical/biological incident response capability. It has also created a working group to refine,

document, and implement an emergency evacuation plan and critical-incident command operation.

PERIMETER SECURITY PLAN

Subsequent to the developments already described, the Senate Committee on Rules and Administration early in 1997 directed the Capitol Police Board to develop a perimeter security plan for the Capitol complex. For this purpose, the board organized a task force that included key staff from the offices of the Architect of the Capitol, the House and Senate Sergeants at Arms, and the Capitol Police, as well as nationally recognized architectural and security consultants. "The challenge," the Architect emphasized at subsequent hearings, was "to sensitively integrate a sophisticated security program into the historic landscape of the Capitol grounds and the fabric of the incomparable complex of buildings that grace Capitol Hill."

On September 25, 1997, the Architect unveiled the results of the effort, which the Capitol Police Board endorsed, at a Senate Rules Committee oversight hearing. The plan called for "improved security at all entrances to Capitol Square through the use of a combination of high impact vehicle barriers that are police activated at the most critical locations, or card activated at parking related areas." The primary elements of the plan were: (1) "a continuous string of security bollards similar to those designed for, and installed at, the White House;" (2) "new impact stone planters consistent with the Frederick Law Olmsted walls;" and (3) an "integration of electronic and other security systems at each entrance." The continuous security perimeter would be located largely within Olmsted's original walls, as designed by the acclaimed 19th century landscape architect.

A month later, the Rules Committee approved this plan, and also authorized the Architect to move forward immediately in developing perimeter security for the area immediately adjacent to the three Senate office buildings. On April 30, 1998, Congress approved $20 million for "the design, installation and maintenance of the Capitol Square perimeter security plan" as part of a FY 1998 supplemental appropriations bill, which was signed into law the following day. These funds include $4 million "for physical security measures associated with" the plan. Use of the remaining $16 million was discussed in documents provided to the Senate Rules Committee at the September 1997 hearings.

The Senate version, as initially reported, provided that funds for perimeter security of Senate office buildings be subject to review and approval by the Senate Appropriations and Rules and Administration Committees. Funds provided for perimeter security of the Capitol Square were subject to review and approval by the House and Senate Appropriations Committees, the Committee on House Oversight, the Speaker of the House, and Senate Rules Committee.

OTHER CURRENT SECURITY PROPOSALS

Proposed Capitol Visitors' Center

Still pending before Congress is a proposal to construct a visitors' center beneath the east front plaza of the Capitol. This proposal has implications for security enhancement because the center would serve as the primary entrance and exit for visitors, allowing the Capitol Police to screen them more effectively. At the same time the center would create space for several auditoriums, a cafeteria, educational exhibit facilities, restrooms, and a first-aid station. Planning for the visitors' center has been underway since 1991, when the Architect of the Capitol received approval to use previously appropriated security enhancement funds for the center's conceptual planning and design.

The design was completed in June 1991, and reviewed by the House and Senate Appropriations Committees and the Senate Committee on Rules and Administration. In December 1993, the Capitol Preservation Commission allocated $2.5 million to translate the concept into a formal design. The Architect entered into a contract with RTKL Associates Inc. to develop a design for the visitors' center, and in 1995, the Architect published a report reflecting RTKL's work.

H.R. 20 and S. 1508, introduced in 1997, "authorize the Architect of the Capitol, under the direction of the Capitol Preservation Commission, to plan, construct, equip, administer, and maintain a Capitol Visitor Center," and "reconstruct the East Plaza . . . to enhance its attractiveness, safety, and security." S. 1508 would delegate responsibility for the design, installation, and maintenance of the center's security systems to the Capitol Police Board, which would be required to conduct a study assessing "security cost savings and other benefits resulting from the construction and operation" of the center.

S. 1508 identifies a primary purpose of the center as the enhancement of Capitol security. When it was introduced, Senator John Warner, chairman of the Committee on Rules and Administration, emphasized that the "most compelling need for the Capitol Visitor Center is to add a major element of enhanced security for the entire Capitol building and environs." During May 1997 hearings on H.R. 20, members of the Police Board stressed that a visitors' center would enable the Capitol Police to regulate the number of people inside the building at a given time, allow them to be better prepared for an orderly evacuation in the event of an emergency, and strengthen the security of the Capitol while preserving free public access.

Both bills call for the establishment of a separate account in the Treasury to handle funds for the project. S. 1508 directs the Capitol Preservation Commission to "develop a detailed plan for financing the project at the lowest net cost to the Government." H.R. 20 directs the Architect of the Capitol to develop and submit a plan to the commission "that would enable construction of the project to be completed without the appropriation of funds to the Legislative Branch." The estimated cost of the proposed visitors' center is $125 million. Of this amount, the Commission has already raised $23 million.

Proposed Supreme Court Perimeter Security

A related proposal calls for the development of a perimeter security plan for the Supreme Court building and adjacent grounds. In FY 1997, Congress appropriated $150,000 for a preliminary study under the director of the Architect of the Capitol, which was completed by private consultants. In June 1998, Chief Justice William H. Rehnquist approved the schematic plan presented by the Architect and security consultants. The Court's FY 1999 budget request includes an additional $500,000 for "detailed design development and preparation of construction drawings" for this project that are "consistent with design schemes being implemented through the Capitol complex perimeter security." It is estimated that a Supreme Court perimeter security plan would cost approximately $5.1 million.

Mr. WARNER. From that report:

Seven to 10 million tourists visit the Capitol complex annually. In 1997, the Capitol hosted more than 2,000 American and foreign dignitaries, and was the site for nearly 300 scheduled demonstrations. In addition to lawmakers and their staff, a sizable number of journalists, lobbyists, and service personnel also work within the Capitol complex.

The challenge of achieving a secure environment for the Capitol complex, while still maintaining an atmosphere of openness, has become increasingly difficult in this century. Both the potential threats to the Capitol and the number of people using the area every day have grown dramatically. Incidents such as the 1993 bombing of the World Trade Center and the 1995 bombing of the Alfred P. Murrah Federal building in Oklahoma City, as well as international confrontations like Desert Storm in 1991, have prompted increases in the level of security afforded the Capitol complex.

This report talks about the legislative proposals. I refer to one of the last paragraphs.

S. 1508 [a bill that I drafted and put in with the distinguished majority and minority leaders several months ago] identifies the primary purpose of the center as the enhancement of Capitol security. When it was introduced, Senator John WARNER, chairman of the Committee on Rules Administration, emphasized that the "most compelling need for the Capitol Visitors Center is to add a major element of enhanced security for the entire Capitol building and environs."

"During May of 1997 hearings on H.R. 20, members of the Police Board stressed that a visitors' center would enable the Capitol Police to regulate the number of people inside the Capitol at a given time, allow them to be better prepared for orderly evacuation in the event of an emergency, and strengthen the security of the Capitol while preserving free public access."

We want to, in every way, maintain this, the people's building, and to provide for the greatest degree of access that we can possibly achieve, given the need for increased security measures. It is my fervent hope that in the years to come, not only 7 to 10 million, but even more Americans and visitors from abroad can come and see this structure and the symbol of freedom for which it stands.

Mr. President, I am having a portion of the report that was associated with the United States Capitol Square Perimeter Security Report be reworked by the Architect's office so it can be printed in the RECORD. I also hope before the day's conclusion to introduce a draft of a bill which would be taken up in markup tomorrow, but I am awaiting instructions from the majority and minority leader and, indeed, the Speaker's input, which I hope to get today.

I thank the Chair. I thank the manager of the bill. I yield the floor.

Mr. CAMPBELL. It is my understanding that the Warner amendment of technical changes is supported by both sides of the aisle. I urge its passage.

Mr. WARNER. May I ask the manager, have we had a chance to compare the two drafts, and is the draft at the desk to be amended at all?

It is the same? So the draft at the desk, then, is the same. I join with the manager in moving the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3356) was agreed to.

Mr. CAMPBELL. I move to reconsider the vote.

Mr. WARNER. I move to lay it on the table.

Mr. President, I wish to thank the distinguished Senator from Colorado and his distinguished partner, the other manager of the bill, for their cooperation in expediting this manner.

Mr. CAMPBELL. I now ask unanimous consent to return to the Hutchinson amendment.

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

The Senator from Kansas.

TAX CODE SUNSET AMENDMENT

Mr. BROWNBACK. Mr. President, I rise to make a few remarks regarding the Hutchinson amendment that is to be offered shortly regarding the Tax Code sunset bill or Tax Code Elimination Act that he has been working on. I have been working with him, along with a number of our other colleagues in the Senate, in considering this particular piece of legislation.

I congratulate the Senator from Arkansas on his work on pushing forward a sunsetting of the Tax Code and a sunsetting of the burden it places on the American families—not so much of the rates, even though I think those are too high; not so much as the level of taxation, which I think are too high as well; but the burden simply of such an oppressive, intrusive Tax Code.

I want to share a little bit with my Members here in the Senate about the nature of this Tax Code and some of the things that are happening within this Tax Code. I have a chart here that I think says quite a bit about where our Tax Code has evolved to. Look at the basic foundation. The Declaration of Independence, 1,300 words; the Bible, 773,000 words; the United States Tax Code, 2.8 million words and growing. And growing. That is just too much, too much of a burden.

I also want to share with my colleagues, this debate has been going on for a little bit of time, so we contacted the IRS and said could we have all of the forms that you send to the average American in asking them to fill out their taxes. We just want to see the forms that the average American gets, and we would like to have all of them.

It was interesting that the first thing they responded from the IRS headquarters is we don't have all of the forms. They said they couldn't get those, so they did send us about two-thirds of them. I would like to show Members, these are just the forms. This is not the law. These represent the regulations that explain what is taking place with the IRS code. These are just the forms that they send and the instructions that go with those forms. There are a lot of other documents that go along with these, as well. I hope I can get these stacked on the desk and the desk will hold it.

The burden on the back of this desk is the burden on the back of the public. This is not even all the forms. It represents two-thirds of the forms shipped out by the IRS to the average taxpayer, to businesses, saying these are the sort of things you have to fill out. Not only do you have to fill them out, you have to fill them out correctly. If you don't get them correct, you are subject to fines, penalties, possible imprisonment, from this horrendously complex Tax Code that many people—even with some advising from the Government—don't get the answer right.

If that doesn't define a burden, I don't know what does. What is even worse is that the Federal Government is not content merely in collecting taxes or making complex taxes. It wants to control behavior, as well. Some of those things it would put in the Tax Code are not even very good, either.

I want to give a great example of micromanagement by the Federal Government of people's daily lives in a negative fashion; that is, the marriage tax penalty. Most people are familiar with the marriage tax penalty, and that is a tax on people to be married, two-wage-earner families, to be married. They will pay more in taxes than two single people. Two single people who choose to live together would pay less in taxes than a married couple.

Now I think most people would say in this time of difficulty for families that that is a bad signal to send. We are going to tax marriage as a disincentive to marriage in the system. People say we didn't put it there as a disincentive. Well, it is a disincentive to marriage and it is built into the Tax Code and it is substantial. It is also preposterous.

Our society is built on the foundation of solid families. Creating disincentives to solid families is the wrong signal for us to send at this point in time in our Republic. It is the wrong signal to send at any time. Because of the marriage penalty and other inconsistencies in our Tax Code, I am convinced that this is a Tax Code that history will report as one of the most onerous burdens ever faced by the American public. Our amendment aims to make this code history and to require Congress and the President to put in place a new code, a fair and a simpler tax code, that has far less micromanagement from the Federal Government, and is far more oriented towards growth and toward the family.

Mr. President, I want another American century. I want it for my children. I want it for my children's children. And I want it for all Americans. I am convinced that with this type of a system, with this type of micromanagement out of Washington, we cannot have another American century. This code must be scrapped. We put plenty of time in place to come up with a new, better, simpler tax code that is more liberating to the families, that is more supportive to business, and is far more intelligible by the public.

As a matter of fact, I simply ask my colleagues that don't support this type of amendment, could we do any worse than the current Tax Code? Could we truly be any more complicated than the current taxation system? Could we be any more onerous and unintelligible than the current tax system if we sunset this and go to another? I ask that question as I travel around the State of Kansas, and I don't get many people that say it could get any worse. It has grown over the years and we have added and added and amended and amended. Americans are demanding tax reform and we have promised tax reform. It is now time to deliver on that promise to the American people. Some will argue that we have to be careful about any radical changes to our tax laws, and I agree. I believe that we must carefully weigh alternative plans, debate the macro and micro effects of each, and then arrive at a thoughtful and reasoned solution that is equitable and just. That is why we are putting this off 4½ years until we actually go to and require a new Tax Code. We are saying 4½ years of debate, but let's finally start the debate. We haven't even gotten started on it. We are saying let's start the debate, and let's set a time certain that we will have a new Tax Code that is fairer and simpler, and let's have a great national debate about it. The way we are going right now is, we are saying yes, it is a bad Tax Code, but we are not willing to do anything about it.

This amendment would simply say we are going to do something about this over the next 4½ years. We are going to pass a new Tax Code. We are sunsetting this one at a date certain, and let the great national debate begin. I think that is a just and equitable way to go, and it is not a radical way to go.

The bottom line is that the Tax Code we now have in place punishes good investment decisions and distorts the labor market, as well as our rates of national savings. It hurts the family and manipulates behavior by adding incentive to do one thing while punishing another, which frequently goes in the wrong direction.

Here is another quick example of an inadequacy in our Tax Code that is a harmful public signal. I don't know if you recall this; some people will. I mentioned this previously on the floor. If you are a chronic gambler, you can deduct your gambling losses. If you are a homeowner who made an unlikely investment and the value of your home

declined, you have no recourse in the Tax Code because you cannot claim a deduction for capital loss. The question is, Why can somebody deduct a loss associated with a bad game of blackjack but not a loss associated with their primary residence in which they were the unfortunate victim rather than the willing participant? The code is full of inconsistencies like the one I mentioned—perhaps unintended—that people got into over a period of time.

I would like to think that what we could do now is start a reasoned and great debate about a simpler, fairer, better system that is far less about micromanagement and raising revenue for the Federal Government, and not about sending bad signals to the public. Some may disagree about how we would go about going to a different Tax Code, but this is precisely the issue upon which we must focus our debate. We must decide where we want the tax to be imposed, and we must understand the imposition of the tax on the health of the economy. However this debate takes shape, we must have as our goal a tax system that doesn't distort behavior and create deadweight loss. We must have as our goal a pro-growth, pro-family tax system. We should have as our model some kind of simpler and fairer and far more understandable code.

As I travel across Kansas, I ask a lot of people about whether or not they regularly, or even within the last month, have made a personal or business decision based upon the Tax Code. Virtually two-thirds say that, "Over the last month, I have made a business or a family decision based upon tax policy." That is not what we want to create. It is a system where everybody has to consult with the Tax Code before they make a business decision, where everybody has to consult the Tax Code before they make a family decision. Yet, that is the system that evolved to where we are today, to where it is micromanagement out of Washington.

I ask the public in Kansas, "Imagine if you had a system that, regardless of the business decision you made or the family decision you made, the tax results were the same. Would you like such a system?" They say, "Absolutely." Furthermore, they would have more economic growth, as they would put the money into a better economic decision taking place here, and they would not be penalized as a family member doing things that are the best for their families.

Let's begin the great national debate. Let's sunset this Tax Code and move to something new. Our bill will enable the debate to take place outside of the realm of some of the demagoguery because it does protect the important funding mechanisms for Social Security and Medicare. We set aside those chapters in the IRS Code; we don't touch those. I believe we have a commitment to ensure that we have a full, honest, and open debate. Our bill will give that opportunity to this Senate.

Finally, Mr. President, as we look forward to the new millennium and, hopefully, another American century, we will provide the American people with a renewed sense of the American dream, a renewed sense of what it means to be an American and what it means to live in America. We can't achieve that with this taxation system. It is time to sunset it, start the debate, and get to a better one.

Mr. President, I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, throughout my career, I have been a strong proponent of tax reform. I have made no bones about the fact that the tax burden borne by Americans is onerous and counter-productive to real economic growth, jobs, and opportunity. I have made it clear that we stand in need of tax reform—a tax code that is simple and fair, placing the needs and growth of our families and communities before the needs and growth of the Federal bureaucracy.

I am encouraged by the developing consensus for serious tax reform. As chairman of the Finance Committee, this is among my highest priorities. And I look forward to working closely with my colleagues toward building a promising new tax system that will open a world of possibilities as America moves into the 21st century.

At this time, however, I caution my colleagues to not let the momentum we are gathering overtake our constructive endeavors.

To sunset the current tax code without first structuring a better system would be something like quitting your job before first establishing where your new place of employment is going to be. While such a move may be satisfying and even exciting, when you have a mortgage, some personal debt, and a family depending on your income it is not only imprudent, but could result in devastating consequences.

Prudence, control, and careful planning—that's what our tax reform efforts require from us. Sunsetting the tax code without an alternative in place would create pandemonium in the marketplace.

What would it do to our credit rating? To our ability to meet current responsibilities? How would it be perceived internationally, among our economic partners, and in the global banking community? And how would it affect our families and business community? How do they plan? Where do Americans put their money for retirement, for pensions, for investment, for housing? What will happen to the home mortgage deduction? And how will that influence the real estate and homebuilding markets?

Today the Dow Jones industrial average is down because of recent corporate earning reports and developments in the investigation into the President. Can you imagine what will happen when news hits that the tax code is going to be sunset without a consensus or even a blueprint for a replacement?

If Congress votes to sunset the tax code and does not enact a replacement by December 31, 2002, what happens? We need a tax system—despite how much I would prefer it to be otherwise.

If there is no replacement by December 31, 2002—if Congress has not yet reached a consensus, if the decision—the best Congress can do—is to extend the tax code we have voted to sunset then that extension would, in effect, become the single largest tax increase in history!

I do no want to be party to that. I don't think any of my colleagues do.

To tear down the tax code before Americans know what will replace it is dangerous. We must work to change the current system. Toward this end, I pledge my every effort.

We must eliminate the current code's complexity. We must bring relief to those who are bearing a back-breaking load. We don't need to fiddle at the edges of the current code. We can change the code altogether. We can create an innovative and promising code for a new century. But we must do it in an organized and orderly way. To vote for this amendment is to pass the buck to future Congresses. We can go home and declare victory for taking a strong stand for tax reform, but then the issue will still have to be addressed, a consensus will still have to be developed, Americans will still need to be included in such an important effort.

I am sympathetic to this amendment. Emotionally, it appeals to me. But it is not right. It is not right analytically. It is not good public policy. And it, in fact, is not right Constitutionally. Only the House can originate a revenue measure. This vote would constitute a revenue measure, and—as such—would be subject to a blue slip. For these reasons, I encourage my colleagues to vote against this amendment and join me, and the many others who realize the importance of real tax reform, in working for a successful new code.

Mr. President, I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Minnesota.

Mr. GRAMS. Thank you very much.

Mr. President, I rise to strongly support Senator HUTCHINSON's amendment to terminate the tax code. I commend his leadership and his persistence in advocating what is real tax reform.

Mr. President, more than 200 years ago, our ancestors staged a tea party and revolted against their mother

country to protest the imposition of unfair taxes. Today, taxes imposed by our own government are unfair by any standard. Had our ancestors faced a tax system as punitive as ours has become, they might very well have jumped into the harbor along with the tea.

Americans today are working harder but taking home less of their pay. Why? In excess of $1.7 trillion of their income is siphoned off to Uncle Sam each year. In 1997, total taxes—federal, state, and local—claiming a record 38.2 percent of a typical family's income.

Nearly 40 percent of everything the average family made went to support government.

Nearly 4 hours of every 8-hour working day are dedicated just to paying taxes. The total tax burden borne by the American taxpayer in 1998 is the highest in U.S. history.

We are being taxed at a higher level today than at any time in history, including World War II and other conflicts.

The tax code must be terminated because the earnings, spending, and savings of the American people are taxed over and over to squeeze more money out of their pockets to line the pockets of government. Income is taxed when it's first earned. The after-tax income is then subject to certain excise taxes when spent.

If this after-tax income is saved in a savings account or invested in a business, the interest and profits will be taxed again. If the corporation pays out its after-tax earnings as a dividend to the saver, or if the saver sells his investment, the savings is taxed a third time through a capital gains tax.

If the saver dies with some accumulated savings, these savings will be taxed a fourth time through estate and gift taxes. Even after death, one's tax liability lives on.

The tax code must be terminated because it has long been used as a tool for social engineering and income redistribution rather than sound economic policy.

Clearly, a system of graduated marginal rates violates the principle of fairness. In addition, special interest groups are often unfairly rewarded by politicians with special tax privileges.

We need to have a date certain when this Tax Code is going to end and that we can begin with something new. No matter what we have done recently to try to improve the IRS and the Tax Code, it is like putting lipstick on a pig. We can't make it pretty. We have to pull this code out by the roots, and we have to change it and replace it with something that is friendly and that is fair and taxpayer friendly.

We need something like this legislation to act as a stick of dynamite under the chairs of Congress to make them act, rather than procrastinating and saying, "We will do it next year, or maybe the year after, or the year after." The American taxpayers aren't going to wait that long.

The Tax Code must be terminated because it has become simply complicated. It is difficult for anyone to understand, as Senator BROWNBACK showed us with this huge stack of just the forms that we are having every year. The Tax Code has grown, as he showed us, from 14 pages when it was first enacted to more than 10,000 pages of Tax Code today, plus another 20 volumes of tax regulations, and then thousands of pages and instructions that go along with it. Even the IRS and tax professionals repeatedly make mistakes. IRS agents reportedly gave wrong answers to taxpayers at least half of the time. And the question is, How can anyone master all of the code? I don't blame the IRS or any of the good workers at the IRS. But it is Congress that has developed a Tax Code that is so complicated that even the experts in the field of the IRS can't guarantee that they are going to give the average taxpayer an answer that is right when they call and ask.

So, again, the tax code must be terminated because it's too expensive for the American people. The IRS employs over 102,000 agents to collect taxes, more agents than the FBI and the CIA combined. The taxpayers must pay more than $8 billion each year to operate the IRS.

Worse still, American families, small business owners, and corporations will spend at least another $225 billion just trying to comply with the Tax Code, money that could be better spent elsewhere. If they fail to comply due to innocent mistakes, the IRS penalties could actually ruin some lives.

The tax code must be terminated because the IRS has evolved into an arrogant, inefficient, intrusive, and abusive bureaucracy. IRS agents routinely use their enormous, coercive power to squeeze more money out of the taxpayers' pockets to meet the demands of ever-increasing government spending.

Rooted deeply within the system rests the core flaw of the tax system: policymakers care little about spending other people's money because the money isn't their own. Now is the time to reverse that thinking.

If you are going out tonight for supper and spend your own money, you might spend $50. But if you are going to go out for supper and you take my credit card, you might spend $500 on a night out. In Washington, much of that is what is happening.

With millions of our citizens demanding real tax reform, Congress must grasp this historic opportunity to deliver change—change that will forever repair the system, honor our great American heritage of individual choice and responsibility, and reflect true American values.

In sum, Mr. President, the current tax code is an unmerciful mess—but it doesn't need to be. We can and must replace it with a new system that is simpler, fairer, flatter, and friendlier—a better system that will lead this great country into the 21st century.

We will not have a better incentive to reform than an actual date to terminate the code. I urge my colleagues to support Senator HUTCHINSON's in this very, very important amendment.

Thank you, very much. I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I do want to say to the managers that I don't think we should have a lengthy debate this afternoon on this subject. It is one that I could see us spending hours or days on, because there is plenty to talk about. But we need to continue to make an effort to move our appropriations bills.

I know the distinguished chairman of the Subcommittee on Treasury and Postal Service, the Senator from Colorado, would like to do that. He and the ranking member from Wisconsin are working hard. But I want to give a few remarks briefly in support of this amendment. I have stayed away from doing that on amendments on appropriations bills because I have been discouraging amendments all along the line. But this is one I feel strongly about.

It is also very hard for me to rise in support of an amendment of this nature when the chairman of the Finance Committee is expressing his reservations. But it is totally understandable. He wants to make sure that when we do it, we do it right, and that we develop another tax system that we have thought about. He is doing what you would expect a cautious chairman to do. He takes a back seat to none of us when it comes to finding ways to make the Tax Code fairer and giving tax relief to the American people.

Having said that, I think we ought to do it. There is plenty of time here to think about what the alternative is going to be. Four and a half years—how long does it take? I will tell you how long it will take—forever, unless we make up our minds on behalf of the American people. With their support, we are going to make this happen. We are going to do it.

Others have pointed out what we are talking about. Here it is, Mr. President. This is the Internal Revenue Code.

The copy I have here is about 7,000 pages long in very small type. Frankly, that is absurd. This Tax Code contains the accumulation of 85 years of special interest provisions—your special interest, my special interest, somebody else's special interest, but it has become a hodgepodge. It is not understandable. It makes no sense. It is not simple. It is not fair. It is hopeless. We

ought to start over and try to get it right and make it fairer and simpler.

It has become, quite frankly, a three-headed monster, and we have to cut off all three heads. We are working on two of those. One, you cut off the head of unfairness and try to provide some of the tax relief that really is needed by allowing families with children to keep more of their money, as we did last year; by moving to eliminate the death tax, as we started on last year; by hopefully getting started seriously phasing out as soon as possible the marriage penalty tax this year. We are doing some things that make it fairer and even a little simpler, and we will continue to do that. We should do some more of it this year and some more the next year. We should do some of it every year.

The second head is intimidation—the culture, the problems at IRS that we saw that have developed over the years since the last time we reformed the IRS Code way back in 1952. Well, this year we got it done. It took us almost a year, but we did get fundamental reform and restructuring done. That was the second head that we were able to chop off and deal with.

But the third one is to terminate this Tax Code, do it in a responsible way. It won't terminate until December 31, 2002. Plenty of time to decide.

When I go to my own State and I ask people: What do you think about the Tax Code? They react negatively. And I say: How many of you think we should eliminate it? Every hand, every hand goes up. Then you start saying, OK, what are we going to replace it with? We have got time to go to the people in Wisconsin and Colorado and ask their opinion.

Let's think this thing through. Let's do it right. But let's make it clear, let's make it undeniably clear we are going to do it. This is the way to do it.

Some people say, well, gee, unless you have a plan in place, you shouldn't do this. Well, in Michigan, the great State of Michigan, a big State, they eliminated the property tax without a replacement because they knew that the deadline would force their legislature to act on a replacement. And they did. Wisconsin—Wisconsin—created a deadline for abolishing its welfare system, and it drove the reforms that have worked in that State probably better than any other State, at least from what I understand.

This will guarantee that we get it done. I think we should pass the termination date, and I think we should make ourselves live by that date. We should move toward making decisions, and we should fundamentally reform our Tax Code. It is overdue. It is the third head of this monster that must be removed so that the American people can be free, free of the oppression that we have developed over these 85 years in this Tax Code.

I yield the floor, Mr. President.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I rise in support of this proposal by Senators HUTCHINSON and BROWNBACK, the proposal so eloquently supported by the majority leader, TRENT LOTT. He is exactly right, in my opinion.

I was at that first press conference when this proposal was announced. I believed in it then and I believe in it now. The Internal Revenue Code with 7,500 pages and over 800,000 words, has grown each year and continues to grow. We cannot ask the American people to read thousands of pages before they pay their taxes. We cannot ask them to pay hundreds and hundreds of dollars to have accountants do their tax returns, returns they used to be able to do themselves. It is simply not fair, and it is not right.

As I recall what a good tax is supposed to be, if there is a good tax, according to the textbooks, it is a tax that is understandable. It is a tax that is predictable in terms of revenue. I would say that is one thing our Tax Code does, it produces a very large but predictable supply of revenue. But a "good" tax is also supposed to be easy to collect and is supposed to be perceived as fair. I would say it is only in the predictability of revenue that our Tax Code acceptable. Otherwise, it is really on unacceptable terms that revenue is raised to fund this great Government.

A few months ago, last fall, DICK ARMEY and BILLY TAUZIN from the House of Representatives came to my hometown of Mobile, AL, to have a debate about the Tax Code. Mr. ARMEY is in favor of a flat tax, and Mr. TAUZIN, a consumption tax. The place was packed, standing room only. They announced it on the television and on Sunday night people came out from all over. They were fascinated and asked questions. They were energized by this debate. I am told that everywhere Mr. ARMEY and Mr. TAUZIN go people are there in record numbers; they are interested in this issue, and they care about it.

For days after the debate in Mobile, people came up to me, and this is the question they asked: JEFF, can we really do it? Is this something we can do? And my answer to them was: Absolutely, we can do it. There is no reason under this Sun that we cannot pass a simplified Tax Code. We must be able to say to the American people, the people who elected us, that we can produce a Tax Code that is simple, fair, easy to understand, and produces a steady revenue. And whether it is a flat tax or a consumption tax or some combination of both, we need to focus on this issue in Congress.

By passing a deadline, with 4 years to go, we will set a date that will force us to confront this issue and respond to the wishes of the American people. Having run for office just recently, in 1996, I know the American people are confident the Government is going to have money to run itself. I also know they want tax reductions. With the recent surpluses, they want more than they wanted just a few years ago. But what they really want is a Tax Code that is simple and fair, and we can give that to them. We need to make a commitment to that end. And if we do so, I believe that people in this country will appreciate it very much.

I favor this proposal. The American people are fed up. It will help make this country competitive because we will not have wasted all this time and effort collecting taxes. Instead, we will spend it developing new and improved products in our businesses and industries in America so that they can continue to be competitive in the world.

I appreciate this opportunity to speak. I salute Senators HUTCHINSON and BROWNBACK and all others who support this amendment, and I look forward to being a part of the reality of eliminating the Internal Revenue Code as we know it today.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I would like to speak in opposition to the Brownback amendment.

Sunsetting the Tax Code may sound catchy and attractive, but in truth it is simply wishful thinking until we have some concrete idea about its replacement.

Now, we all agree that the current code is too complex and too burdensome for the average taxpayer, and everyone agrees that we need a simpler and a fairer system. But we also know that some sort of tax structure is necessary to maintain the vital functions of our Government. The current Tax Code, however imperfect, allows us to sustain our national defense, provide aid to struggling farmers, make sure that those Social Security checks are delivered on time, and much, much more. Down the road, we may envision and hope for a more direct route to providing those resources than the current tax system, but until we find that alternate route, this debate should remain just that, a debate, an open dialog as to what system would best serve the American people. In addition, simply sunsetting the code would be a disaster for American business. We hear so much about the need for American corporations to make long-range business plans, and indeed that is true, they must. But how will that be possible if they don't know what Tax Code they will face after the current one sunsets? How many resources would companies waste trying to plan for all the possible new tax codes that we might enact 4 years from now?

Finally, sunsetting the Tax Code without any notion of how we might pay for it makes a mockery of the progress we have made in balancing the Federal books. We are all encouraged by the budget surplus and the strong economic forecasts, but we should not get ahead of ourselves and think that the good news warrants a swift departure from the tough decisions and fiscal discipline that brought us to this point.

So for these reasons I will support, when it is raised, a Budget Act point of order against the Brownback amendment. I urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise in opposition to this amendment, which eliminates the Tax Code without an alternative.

Mr. President, I heard it said that we ought to "pull it out by its roots," get rid of it now. Well, I would hate to go to a dentist with a toothache and have the dentist say, "You know what, we are going to look at this tooth. First, we will pull it out by its roots, and then we will look at it."

That is what is being proposed here, Mr. President. This amendment would get rid of the Tax Code, but without any indication of what would replace it. Instead, we could be left without any revenues to operate the government. We could be left with no revenue to support our military and protect our country. With no revenue to buy the weapons systems we need for the future to advance our country technologically.

Mr. President, this amendment will create tremendous uncertainty in the business community. They're not going to know when they can make investments and when they cannot. For example, they will not know whether the R&D tax credit will be available. That is an important part of the code. But businesses will not know whether it will remain available if this amendment is enacted.

Mr. President, I ran a big company that now employs 31,000 people. I started this company with two other guys, poor people from New Jersey. We built the company by planning ahead and making investments, often because we knew that there were tax benefits that we could count on. But if this amendment is approved, other entrepreneurs will not be able to make similar plans.

What the distinguished Senator from Kansas is saying is, "Wait, before you do any investing, let's get rid of the Tax Code. Wander where you want through the jungle for a couple of years, and that will make the Congress respond."

I don't understand it, I must tell you. Sometimes I think I work in a different place from some of my colleagues, because the references are to "them."

"They will never get it done unless we pull it out by its roots."

"They will never get it done unless we make the pain excruciating."

"Fear of shutting down Government, fear of being unable to operate, that will make them move."

Who is the "them" and who is the "they"? Who is the "we" and who is the "us"? We are all in this together for the American people.

Look at the economy. I hear about this oppressive Tax Code and the number of pages, and "Compare it to the Holy Bible."

"Holy cow," that is what I say, "holy cow." What are we going to do? Are we going to weigh these things? Do we want to buy a scale here and say if it weighs less than a certain number of grams, pounds, ounces, it is OK? But if it weighs over that, overboard?

Go to the business community and ask them what they think about throwing it all away. They will tell you that we would only be punishing ourselves.

Mr. President, I agree that the Tax Code is too complicated and too cumbersome. But the way to solve that is to offer something positive. It is to offer a real alternative.

I also would point out, Mr. President, that eliminating the whole tax code could undermine much of the progress we have made in recent years. We have gone from a deficit of $290 billion six years ago, to a surplus that is now projected to be $60 billion. And for the next decade, we will have $1.5 trillion to pay down our debt.

But this amendment would reverse this progress. It says that we want to play political games. That is what this is about. This is almost becoming a national sport here. It is not football, baseball or basketball, it is politics.

We are going to take away the revenue code. Do you know what? You are not going to feel it, Mr. Citizen. Everything is going to be hunky-dory. And do not worry if the FDA can no longer approve new drugs. And do not worry if the National Cancer Institute can no longer do the research needed to help defeat breast cancer or prostate cancer or to help the newborn grow up healthy—no. No. We are going to fix the revenue code. But you are not going to have to pay any price. You know, Mr. and Mrs. America, you know there are free lunches all over this place. You don't have to pay for anything.

Listen, no one here likes taxing people who work hard for their money. The President certainly doesn't. He says: Provide tax relief for families who send their children to child care so that they can go out and work. Provide relief to support education, so that we can have the best educated society on this Earth. That is where we want to give tax relief—to ensure that our children can get a good education.

That is especially important in our age of technology in the new millennium.

Mr. President, I come out of the technology business. I am, immodestly, called, "a member of the Hall of Fame of Information Processing." My company was one of the earliest in the computer business, and we learned that technology is the way to the future. We helped start an industry called the computing industry. It is different than the computer industry. The computer industry is the hardware. The computing industry is all else. It is programs. It is engineering. It is all those things. It is an industry that is dramatically improving efficiency in so many ways.

Mr. President, from my experience in the business community, I know the problems that would be created if we simply rushed out and eliminated the entire tax code without a replacement. It would be a serious mistake.

Yes, the Tax Code ought to be simpler. Yes, people ought to pay less. But you don't get something for nothing in life. You don't get it in a country club, you don't get it in a schoolroom, and you don't get it in the United States of America.

We have seen what happens with those countries where they have codes that say you don't have to pay—communism. You don't have to pay. They produced a society in Russia that is almost flat broke, dispirited, broken down, can't produce a product. We say let the free market operate, and let the Tax Code reflect what the objectives are; to build a society, to invest in this society, to give people a chance to get an education, to know that when they are 65 years old that Social Security is going to be there and its purchasing power is protected.

What a remarkable thing we are witnessing today, and how in a few words here we like to disparage it. "It don't work. It ain't good. Get rid of it."

Here we produced surpluses when deficits were the rule. And we want, now, led by the President of the United States, to shore up Social Security so somewhere in the 2070s—it is pretty obvious I won't be running by then; I might, though—we want to make sure Social Security is there for our children, for our grandchildren.

That is what we are doing now, and it is all part of a fiscal plan. You can't throw out the revenues without throwing out the expenses. I am sure the Senator from Kansas would say, "Of course."

Well, what expenses? The expenses for the military, the expenses for research, the expenses for development, the expenses for education, the expenses for clean air, the expenses for operating our national parks, the expenses for leaving a legacy for our children, that tell them there are still fish in the oceans, fish in the streams, so

that they have something to look forward to.

No; the mission is destroy first and then decide what you are going to do next. I spent 3 years in the Army, and I never had that. We always knew what the mission was before we started out on it.

Mr. President, I am a member of the Budget Committee. I am the senior Democrat on the Budget Committee, and I expect that a point of order will be raised against this amendment because it violates the budget rules. I hope that our colleagues respond appropriately.

I respect those who differ with me, but I will tell you this: If a company I was investing in decided that they couldn't figure out what the revenues were going to be and they wanted to operate and just go ahead and see what happens, make all kinds of investments, I would get out of there in a hurry. There is not a company in America who will make big investments if they do not know what the tax treatment is going to be.

I am going to yield the floor, but I hope my colleagues are going to join me in standing up for what is right for America and do things in an orderly fashion.

I have heard the plea made so many times: Why can't we operate like a business? Why can't we operate like families do? We want to do just that. We want to operate just like a business that plans its actions, lays it out on a piece of paper and says, "This is going to be our revenues, this is going to be our expenses, and this is where we want to be 5 and 10 years from now."

Instead, we now have a proposal that says, "What we can do, ladies and gentlemen, and the board of directors and the president of the company, is we are going to ask you to hold your breath, we are going to make the investment anyway and take the chance it is going to come out right."

Fire that guy.

I yield the floor and hope that my colleagues will assess the threat that this reckless proposal poses to our Government, our Nation, and our economy.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, in accord with the majority leader's request that we move expeditiously, I will keep my remarks very brief. I want to read one statement from the American Conservative Union, a letter sent to all my colleagues, the last paragraph:

> We are pleased to support your legislation, and will watch closely for a clean up-or-down vote on the bill with a view to including it in our upcoming annual rating of the Congress.

I ask unanimous consent that the letter be printed in the RECORD.

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

THE AMERICAN CONSERVATIVE UNION,
Alexandria, VA, July 20, 1998.

Hon. TIM HUTCHINSON,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR HUTCHINSON: On behalf of the nearly one million members and supporters of the American Conservative Union, I commend you for your introduction of S. 1673, the Tax Code Termination Act.

The purpose of the legislation is simple: by abolishing the current tax code by a date certain, the legislation would force a national debate on what kind of tax structure best fits our nation's needs, while meeting the reform criteria of being lower, flatter, and fairer. If enacted, the bill would force just such a debate into the center of the 2000 federal elections, at both the presidential and congressional level.

Such a debate is a necessary prerequisite for thoughtful action to revise the code appropriately. A president elected after such a debate will be able to lay claim to a mandate; the Congress chosen in those elections will have to respect that.

Some critics have suggested that the timeframe mandated in the bill is too restrictive—that it doesn't allow the 107th Congress enough time to reasonably hold hearings, draft, revise, markup, amend, and then pass on the floor a total rewrite of our tax code.

We believe the contrary to be true. With a termination date set for December 31, 2002, and a call for a new tax code to be in place by July 1, 2002, we believe there will be plenty enough time for the 107th Congress to consider and pass appropriate legislation.

We are pleased to support your legislation, and will watch closely for a clean up-or-down vote on the bill—with a view to including it in our upcoming annual rating of the Congress.

Yours sincerely,

DAVID A. KEENE,
Chairman.

Mr. HUTCHINSON. Mr. President, also, I have a letter from the National Federation of Independent Business in which they "strongly urge your support of the Hutchinson-Brownback amendment. It is time to step forward and let the American people know that their elected leaders have the courage to change a system which is anti-work, anti-saving and anti-family. Now is the time to take action."

I ask unanimous consent that this letter from the NFIB be printed in the RECORD.

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

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
July 23, 1998.

Hon. TIM HUTCHINSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUTCHINSON: On behalf of the 600,000 members of the National Federation of Independent Business (NFIB), I urge you to support the "Tax Code Termination" amendment that will be offered by Senators Hutchinson and Brownback to S. 2312, the Treasury-Postal Service Appropriations bill.

The Hutchinson-Brownback amendment is a tremendous step forward in the effort to abolish the current complex and abusive tax code and replace it with a fairer, simpler code for all Americans. The amendment would sunset the Tax Code after December 31, 2002, but not until Congress acts prior to that date by adopting a new, fairer system with a low rate by July 4, 2002. Similar legislation recently passed the House of Representatives on June 17, 1998. Passage of this amendment would bring Congress one step closer to allowing the American people, those who suffer the most at the hands of an unjust tax system, to decide what system is fair and simple.

The IRS Income Tax Code is beyond repair, imposing excessive compliance costs on small businesses nationwide. Yet, legislation to overhaul the Code has stalled in Congress. The purpose of sunsetting the current code on a date certain is to force Congress to get serious about fixing our tax system. Small employers understand that a new plan must be ready for implementation before the old code is put to rest. But, as indicated by the 750,000 petitions they have signed and presented to Congress, small business owners want Congress to get started on scrapping the seven-million word that causes them so much time, money and grief.

I strongly urge your support of the Hutchinson-Brownback amendment. It is time to step forward and let the American people know that their elected leaders have the courage to change a system that is anti-work, anti-saving and anti-family. Now is the time to take action.

DAN DANNER,
Vice President,
Federal Governmental Relations.

Mr. HUTCHINSON. Mr. President, like Senator LOTT, our majority leader, I am most reluctant to offer this amendment in opposition to the sentiments of the chairman of the Finance Committee. Likewise, I have the utmost respect for my colleagues on the other side of the aisle. I want to respond to a couple of things they said, my colleague from Wisconsin and my colleague from New Jersey, who, to me, when they talk about this proposal being something radical, what I hear in response is the politics of fear.

They say, "Well, we're not going to have a code, we're not going to have a Tax Code." And then, "We are not going to have the FDA, we're not going to have FAA, we're not going to have roads, we're not going to have Social Security."

By the way, Social Security is omitted entirely from this bill. It is not even a factor. But we hear the politics of fear—the sky is falling.

Let me assure my colleagues, there is nothing as certain as the Sun rising in the morning but that this Senate will have a Tax Code come 2002. I assure you that this Senate and this House will not allow this Government to go without revenue.

My goodness, if you love this Tax Code so much and you like the loopholes and you like the deductions and you like the exemptions and you like the exclusions so much, then you can propose that we reenact this Tax Code in total just like it is, and there you go. You go back and defend that before the American people because that, I say to my colleagues, is exactly what this debate is all about: Do you defend the status quo, or do you want change?

Senator ROTH—and I love this man. I respect him like my father, and I think he has done marvelous work in so many areas in the IRS. But I pose only this question to him and to all others who disagree with this amendment: How long? The fear that we are not going to have it enacted—here is the time line: 4½ years of national debate, and if we can't get it done in 4½ years, then we can reenact this wonderful Tax Code that those on the other side or those who oppose this would like to defend. Four and a half years of national debate. Long enough—long enough—to wait for tax reform.

July 1998, that is where we are now. Come November, we will have a congressional election; November 2000, we will have a Presidential election; July 4, 2002, we suggest in this amendment that we should have a new code approved; November 2002, more congressional elections before we finally reach December 31, 2002, the sunset date.

I suggest that is long enough. Let's give the American people what they are demanding, and that is a Tax Code that is fairer and simpler and friendlier.

AMENDMENT NO. 3249

(Purpose: To terminate the Internal Revenue Code of 1986)

Mr. HUTCHINSON. Mr. President, with that, I call up an amendment I have at the desk, No. 3249, the Tax Code sunset amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON], for himself, Mr. BROWNBACK, Mr. MCCAIN, Mr. ABRAHAM, Mr. INHOFE, Mr. GRAMS, Mr. SMITH of New Hampshire, Mr. HELMS, Mr. MURKOWSKI, Mr. COATS, Mr. SESSIONS and Mr. COVERDELL, proposes an amendment numbered 3249.

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

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

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. ___. TERMINATION OF INTERNAL REVENUE CODE OF 1986; NEW FEDERAL TAX SYSTEM.

(a) TERMINATION.—

(1) IN GENERAL.—No tax shall be imposed by the Internal Revenue Code of 1986—

(A) for any taxable year beginning after December 31, 2002, and

(B) in the case of any tax not imposed on the basis of a taxable year, on any taxable event or for any period after December 31, 2002.

(2) EXCEPTION.—Paragraph (1) shall not apply to taxes imposed by—

(A) chapter 2 of such Code (relating to tax on self-employment income),

(B) chapter 21 of such Code (relating to Federal Insurance Contributions Act), and

(C) chapter 22 of such Code (relating to Railroad Retirement Tax Act).

(b) NEW FEDERAL TAX SYSTEM.—

(1) STRUCTURE.—The Congress hereby declares that any new Federal tax system should be a simple and fair system that—

(A) applies a low rate to all Americans,

(B) provides tax relief for working Americans,

(C) protects the rights of taxpayers and reduces tax collection abuses,

(D) eliminates the bias against savings and investment,

(E) promotes economic growth and job creation, and

(F) does not penalize marriage or families.

(2) TIMING OF IMPLEMENTATION.—In order to ensure an easy transition and effective implementation, the Congress hereby declares that any new Federal tax system should be approved by Congress in its final form not later than July 4, 2002.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me make a few comments about the amendment that has just been offered to the Senate.

The sponsor of the amendment asked the question: How long? How long, he asks, will it take to get rid of the current Tax Code?

The answer to that is simply a long, long time, if the Senator who offers this amendment, and others, suggest to us that we should, for example, have a national sales tax of 30 percent or more. If the folks who have gotten rid of this Tax Code have implemented a 30 percent national sales tax—and, yes, that is what would be required to be implemented to replace it—if you buy a house, they will say, "Yes, that house is $120,000, but then there is a 30 percent sales tax on top of that." A fellow named William Gale from the Brookings Institution wrote a policy brief on this: "Don't Buy the Sales Tax."

The reason I am discussing this is, the Senator does not tell us with what he would replace the Tax Code. He simply says, "Let's get rid of the current Tax Code."

There is plenty wrong with the current Tax Code. Count me among those who would like to change the things that are wrong, but count me among those who ask the question of the Senator who offers this amendment, What do you propose to replace it with?

My understanding is, the Senator who offers this amendment at one point was a cosponsor of a sense-of-the-Senate resolution calling for a national sales tax. My understanding is, he took his name off of that bill. Am I mistaken about that? Did the Senator add his name?

Mr. HUTCHINSON. Will the Senator yield?

Mr. DORGAN. I will be pleased to yield, of course.

Mr. HUTCHINSON. No, I have never—I have never—endorsed or signed on to any measure, and to suggest that I favor a 30 percent national sales tax or any form of sales tax is absolutely a misrepresentation and a mischaracterization of my position.

Mr. DORGAN. Let me reclaim my time.

I appreciated the Senator's response. My understanding was—and we can determine this—but my understanding was that early in this Congress, the Senator added his name as a cosponsor to a resolution here in the Senate calling for a national sales tax. My understanding is he subsequently withdrew his name from that, but we can discuss that, I guess, with respect to the people who have the records.

My point is this, Mr. Gale, who writes about the sales tax down at the Brookings Institution, says that if you had a national sales tax and are going to include all of the things that you need to include to make up the revenue, that you have to have a sales tax of 30 percent or more.

The only reason I am raising this question is, What do you intend to replace the current Tax Code with? A value-added tax? A national sales tax? Or any one of a half dozen other iterations? I do not know.

Then I ask the following question: With whatever you replace the current tax with, do you intend to provide for a deduction for home mortgage interest paid by someone who has just purchased a home and is banking in the coming years on being able to deduct that home mortgage interest? Is that part of some future plan or not?

Does one intend, for example, to provide for a deduction for health insurance costs? Our current tax program in this country largely provides for that as a business deduction. I am told that if that deduction is eliminated, studies show that anywhere from 6 to 14 million more Americans will no longer have health insurance coverage.

Or what about charitable giving? Would what is proposed to replace this with—whatever that is; we don't know what that is—would it provide for a deduction for charitable giving? Some 1.4 million tax-exempt organizations worry about that. At least one study suggests that perhaps charitable giving could be reduced by some $33 billion.

So I ask the question, What does one propose to replace this with? I say to my friend from Arkansas, I certainly do not mean to misrepresent your record. I had been told that the Senator had at one point added his name to a sales tax resolution. It is not my intention to misrepresent that. If that is not the case, then I do not intend to assert that.

But whatever the case is about the Senator from Arkansas and what he harbors to replace this tax with, whatever that is, at some point someone is going to have to say, "By the way, here is what I feel this should be replaced with. And here is how it is going to affect you."

So I ask the Senator from Arkansas, since he is proposing that we eliminate the current Tax Code by a certain date,

could he tell us—and I would be glad to yield for an answer—could he tell us what he proposes to replace it with?

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I respond to the Senator, the whole point in having the sunset date is to force us into a national debate to decide the very question he poses. If I might continue, to argue the debate on what the pros and cons are on a sales tax, flat tax, I would just say, you can't do worse than what we have.

If you reach that point that you want to reenact this code, this amendment allows you to do that. I suggest that we can and we must do much better. And it would be putting the cart before the horse to say, "This is what we must do." What we need to do is set the date forcing us to reach that consensus on what should replace the current code.

Mr. DORGAN. Mr. President, let me ask a more specific question.

I think the Senator said: I don't know what we should replace this with. I think that was the answer. Let me ask a more specific question. If, in fact, one of the alternatives would be a national sales tax—and certainly that is one of the alternatives—and if it would require about a 30-percent tax rate, as it would according to studies, would the Senator believe that that is an inappropriate replacement for the current Tax Code?

Mr. HUTCHINSON. I, first of all, do not know to which study the Senator is referring. There are many studies on the various rates of a flat and sales tax. But what I would suggest is that the principles laid down in the bill that I introduced and in the amendment that we are debating would be violated by any type of a 30-percent aggressive sales tax. Obviously, that would be something that I think would be totally unacceptable.

But to throw up these fears: "We're going to lose a home mortgage deduction" and "We're going to lose a charitable deduction," that is the politics of fear. That is what prevents us from moving forward to real and comprehensive tax reform, in my opinion.

Mr. DORGAN. I think what the Senator is saying, in response to my question, however, is he does not know what he would replace the Tax Code with. He does not know how it would affect the American people, does not know its impact on the economy. That represents a fear by a lot of people. For example, it represents a fear by the group of folks who represent the largest corporations in this country who work on the tax policies for—I could read the list of corporations, but it is virtually a who's who—Hewlett Packard, BellSouth, Alcan Aluminum, so on and so forth. Here is what they say. Listen to what they say:

We're writing to express the institute's serious concern about proposals to sunset the IRS Code on a designated date without specifying a replacement tax system. In our view, these proposals reflect either a misapprehension of the importance of certainty and predictability to business enterprises and individuals or a disregard for the consequences of terminating the tax system. They illustrate the folly of making tax policy by sound bite, and it ought to be rejected.

I know these are the folks who run America's businesses who say we need some certainty and predictability. They are not against reform. That is not what they are saying. But they are saying that they need to understand what it is you want to do.

You want to sunset the Tax Code on the one hand, and then I ask the question, "But what do you want to do on the other hand?" You say that just as the Sun sets in the evening, it is going to come up in the morning. That is true. Just as you sunset the Tax Code now, you are going to replace it with something. That is true. The question is, With what? And you do not have an answer.

So is it reasonable for us to ask the question, Is part of the answer a national sales tax or not? If it is not, let us decide it is not. Is part of it a value-added tax or not? If it is not, let us say it is not. If it is, let us decide who it impacts and how it impacts in the American economy.

Mr. HUTCHINSON. If the Senator would yield?

Mr. DORGAN. I would be happy to yield.

Mr. HUTCHINSON. I think it would be very, very foolish of us to try to have a national debate on tax reform on the floor of the Senate tonight, for us to decide we are going to take a sales tax off the table, we are going to take VAT off the table, we are going to take a flat tax off the table, and we are going to take a modified or hybrid of it, and we are going to decide this evening.

That is the whole point, I say to my colleague. The whole point that we need a deadline is to move us to reach the consensus on what is the best way. I suspect we will end up keeping a home mortgage deduction and the charitable deduction. But we need that national debate. The only way we are going to force that national debate is to focus—most Americans are exactly where I am. They are not sure what would be the best replacement. But they sure know this: What we have needs to be replaced.

So let us take one step at a time.

Mr. DORGAN. Reclaiming my time, I do understand what the Senator is saying. Let us force a solution. But he does not have a logical solution. Let us tell the person on A Street or B Street or 10th Street or 12th Street that we want to get rid of the current Tax Code—but he has no idea how he wants to replace it.

There is a very big difference between those who would tax someone's income at 14 percent and those who would impose a national sales tax at 30 percent and those who would impose a value-added tax at 17 percent. There is a very big difference in how it impacts people.

The Senator wants to suggest, "Gee, this is some innocent little proposal of mine. Let's just get rid of the entire Tax Code" which, by the way, violates the Budget Act. And he knows that. "Let's get rid of the entire Tax Code and leave for some future debate the ability to cogitate the kind of Tax Code we might consider for tomorrow."

Count me as among those who want to make changes in our Tax Code. I mean, do not count me as part of the target that the Senator was aiming at when he was talking about all of these "they, they, they" and "fear, fear, fear." Just count me as part of the group who says, "Yes, let's make some changes in our Tax Code."

But also count me as part of a group who believes that if you are going to propose something to force solutions, you ought to have some notion in hand about what those solutions ought to be and how much is necessary to be collected in our revenue system in this country to pay for the needed social services?

We build roads to go to market because we do not want to each build a road separately. That would not make much sense. We build schools together so we can send our kids to public schools. We do not need each of us to have a school in our own home. So we do things together. We provide for common defense. We have a Pentagon. We pay the men and women of the military to provide for the common defense of this country. That costs money. We, therefore, must raise that money. And the question is, How?

We have an income tax system that isn't a very good system. You will not find disagreement here about that. But you will find profound disagreement about a proposal that says, let us simply scrap the current tax system with no notion in mind about what you might replace it with. Precisely for this reason, I have watched some people trot around this Capitol Building, and on a good day they even gallop and canter, alive and interested in their notion about how the Tax Code ought to be changed. Some of them very much want to go to a national sales tax and the Senator knows that.

They want to go to a national sales tax. That will have a substantial impact on a lot of families; some good, some bad. Some of them want to go to a value-added tax . Some of them want to go to other forms of taxation. All of them will have significant consequences.

But the Senator from Arkansas says let's not debate the ideas, consequences

or the solutions. He says let's debate some mechanism to force the problem, which also probably violates the Budget Act. I don't understand that. I guess we will have a vote up or down on a proposal that sunsets the entire Tax Code, with the author telling me that he doesn't know what it ought to be replaced with and that we ought to just figure out some way to get from here to there by some protracted debate.

I don't think that is a particularly good way to legislate. I think the Senator from Delaware, the chairman of the Senate Finance Committee, a man for whom the Senator from Arkansas has great affection, as he says, as do I, I think he has it exactly right. This is not a good way to make tax policy. There would be an opportunity for the Senator from Arkansas to bring to the floor his best idea about exactly how the Tax Code ought to be changed. He can do that at 7 o'clock tonight; the best idea he has or anybody has about how to change the Tax Code in this country. And then let people gnaw on it, chew on it and see what they think, and have a vote on it. But that is not what he and some others choose to do. They choose to bring some shapeless package to sunset the current Tax Code, and to replace it with nothing except some hope in the future that someone will do something to provide the revenue in some undescribed way.

Again I don't believe that is a good way to legislate. Neither does the chairman of the Senate Finance Committee, a Republican. Neither does the National Association of Manufacturers. Neither does the Tax Executive Institute, and many others.

Mr. GRAMS. Will the Senator yield?

Mr. DORGAN. I am happy to yield for a question.

Mr. GRAMS. I heard you say if this code were eliminated and replaced with a possible national sales tax, it could take up to 30 percent of a sales tax to replace what the Government has taken.

Now, does that mean hidden behind all the hidden taxes, that somehow the Government now is taking from the average taxpayer, the average worker in this country, 30 percent of their income just to support the Federal Government?

Mr. DORGAN. The Senator obviously misunderstood what I said. I was responding to a policy brief prepared by William Gale at the Brookings Institution that says "Don't Buy the Sales Tax."

I have yielded. Let me have the floor.

I was talking about comparing the income tax to the sales tax. As the Senator would know, I think there is a substantially different base. Dr. Gale talked about this. I would like the opportunity to send it to the Senator's office for his perusal.

On page 4 of the 10-page report documenting a study he had done, he says a 30-percent tax rate would be needed on the more familiar tax-exclusive approach on a national sales tax. He is one of the preeminent authorities on this issue in the country. I have met with him, talked to him, and enjoyed his work a great deal. I think he has done a lot of good work on the question, What would a national sales tax have to be? What would it look like? Who would it impact?

One of the things I find most interesting, whether it is on the sales tax or the VAT tax, is that those in both the House and the Senate with specific tax plans to replace the current Tax Code always come up a couple hundred billion short in revenue.

What they say is, I want to sunset the current Tax Code, and here is my substitute for it, and my substitute is a couple hundred billion dollars short. They won't say that, but that is the way they are evaluated when done fairly. Count me in on that. Gee, if you don't have to come up with something that responds to the same revenue base, we now have to meet the needs we have, then, gosh, maybe we should come up with something that raises only 50 percent of the revenue. Or how about 10 percent of the revenue. That is a wonderful way to do business.

I see the people walking around with plans that would, A, increase the Federal deficit substantially; and B, impose substantial dislocations on a lot of folks and raise questions about whether you would have the opportunity to deduct your home mortgage interest or deduct your gifts to charities. Some of them, incidentally, say to people, we have decided to have a new form of taxation.

I bet the Senator doesn't support another proposed new form of taxation, though. We will divide Americans into two groups: One group that works, and they get their money by going to work every day, and we will tax them because we have decided to tax work just like the current income tax does; and one who gets their money from investments, and we will exempt them. Tax work; zero tax on investments.

I think that is the sort of thing that would be interesting to debate on the floor of the Senate. The quicker we get to that debate the better. Those who offer this amendment say we don't want to have that debate; we want to simply sunset the Tax Code, and we don't want to debate the sweet by-and-by. We don't want to debate the prospect of what we might propose. Just asking the Senator from Arkansas what he proposes, it occurs to me at this point we don't have a proposal. All we have is a suggestion, get rid of the current Tax Code and maybe tomorrow, maybe the day after tomorrow, we will come up with an idea so you can then debate that on the floor of the Senate.

I have taken enough time. I hope when a point of order is made, as I expect it will be made because this does violate the Budget Act, that a good number of Members of the Senate will agree with the National Association of Manufacturers, Tax Executive Institute, with the chairman of the Finance Committee and others who say if we are going to sunset the Tax Code, first propose exactly to the American people what we would replace it with so they would have some knowledge and some certainty about what this debate is all about.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I appreciate the issue that is up before the Senate, and I have the deepest respect for the author of this amendment, Senator HUTCHINSON.

I must say, however, that this is a very bad amendment. It is a profoundly bad amendment. It is a sound bite amendment. It is a feel good amendment, and if it were passed, I guarantee it would have profound adverse consequences upon our Nation.

Why do I say that? I say it because there is a reason why the Tax Code is the way it is. We have to raise revenue somehow, obviously, to pay our bills. But the reason the tax code has gotten so complicated is because the American people over the years have come to Congress—to Members of the House and the Senate—and have said "here are some tax provisions we would like." Members of Congress, by and large, don't lead. That may be news to some of us, but by and large, Members of the Senate don't lead. We tend to follow the American people. I'm not saying this is bad. We should follow our employers, the people we work for—the people who elect us. And it is the American people who, by and large, ask us to do the various things we have in our Tax Code.

The home mortgage deduction has been mentioned many times because it is such a good example of what I mean. While it makes the code more complicated, there were very good reasons it was enacted and has continued over the years. There are a whole host of other reasons why the code has the reputation it has. We are an extremely large, extremely complicated country. More so than I think any one of us here realizes. There are so many different people in our country pursuing so many different economic opportunities, so many different business combinations. Our nation is even more complex as our economy becomes more global, and we develop more opportunities overseas. And various people in our country or its businesses have come to Congress and said these are some of the things that we would like because we think they will help the economy. That is why our code is the way it is.

There is no doubt about the fact that the code is complicated. It is excessively complicated. We know that. We

hear from our constituents all the time that it is much too complicated. But I think it is important to remind ourselves that there is a reason why, to date, we don't have a flat tax, why we don't have a value-added tax, why we don't have a national sales tax. It is because the American people have not decided which, if any, of the alternatives they want.

Mr. DASCHLE. Will the Senator yield?

Mr. BAUCUS. I would love to yield to my good friend from South Dakota.

Mr. DASCHLE. Mr. President, I appreciate the Senator for yielding. A number of Senators are attempting to determine their schedules for the evening, and I would like to propound a unanimous consent request, if I could.

I ask unanimous consent that the Senator from Montana have 15 minutes complete, including the comments he has already made, and that the Senator from South Dakota have 5 minutes, and that the Senator from Maine have 5 minutes, and that following the allocation of that time, a vote be taken on this particular amendment and the motion to waive be made at that time.

The PRESIDING OFFICER (Mr. BROWNBACK). Is there objection?

Without objection, it is so ordered.

Mr. DASCHLE. I thank the Senator.

Mr. BAUCUS. Mr. President, the second problem with this amendment I would like to mention is that it begs the question of what our current Tax Code is going to be replaced with.

I must say there is something to the old adage that the grass is always greener on the other side of the fence. It is part of human nature to think that something else is always necessarily better than what we have. That somehow a sales tax, or a value-added tax, or a flat tax is necessarily going to be better than the current code. We all know, if we stop to reflect a little bit, that sometimes you get what you ask for and you don't like it because it didn't turn out the way you expected it to be. So all of us who, in my judgment—and I must say this sounds a little harsh—are being pandered to with this amendment and are listening and are somewhat tempted to believe in this amendment, should ask ourselves, realistically, how does life really work? When people promise something great on down the road, is it usually nearly as great as it is promised to be? Or to make the same point a little differently, if we are going to accomplish something that is good, generally it is through hard work and through rolling up sleeves and dealing with the difficult details. Not demagoging, pandering, or playing to the grandstand or to the crowd. That is basically how we get something done that makes sense.

If this amendment is adopted, it is going to cause deep uncertainty in America. We are proud in our country of the economic growth of the last 4 or 5 years—low inflation, low interest rates, generally low unemployment rates, high economic growth rates, and the stock market has generally done well, although not so well in the last week or so. But if this amendment passes, just think of all the people and all the institutions that are not going to be able to plan very well for the future and all of the uncertainty this is going to create. The list goes on forever.

You can begin with business. Business has all kinds of tax provisions. We can argue over the merits of these provisions, but they are part of current law and businesses include them in their planning. Let's take the business expense deduction that business now has. Are we going to keep the deduction for ordinary, necessary business expenses, or not? If you are a business person, you want to be able to deduct your costs. Businesses aren't going to know if they are going to be able to deduct those costs anymore. They don't know what the next law is going to be. What about the farm provisions? They won't know what the deductions are going to be for depreciation. They will have no idea. So what is a business to do?

Let's take an individual with a home mortgage interest deduction, which has been mentioned many times. What does this amendment do to the real estate market, to home builders, carpenters, and electricians? What does it do to people who depend on homes or are building or buying new homes? They don't know if the mortgage deduction is going to be there in a new tax system. You say it might be. That is what the sponsors say, but they don't know that. Nobody could say with any certainty whether any single tax provision will exist in a new system.

Then let's think a little bit about retirement. We have 401(k)s. What about this new Roth IRA we passed last year? A lot of Americans are worried about their retirement security. They are worried enough about Social Security. They want to be able to invest in IRAs and 401(k)s to save some money so they can have a comfortable retirement. This amendment says, no, we might not have those tax deferred savings plans anymore; they might be gone. So what is a person today to do? Should he or she invest in a Roth IRA or something else, independent of the code? Maybe real estate. But we have already pointed out that real estate might be in jeopardy because of what we might be doing here. Maybe they can invest in gold. But we also don't know what the commodity markets are going to be as a consequence of this amendment.

This amendment causes such uncertainty. Let's take the President's budget—whoever the President is after the year 2000. He or she doesn't know what kind of a budget to propose to Congress, doesn't know how much revenue is going to be raised. Not only do we not know the provisions and how we will raise revenue, we have no idea how much total revenue we are going to raise—none, zero, nullity, no idea. How is a President to propose a budget to Congress under those circumstances? How is Congress to pass a budget resolution under those circumstances? How is the Appropriations Committee going to know how much money to spend? They won't know.

This is a kind of Russian roulette; it is a gun at your head. OK, imagine this amendment is law and we are getting close to the deadline in 2002. Yet we still don't have agreement on what to replace the current code with. The proponents say this amendment will force the Congress to act. But there is an old saying that "haste makes waste." All too often we in Congress pass something very quickly that we haven't thought about very much when we are under the gun, and we don't fully understand the consequences of what we have passed.

I see the Senator from Maine sitting over there. I ask the Senator from Maine, what is she going to be thinking when the years have gone by, and here it is 2002 and, despite our best efforts, we haven't enacted a replacement code yet? We have a choice—are we going to pass an amendment to extend the deadline another year, another 2 years, another 3 years? Doesn't that cause even more uncertainty?

Or say we are not going to extend the deadline, instead we are going to push something through at the last moment. It ends up a hodge-podge of proposals. Something like a value-added tax, with a little bit of sales tax mixed in maybe. What will its impact be on the American people? Nobody knows. I guarantee that the Senator from Maine is not going to know and the Senator from Montana is not going to know. That is probably what would happen.

There is something else we haven't talked about—Y2K, the computer bug problem. We are very nervous in this country, and around the world, about what is going to happen on January 1, 2000. Are the computers going to work or not? I think it is a little foolhardy right now to start to contemplate tax sunsetting in the year 2002 when we don't know what is going to happen in the year 2000.

I must say, Mr. President, this is a sound-bite amendment. This is a feel-good amendment. I have bent over backwards to try to see the merits of this amendment; believe me, I have. I tell you that I am disappointed, frankly, that an amendment like this is on the floor of the Senate and apparently is being taken seriously—because if this were to pass, it would cause just tremendous uncertainty in this country. Americans' incomes would fall. America would be laughed at by countries overseas. That might be a little

strong, but they will certainly wonder what the United States of America is doing; no country would do something like this. Mr. President, I very strongly urge that this amendment be defeated.

Let's talk about kids for a minute and HOPE scholarships. What is going to happen to them? I don't say this as a scare tactic at all. I am saying to the Senator from Arkansas that these are real concerns of real people that I have mentioned. Say the Senator from Arkansas is a student, and there is no income in his family, and he really depends upon a HOPE scholarship to go to college. He wonders, gee, is it going to be there or not?

To take a more definite provision, say he is going to buy a home, but he doesn't know whether to buy a home or not. That is a real question, Senator. It is not a scare tactic; it is a real question—if he or she doesn't know if there is going to be a home mortgage interest deduction or not, it is hard to tell whether he can afford to buy a home at all. Say you are a homebuilder. Are you going to build homes? How many, and at what price ranges? Those are real concerns of real people.

Let's talk for a moment about what this does to American companies. Let's just look at fringe benefits, as one example. Employers generally are allowed a deduction for fringe benefits, whether it is health benefits or retirement benefits. What is going to be in the labor contract when a labor union wants to negotiate a labor contract? Negotiators won't know because they won't know what the Tax Code is going to be. They won't know what to negotiate. The better solution, obviously, is to address these real issues more calmly. I think that is what we need here—something that is rational, that is collective, that is out in the public spotlight, out of the hothouse of Washington, DC, politics. And that is what is driving this right now—Washington, DC, politics.

I am really mystified as to why this amendment came before us, and why it is being taken seriously.

Mr. President, I yield the floor.

Ms. COLLINS addressed the Chair.

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

Ms. COLLINS. Mr. President, I am proud to rise in support of the amendment offered by the Senator from Arkansas.

I ask unanimous consent that I be added as a cosponsor.

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

Ms. COLLINS. Mr. President, we must replace this country's Byzantine and loophole-ridden Tax Code. How can anyone stand on the floor of this Senate and defend it? Just look at our current Tax Code. It has been estimated that it takes Americans 5.4 billion hours to do their taxes. Our Tax Code currently consists of nearly 3 million words backed up by nearly 10 million words of regulations. It is impossible to understand, which is why it cost taxpayers an astounding $150 billion a year to comply with.

Our Tax Code is riddled with loopholes that benefit special interests at the expense of the general interest. Special interests have filled the code with countless loopholes, poorly constructed tax writeoffs, and expensive subsidies that benefit a few at the expense of the many.

Mr. President, our Tax Code is not like a fine wine that gets better with age. It is more like a woolen sweater in a closet full of moths. It acquires more and more holes all of the time, and after a while, you just can't keep on mending it. You have to throw it out.

We want to write a new Tax Code that will provide all Americans with a simpler, fairer Tax Code, a Tax Code that they deserve. And we want to do it by Independence Day 2002.

Mr. President, I have been in the Senate about a year and a half now. If there is one thing I have learned, it is that the Senate never takes action—that the Congress never acts unless there is a deadline. The Senator from Montana knows that better than most people. Does he really think that we would have acted to reauthorize ISTEA, the transportation bill that he worked so hard on with the Senator from Rhode Island without a deadline, without the existing law expiring unless we act?

We are in a deadline situation right now as we rush to complete work before the August recess. We all know what happens towards the end of the fiscal year as we rush to complete work on the funding business to keep our Government open. The fact is, Mr. President, that this Congress will not act to do the necessary step of reforming our Tax Code without a deadline.

It is not irresponsible to allow 4½ years for this task to be undertaken. We are not prejudging the results. We are not saying that the result has to be a national tax or some other possibility. What we are saying is that America deserves a Tax Code that we can be proud of. And the only way we are going to accomplish that goal is if we set a deadline.

Mr. President, the Tax Code is not going to expire overnight. We are not proposing sunsetting it tomorrow, or next month, or even next year. What we have laid out is over a 4-year period an adequate amount of time to carefully and responsibly craft an alternative of which America can be proud.

Mr. President, I am pleased to be a cosponsor of this important legislation.

No one—let me repeat that—no one is going to allow our current Tax Code to expire without a responsible alternative in place. But if we are going to restore public confidence in Government, we must start by ending the current Tax Code as we know it, and by crafting a well-thought-out and responsible alternative.

Mr. President, I am pleased to be a cosponsor, and I urge my colleagues to support this very worthwhile initiative. I commend the Senator from Arkansas and the Senator in the Chair for their work in this area.

Thank you. I yield the floor.

Mr. JOHNSON addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I share the sentiment of the Senator from Montana. This is a profoundly bad piece of public policy that should never have appeared on the floor of this body in the first place.

The question is not whether we are for tax reform or not tax reform. There is no such strawman to knock down.

The question is not only where will we go at the end of 4½ years, for which the sponsors and supporters of this amendment seem to have utterly no answer, but what happens in the intervening years?

The answer has been clearly laid out by the business community of this country, which is overwhelmingly opposed to this legislation, and by the thoughtful analysts, who also are overwhelmingly opposed to this legislation. What happens during the intervening 4½ years of debate as we struggle with whatever might come next is that business cannot make an investment in a knowing fashion—whether it is concern about capital gains, or depreciation tables, investment deductions, whether it is individual citizens with their home mortgage, whether it is questions about research and development tax credits, whether it is questions about the future of pension law. The uncertainty will freeze the American economy in a way that will assuredly slow down economic growth, lead to lost income, and lead to deficit spending once again.

Mr. President, there is a good reason why the business community and responsible business groups all across this country have so vigorously opposed this legislation. They recognize this amendment for the bumper sticker sloganeering that, frankly, it is.

There was a time early on in this debate when supporters of this legislation noted that they felt this is a absolute political winner, an opportunity to beat up on the Tax Code, which has no real supporters, and on the IRS besides, without having to be accountable, at least in the course of this election, for the ultimate results of this legislation.

An interesting thing happened in the meantime, however. Some poll work was done by the Republican National Committee showing that a majority of voters in America already recognize this as a reckless move—reckless. That is the finding of the American public

which already understands the political nature of what we have here—a bumper sticker to abolish the Tax Code. It sounds good, if you are at the coffee shop. We are not at the coffee shop. We are Members of the U.S. Senate. And it is our responsibility to chart the economic welfare of this Nation into the next century in a responsible fashion that continues our economic growth in the coming years and which recognizes that business needs certainty.

We can talk about tax reform, and we will do tax reform. I invite additional debate on that issue. But to simply abolish a Tax Code with no utter idea of what comes next in the meantime, during which American business is left to fend for itself figuring out how to invest billions and billions of dollars, is a sure recipe for disaster.

I have a sense that this amendment is not intended to pass. The reason we are here is not to make public policy. The reason, frankly, we are here debating this issue is because there are some who want a slogan for the coming election in November.

I think that is regrettable. I think the American people deserve better than that. Our economy needs better than that.

I think this is irresponsible legislation.

I see a colleague of ours on the floor, Senator KOHL of Wisconsin. I see others who have significant business success in their own careers. I have to wonder whether Senator LAUTENBERG of New Jersey, who spoke against this amendment, who created a massively successful business enterprise in his home State of New Jersey, whether he could possibly have gotten off the ground in his business with the kind of uncertainty that would, in fact, be created by this legislation.

Mr. President, the question is not tax reform, or not tax reform. We all agree, I believe, that we need tax reform, and we need to push in that direction. But this is sloganeering. This is pandering. This is sham reform. The American public deserves better than this.

It also violates the Budget Act. I need not remind my colleagues that it is the Budget Act that is responsible for bringing us 5 years in succession of declining budgets. Budget deficits, which were $292 billion a year, are now a budget surplus because we abided by the Budget Act.

Now, to violate that and to set up a recipe for the destruction of our economy is utter irresponsibility. We deserve better than that. The American public deserves better than that.

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

Mr. JOHNSON. It is not going to pass. It is going to produce 30-second television spots, no doubt, in November. But that is the reason the American public has become so incredibly cynical about the American political process.

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

Mr. JOHNSON. This deserves to die here in the Chamber tonight.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. I raise a point of order that the pending amendment violates section 202(b) of House Concurrent Resolution 67, the concurrent resolution on the budget for fiscal year 1996.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

MOTION TO WAIVE BUDGET ACT

Mr. HUTCHINSON. I move to waive the Budget Act for consideration of the Hutchinson-Brownback amendment and ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive. 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 North Carolina (Mr. HELMS) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "aye."

Mr. FORD. I announce that the Senator from Iowa (Mr. HARKIN) is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote "no."

The PRESIDING OFFICER (Mr. ALLARD). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 49, nays 49, as follows:

[Rollcall Vote No. 241 Leg.]

YEAS—49

Abraham	Frist	Moseley-Braun
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grams	Reid
Bond	Gregg	Santorum
Brownback	Hatch	Sessions
Burns	Hutchinson	Shelby
Campbell	Hutchison	Smith (NH)
Coats	Inhofe	Smith (OR)
Collins	Jeffords	Snowe
Coverdell	Kempthorne	Specter
Craig	Kyl	Thomas
D'Amato	Lott	Thompson
DeWine	Lugar	Thurmond
Domenici	Mack	Warner
Enzi	McCain	
Faircloth	McConnell	

NAYS—49

Akaka	Bumpers	Dodd
Baucus	Byrd	Dorgan
Biden	Chafee	Durbin
Bingaman	Cleland	Feingold
Boxer	Cochran	Feinstein
Breaux	Conrad	Ford
Bryan	Daschle	Glenn
Graham	Landrieu	Roberts
Grassley	Lautenberg	Rockefeller
Hagel	Leahy	Roth
Hollings	Levin	Sarbanes
Inouye	Lieberman	Stevens
Johnson	Mikulski	Torricelli
Kennedy	Moynihan	Wellstone
Kerrey	Murray	Wyden
Kerry	Reed	
Kohl	Robb	

NOT VOTING—2

Harkin	Helms

The PRESIDING OFFICER. On this vote, the yeas are 49 and the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. CAMPBELL. Mr. President, I move to reconsider the vote by which the motion was rejected.

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, will the Senator from Colorado yield for a unanimous consent request?

Mr. CAMPBELL. I yield to the Senator from Nevada.

CHANGE OF VOTE

Mr. REID. Mr. President, on the last vote, I was recorded as "no." It will not change the outcome of the vote if I am recorded as "aye." I would like the RECORD to reflect my having voted "aye."

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

(The foregoing tally has been changed to reflect the above order.)

CAPITOL VISITOR CENTER LEGISLATION

Mr. WARNER. Mr. President, earlier this afternoon I indicated on the Senate Floor that the Senate Committee on Rules and Administration may hold a markup on Capitol Visitor Center legislation tomorrow morning. After consultation with the Senate Leadership, I have decided to postpone the markup until the House has an opportunity to review our proposal.

MORNING BUSINESS

Mr. CAMPBELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

TRIBUTE TO SENATOR JOHN WARNER FOR HIS RECYCLING LEADERSHIP

Mr. LOTT. Mr. President, I rise today to express my sincere appreciation to Senator WARNER for his unique and untiring dedication to increasing recycling in America.

Each of us has heard from our constituents about the importance of recycling and how current law is hindering

efforts to improve the environment through a viable recycling industry. Through his dedicated efforts, Senator WARNER has made sure that recycling equity has not been overlooked as the Senate addresses the many conflicting and contentious environmental issues our Nation faces. In the 103d, 104th and 105th Congresses, Senator WARNER forced the debate over Superfund to recognize how recycling benefits America's environment and economy. I look forward to working with the senior Senator from Virginia and my Senate colleagues on both sides of the aisle to address the issue of recycling equity before the end of this Congress.

I hope my colleagues will join me in expressing appreciation to Senator JOHN WARNER for his leadership on this matter. He deserves our gratitude for his understanding, dedication and commitment to the cause of recycling equity.

TRIBUTE TO OFFICERS JOHN GIBSON AND JACOB CHESTNUT

Mr. ROTH. Mr. President, I rise to express my profound respect and appreciation for Officers John Gibson and Jacob Chestnut, two men whose lives were tragically cut short on Friday as they stood watch in the Capitol—a building that is, as we have constantly been reminded this weekend, "the People's House." Officer Chestnut was 58—a loving husband, a veteran of Vietnam, the father of five children, and the grandfather of another five.

Officer Gibson was 42—a bright young man, full of energy and good works, who had dedicated his life to protecting others. Like Officer Chestnut, he, too, was a loving husband and the father of three.

Today, both men are gone. We mourn their loss and express our deepest condolences to their families. We acknowledge that we will never fully understand what would motivate such a heinous act of violence against the innocent in a building that is the icon of Democracy, but we know that in stopping such brutality—in saving the lives of how many tourists, staff members and Congressmen we will never know—the names of John Gibson and Jacob Chestnut are etched forever in the pantheon of heroes.

All who are indebted to them—myself included—will from this day forward speak their names in reverence. Their courage will inspire those who will hear told the tale of their sacrifices. While their children, their grandchildren and great grandchildren will stand tall—living legacies of extraordinary men.

In expressing our gratitude to these brave officers, we also acknowledge the skill, professionalism and dedication of the other 1,250 members of the United States Capitol Police force. They are among the most highly trained and well-respected law enforcement officers in the world.

Members of Congress, congressional staff, tourists, and all those who come and go through these buildings are blessed to have these men and women on the ramparts. Our hearts are with them as well, as they mourn the loss of their two distinguished colleagues and friends.

It is never easy, Mr. President, to weather a tragedy of this kind. There is little, if anything, that can be done to console loved ones and to reassure the children of men whose lives were lost that the principles and sense of duty for which their fathers stood are the very virtues which sustain life's goodness. But in time, they will be assured.

They will come to discover—as we all discover—that such principles are eternal: service, selflessness, sacrifice. Their meanings resonate beyond mortality. And we come to acknowledge the simple truth written more than 2,000 years ago: Greater love hath no man than that he lay down his life for a friend.

TRIBUTE TO OFFICER CHESTNUT, OFFICER GIBSON AND THE CAPITOL POLICE

Mr. WELLSTONE. Mr. President, I guess what I will say on the floor of the Senate, in part, is an effort to speak to the families of Officer Chestnut and Officer Gibson, but I guess it is also an effort on my part not only to speak to their families, but also to speak to the Capitol Hill Police.

Early Monday morning, Sheila, my wife, and I were walking from our apartment, which is near the Hart Senate Office Building, over to the doctor's office. Usually that takes about 7 minutes. It took about 40 minutes because of all of the officers who we ran into and all of the embraces, the hugs and the tears, just the embrace of real pain that people feel.

I want to say—I don't really have any words—this is a very, very sad day in Washington, DC, but I want to say to all of the Capitol Hill Police that all of us in the Senate—but I am now speaking for myself as a Senator from Minnesota—want you to know of our love and our support. We want Officer Chestnut and Officer Gibson's families to know that their husbands and fathers, sons, brothers were so courageous. I wish personally that there is something I can do to change everything. I wish that none of this had happened. It is horrifying. It seems senseless.

They were two wonderful men. I only knew them to say hello. I know the Capitol Police much better on the Senate side. It never should have happened, but these men deserve all of our praise. Their families deserve all of our love and support.

Especially as a U.S. Senator, I say to the other police officers—I guess that is mainly the one thing I want to do today—I want them to know how much I appreciate what they do. I want them to know how sorry I am that this happened. I want them to know that I hope and pray it will never happen again. And I want all of my colleagues to know, Democrats and Republicans alike, that I think today we are all together. Everybody can feel this, everybody can understand this, and I think probably the best thing we can do in memory of two very brave police officers is to understand how precious each day is, understand how precious people are, understand how important life is, appreciate the people who help us and go out of our way to make sure we live our lives in the most honest way possible.

To the Capitol Hill Police, thank you for some of you being really great friends to Sheila and me. I know how much pain you are in, but please know that you have our support.

REMEMBER THE FALLEN HEROES

Mr. BAUCUS. Mr. President, last week's deadly violence in the Halls of the United States Capitol touched the conscience of a nation. From coast to coast, Americans gathered to talk about the shootings. The coverage has dominated television, has dominated our newspapers, as well it should. There has been much discussion about who the assailant was, where he was born, where he lived, what might have caused him to do this dreadful deed.

I must say, Mr. President, with deep regret, that this assailant spent a part of his life in my home State of Montana. We in Montana are even more grieved, even more touched, and find this tragedy even more tragic than others in the Nation—if that is possible.

This man was not from Montana. We pride ourselves that those of us from our State have a great sense of honor, pride, duty, sense of family, sense of community. This person, unfortunately, spent some time in our State before he perpetrated this dreadful, violent, evil act.

We are deeply grieved. We are very deeply sorry. I am speaking for the people of my State of Montana.

Mr. President, there has been some conversation, too, about why things like this happen. Did somehow the system allow a person like this with some mental illness to fall between the cracks? The system we have for treating mental illness, was it somehow not adequate?

Frankly, I believe that the system is inadequate. That is, there are many people who are homeless. We are not properly treating people who are mentally disturbed, some of whom are paranoid schizophrenic. They are not receiving medication. They are not being properly treated, because our system is not paying enough attention to people who have this illness. I think if we do not remedy the situation, we

will have continued troubles on our hands. I hope we do remedy it very quickly.

Remember more than anything else the real heroes here. The real heroes are the officers who were shot performing their duty. Talking about the assailant and talking about how we correct the system is meaningless—because the real lesson here is the lesson of Jacob Chestnut and John Gibson.

All of us here personally know many of the Capitol Police. We live with them. We see them daily. We talk with them. They talk with us. We know many by their first names. We know something about them personally.

Tony, for example. Tony D'Ambrosio was a plainclothes detective, first a uniformed policeman, on Capitol Hill for many years. It wasn't too many years ago I received several death threats—regrettably, in my home State of Montana. Tony came out to Montana with me and we ran a marathon together. I got to know Tony quite well and have the highest regard for him.

There is Steven out there. Many know Steven. Steven stands by the door to the entrance of the Senate. We talk with him, we joke with him. He is part of our family.

Then there is Henry. Henry Turner. Henry Turner is a policeman originally from Alabama, who is also stationed out here at the front door. I often talk to Henry about legislation on the floor. "This is a good bill to vote for," or "This is not a good amendment to vote for." Henry would know more about the legislation before the Senate than a lot of Senators, on occasion. A great man to talk to. Very wise. A very wise, very thoughtful man from Alabama.

The same is obviously true for John and for Jacob. I did not personally know them nearly as well as I know other Capitol Police, but they are men, they are fathers, they are parents. They have family just like all of us do, all of us in the Senate, all of us in the country. We are all bound together by the community of brotherhood, the community of sisterhood, the community of family. We are all together.

Many people have said it in many, many ways, and I want to share my deepest sympathy for them, John and Jacob, for their families, and I want them to know that we all are with them. We are now and we will always be.

HEROISM IN THE PERFORMANCE OF DUTY

Mr. BIDEN. Mr. President, it is with some reluctance that I rise this afternoon to speak of the tragic occurrence, where two fine officers were gunned down here in the Capitol. The reason I say it is with reluctance is because, like many of us in this Chamber, I know from personal experience that when a wife or husband or son or daughter is taken from a family as a consequence of a totally unexpected violent event, that there is little that anyone can say or do, no matter how well intended we may be, that can in any way ease the pain of the family members who survive—the children, the spouses, parents.

So I debated with myself today whether or not to say anything at all. Much has been said about the heroism displayed in the performance of duty, and much more will be said about the lives that these two men, in giving theirs, probably saved. All that need be said, but none of that in any way is likely to produce any sense of relief on the part of the children of the officers, on the part of their spouses, on the part of their families. As a matter of fact, it is likely to produce, initially, a sense of anger; a feeling of "Why my father?" a feeling of "Why did it have to be my husband?"

So, in a few moments each of us in our own ways will, as we attend the memorial service, demonstrate our high regard for and pay respects to the families as well as the deceased officers. But I also note one other thing from personal experience. Notwithstanding the fact nothing that we say today can ease that horrible void that seems to occupy the chest of the family members who can't fathom why this occurred to their father or to their husband—nothing we do will make them feel any better today—but, as time goes on, they will find a sense of comfort knowing that so many people held their father, their spouse, in such high regard. It will not occur for months, but it will occur. It will occur. And when it does, it will at that time help ease, ever so slightly, that sense of loss. The pain will never go away. The sense of loss will never be completely abated. But it will become easier to live with. So, as I said, although a lot of us in this Chamber know from similar experiences the feeling, it is hard when you are going through it to know one other thing that occurs and that is that time, time will not erase the pain, but time will make it livable.

At this moment, I expect, family members feel that nothing—nothing—nothing that will happen to them from this point on will make life as worth living as it has been for them. But, again from personal experiences, all of us know, who have gone through similar things, that the time will come when the memory of J.J. or John, the memory of their father or husband, will bring a smile to their lips rather than a tear to their eyes. My only prayer, on behalf of my wife Jill and me—we talked a lot about this morning before I came down—my prayer for the family members is that moment will come sooner than later. It will come. It will come. But that it will come sooner than later.

We ask a lot of those who serve this Nation. But few of us, few of us ever have to give what these two officers gave. Even fewer family members have to live with the sacrifice they have made, the void that is created and the pain that will endure for some time, like the families of the two fallen officers. So, again, I have no illusions that my words, as inadequate as they are, or the words of any of us, will at this moment give much comfort. But in time, in time I hope they will find some refuge in what has been said, in the outpouring of respect, the outpouring of emotion, the outpouring of just simple, plain gratitude on the part of the staff, the Senators, and all Americans for what these two men did.

They did their duty. They did their duty. And, in doing so, they clearly saved the lives of other innocent people. That is no comfort now, but it will, in time, be some comfort.

Let me close by saying, once again, in time the pain will ease. In time, when they think of their father, when they think of their husband, they will, in fact, smile rather than cry. All that we can hope is that time will come sooner than later.

I yield the floor.

TRIBUTE TO OFFICERS JOHN GIBSON AND JACOB CHESTNUT

Mr. HAGEL. Mr. President, I rise this afternoon to add my tribute and honor to our fallen comrades and colleagues, Officers Chestnut and Gibson, whose bodies lie in state in the Capitol Rotunda just down the hall, where Members of the House and Senate paid tribute this morning.

I am not nearly eloquent enough to express the feelings, certainly, that all of us have about what these two men did mean to us, what all of our officers, protectors, men and women who guard over us and our population that visits this great and magnificent Capitol, this Capitol that represents free men and women, this Capitol that represents the best hope for mankind, mean to us.

What I would like to offer is a saying that I have found comforting over the years and I believe applies very much to our fallen heroes. And that saying goes like this—that man is a success who has lived well, laughed often, and loved much; who has gained the respect of men and the love of children, who leaves the world better than he found it, whether through an improved poppy, a perfect poem or a rescued soul, who never failed to appreciate the beauty of nature, and always gave the best he had. Officers Chestnut and Gibson gave the best they had and the America they leave behind is a better place.

Mr. President, I thank the Chair. I yield the floor.

TRIBUTE TO SLAIN CAPITOL POLICE OFFICERS

Mr. ABRAHAM. Mr. President, I rise to express my deep regret over the deaths of the two capitol police officers slain in the line of duty last Friday. Officers John Gibson and Jacob Chestnut

were family men; each was married with three children. They also were dedicated professionals and, as shown by their final acts, heroes.

Officer Chestnut confronted the lone gunman whose weapon set off the metal detector at the "document door" entrance to the main Capitol building. Officer Chestnut was fulfilling his duty to protect the people's building and the thousands upon thousands of Americans who visit their building, from violence. He paid for his dedication with his life.

The gunman mortally wounded Officer Chestnut, then went into the building, firing his weapon and finding his way to the office of the distinguished Majority Whip, Congressman TOM DELAY. Congressman DELAY and his staff were in mortal danger from this gunman. I know that every one of them thanks God for the acts of Officer Gibson, whose bravery and perseverance brought down the gunman at the office door, even as Officer Gibson himself lay mortally wounded.

Each of us who serves in the United States Senate depends on the bravery and dedication of men and women like Officers Gibson and Chestnut. Every day they put their lives on the line to protect the safety and well-being of Members of Congress and the public. Many of us have become friends with particular officers over the months and years we have served in this body, and that is only right. But it certainly doesn't make it any easier when we have to say goodbye to two such dedicated public servants and members of our Capitol Hill family.

My condolences go out to the families of these brave men. It is my hope that they will derive comfort from the knowledge that Officers Gibson and Chestnut died protecting people from a mad gunman, sacrificing themselves for the greater good—a greater good to which they had devoted their careers and their lives.

HONORING JACOB J. CHESTNUT AND JOHN M. GIBSON

Mr. LEVIN. Mr. President, I rise to join the people across our Nation paying tribute to the heroic actions of Officer Jacob J. Chestnut and Detective John M. Gibson. These two men, who were killed during a senseless act of violence last Friday, gave their lives in order to protect the American people and their Capitol. They died fulfilling their sworn duty to protect the men and women who work in the Capitol compound and the multitudes of visitors who tour each day. The loss of J. J. Chestnut and John Gibson is like a death in the family. However, despite the great loss that will feel, our thoughts and prayers are first with their families, who will bear the greatest burden of this tragic event. We hope that they may find some solace in knowing that the Nation joins them in their grief.

These fallen protectors were true heroes. They faced gunfire and death in the line of duty. It is fitting that we are able to pay our final respects to them today in the very place where they worked and gave their lives. The Capitol Police serve with pride, efficiency and good humor. They handle the enormous task of allowing the multitude of people who visit our Capitol, the symbol of freedom and democracy the world over, access to it without a feeling of having to cross a barricade. This openness and accessibility have a heavy price, as we mourn the loss of these brave men.

Today, J. J. Chestnut and John Gibson are being given an extraordinary honor by the Congress when their caskets are placed in the Capitol rotunda. It is an honor that has been bestowed upon very few of our Nation's exemplary public servants and one which is entirely fitting for J. J. Chestnut and John Gibson. They were public servants in the most fundamental sense. Their sense of duty and service were unmatched, and as we mourn the deaths of these two outstanding men we can also feel a sense of pride in the great sacrifice they made in the defense of democracy, our Capitol, and its visitors.

Mr. President, I know my Senate colleagues and Americans everywhere join in honoring these two fallen heroes: Jacob J. Chestnut and John M. Gibson.

IN MEMORY OF OFFICER GIBSON AND OFFICER CHESTNUT

Mr. ALLARD. Mr. President, today, in a place where President's have laid, Officers J.J. Chestnut and Detective John Gibson lay in state under the Capitol Dome, the very symbol of freedom and democracy that they died to protect.

On Friday, July 24th, Mr. Gibson and Mr. Chestnut laid down their lives for the people visiting their Capitol, for our staffs, and for us. These two brave men are true public servants. Their actions protected American lives and our cradle of freedom, the Capitol.

Even though I never had the opportunity to meet Mr. Gibson and Mr. Chestnut, I do know many like them. They are both husbands, fathers—Mr. Gibson has 3 children, and Mr. Chestnut has 5, and J.J. Chestnut is a grandfather. I also know them from the friendships that I and my wife Joan have formed with the committed and selfless Capitol Hill Police. I want to thank them for their service to me, my family, my staff, and every visitor that enters this Capitol.

Mine, my wife's, and my staff's hearts go out to the families of these two loved family men and the Capitol Hill Police for their two fallen respected colleagues. They are heroes. While no words can ever express the sorrow felt, our prayers go out to their families, friends, and the Capitol Hill Police.

Thank you Officer John Gibson and Officer J.J. Chestnut for your service to all of us and to this country. God bless their memory and their families.

TRIBUTE TO FALLEN HEROES—J.J. CHESTNUT AND JOHN GIBSON

Mr. CLELAND. Mr. President, I rise today to honor two fallen heroes—U.S. Capitol Police Officer J.J. Chestnut and U.S. Capitol Police Special Agent John Gibson—who gave their lives to protect us. When I say "us," I do not refer only to members of Congress, to the tourists who visited the Capitol last Friday, or to staff members working that afternoon, I refer to all Americans. J.J. Chestnut and John Gibson gave their lives to protect our house, the people's house, and our freedom.

J.J. Chestnut, 58, joined the Capitol Police force in 1980, following 20 years of service in the United States Air Force. He earned numerous commendations and awards for both his military and police service, including a Vietnam Service Medal, the Bronze Star for Meritorious military service and countless letters of appreciation from citizens and staff for assistance provided and attention to duty. Officer Chestnut is survived by his wife, Wen Ling, and five children.

John Gibson, 42, also joined the Capitol Police force in 1980, and also earned numerous commendations. In 1988, Gibson was commended for going to the aid of a citizen, and saving their life by administering CPR. Special Agent Gibson is survived by his wife, Evelyn, and three children.

It is horribly ironic to me that one of the fallen officers, J.J. Chestnut, was a Vietnam Veteran who survived combat only to fall at the hand of a fellow American. As a veteran he served his country so that we could all have our freedom, a freedom which the gunman who walked into the United States Capitol last Friday and opened fire, did not understand, did not honor and certainly did not respect.

In 1862, Nathaniel Hawthorne wrote: "It is natural enough to suppose that the center and heart of America is the Capitol." He stated that the Capitol's combination of dignity, harmony, and utility made it a fit embodiment of the highest traits of our nation. A year later, Sculptor Thomas Crawford's 19½ foot, 7½ ton Statue of Freedom was lifted and placed atop the Capitol Dome.

Nearly every President since Andrew Jackson has been inaugurated on its steps. The Capitol has hosted a cast of American legends, as great Senators and great members of the House have presided and debated in each of two houses over the years, including John Calhoun, Daniel Webster, Henry Clay, Robert Lafollette, George Norris, Richard Russell, John F. Kennedy, Sam Rayburn, Carl Vinson, ROBERT BYRD.

The Capitol has also been home to so many milestones in American history.

The Capitol was where the Civil Rights Act was passed in 1964, and where women were granted the right to vote. It was where war was declared after the invasion of Pearl Harbor following upon the famous "Day of Infamy" speech. It was where the Social Security Act was enacted, and where legislation was passed to limit child labor.

More than anything, our Capitol has stood as a symbol of our democracy, of our liberty, and of our freedom since President George Washington laid the cornerstone for the building in 1793.

Let us not let the actions of the gunman last Friday threaten our freedom, or our belief in our democracy. Instead, let us focus on the heroic actions of officers J.J. Chestnut and John Gibson, who last week gave the ultimate sacrifice for their country.

I am reminded of a passage from Thucydides' "Funeral Oration of Pericles":

> So they gave their bodies to the commonwealth and received, each for his own memory, praise that will never die, and with it the grandest of all sepulchers, not that in which their mortal bones are laid, but a home in the minds of men, where their glory remains fresh to stir to speech or action as the occasion comes by. For the whole earth is the sepulcher of famous men; and their story is not graven only on stone over their native earth, but lives on far away, without visible symbol, woven into the stuff of other men's lives. For you now it remains to rival what they have done and, knowing the secret of freedom a brave heart, not idly to stand aside from the enemy's onset.

We have a lot to learn from the selfless bravery and public service displayed by these two men. Our thoughts and prayers are with their families and friends at this difficult time. God bless.

THE MURDERS OF U.S. CAPITOL POLICE OFFICERS JACOB CHESTNUT AND JOHN GIBSON

Mrs. FEINSTEIN. Mr. President, my heart goes out to the families of the two officers slain in Friday's brutal shooting. These two men will be forever known for their bravery, courage and heroism in laying down their lives to protect all of us who pass through the halls of the United States Capitol.

The Capitol police officers, Jacob Chestnut and John Gibson, made the ultimate sacrifice that any person can give in laying down their lives so that others would be spared. Their actions demonstrated the highest form of bravery, selflessness, and professionalism.

We must all remember that the price of democracy is indeed, a high one. At times, the openness of our government is sometimes challenged by events like those that took place this past Friday. But even though our democracy sometimes seems fragile when challenged by senseless violence, we must all do our part to ensure that this type of violence never happens again. I am confident we will take those steps as a nation.

I had just landed in Colorado when I learned what had happened in the Capitol building. When my plane arrived, I received an emergency call from my office informing me of the tragic events. In an instant, my mind fell back to November 28th, 1978 when in City Hall in San Francisco the double assassination of Mayor George Moscone and Supervisor Harvey Milk took place. I knew the terrible anguish—even anger—that accompanies events like this one.

This event also shows the depth to which America's infatuation with weapons can lead to tragedy. Not only do we now see youngsters shooting other youngsters, but also the unthinkable slayings in what should be one of the safest places in our nation, the United States Capitol. In this very difficult time, I am proud to say that Officers Jacob Chestnut and John Gibson will always be remembered as American heroes.

RECOGNITION OF SACRIFICES OF JACOB J. CHESTNUT AND JOHN M. GIBSON

Mrs. MURRAY. Mr. President, I rise humbly to pay tribute to Officers Jacob Chestnut and Special Agent John Gibson—and all of their fellow Capitol Police officers and law enforcement officers across the nation and world.

As I filed past the bodies of our slain officers in the rotunda this morning, I was overwhelmed by the sacrifice they made to protect us, our families and fellow citizens. So many times, we take law enforcement for granted because we see them every day monitoring entrances, patrolling the Capitol, just being there. And, thankfully, we don't often see events like the tragedy that occurred on Friday.

But events like those on Friday do happen. They happen every day across this great nation. Law enforcement officers sacrifice their lives so we can live more safely and freely. Every time that happens, I remember the commitment they have made and I thank them.

When such madness strikes at our nation's symbol of democracy, it should remind us even more that freedom comes at a price. Our citizens and people of all lands are welcome to visit our capitol and participate in the democracy that they help sustain. They can watch Members of Congress undertake the people's business from the galleries above the two house chambers. They can visit us in our offices. They can visit sacred monuments and historic sites.

Just last Wednesday, at a coffee I held for visiting constituents from Washington State, one tourist exclaimed how impressed she was with the accessibility of the Capitol, with the openness of the process and the ability to meet and see her Senator and Representatives. I agreed that we have a wonderful system and I praised her for taking advantage of that openness and participating in our great democracy.

But we have defenders of this democracy and openness. Those men and women are our police officers who try to find that perfect balance of an open society and a safe society. Sometimes that balance means lives are sacrificed to protect those noble goals.

My thoughts and prayers are with the families of Officer Chestnut and Special Agent Gibson. This is such a tragedy. As I have read about their lives and families and commitment to their communities, their sacrifice was made even more real. They are true heroes.

So, I thank them and I thank the Capitol Police. I honor their service. I will use this tragedy to make sure I remember the tremendous commitment our law enforcement officers have made to us: To keep us as safe and when we are in danger, to lay down their lives for us.

TRIBUTE TO SLAIN OFFICERS CHESTNUT AND GIBSON

Mr. SANTORUM. Mr. President, I rise today to recognize and mourn the passing of two cherished members of our Capitol Hill community, Officer J.J. Chestnut and Officer John Gibson, slain Friday in the line of duty.

As we mourn their deaths and pay tribute to them, perhaps we should recall the particular, even paradoxical, quality of who they were and what they did: They stood among us, as members of this community, but they also stood apart.

As many have noted since their deaths, both officers were familiar to those of us who work in the Capitol. They stood guard in these halls—and so they stood, literally, among us. And their lives resembled many of our own lives; they were husbands, fathers, sons, and brothers. They took pleasure from their families and pride in their work. If but for the sad events on Friday, they might have continued to live as so many of us do: simply but decently, content to be known and loved mostly by those closest to them.

But they stood guard in these halls—and so they also stood apart. They belong to that small but remarkable group of people whose profession requires the willing forfeiture not just of their time and talent but, if necessary, of their very lives. Unlike most of us, their daily work was to offer their life in the place of another's. More dramatically and compellingly than most of us, they embodied the qualities that sustain our democracy: selflessness and courage. In this, they stood guard over our democratic tradition.

As individuals and citizens, we are defined not only by who we stand with, but by when we choose to stand apart. I am honored that these men stood among us everyday and grateful that, when the critical moment came, they also freely chose to stand apart. In tribute, in these halls they guarded, we stand as one and grieve their deaths.

TRIBUTE TO U.S. CAPITOL POLICE OFFICERS JACOB CHESTNUT AND JOHN GIBSON

Mr. JOHNSON. Mr. President, I rise to pay tribute to Capitol Police Officers Jacob Chestnut and John Gibson who sacrificed their lives last Friday safeguarding our nation's Capitol, Members of Congress, our staffs and the thousands of Americans who were visiting the Capitol on that tragic day.

We are privileged to work in these hallowed buildings that are central to the greatest democracy in the world. We are equally privileged that Officers Chestnut and Gibson and their colleagues are willing to risk their lives to defend us from harm and keep democracy alive.

Capitol Police Officers protect more than 7 million visitors who come to our Nation's Capitol every year. Often, they are the first to welcome these visitors to our Capitol. I thank all the officers who secure our grounds and dedicate their lives to our safety.

Officers Chestnut and Gibson and their families are in our thoughts and our prayers, but we also should remember to pray for the safety of hundreds of other men and women who protect us everyday as we do the business of the American people. This tragedy should remind all of us that our democracy and our nation's security are ultimately dependent upon the courage and commitment of individuals such as Jacob Chestnut and John Gibson.

TRIBUTE TO U.S. CAPITOL POLICE OFFICERS JOHN GIBSON AND JACOB CHESTNUT

Mr. FRIST. Mr. President, honoring those who die in the service of others is a practice as old as life itself. From ancient times to the present day, those who survive pay tribute to those who have fallen with songs and symbols, flowers and ceremonies.

And it is a good thing, for it is at times like these that words often fail us. Few memorial addresses have outlived those who uttered them—not because of the inadequacy of the speakers, but because of the inadequacy of words themselves. To quote General James A. Garfield, who spoke at the first memorial at Arlington National Cemetery—where Officers Gibson and Chestnut will be buried later this week—"If silence is ever golden, it must be here beside the graves of men whose lives were more significant than speech, and whose death was a poem the music of which can never be sung."

John Gibson and Jacob Chestnut were such men, as their countless friends and associates have testified, and so I add my small tribute to the hundreds that have already been offered in the hope that it may, in some small way, console the hearts of those they leave behind.

Mr. President, long after these men are laid to their final rest, the memory of their warmth and their many kindnesses, their lives and their heroic sacrifice will live on in the hearts and minds of all of us—indeed, of all who visit the soaring symbol of freedom and democracy they died to defend. From this day forward it will stand, like a silent sentry, guarding the memory of their valor and courage.

May the Almighty God who watches over all of us, comfort and strengthen their wives and children in the days ahead, and may He protect all who place themselves in harm's way so that we may enjoy the blessings and benefits of freedom.

Mr. President, I thank the Chair and yield the floor.

HONORING THE EMBERSONS ON THEIR 60TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Glen and Vera Emberson, who on July 9, 1998, celebrated their 60th wedding anniversary. Many things have changed in the 60 years this couple has been married, but the values principles, and commitment this marriage demonstrates are timeless. As Mr. and Mrs. Emberson celebrate their 60th year together with family and friends, it will be apparent that the lasting legacy of this marriage will be the time, energy, and resources invested in their children, community, and church, including their service as devoted missionaries. My wife, Janet, and I look forward to the day we can celebrate a similar milestone.

The Emberson's exemplify the highest commitment to the relentless dedication and sacrifice. Their commitment to the principles and values of their marriage deserves to be saluted and recognized.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on July 27, 1998, during the adjournment of the Senate received a message from the House of Representatives announcing that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 311. Concurrent resolution honoring the memory of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police for their selfless acts of heroism at the United States Capitol on July 24, 1998.

MESSAGES FROM THE HOUSE

At 10:09 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4250. An act to provide new patient protections under group health plans.

The message also announced that pursuant to the provisions of section 4021(c) of Public Law 105–33, the Speaker appoints the following member of the part of the House to the National Bipartisan Commission on the Future of Medicare to fill the existing vacancy thereon: Mrs. Colleen Conway-Welch of Tennessee.

ENROLLED BILL SIGNED

The message also announced the Speaker has signed the following enrolled bill:

H.R. 39, An act to reauthorize the African Elephant Conservation Act.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 5:39 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following concurrent resolution, without amendment:

S. Con. Res. 112. Concurrent resolution to authorize the printing of the eulogies of the Senate and the House of Representatives for Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 4250. An act to provide new patient protections under group health plans.

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–6210. A communication from the Deputy General Counsel of the Small Business Administration, transmitting, pursuant to law, the report of a rule "Business Development/Small Disadvantaged Business Status Determinations" received on July 25, 1998; to the Committee on Small Business.

EC–6211. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Contractor Insurance/Pension Reviews" (Case 97–D012) received on July 23, 1998; to the Committee on Armed Services.

EC–6212. A communication from the Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Policy on Audits of RUS Borrowers" (RIN0572–AA93) received on July 23, 1998; to

the Committee on Agriculture, Nutrition, and Forestry.

EC-6213. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Helium Contracts" (RIN1004-AD24) received on July 23, 1998; to the Committee on Energy and Natural Resources.

EC-6214. A communication from the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Adjustment of the Maximum Retrospective Deferred Premium" (RIN3150-AG01) received on July 23, 1998; to the Committee on Environment and Public Works.

EC-6215. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Secondary Direct Food Additives Permitted in Food for Human Consumption (Chlorine Dioxide)" (Docket 94F-0040) received on July 23, 1998; to the Committee on Labor and Human Resources.

EC-6216. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Oral Dosage Form New Animal Drugs; Ivermectin Liquid" received on July 23, 1998; to the Committee on Labor and Human Resources.

EC-6217. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "New Animal Drugs For Use In Animal Feeds; Bacitracin Methylene Disalicylate, Decoquinate and Roxarsone" received on July 23, 1998; to the Committee on Labor and Human Resources.

EC-6218. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Secretary's Report on Management Decisions on the Office of Inspector General Audit Recommendations for the period October 1, 1997 through March 31, 1998; to the Committee on Governmental Affairs.

EC-6219. A communication from the Interim District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Fiscal Year 1997 Annual Report on Advisory Neighborhood Commissions"; to the Committee on Governmental Affairs.

EC-6220. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, a report of additions to the Committee's Procurement List dated July 20, 1998; to the Committee on Governmental Affairs.

EC-6221. A communication from the Secretary of Defense, transmitting, notice of military retirements; to the Committee on Armed Services.

EC-6222. A communication from the Deputy Director of the Russia-NIS Program Office, International Trade Administration, transmitting, pursuant to law, the report of a rule entitled "Cooperative Agreement Program for American Business Centers in Russia and the New Independent States" (Docket 980716181-8181-01) received on July 23, 1998; to the Committee on Foreign Relations.

EC-6223. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule regarding the marketing and authorization of radio frequency devices (Docket 94-45) received on July 24, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6224. A communication from the Deputy General Counsel of the Small Business Administration, transmitting, pursuant to law, the report of a rule regarding a change of terminology in the Small Business Investment Companies regulations received on July 23, 1998; to the Committee on Small Business.

EC-6225. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, notice of the allocation of emergency funds to eleven States under the Low-Income Home Energy Assistance Act; to the Committee on Labor and Human Resources.

EC-6226. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report entitled "Presidential Report on the Physicians Comparability Allowance"; to the Committee on Governmental Affairs.

EC-6227. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report on drug and alcohol abuse prevention, treatment and rehabilitation programs and services for Federal civilian employees for fiscal year 1996; to the Committee on Governmental Affairs.

EC-6228. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding Colorado landfill gas emissions (FRL6131-7) received on July 24, 1998; to the Committee on Environment and Public Works.

EC-6229. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Pan-American Highway Macro-Economic, Pre-Feasibility Study"; to the Committee on Environment and Public Works.

EC-6230. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Computation of the Differential Earnings Rate and the Recomputed Differential Earnings Rate" (Rev. Rul. 98-38) received on July 24, 1998; to the Committee on Finance.

EC-6231. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the effectiveness and appropriateness of current mechanisms for surveying and certifying skilled nursing facilities; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Government Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 314: A bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes (Rept. No. 105-269).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 2244: A bill to amend the Fish and Wildlife Act of 1956 to promote volunteer programs and community partnerships for the benefit of national wildlife refugees, and for other purposes (Rept. No. 105-270).

By Mr. STEVENS, from the Committee on Appropriations: Special Report entitled "Further Revised Allocation To Subcommittees Of Budget Totals from the Concurrent Resolution for Fiscal Year 1998" (Rept. No. 105-271).

By Mr. STEVENS, from the Committee on Appropriations: Special Report entitled "Further Revised Allocation To Subcommittees Of Budget Totals for Fiscal Year 1999" (Rept. No. 105-272).

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 1856: A bill to amend the Fish and Wildlife Act of 1956 to direct the Secretary of the Interior to conduct a volunteer pilot project at one national wildlife refuge in each United States Fish and Wildlife Service region, and for other purposes.

By Mr. JEFFORDS, from the Committee on Labor and Human Resources, without amendment:

S. 2112: A bill to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer.

By Mr. LOTT (for Mr. HELMS), from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with a preamble:

S. Con. Res. 103: A concurrent resolution expressing the sense of the Congress in support of the recommendations of the International Commission of Jurists on Tibet and on United States policy with regard to Tibet.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

Carolyn H. Becraft, of Virginia, to be an Assistant Secretary of the Navy.

Ruby Butler DeMesme, of Virginia, to be an Assistant Secretary of the Air Force.

Patrick T. Henry, of Virginia, to be an Assistant Secretary of the Army.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10 U.S.C., section 12203:

To be brigadier general

Col. George W. Keefe, xx...

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10 U.S.C., section 12203:

To be major general

Brig. Gen. Richard C. Cosgrave, xx...

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10 U.S.C., section 601:

To be lieutenant general

Lt. Gen. Roger G. DeKok, xx...

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. John W. Handy, xx...

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Nicholas B. Kehoe III, xx...

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Maxwell C. Bailey, xx...

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Phillip J. Ford, xx...

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Ronald C. Marcotte, xx...

The following named officer for appointment in the United States Air Force as Chief, National Guard Bureau, and for appointment to the grade indicated under title 10, U.S.C., section 10502:

To be lieutenant general

Maj. Gen. Russell C. Davis, xx...

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Richard S. Colt, xx...

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Keith B. Alexander, xx...
Dorian T. Anderson, xx...
Eldon A. Bargewell, xx...
David W. Barno, xx...
William H. Brandenburg, xx...
John M. Brown, III, xx...
Peter W. Chiarelli, xx...
Claude V. Christianson, xx...
Edward L. Dyer, xx...
William F. Engel, xx...
Barbara G. Fast, xx...
Stephen J. Ferrell, xx...
Thomas R. Goedkoop, xx...
Dennis E. Hardy, xx...
Steven R. Hawkins, xx...
John W. Holly, xx...
David H. Huntoon, Jr., xx...
Peter T. Madsen, xx...
Jesus A. Mangual, xx...
Thomas G. Miller, xx...
Robert W. Mixon, Jr., xx...
Virgil L. Packett, II, xx...
Donald D. Parker, xx...
Elbert N. Perkins, xx...
Joseph F. Peterson, xx...
David H. Petraeus, xx...
Marilyn A. Quagliotti, xx...
Maynard S. Rhoades, xx...
Velma L. Richardson, xx...
Michael D. Rochelle, xx...
Joe G. Taylor, Jr., xx...
Nathaniel R. Thompson, III, xx...
Alan W. Thrasher, xx...
James D. Thurman, xx...
Thomas R. Turner, II, xx...
John M. Urias, xx...
Michael A. Vane, xx...
Lloyd T. Waterman, xx...

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert F. Foley, xx...

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Dale R. Barber, xx...

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Robert T. Dail, xx...

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C. section 12203:

To be brigadier general

Col. Robert A. Cocroft, xx...

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Leon J. LaPorte, xx...

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. James M. Link, xx...

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Edmund C. Zysk, xx...

To be brigadier general

Col. William J. Davies, xx...
Col. James P. Combs, xx...

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. John N. Abrams, xx...

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. David H. Ohle, xx...

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Paul J. Glazar, xx...
Brig. Gen. John R. Groves, Jr., xx...
Brig. Gen. David T. Hartley, xx...
Brig. Gen. Lloyd E. Krase, xx...
Brig. Gen. Bennett C. Landreneau, xx...
Brig. Gen. Benny M. Paulino, xx...
Brig. Gen. Jean A. Romney, xx...
Brig. Gen. Allen E. Tackett, xx...

To be brigadier general

Col. Richard W. Averitt, xx...
Col. Daniel P. Coffey, xx...
Col. Howard A. Dillon, Jr., xx...
Col. Barry A. Griffin, xx...
Col. Larry D. Haub, xx...
Col. Robert J. Hayes, xx...
Col. Lawrence F. Lafrenz, xx...
Col. Victor C. Langford III, xx...
Col. Thomas P. Mancino, xx...
Col. Dennis C. Merrill, xx...
Col. Walter A. Paulson, xx...
Col. Robley S. Rigdon, xx...
Col. Kenneth B. Robinson, xx...
Col. Roy M. Umbarger, xx...
Col. Jimmy R. Watson, xx...
Col. Paul H. Wieck, xx...

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Emilio Diaz-Colon, xx...

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Edward G. Anderson III, xx...

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Thomas A. Schwartz, xx...

JUDGE ADVOCATE GENERAL CORPS

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624(c):

To be brigadier general

Col. Thomas J. Romig, xx...

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Bruce W. Pieratt, xx...

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Peter A.C. Long, xx...

The following named officer for appointment as Chief of Chaplains and for appointment to the grade indicated under title 10, U.S.C., section xx...:

To be rear admiral

Rear Adm. (lh) Anderson B. Holderby, Jr., xx...

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Michael E. Finley, xx...
Capt. Gwilym H. Jenkins, Jr., xx...
Capt. James A. Johnson, xx...

The following named officer for appointment in the United States Navy to the grade

indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. James F. Amerault, xx...

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Michael L. Cowan, xx...

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Joseph S. Mobley, xxx...

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Edward Moore, Jr., xx...

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. John W. Craine, Jr., xx...

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Herbert A. Browne, Jr., II, xxx...

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably 18 nomination lists in the Air Force, Army, Marine Corps, and Navy which were printed in full in the CONGRESSIONAL RECORD of May 22, June 15, July 7, and July 17, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of May 22, 1998, June 15, 1998, July 7, 1998, and July 17, 1998, at the end of the Senate proceedings.)

In the Army nominations beginning Johan K Ahn, and ending Clorinda K Zawacki, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 1998

In the Navy nominations beginning Mark T Ackerman, and ending Mary J Zurey, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 1998

In the Air Force nominations beginning Albert K Aimar, and ending Jerry L Wilper, which nominations were received by the Senate and appeared in the Congressional Record of June 15, 1998

In the Army nomination of Angela D. Meggs, which was received by the Senate and appeared in the Congressional Record of June 15, 1998

In the Marine Corps nomination of Michael J. Colburn, which was received by the Senate and appeared in the Congressional Record of June 15, 1998

In the Marine Corps nominations beginning Reginald H Baker, and ending James J Witkowski, which nominations were received by the Senate and appeared in the Congressional Record of June 15, 1998

In the Navy nominations beginning David Abernathy, and ending Michael B Witham, which nominations were received by the Senate and appeared in the Congressional Record of June 15, 1998

In the Navy nominations beginning Sanders W Anderson, and ending Paul R Zambito, which nominations were received by the Senate and appeared in the Congressional Record of June 15, 1998

In the Navy nominations beginning John S. Andrews, and ending William M. Steele, which nominations were received by the Senate and appeared in the Congressional Record of June 15, 1998

In the Air Force nominations beginning Hedy C. Pinkerton, and ending Philip M. Shue, which nominations were received by the Senate and appeared in the Congressional Record of July 7, 1998

In the Air Force nominations beginning John J Abbatiello, and ending Michel P Zumwalt, which nominations were received by the Senate and appeared in the Congressional Record of July 7, 1998

In the Army nominations beginning Kevin C Abbott, and ending Mark G Ziemba, which nominations were received by the Senate and appeared in the Congressional Record of July 7, 1998

In the Army nominations beginning Celethia M * Abner, and ending Shanda M * Zugner, which nominations were received by the Senate and appeared in the Congressional Record of July 7, 1998

In the Navy nominations beginning Paul S. Webb, and ending Wesley P. Ritchie, which nominations were received by the Senate and appeared in the Congressional Record of July 7, 1998

In the Navy nomination of Kevin J. Bedford, which was received by the Senate and appeared in the Congressional Record of July 7, 1998

In the Army nominations beginning Robert D. Branson, and ending William B. Walton, which nominations were received by the Senate and appeared in the Congressional Record of July 17, 1998

In the Army nominations beginning Mark A Acker, and ending X4578, which nominations were received by the Senate and appeared in the Congressional Record of July 17, 1998

In the Navy nominations beginning Douglas J. Mcaneny, and ending Richard A. Mohler, which nominations were received by the Senate and appeared in the Congressional Record of July 17, 1998

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. 2362. A bill to extend the temporary duty suspension on certain textured rolled glass sheets; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2363. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Kyrgyzstan; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. WARNER, Ms. SNOWE, Mr. KEMPTHORNE, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. REID, Mrs. BOXER, Mr. LUGAR, Mr. HOLLINGS, Ms. COLLINS, and Ms. MIKULSKI):

S. 2364. A bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965; to the Committee on Environment and Public Works.

By Mr. BURNS:

S. 2365. A bill to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JOHNSON (for himself, Mr. INHOFE, Mr. BAUCUS, Mr. CONRAD, Mr. BRYAN, Mr. KERRY, Mr. BUMPERS, Ms. SNOWE, Mrs. BOXER, Mr. DASCHLE, Mr. BURNS, and Mr. INOUYE):

S. 2366. A bill to amend the Internal Revenue Code of 1986 to provide that housing assistance provided under the Native American Housing Assistance and Self-Determination Act of 1996 shall be treated for purposes of the low-income housing credit in the same manner as comparable assistance; to the Committee on Finance.

By Mr. DODD:

S. 2367. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel AMICI; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 258. A resolution to authorize testimony and representation of Senate employee in State of Tennessee v. Ronald W. Byrd; considered and agreed to.

By Mr. CAMPBELL:

S. Con. Res. 113. A concurrent resolution to rename the Document Door of the Capitol as the Chestnut-Gibson Memorial Door; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 2362. A bill to extend the temporary duty suspension on certain textured rolled glass sheets; to the committee on finance.

DUTY SUSPENSION LEGISLATION

• Mr. THURMOND. Mr. President, today I introduce, along with Senator HOLLINGS, a bill which will suspend the duty imposed on certain textured rolled glass sheets. Currently, this glass is not manufactured in the United States nor is a substitute readily available. Therefore, suspending the

duty on this item would not adversely affect domestic industries.

I hope the Senate will consider this measure expeditiously.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 2362

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

SECTION 1. TEXTURED ROLLED GLASS SHEETS.

Subheading 9902.70.03 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/98" and insert "12/31/2001".•

• Mr. HOLLINGS. Mr. President, today, I, along with Senator THURMOND, introduce duty suspension legislation designed to continue the importation of certain rolled glass into the United States duty free. This product is not manufactured in the United States. Upon importation, the rolled glass will be further manufactured in a facility at Fountain Inn, South Carolina.

I believe that this duty suspension will assist with employment in South Carolina. This facility manufactures glass-ceramic cooktops for the North American appliance industry. Continuation of this duty suspension will allow for the most efficient manufacture of this high end product in South Carolina.•

By Mr. BURNS:

S. 2365. A bill to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes; to the Committee on Commerce, Science, and Transportation.

INTERNATIONAL SATELLITE COMMUNICATIONS REFORM ACT OF 1998

Mr. BURNS. Mr. President, I rise today to introduce the "International Satellite Communications Reform Act of 1998," a bill to update our nation's policies regarding the provision of international satellite services.

During the final days of the First Session of the 105th Congress, I announced that I would engage in an effort to eliminate outdated regulations and foster competition in the global satellite market. Since that time, I have met with industry representatives and officials from the Administration, and my office has conducted a series of open briefings intended to fully educate Members and their staff on the competing interests and opposing views surrounding this complicated debate. The "International Satellite Communications Reform Act of 1998" represents the culmination of a great deal of hard work, and I would like to thank the Members and staff, industry representatives, and Administration officials who worked with me to develop a consensus bill for their efforts. It is my intention to hold a hearing on this legislation when the Senate returns in early September.

Currently, the satellite policies of the United States are based upon the Communications Satellite Act of 1962, a bill drafted in the midst of the Cold War, when the United States was engaged in the "Space Race" with the Soviet Union. At that time, America wanted to demonstrate to the rest of the world its commitment to the peaceful uses of outer space and to bring the benefits of space technology to all the people of the world.

In that effort, we have succeeded magnificently. The 1962 Act led to the formation of Comsat Corporation, and then later of INTELSAT, which today provides global connectivity from the United States to virtually every point on the globe. The 1962 Act has paid the United States enormous dividends, to the point where the policy framework established by Congress in 1962 has been eclipsed by the success of these ventures, and by the development of healthy marketplace competition.

The "International Satellite Communications Reform Act of 1998" is designed to establish a new policy framework for international satellite communications for the 21st Century. It is designed to build on the success of the 1962 Act in a manner that preserves the benefits of that Act, while unleashing the power of private enterprise to provide new and innovative services to the people of the world.

The "International Satellite Communications Reform Act of 1998" will help to bring about the privatization of INTELSAT and Inmarsat, so that market forces may shape the services and prices available to American consumers. This bill is also designed to open foreign markets to competition—but to do so in a way that does not harm consumers nor reduce the number of competitors in the marketplace. It requires that all satellite service providers be subject to the same regulatory requirements while preserving lifeline services to those countries that do not generate enough revenues to entice the entrepreneurs to offer service. This will ensure that universal service and global connectivity will always be available to U.S. consumers.

Achieving the goal of drafting a thoughtful, balanced bill was not easy. I have worked with my colleagues on the Commerce Committee to draft a bill that is fair in its approach, consistent with our international obligations, and which maintains universal service. At the same time the bill relies upon free enterprise, market forces, and competition.

In my view, the "International Satellite Communications Reform Act of 1998" builds upon the successes of the 1962 Act, while recognizing that satellite technology has been successfully commercialized and that the old policy framework is no longer appropriate.

I hope that my colleagues will join me in cosponsoring this legislation, in which I have tried to balance competing policy objectives. I look forward to continuing to work with my colleagues to enact this legislation, and update our international satellite policy for the 21st Century.

By Mr. JOHNSON (for himself, Mr. INHOFE, Mr. BAUCUS, Mr. CONRAD, Mr. BRYAN, Mr. KERRY, Mr. BUMPERS, Ms. SNOWE, Mrs. BOXER, Mr. DASCHLE, Mr. BURNS, and Mr. INOUYE):

S. 2366. A bill to amend the Internal Revenue Code of 1986 to provide that housing assistance provided under the Native American Housing Assistance and Self-Determination Act of 1996 shall be treated for purposes of the low-income housing credit in the same manner as comparable assistance; to the Committee on Finance.

LOW INCOME HOUSING TAX CREDIT EQUITABLE ACCESS FOR INDIAN TRIBES

Mr. JOHNSON. Mr. President, I rise today to introduce legislation which will correct an unintended oversight in the federal administration of Native American housing programs, allowing Indian tribes to once again access Low-Income Housing Tax Credits (LIHTCs) for housing development in some of this nation's most under-served communities. Joining me as original cosponsors of this bill are Senators INHOFE, BAUCUS, CONRAD, BRYAN, KERRY, BUMPERS, SNOWE, BOXER, DASCHLE, BURNS and INOUYE.

In the 104th Congress, the Native American Housing Assistance and Self Determination Act (NAHASDA) was signed into law, separating Indian housing from public housing and providing block grants to tribes and their tribally designated housing authorities. Prior to passage of NAHASDA, Indian tribes receiving HOME block grant funds were able to use those funds to leverage the Low Income Housing Tax Credits distributed by states on a competitive basis. Unfortunately, unlike HOME funds, block grants to tribes under the new NAHASDA are defined as federal funds and cannot be used for accessing LIHTCs.

The fact that tribes cannot use their new block grant funds to access a program (LIHTC) which they formerly could access is an unintended consequence of taking Indian Housing out of Public Housing at HUD and setting up the otherwise productive and much needed NAHASDA system. The legislation I am introducing today is limited in scope and redefines NAHASDA funds, restoring tribal eligibility for the LIHTC by putting NAHASDA funds on the same footing as HOME funds. With this technical correction, there

would be no change to the LIHTC programs—tribes would compete for LIHTCs with all other entities at the state level, just as they did prior to NAHASDA.

This technical corrections legislation is a minor but much needed fix to a valuable program that will restore equity to housing development across the country. The South Dakota Housing Development Authority has enthusiastically endorsed this legislation out of concern for equitable treatment of every resident of our state and to reinforce the proven success of the LIHTC program for housing development in rural and lower income communities.

I have joined many of my colleagues in past efforts to preserve and increase the Low Income Housing Tax Credit program which benefits every state, and I ask my colleagues to recognize the importance of maintaining fairness in access to this program emphasized through this legislation and encourage my colleagues to support passage of this vital legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2366

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

SECTION 1. CERTAIN NATIVE AMERICAN HOUSING ASSISTANCE DISREGARDED IN DETERMINING WHETHER BUILDING IS FEDERALLY SUBSIDIZED FOR PURPOSES OF THE LOW-INCOME HOUSING CREDIT.

(a) IN GENERAL.—Subparagraph (E) of section 42(i)(2) of the Internal Revenue Code of 1986 (relating to determination of whether building is federally subsidized) is amended—

(1) by inserting "OR NATIVE AMERICAN HOUSING ASSISTANCE" after "HOME ASSISTANCE" in the subparagraph heading, and

(2) by inserting "or the Native American Housing Assistance and Self-Determination Act of 1996 (as in effect on October 1, 1997)" after "this subparagraph)" in clause (i).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act.

By Mr. DODD:

S. 2367. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Amici*; to the Committee on Commerce, Science, and Transportation.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "AMICI"

Mr. DODD. Mr. President, today I introduce legislation to waive the 1920 Merchant Marine Act, commonly known as the Jones Act, to allow Coastal Cruisers, LLC to operate the 1983 Singapore-built vessel *Amici*.

Coastal Cruisers, LLC is a family-owned business in Branford, Connecticut that wishes to offer charters of Long Island Sound, Block Island Sound, and the Thimble Islands, among other destinations in the United States. The *Amici* is equipped to carry only up to six people and, therefore, does not pose any threat to larger U.S. shipping interests.

Prior to the *Amici*'s purchase, the owners secured counsel to purchase the vessel and to establish the corporation Coastal Cruisers, LLC. They were aware that the vessel was foreign-built, although they had no knowledge of the Jones Act's restrictions on foreign-built vessels sailing between U.S. ports. Much to the owners' dismay, they were informed by the Coast Guard that their services would be in violation of the Jones Act only after they had applied for a vessel documentation.

Coastal Cruisers, LLC clearly presented its intentions to use the boat for cruising purposes to several parties involved in its acquisition, including the insurance company from which it was purchased and the seller, who himself is a captain with an unrestricted operating license. These parties failed to inform Coastal Cruisers, LLC about the Jones Act and the restrictions it would face in its endeavor. Coastal Cruisers, LLC never willfully intended to violate the Jones Act, a law about which it possessed no knowledge. Based upon these facts, Mr. President, I believe a waiver should be granted.

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. 2367

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

SECTION 1. CERTIFICATE OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and sections 12106 and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel AMICI, United States official number 658055.

ADDITIONAL COSPONSORS

S. 375

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 375, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 1822

At the request of Mr. HUTCHINSON, his name was added as a cosponsor of S. 1822, a bill to amend title 38, United States Code, to authorize provision of care to veterans treated with nasopharyngeal radium irradiation.

S. 1924

At the request of Mr. MACK, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1924, a bill to restore the standards used for determining whether technical workers are not employees as in effect before the Tax Reform Act of 1986.

S. 1993

At the request of Ms. COLLINS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1993, a bill to amend title XVIII of the Social Security Act to adjust the formula used to determine costs limits for home health agencies under medicare program, and for other purposes.

S. 1994

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 1994, a bill to assist States in providing individuals a credit against State income taxes or a comparable benefit for contributions to charitable organizations working to prevent or reduce poverty and to protect and encourage donations to charitable organizations.

S. 1995

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 1995, a bill to amend the Internal Revenue Code of 1986 to allow the designation of renewal communities, and for other purposes.

S. 1996

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 1996, a bill to provide flexibility to certain local educational agencies that develop voluntary public and private parental choice programs under title VI of the Elementary and Secondary Education Act of 1965.

S. 2035

At the request of Mr. BAUCUS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2035, a bill to amend title 39, United States Code, to establish guidelines for the relocation, closing, or consolidation of post offices, and for other purposes.

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2035, supra.

S. 2078

At the request of Mr. GRASSLEY, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 2078, a bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes.

S. 2154

At the request of Mrs. BOXER, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2154, a bill to promote research to identify and evaluate the health effects of silicone breast implants, and to ensure that women and

their doctors receive accurate information about such implants.

S. 2209

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2209, a bill to reduce class size in the early grades and to provide for teacher quality improvement.

S. 2217

At the request of Mr. FRIST, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2217, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 2256

At the request of Mr. KERRY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2256, a bill to provide an authorized strength for commissioned officers of the National Oceanic and Atmospheric Administration Corps, and for other purposes.

S. 2259

At the request of Mr. MURKOWSKI, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of S. 2259, A bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program.

S. 2296

At the request of Mr. MACK, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 2296, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income.

S. 2330

At the request of Mr. NICKLES, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 2330, a bill to improve the access and choice of patients to quality, affordable health care.

S. 2337

At the request of Mr. SMITH, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2337, a bill to establish a system of registries of temporary agricultural workers to provide for a sufficient supply of such workers and to amend the Immigration and Nationality Act to streamline procedures for the admission and extension of stay of nonimmigrant agricultural workers, and for other purposes.

S. 2352

At the request of Mr. LEAHY, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2352, a bill to protect the privacy rights of patients.

S. 2354

At the request of Mr. BOND, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 2354, a bill to amend title XVIII of the Social Security Act to impose a moratorium on the implementation of the per beneficiary limits under the interim payment system for home health agencies, and to modify the standards for calculating the per visit cost limits and the rates for prospective payment systems under the medicare home health benefit to achieve fair reimbursement payment rates, and for other purposes.

S. 2358

At the request of Mr. ROCKEFELLER, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Illinois (Mr. DURBIN), the Senator from Delaware (Mr. BIDEN), and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2358, a bill to provide for the establishment of a service-connection for illnesses associated with service in the Persian Gulf War, to extend and enhance certain health care authorities relating to such service, and for other purposes.

SENATE CONCURRENT RESOLUTION 109

At the request of Mr. COVERDELL, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Concurrent Resolution 109, a concurrent resolution expressing the sense of the Congress that executive departments and agencies must maintain the division of governmental responsibilities between the national government and the States that was intended by the framers of the Constitution, and must ensure that the principles of federalism established by the framers guide the executive departments and agencies in the formulation and implementation of policies.

SENATE RESOLUTION 210

At the request of Mr. WARNER, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of Senate Resolution 210, a resolution designating the week of June 22, 1998 through June 28, 1998 as "National Mosquito Control Awareness Week".

AMENDMENT NO. 3249

At the request of Mr. HUTCHINSON the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from Kansas (Mr. BROWNBACK), the Senator from Arizona (Mr. MCCAIN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Minnesota (Mr. GRAMS), the Senator from New Hampshire (Mr. SMITH), the Senator from North Carolina (Mr. HELMS), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Indiana (Mr. COATS), the Senator from Alabama (Mr. SESSIONS), the Senator from Georgia (Mr. COVERDELL), and the Senator from Maine (Ms. COLLINS) were added as cosponsors of Amendment No. 3249 proposed to S. 2312, an original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes.

SENATE CONCURRENT RESOLUTION 113—TO RENAME THE DOCUMENT DOOR OF THE CAPITAL AS THE CHESTNUT-GIBSON MEMORIAL DOOR

Mr. CAMBPELL submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 113

Whereas on Friday, July 24, 1998, a lone gunman entered the United States Capitol building through the door known as the Document Door, located on the first floor of the East Front;

Whereas while the gunman's intentions are not yet fully known, nor may ever be known, it is clear that he would have killed many more innocent people if Officers Chestnut and Gibson had not ended his violent rampage;

Whereas Officer Jacob Chestnut was the first Capitol Police officer to confront the gunman just inside the Document Door and lost his life as a result;

Whereas Detective John Gibson was the next officer to confront the gunman and also lost his life in the ensuing shootout;

Whereas the last shot fired by Detective Gibson, his final act as an officer of the law, finally brought down the gunman and ended his deadly rampage;

Whereas this was the first time members of the Capitol Police have been killed in the line of duty in the 170-year history of the police force;

Whereas the Capitol Police represent true dedication and professionalism in their duties to keep the Capitol Building, the Library of Congress, and the Senate and House of Representatives office buildings safe for all who enter them;

Whereas the Capitol shines as a beacon of freedom and democracy all around the world;

Whereas keeping the sacred halls of the Capitol, known as the People's House, accessible for all the people of the United States and the world is a true testament of Congress and of our Nation's dedication to upholding the virtues of freedom;

Whereas the door where this tragic incident took place is known as the Document Door; and

Whereas it is fitting and appropriate that the Document Door be renamed as the Chestnut-Gibson Memorial Door in honor of Officer Jacob Chestnut and Detective John Gibson: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Document Door located on the first floor of the East Front is renamed as the Chestnut-Gibson Memorial Door in honor of Officer Jacob Joseph Chestnut and Detective John Michael Gibson.

Mr. CAMPBELL. Mr. President, today I submit a Senate concurrent resolution to rename the Document Door as the Chestnut-Gibson Memorial Door. I feel that it is only fitting that this door be named in honor of the two brave Capitol Police Officers, Detective John Gibson and Officer Jacob Chestnut, who just last Friday, gave their

lives in the line of duty while serving their country.

Last Friday's shocking and senseless violence in the halls of the U.S. Capitol both saddened our nation and took the lives of two of our finest.

Officer Jacob Chestnut was posted at the Document Door entrance on the Capitol's East Front. Officers posted to this entrance are the first faces that many tourists see when they come to visit the Capitol. Officer Chestnut's post, which involves achieving a delicate balance between the ensuring safety of those who visit the Capitol while keeping the People's House as free and open as possible, requires a very special combination of hospitality, humor, patience and professionalism. To his credit, Officer Chestnut excelled in this endeavor.

Detective John Gibson was the second Capitol Police Officer to engage the gunman. I understand that it was Detective John Gibson's last shot, his final act of a defender of the peace, that brought the gunman down and ended the violent rampage. The Detective's steadfast valor, while already having been shot several times, was the difference that saved many lives. We all owe him a deep debt of gratitude.

If it had not been for the heroic actions of these two brave officers, this dangerous gunman would almost certainly have killed many more innocent people. The two officer's ultimate sacrifice saved many lives.

This building, the U.S. Capitol, is far more than just a building, it is a living monument to freedom and democracy. It is perhaps the only building on earth that simultaneously houses a healthy democracy at work, while standing as a tribute to freedom that attracts millions of visitors from all over the U.S. and the entire world each year. The chambers, galleries and halls of our Capitol are full of statues, busts, paintings and displays that commemorate heroes and key events in our nation's history. The men and women honored under this magnificent dome have served their country in a wide variety of ways. Some have been great visionaries and statesmen. Some have been leaders in science or adventurers, like Colorado's son, astronaut Jack Swigert whose statue stands in these halls. Each of these heroes has contributed and sacrificed in his or her own very real and personal way.

Some of these heroes have made the greatest sacrifice for their nation, giving their lives. Detective John Gibson and Officer Jacob Chestnut have joined this honored rank. They gave their lives for their nation while protecting our nation's Capitol, and it is fitting that they will lie in honor today in the Capitol's Rotunda while a grateful nation pays its respects.

Not only is the Capitol the American people's house, it stands as a bright beacon of hope to all of the world's freedom loving people. While traveling this building's halls, I have been regularly awed by the comments of visitors from other countries about how open and free this building is. They state how they would never be allowed to walk so freely through the halls of their own capital buildings back home in their respective countries. This is an important part of what makes America great.

Whenever I have heard such sentiments, I am reminded of just how fortunate I am, and we all are, to be Americans. Our Capitol is the People's House, and it must remain open and accessible to all.

Thanks to the sacrifices of Detective John Gibson and Officer Jacob Chestnut, and the dedication and professionalism of the entire U.S. Capitol Police force, our nation's Capitol building is freely accessible and continues to serve as a beacon of freedom.

For these reasons I feel that it is only fitting that the Document Door be renamed in honor of the two brave Capitol Police Officers, Detective John Gibson and Officer Jacob Chestnut, who gave their lives so that the Capitol building could remain the People's House and open to all.

SENATE RESOLUTION 258—TO AUTHORIZE TESTIMONY AND REPRESENTATION OF A SENATE EMPLOYEE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 258

Whereas, in the case of *State of Tennessee* v. *Ronald W. Byrd*, Case No. S 113068, pending in the Court of General Sessions for Sullivan County, Tennessee, testimony has been requested from Kathy Tipton, an employee in the office of Senator Fred Thompson.

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Kathy Tipton is authorized to testify in the case of *State of Tennessee* v. *Ronald W. Byrd*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Kathy Tipton in connection with the testimony authorized in section one of this resolution.

AMENDMENTS SUBMITTED

CREDIT UNION MEMBERSHIP ACCESS ACT

D'AMATO (AND SARBANES) AMENDMENT NO. 3339

Mr. D'AMATO (for himself and Mr. SARBANES) proposed an amendment to the bill (H.R. 1151) to amend the Federal Credit Union Act to clarify existing law and ratify the longstanding policy of the National Credit Union Administration Board with regard to field of membership of Federal credit unions; as follows:

On page 40, strike lines 6 through 11, and insert the following:

"(i) is an 'investment area', as defined in section 103(16) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4703(16)), and meets such additional requirements as the Board may impose; and

On page 54, line 8, insert "(a) IN GENERAL.—" before "The".

On page 57, between lines 16 and 17, insert the following:

(b) STUDY AND REPORT.—

(1) STUDY.—The Secretary shall conduct a study of member business lending by insured credit unions, including—

(A) an examination of member business lending over $500,000 and under $50,000, and a breakdown of the types and sizes of businesses that receive member business loans;

(B) a review of the effectiveness and enforcement of regulations applicable to insured credit union member business lending;

(C) whether member business lending by insured credit unions could affect the safety and soundness of insured credit unions or the National Credit Union Share Insurance Fund;

(D) the extent to which member business lending by insured credit unions helps to meet financial services needs of low- and moderate-income individuals within the field of membership of insured credit unions;

(E) whether insured credit unions that engage in member business lending have a competitive advantage over other insured depository institutions, and if any such advantage could affect the viability and profitability of such other insured depository institutions; and

(F) the effect of enactment of this Act on the number of insured credit unions involved in member business lending and the overall amount of commercial lending.

(2) NCUA COOPERATION.—The National Credit Union Administration shall, upon request, provide such information as the Secretary may require to conduct the study required under paragraph (1).

(3) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary shall submit a report to the Congress on the results of the study conducted under paragraph (1).

On page 57, line 16, strike the quotation marks and the final period and insert the following:

"(e) CONSULTATION AND COOPERATION WITH STATE CREDIT UNION SUPERVISORS.—In implementing this section, the Board shall consult and seek to work cooperatively with State officials having jurisdiction over State-chartered insured credit unions.".

On page 92, strike line 7 and all that follows through page 93, line 15, and insert the following:

SEC. 402. UPDATE ON REVIEW OF REGULATIONS AND PAPERWORK REDUCTIONS.

Not later than 1 year after the date of enactment of this Act, the Federal banking agencies shall submit a report to the Congress detailing their progress in carrying out section 303(a) of the Riegle Community Development and Regulatory Improvement Act of 1994, since their submission of the report dated September 23, 1996, as required by section 303(a)(4) of that Act.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

CAMPBELL (AND OTHERS) AMENDMENT NO. 3340

Mr. CAMPBELL (for himself, Mr. FAIRCLOTH, and Mr. KOHL) proposed an amendment to the bill (S. 2312) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes; as follows:

Strike Section 639 on pages 96 and 97 in its entirety and insert in lieu thereof the following:

"SEC. 639. For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1999 in the rates of basic pay for the statutory pay systems.".

GRASSLEY AMENDMENT NO. 3341

Mr. CAMPBELL (for Mr. GRASSLEY) proposed an amendment to the bill, S. 2312, supra; as follows:

At the appropriate place at the end of Title I, insert:

SEC. ___. Section 921(a) of title 18, United States Code, is amended—

(1) in paragraph (5), by striking "the explosive in a fixed shotgun shell" and insert "an explosive";

(2) in paragraph (7), by striking "the explosive in a fixed metallic cartridge" and inserting "an explosive"; and

(3) by striking paragraph (16) and inserting the following:

"(16) The term 'antique firearm'—

"(A) means any—

"(i) firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;

"(ii) replica of any firearm described in clause (i), if such replica—

"(I) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

"(II) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade; and

"(iii) muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, that—

"(I) is designed to use black powder, or a black powder substitute; and

"(II) cannot use fixed ammunition; and

"(B) does not include any—

"(i) weapon that incorporates a firearm frame or receiver;

"(ii) firearm that is converted into a muzzle loading weapon; or

"(iii) muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.".

CAMPBELL (AND KOHL) AMENDMENT NO. 3342

Mr. CAMPBELL (for himself and Mr. KOHL) proposed an amendment to the bill, S. 2312, supra; as follows:

At the appropriate place, strike and insert the following:

Page 11, on line 23 strike "$2,854,000,000" and insert in lieu thereof "$3,317,690,000".

SARBANES AMENDMENT NO. 3343

Mr. CAMPBELL (for Mr. SARBANES) proposed an amendment to the bill, S. 2312, supra; as follows:

At the end of title VI add the following new section:

SEC. ___. FEDERAL FIREFIGHTERS OVERTIME PAY REFORM ACT OF 1998.

(a) IN GENERAL.—Subchapter V of chapter 55 of title 5, United States Code, is amended—

(1) in section 5542 by adding at the end the following new subsection:

"(f) In applying subsection (a) of this section with respect to a firefighter who is subject to section 5545b—

"(1) such subsection shall be deemed to apply to hours of work officially ordered or approved in excess of 106 hours in a biweekly pay period, or, if the agency establishes a weekly basis for overtime pay computation, in excess of 53 hours in an administrative workweek; and

"(2) the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of basic pay under section 5545b (b)(1)(A) or (c)(1)(B), as applicable, and such overtime hourly rate of pay may not be less than such hourly rate of basic pay in applying the limitation on the overtime rate provided in paragraph (2) of such subsection (a)."; and

(2) by inserting after section 5545a the following new section:

"§ 5545b. Pay for firefighters

"(a) This section applies to an employee whose position is classified in the firefighter occupation in conformance with the GS-081 standard published by the Office of Personnel Management, and whose normal work schedule, as in effect throughout the year, consists of regular tours of duty which average at least 106 hours per biweekly pay period.

"(b)(1) If the regular tour of duty of a firefighter subject to this section generally consists of 24-hour shifts, rather than a basic 40-hour workweek (as determined under regulations prescribed by the Office of Personnel Management), section 5504(b) shall be applied as follows in computing pay—

"(A) paragraph (1) of such section shall be deemed to require that the annual rate be divided by 2756 to derive the hourly rate; and

"(B) the computation of such firefighter's daily, weekly, or biweekly rate shall be based on the hourly rate under subparagraph (A);

"(2) For the purpose of sections 5595(c), 5941, 8331(3), and 8704(c), and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe, the basic pay of a firefighter subject to this subsection shall include an amount equal to the firefighter's basic hourly rate (as computed under paragraph (1)(A)) for all hours in such firefighter's regular tour of duty (including overtime hours).

"(c)(1) If the regular tour of duty of a firefighter subject to this section includes a basic 40-hour workweek (as determined under regulations prescribed by the Office of Personnel Management), section 5504(b) shall be applied as follows in computing pay—

"(A) the provisions of such section shall apply to the hours within the basic 40-hour workweek;

"(B) for hours outside the basic 40-hour workweek, such section shall be deemed to require that the hourly rate be derived by dividing the annual rate by 2756; and

"(C) the computation of such firefighter's daily, weekly, or biweekly rate shall be based on subparagraphs (A) and (B), as each applies to the hours involved.

"(2) For purposes of sections 5595(c), 5941, 8331(3), and 8704(c), and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe, the basic pay of a firefighter subject to this subsection shall include—

"(A) an amount computed under paragraph (1)(A) for the hours within the basic 40-hour workweek; and

"(B) an amount equal to the firefighter's basic hourly rate (as computed under paragraph (1)(B)) for all hours outside the basic 40-hour workweek that are within such firefighter's regular tour of duty (including overtime hours).

"(d)(1) A firefighter who is subject to this section shall receive overtime pay in accordance with section 5542, but shall not receive premium pay provided by other provisions of this subchapter.

"(2) For the purpose of applying section 7(k) of the Fair Labor Standards Act of 1938 to a firefighter who is subject to this section, no violation referred to in such section 7(k) shall be deemed to have occurred if the requirements of section 5542(a) are met, applying section 5542(a) as provided in subsection (f) of that section. The overtime hourly rate of pay for such firefighter shall in all cases be an amount equal to one and one-half times the firefighter's hourly rate of basic pay under subsection (b)(1)(A) or (c)(1)(B) of this section, as applicable.

"(3) The Office of Personnel Management may prescribe regulations, with respect to firefighters subject to this section, that would permit an agency to reduce or eliminate the variation in the amount of firefighters' biweekly pay caused by work scheduling cycles that result in varying hours in the regular tours of duty from pay period to pay period. Under such regulations, the pay that a firefighter would otherwise receive for regular tours of duty over the work scheduling cycle shall, to the extent practicable, remain unaffected.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5545a the following:

"5545b. Pay for firefighters.".

(c) TRAINING.—Section 4109 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(d) Notwithstanding subsection (a)(1), a firefighter who is subject to section 5545b of this title shall be paid basic pay and overtime pay for the firefighter's regular tour of

duty while attending agency sanctioned training.".

(d) INCLUSION IN BASIC PAY FOR FEDERAL RETIREMENT.—Section 8331(3) of title 5, United States Code, is amended—

(1) by striking "and" after subparagraph (D);

(2) by redesignating subparagraph (E) as subparagraph (G);

(3) by inserting the following:

"(E) with respect to a criminal investigator, availability pay under section 5545a of this title;

"(F) pay as provided in section 5545b (b)(2) and (c)(2); and "; and

(4) by striking "subparagraphs (B), (C), (D), and (E)" and inserting "subparagraphs (B) through (G)".

(e) 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 later of October 1, 1998, or the 180th day following the date of enactment of this section.

(f) REGULATIONS.—Under regulations prescribed by the Office of Personnel Management, a firefighter subject to section 5545b of title 5, United States Code, as added by this section, whose regular tours of duty average 60 hours or less per workweek and do not include a basic 40-hour workweek, shall, upon implementation of this section, be granted an increase in basic pay equal to 2 step-increases of the applicable General Schedule grade, and such increase shall not be an equivalent increase in pay. If such increase results in a change to a longer waiting period for the firefighter's next step increase, the firefighter shall be credited with an additional year of service for the purpose of such waiting period. If such increase results in a rate of basic pay which is above the maximum rate of the applicable grade, such resulting pay rate shall be treated as a retained rate of basic pay in accordance with section 5363 of title 5, United States Code.

(g) NO REDUCTION IN REGULAR PAY.—Under regulations prescribed by the Office of Personnel Management, the regular pay (over the established work scheduling cycle) of a firefighter subject to section 5545b of title 5, United States Code, as added by this section, shall not be reduced as a result of the implementation of this section.

COCHRAN AMENDMENT NO. 3344

Mr. CAMPBELL (for Mr. COCHRAN) proposed an amendment to the bill, S. 2312, supra; as follows:

At the appropriate place at the end of Title VI, insert the following:

SEC. ___. INTERNATIONAL MAIL REPORTING REQUIREMENT.

(a) IN GENERAL.—Chapter 36 of title 39, United States Code, is amended by adding after section 3662 the following:

"§ 3663. Annual report on international services

"(a) Not later than July 1 of each year, the Postal Rate Commission shall transmit to each House of Congress a comprehensive report of the costs, revenues, and volumes accrued by the Postal Service in connection with mail matter conveyed between the United States and other countries for the previous fiscal year.

"(b) Not later than March 15 of each year, the Postal Service shall provide to the Postal Rate Commission such data as the Commission may require to prepare the report required under subsection (a) of this section. Data shall be provided in sufficient detail to enable the Commission to analyze the costs, revenues, and volumes for each international mail product or service, under the methods determined appropriate by the Commission for the analysis of rates for domestic mail.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 63 of title 39, United States Code, is amended by adding after the item relating to section 3662 the following:

"3663. Annual report on international services.".

COVERDELL AMENDMENT NO. 3345

Mr. CAMPBELL (for Mr. COVERDELL) proposed an amendemnt to the bill, S. 2312, supra; as follows:

At the appropriate place at the end of Title I insert the following:

SEC. ___. SENSE OF THE SENATE ON THE USE OF RANDOM SELECTION OF RETURNS FOR EXAMINATION BY THE INTERNAL REVENUE SERVICE.

(a) FINDINGS.—The Senate finds that—

(1) in 1995, the Internal Revenue Service indefinitely postponed the 1994 Taxpayer Compliance Measurement Program, a program of audits using random selection techniques (in this section referred to as "random audits");

(2) Congress, taxpayer groups, tax practitioners, and others criticized the program because of its cost to and burden on taxpayers;

(3) there is no law preventing the Internal Revenue Service from resuming its Taxpayer Compliance Measurement Program; and

(4) random audits may be overly burdensome on taxpayers, particularly low-income taxpayers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Internal Revenue Service should make it a top priority to ensure fairness to taxpayers when selecting returns for audit;

(2) the Senate does not approve of the use of random audits of the general population of taxpayers or tax returns; and

(3) the Internal Revenue Service should not conduct random audits of the general population of taxpayers or tax returns.

CAMPBELL (AND KOHL) AMENDMENTS NOS. 3346–3347

Mr. CAMPBELL (for himself and Mr. KOHL) proposed two amendments to the bill, S. 2312, supra; as follows:

AMENDMENT NO. 3346

At the appropriate place, strike and insert the following:

On page 40, line 25, after the word "campaign," strike through page 41, line 16 through "campaign," and insert in lieu thereof "(3) ONDCP, or any agent acting on its behalf, may not obligate any funds for the creative development of advertisements from for-profit organizations, not including out-of-pocket production costs and talent re-use payments, unless (a) the advertisements are intended to reach a minority, ethnic or other special audience that cannot be obtained on a pro bono basis within the time frames required by ONDCP's advertising and buying agencies, and (b) it receives prior approval from the Senate Committee on Appropriations, (4) ONDCP will secure corporate sponsorship equaling 40 percent of the appropriated amount in fiscal year 1999, the definition of which is a contribution that is not received as a result of leveraging funds to receive said sponsorship, corporate sponsorship equaling 60 percent of the appropriated amount in fiscal year 2000, corporate sponsorship equaling 80 percent of the appropriated amount in fiscal year 2001, corporate sponsorship equaling 100 percent of the appropriated amount in fiscal year 2002, and will report quarterly on its efforts to meet this goal, (5) ONDCP is mandated to use appropriated funds solely to fund the anti-drug media campaign to include only the purchase of media time and space, talent re-use payments, out-of-pocket advertising production costs, testing and evaluation of advertising, evaluation of the effectiveness of the media campaign, the negotiated fees for the winning bidder on the request for proposal recently issued by ONDCP, partnership with community, civic, and professional groups, and government organizations related to the media campaign, entertainment industry collaborations to fashion anti-drug messages in movies, television programming, and popular music, interactive (Internet and new) media projects/activities, public information (News Media Outreach), and corporate sponsorship/participation, (6) ONDCP shall not obligate funds provided for the national media campaign for fiscal year 1999 until ONDCP has submitted the evaluation and results of Phase I of the campaign to the Senate Committee on Appropriations, and may obligate up to 75 percent of these funds until ONDCP has submitted the evaluation and results of Phase II of the campaign to the Committee,"

AMENDMENT NO. 3347

At the appropriate place, insert the following:

On page 45, line 21 after "U.S.C. 490(f)), the" insert "$508,752,000 to be deposited into the Fund. The".

BAUCUS (AND OTHERS) AMENDMENT NO. 3348

(Ordered to lie on the table.)

Mr. BAUCUS (for himself, Mr. JEFFORDS, Mr. CONRAD, and Mr. ALLARD) submitted an amendment intended to be proposed by them to the bill, S. 2312, supra; as follows:

At the appropriate place, add the following:

SEC. ___. POST OFFICE RELOCATIONS, CLOSINGS, AND CONSOLIDATIONS.

(a) SHORT TITLE.—This section may be cited as the "Community and Postal Participation Act of 1998".

(b) GUIDELINES FOR RELOCATION, CLOSING, OR CONSOLIDATION OF POST OFFICES.—Section 404 of title 39, United States Code, is amended by striking subsection (b) and inserting the following:

"(b)(1) Before making a determination under subsection (a)(3) as to the necessity for the relocation, closing, or consolidation of any post office, the Postal Service shall provide adequate notice to persons served by that post office of the intention of the Postal Service to relocate, close, or consolidate that post office not later than 60 days before the proposed date of that relocation, closing, or consolidation.

"(2)(A) The notification under paragraph (1) shall be in writing, hand delivered or delivered by mail to persons served by that post office, and published in 1 or more newspapers of general circulation within the zip codes served by that post office.

"(B) The notification under paragraph (1) shall include—

"(i) an identification of the relocation, closing, or consolidation of the post office involved;

"(ii) a summary of the reasons for the relocation, closing, or consolidation; and

"(iii) the proposed date for the relocation, closing, or consolidation.

"(3) Any person served by the post office that is the subject of a notification under paragraph (1) may offer an alternative relocation, consolidation, or closing proposal during the 60-day period beginning on the date on which the notice is provided under paragraph (1).

"(4)(A) At the end of the period specified in paragraph (3), the Postal Service shall make a determination under subsection (a)(3). Before making a final determination, the Postal Service shall conduct a hearing, and persons served by the post office that is the subject of a notice under paragraph (1) may present oral or written testimony with respect to the relocation, closing, or consolidation of the post office.

"(B) In making a determination as to whether or not to relocate, close, or consolidate a post office, the Postal Service shall consider—

"(i) the extent to which the post office is part of a core downtown business area;

"(ii) any potential effect of the relocation, closing, or consolidation on the community served by the post office;

"(iii) whether the community served by the post office opposes a relocation, closing, or consolidation;

"(iv) any potential effect of the relocation, closing, or consolidation on employees of the Postal Service employed at the post office;

"(v) whether the relocation, closing, or consolidation of the post office is consistent with the policy of the Government under section 101(b) that requires the Postal Service to provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns in which post offices are not self-sustaining;

"(vi) the quantified long-term economic saving to the Postal Service resulting from the relocation, closing, or consolidation;

"(vii) whether postal officials engaged in negotiations with persons served by the post office concerning the proposed relocation, closing, or consolidation;

"(viii) whether management of the post office contributed to a desire to relocate;

"(ix)(I) the adequacy of the existing post office; and

"(II) whether all reasonable alternatives to relocation, closing, or consolidation have been explored; and

"(x) any other factor that the Postal Service determines to be necessary for making a determination whether to relocate, close, or consolidate that post office.

"(5)(A) Any determination of the Postal Service to relocate, close, or consolidate a post office shall be in writing and shall include the findings of the Postal Service with respect to the considerations required to be made under paragraph (4).

"(B) The Postal Service shall respond to all of the alternative proposals described in paragraph (3) in a consolidated report that includes—

"(i) the determination and findings under subparagraph (A); and

"(ii) each alternative proposal and a response by the Postal Service.

"(C) The Postal Service shall make available to the public a copy of the report prepared under subparagraph (B) at the post office that is the subject of the report.

"(6)(A) The Postal Service shall take no action to relocate, close, or consolidate a post office until the applicable date described in subparagraph (B).

"(B) The applicable date specified in this subparagraph is—

"(i) if no appeal is made under paragraph (7), the end of the 60-day period specified in that paragraph; or

"(ii) if an appeal is made under paragraph (7), the date on which a determination is made by the Commission under paragraph (7)(A), but not later than 120 days after the date on which the appeal is made.

"(7)(A) A determination of the Postal Service to relocate, close, or consolidate any post office may be appealed by any person served by that post office to the Postal Rate Commission during the 60-day period beginning on the date on which the report is made available under paragraph (5). The Commission shall review the determination on the basis of the record before the Postal Service in the making of the determination. The Commission shall make a determination based on that review not later than 120 days after appeal is made under this paragraph.

"(B) The Commission shall set aside any determination, findings, and conclusions of the Postal Service that the Commission finds to be—

"(i) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

"(ii) without observance of procedure required by law; or

"(iii) unsupported by substantial evidence on the record.

"(C) The Commission may affirm the determination of the Postal Service that is the subject of an appeal under subparagraph (A) or order that the entire matter that is the subject of that appeal be returned for further consideration, but the Commission may not modify the determination of the Postal Service. The Commission may suspend the effectiveness of the determination of the Postal Service until the final disposition of the appeal.

"(D) The provisions of sections 556 and 557, and chapter 7 of title 5 shall not apply to any review carried out by the Commission under this paragraph.

"(E) A determination made by the Commission shall not be subject to judicial review.

"(8) In any case in which a community has in effect procedures to address the relocation, closing, or consolidation of buildings in the community, and the public participation requirements of those procedures are more stringent than those provided in this subsection, the Postal Service shall apply those procedures to the relocation, consolidation, or closing of a post office in that community in lieu of applying the procedures established in this subsection.

"(9) In making a determination to relocate, close, or consolidate any post office, the Postal Service shall comply with any applicable zoning, planning, or land use laws (including building codes and other related laws of State or local public entities, including any zoning authority with jurisdiction over the area in which the post office is located).

"(10) The relocation, closing, or consolidation of any post office under this subsection shall be conducted in accordance with section 110 of the National Historic Preservation Act (16 U.S.C. 470h-2).".

(c) POLICY STATEMENT.—Section 101(g) of title 39, United States Code, is amended by adding at the end the following: "In addition to taking into consideration the matters referred to in the preceding sentence, with respect to the creation of any new postal facility, the Postal Service shall consider the potential effects of that facility on the community to be served by that facility and the service provided by any facility in operation at the time that a determination is made whether to plan or build that facility.".

JEFFORDS AMENDMENT NO. 3349

(Ordered to lie on the table.)

Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill, S. 2312, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. FEDERAL CONTRACTOR RETIREMENT BENEFITS.

Not later than May 1, 1999, the Office of Personnel Management shall conduct a study and submit a report to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Committee on Economic and Educational Opportunities of the House of Representatives on the type and amounts of retirement and pension benefits provided to employees of business entities that contract with the Federal Government for the provision of services.

BAUCUS (AND OTHERS) AMENDMENT NO. 3350

(Ordered to lie on the table.)

Mr. BAUCUS (for himself, Mr. JEFFORDS, Mr. ALLARD, and Mr. CONRAD) submitted an amendment intended to be proposed to by them to the bill, S. 2312, supra; as follows:

At the appropriate place, add the following:

SEC. ___. POST OFFICE RELOCATIONS, CLOSINGS, AND CONSOLIDATIONS.

(a) SHORT TITLE.—This section may be cited as the "Community and Postal Participation Act of 1998".

(b) GUIDELINES FOR RELOCATION, CLOSING, OR CONSOLIDATION OF POST OFFICES.—Section 404 of title 39, United States Code, is amended by striking subsection (b) and inserting the following:

"(b)(1) Before making a determination under subsection (a)(3) as to the necessity for the relocation, closing, or consolidation of any post office, the Postal Service shall provide adequate notice to persons served by that post office of the intention of the Postal Service to relocate, close, or consolidate that post office not later than 60 days before the proposed date of that relocation, closing, or consolidation.

"(2)(A) The notification under paragraph (1) shall be in writing, hand delivered or delivered by mail to persons served by that post office, and published in 1 or more newspapers of general circulation within the zip codes served by that post office.

"(B) The notification under paragraph (1) shall include—

"(i) an identification of the relocation, closing, or consolidation of the post office involved;

"(ii) a summary of the reasons for the relocation, closing, or consolidation; and

"(iii) the proposed date for the relocation, closing, or consolidation.

"(3) Any person served by the post office that is the subject of a notification under paragraph (1) may offer an alternative relocation, consolidation, or closing proposal during the 60-day period beginning on the date on which the notice is provided under paragraph (1).

"(4)(A) At the end of the period specified in paragraph (3), the Postal Service shall make a determination under subsection (a)(3). Before making a final determination, the Postal Service shall conduct a hearing, and persons served by the post office that is the subject of a notice under paragraph (1) may present oral or written testimony with respect to the relocation, closing, or consolidation of the post office.

"(B) In making a determination as to whether or not to relocate, close, or consolidate a post office, the Postal Service shall consider—

"(i) the extent to which the post office is part of a core downtown business area;

"(ii) any potential effect of the relocation, closing, or consolidation on the community served by the post office;

"(iii) whether the community served by the post office opposes a relocation, closing, or consolidation;

"(iv) any potential effect of the relocation, closing, or consolidation on employees of the Postal Service employed at the post office;

"(v) whether the relocation, closing, or consolidation of the post office is consistent with the policy of the Government under section 101(b) that requires the Postal Service to provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns in which post offices are not self-sustaining;

"(vi) the quantified long-term economic saving to the Postal Service resulting from the relocation, closing, or consolidation;

"(vii) whether postal officials engaged in negotiations with persons served by the post office concerning the proposed relocation, closing, or consolidation;

"(viii) whether management of the post office contributed to a desire to relocate;

"(ix)(I) the adequacy of the existing post office; and

"(II) whether all reasonable alternatives to relocation, closing, or consolidation have been explored; and

"(x) any other factor that the Postal Service determines to be necessary for making a determination whether to relocate, close, or consolidate that post office.

"(5)(A) Any determination of the Postal Service to relocate, close, or consolidate a post office shall be in writing and shall include the findings of the Postal Service with respect to the considerations required to be made under paragraph (4).

"(B) The Postal Service shall respond to all of the alternative proposals described in paragraph (3) in a consolidated report that includes—

"(i) the determination and findings under subparagraph (A); and

"(ii) each alternative proposal and a response by the Postal Service.

"(C) The Postal Service shall make available to the public a copy of the report prepared under subparagraph (B) at the post office that is the subject of the report.

"(6)(A) The Postal Service shall take no action to relocate, close, or consolidate a post office until the applicable date described in subparagraph (B).

"(B) The applicable date specified in this subparagraph is—

"(i) if no appeal is made under paragraph (7), the end of the 60-day period specified in that paragraph; or

"(ii) if an appeal is made under paragraph (7), the date on which a determination is made by the Commission under paragraph (7)(A), but not later than 120 days after the date on which the appeal is made.

"(7)(A) A determination of the Postal Service to relocate, close, or consolidate any post office may be appealed by any person served by that post office to the Postal Rate Commission during the 60-day period beginning on the date on which the report is made available under paragraph (5). The Commission shall review the determination on the basis of the record before the Postal Service in the making of the determination. The Commission shall make a determination based on that review not later than 120 days after appeal is made under this paragraph.

"(B) The Commission shall set aside any determination, findings, and conclusions of the Postal Service that the Commission finds to be—

"(i) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

"(ii) without observance of procedure required by law; or

"(iii) unsupported by substantial evidence on the record.

"(C) The Commission may affirm the determination of the Postal Service that is the subject of an appeal under subparagraph (A) or order that the entire matter that is the subject of that appeal be returned for further consideration, but the Commission may not modify the determination of the Postal Service. The Commission may suspend the effectiveness of the determination of the Postal Service until the final disposition of the appeal.

"(D) The provisions of sections 556 and 557, and chapter 7 of title 5 shall not apply to any review carried out by the Commission under this paragraph.

"(E) A determination made by the Commission shall not be subject to judicial review.

"(8) In any case in which a community has in effect procedures to address the relocation, closing, or consolidation of buildings in the community, and the public participation requirements of those procedures are more stringent than those provided in this subsection, the Postal Service shall apply those procedures to the relocation, consolidation, or closing of a post office in that community in lieu of applying the procedures established in this subsection.

"(9) In making a determination to relocate, close, or consolidate any post office, the Postal Service shall comply with any applicable zoning, planning, or land use laws (including building codes and other related laws of State or local public entities, including any zoning authority with jurisdiction over the area in which the post office is located).

"(10) The relocation, closing, or consolidation of any post office under this subsection shall be conducted in accordance with section 110 of the National Historic Preservation Act (16 U.S.C. 470h–2).".

(c) POLICY STATEMENT.—Section 101(g) of title 39, United States Code, is amended by adding at the end the following: "In addition to taking into consideration the matters referred to in the preceding sentence, with respect to the creation of any new postal facility, the Postal Service shall consider the potential effects of that facility on the community to be served by that facility and the service provided by any facility in operation at the time that a determination is made whether to plan or build that facility.".

FEINSTEIN AMENDMENT NO. 3351

Mrs. FEINSTEIN proposed an amendment to the bill, S. 2312, supra; as follows:

On page 104, between lines 21 and 22, insert the following:

SEC. 644. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

(a) SHORT TITLE.—This section may be cited as the "Large Capacity Clip Ban of 1998".

(b) BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.—Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "(1) Except as provided in paragraph (2)" and inserting "(1)(A) Except as provided in subparagraph (B)";

(2) in paragraph (2), by striking "(2) Paragraph (1)" and inserting "(B) Subparagraph (A)";

(3) by inserting before paragraph (3) the following:

"(2) It shall be unlawful for any person to import a large capacity ammunition feeding device."; and

(4) in paragraph (4)—

(A) by striking "(1)" each place it appears and inserting "(1)(A)"; and

(B) by striking "(2)" and inserting "(1)(B)".

(c) CONFORMING AMENDMENT.—Section 921(a)(31) of title 18, United States Code, is amended by striking "manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994".

LANDRIEU AMENDMENT NO. 3352

Mr. CAMPBELL (for Ms. LANDRIEU) proposed an amendment to the bill, S. 2312, supra; as follows:

At the appropriate place in title VI, insert the following:

SEC. ___. CHILD CARE SERVICES FOR FEDERAL EMPLOYEES.

(a) IN GENERAL.—An Executive agency which provides or proposes to provide child care services for Federal employees may use agency funds to provide child care, in a Federal or leased facility, or through contract, for civilian employees of such agency.

(b) AFFORDABILITY.—Amounts provided under subsection (a) with respect to any facility or contractor described in such subsection shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) REGULATIONS.—The Office of Personnel Management and the General Services Administration shall, within 180 days after the date of enactment of this Act, issue regulations necessary to carry out this section.

(d) DEFINITION.—For purposes of this section, the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

THOMPSON AMENDMENT NO. 3353

Mr. THOMPSON proposed an amendment to the bill, S. 2312, supra; as follows:

Strike out section 642 and insert in lieu thereof the following:

SEC. 642. The Federal Acquisition Regulation shall be revised, within 180 days after the date of enactment of this Act, to include the use of forced or indentured child labor in mining, production, or manufacturing as a cause on the lists of causes for debarment and suspension from contracting with executive agencies that are set forth in the regulation.

DEWINE (AND OTHERS) AMENDMENT NO. 3354

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mr. BROWNBACK, and Mr. SANTORUM) submitted an amendment intended to be proposed by them to the bill, S. 2312, supra; as follows:

At the end of title VI, add the following:

SEC. ___. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. ___. The provision of section ___ shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

KOHL (AND CAMPBELL) AMENDMENT NO. 3355

Mr. KOHL (for himself and Mr. CAMPBELL) proposed an amendment to the bill, S. 2312, supra; as follows:

On page 104, between lines 21 and 22, insert the following:

SEC. 644. EXTENSION OF SUNSET PROVISION.

Section 2(f)(2) of the Undetectable Firearms Act of 1988 (18 U.S.C. 922 note) is amended by striking "(2)" and all that follows through "10 years" and inserting the following:

"(2) SUNSET.—Effective 15 years".

CHAFEE (AND OTHERS) AMENDMENT NO. 3356

Mr. CAMPBELL (for Mr. CHAFEE for himself, Mr. WARNER, and Mr. BAUCUS) proposed an amendment to the bill, S. 2312, supra; as follows:

On page 47, strike lines 11 and 12.

On page 62, between lines 19 and 20, insert the following:

SEC. 4___. DEPARTMENT OF TRANSPORTATION HEADQUARTERS.

(a) IN GENERAL.—The Administrator of General Services, without further review or approval by any other office of the executive branch, shall—

(1) acquire an operating lease for the Department of Transportation headquarters; and

(2) commence procurement of the lease not later than November 1, 1998;

in accordance with the authorizing resolutions passed by the Committee on Environment and Public Works of the Senate on November 6, 1997, and the Committee on Transportation and Infrastructure of the House of Representatives on July 23, 1997.

(b) AUTHORIZATION TO REDUCE ANNUAL LEASE AMOUNTS.—In order to procure an operating lease, the Administrator of General Services shall reduce the annual lease amounts authorized by the resolutions to such extent as is necessary to effectuate an operating lease at the time at which the lease is executed.

SEC. 4___. SECURITY OF CAPITOL COMPLEX.

There is appropriated to the Architect of the Capitol for costs associated with the security of the Capitol complex $14,105,000.

THOMPSON AMENDMENT NO. 3357

(Ordered to lie on the table.)

Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill, S. 2312, supra; as follows:

Strike section 625 and insert the following:

SEC. 625. (a) IN GENERAL.—Beginning in calendar year 2000, and every 2 calendar years thereafter, the Director of the Office of Management and Budget shall prepare and submit to Congress, with the budget submitted under section 1105 of title 31, United States Code, an accounting statement and associated report containing—

(1) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible—

(A) in the aggregate;

(B) by agency and agency program; and

(C) by major rule;

(2) an analysis of impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth; and

(3) recommendations for reform.

(b) NOTICE.—The Director of the Office of Management and Budget shall provide public notice and an opportunity to comment on the statement and report under subsection (a) before the statement and report are submitted to Congress.

(c) GUIDELINES.—To implement this section, the Director of the Office of Management and Budget shall issue guidelines to agencies to standardize—

(1) measures of costs and benefits; and

(2) the format of accounting statements.

(d) PEER REVIEW.—The Director of the Office of Management and Budget shall provide for independent and external peer review of the guidelines and each accounting statement and associated report under this section. Such peer review shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

GRASSLEY (AND OTHERS) AMENDMENT NO. 3358

(Ordered to lie on the table.)

Mr. GRASSLEY (for himself, Mr. D'AMATO, Mr. SESSIONS, Mr. STEVENS, and Mr. GRAMS) submitted an amendment intended to be proposed by them to the bill, S. 2312, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. (a) DEFINITIONS.—In this section—

(1) the term "crime of violence" has the meaning given that term in section 16 of title 18, United States Code; and

(2) the term "law enforcement officer" means any employee described in subparagraph (A), (B), or (C) of section 8401(17) of title 5, United States Code; and any special agent in the Diplomatic Security Service of the Department of State.

(b) RULE OF CONSTRUCTION.—Notwithstanding any other provision of law, for purposes of chapter 171 of title 28, United States Code, or any other provision of law relating to tort liability, a law enforcement officer shall be construed to be acting within the scope of his or her office or employment, if the officer takes any reasonable action, including the use of force, that is determined by the officer to be necessary to—

(1) protect an individual in the presence of the officer from a crime of violence;

(2) provide immediate assistance to an individual who has suffered or who is threatened with bodily harm; or

(3) prevent the escape of any individual who the officer reasonably believes to have committed in the presence of the officer a crime of violence.

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on Thursday, July 30, 1998 at 9:00 a.m. in SD–106. The purpose of this meeting will be to review a recent concept release by CFTC on over-the-counter derivatives and related legislation proposed by the Treasury Department, the Board of Governors of the Federal Reserve System and the SEC.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, July 28, 1998, to conduct an oversight hearing on mandatory arbitration agreements in employment contracts in the securities industry.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 28, 1998, at 9:30 a.m. on the nominations of Ritajean Butterworth and Diane Blair to be members of the Corporation for Public Broadcasting and Kelley Coyner to be administrator of the Research and Special Programs Administration of the Department of Transportation and immediately following a full committee hearing on cable rates.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, July 28, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on the March 31, 1998 Government Accounting Office report on the Forest Service: Review of the Alaska Region's Operating Costs.

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

COMMITTEE ON FINANCE

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Tuesday, July 28, 1998 beginning at 10:00 a.m. in room SH–215, to conduct a markup.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Substance Abuse: the Science of Addiction and Options for Treatment during the session of the Senate on Tuesday, July 28, 1998, at 10:00 a.m.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. D'AMATO. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on pending legislation.

The markup will be held at 4:15 p.m., on Tuesday, July 28, 1998 in room 418 of the Russell Senate Office Building.

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

SPECIAL COMMITTEE ON AGING

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on July 28, 1998 at 10:00 a.m. to 1:00 p.m. in Hart 216 for the purpose of conducting a hearing.

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

ADDITIONAL STATEMENTS

WEST VIRGINIA ENERGY EXPRESS PROJECT

• Mr. ROCKEFELLER. Mr. President, it is with great pride that I rise today to recognize the Energy Express Americorps for their contributions to local West Virginia communities. In 1994, several studies demonstrated conclusively that many low-income children were not receiving proper nourishment and we all understand how this hurts a child's healthy development. Further research has suggested that not only did low-income students lack proper nutrition, but they also faced academic set backs while their more fortunate classmates made academic gains during summer recess. Inspired by such disturbing statistics, West Virginia Americorps created Energy Express, a unique program, which offers six-week summer program for low-income, elementary children to promote reading skills, to create strong partnerships with mentors, and to provide nutritious meals. Energy Express is an innovative Americorps program that helps low-income children with a healthy, safe environment, and promotes reading skills in a community environment.

Energy Express formed an effective partnership with the existing Summer Feeding Program that provides nutritious meals and education to promote proper eating habits. The Energy Express summer camps go beyond the call of duty to simply prepare and provide; they create a family-style atmosphere where the children learn how to make decisions, engage in conversation, assume responsibility, and cooperate with one another and others..

The mission of Energy Express also goes beyond just child nutrition to promote further education. Recognizing the need to increase reading skills and to encourage retention of lessons from school, Americorps provides four hours of tutorial time that always remains fun. Weekly themes of "myself," "family," "friends," "home place," "community," and "ideal world" guide the mentors and children in their work. The curriculum includes creating books, performing stories, reading both silently and out loud, and immersing the children in creative art activities, all of which are pertinent to a designated theme. At the end of each week, the child is able to take home a book relevant to the theme to keep in his or her personal library.

The design of Energy Express organizes six to eight children per one college student mentor. These mentors serve as tremendous role models for maturity, educational development and also as wonderful community volunteers committed to West Virginia. Each mentor receives an extensive eight week training program led by on-site educators who teach them positive feedback, how to productively discipline and the basic fundamentals of tutoring. Through preliminary visits and weekly contact concerning their child's progress, the mentor reaches out to the parents in ways which encourage involvement and support.

The program's growth in the past four years characterizes one of its successes. In 1994, Energy Express reached two counties, 85 students and 13 college mentors. This summer the program reaches 38 counties, 68 sites, 2721 students, 425 Americorps college mentors and approximately 25 Americorps VISTA Summer Associates. In 1997, Energy Express received national recognition as it won the Joint Council of Extension Professionals Award for Excellence in Teamwork and the Council of State Governments Innovations Award. Energy Express also serves as a national model for many other states attempting to duplicate such programs.

Most important, however, is the success of the children. In 1997, studies indicated that many of the students not only retained previous knowledge, but gained one month in word identification and three months in comprehension. 124,990 nutritious meals were served and the children received 12,930 books to add to their personal library. Many states as well as other communities in West Virginia hope to duplicate these same results. Their hands are somewhat tied by the lack of needed funds available. Each site costs approximately $25,000, but the rewards passed on to the children, communities and mentors are immeasurable in return.

Energy Express demonstrates the incredible work and success of Americorps. The commitment of its volunteers not only helps the community, but also provides growth for the volunteers themselves. My experience as a VISTA worker gave me a similar experience, and I continue my dedication to our Mountain State. I see that today's volunteers show that same dedication, and I extend my sincere gratitude to all of them. These persons have committed themselves fully to public service, both as volunteers and employees. It is through their hard work that the people of West Virginia benefit from the world's myriad opportunities.•

TRIBUTE TO THE DEVONSHIRE MEMORIAL CHURCH OF HARRISBURG

• Mr. SANTORUM. Mr. President, I rise today to pay tribute to the youth group from Devonshire Memorial Church in Harrisburg, Pennsylvania. On Sunday, July 26 ten students from the church traveled to Manning, South Carolina to assist in the rebuilding of the Macedonian Baptist Church which the Ku Klux Klan destroyed by fire in 1996. The young people worked to renovate homes of church members that suffered damage due to the fire.

The teenagers, who raised their own support for the trip through things such as church-wide dinners and fundraising letters, joined approximately 250 other young people from across the nation to work on painting, hanging drywall, repairing roofs and caulking windows.

Church burnings are a violent act of hatred against the free exercise of religious faith. Arson, which has destroyed many southern African American churches, has also destroyed our dignity and our humanity. By dedicating their time and effort to rebuilding the walls of a church burned by hatred and bigotry, these young men and women are tearing down the walls of violence and racism and restoring faith to the Christian community.

Mr. President, I ask my colleagues to join me in commending the young men and women of Devonshire Memorial Church for their dedication to restoring a church and a community, as well as the ideals of freedom in this country.•

NEED FOR HMO REFORM

• Mr. DORGAN. Mr. President, our health care system is in a state of crisis—a crisis of confidence. Many Americans no longer believe that their insurance companies can provide them with the access to care or quality of service they need.

Today I continue our series of stories describing how some managed care plans seem to have put cost saving before life-saving. The experience of Clara Davis is just one more example of the pressing need for Congress to act now to protect the rights of patients.

Clara Davis is a retired grocer from Bolivar, Tennessee. In 1995, her doctor placed her on the prescription drug Prilosec to control a bleeding ulcer. But her health provider changed from a traditional fee-for-service plan to an HMO, and they told her she would no longer be covered for that medication. The HMO would only cover cimetidine, the generic equivalent of Tagamet, a different prescription drug.

Clara's doctor fought vigorously to keep her on Prilosec, which had greatly improved her condition, but to no avail. While on the generic alternative, Clara's ulcer worsened. At one point, her doctor removed her from that medication and began giving her office samples of Prilosec whenever possible. But it wasn't enough.

The ulcer would not go away and required surgery. Thirty-five percent of Clara's stomach was removed. During recovery, she suffered a stroke that left her partially paralyzed on her left side.

What happened to Clara Davis should not happen in America. HMOs should not dictate which medications a patient should receive when their doctors say otherwise. Patients should not have to face surgery when a simple switch in medication can remedy the situation.

Whatever we do will not alleviate the stress that Clara Davis has endured. But we can ensure that a doctor's decision will not be overruled by an HMO bent on saving money. All medications are not the same, and health-care providers should be able to say what is most effective to treat their patients.

Mr. President, we must take up and pass meaningful patient protections now. Experiences like Clara's can be prevented if we enact legislation such as our Patients' Bill of Rights which protects the doctor-patient relationship from interference by HMOs. Insurers should have to make available to patients all information on which drugs the insurer will be willing to cover, the possible interactions of those drugs, and the procedures available for appealing an HMO's coverage decisions.•

CHANGES TO THE APPROPRIATIONS COMMITTEE ALLOCATION

• Mr. DOMENICI. Mr. President, section 314(b)(3) of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect an amount of budget authority provided that is the dollar equivalent of the Special Drawing Rights with respect to: (1) an increase in the United States quota as part of the International Monetary Fund Eleventh General Review of Quotas (United States Quota); and (2) any increase in the maximum amount available to the Secretary of the Treasury pursuant to section 17 of the Bretton Woods Agreements Act, as amended from time to time (New Arrangements to Borrow).

Section 314(b)(4) of the Congressional Budget Act, as amended, also requires the Chairman of the Senate Budget Committee to adjust the allocation for the Appropriations Committee to reflect additional new budget authority and outlays for arrearages for international organizations, international peacekeeping, and multilateral development banks.

I hereby submit a revision to the budget authority aggregates for fiscal year 1998 contained in section 101 of H. Con. Res. 84.

The revision follows:

	Budget authority
Current aggregates	1,385,230,000,000
Adjustments	+18,172,000,000
Revised aggregates	1,403,402,000,000

Mr. DOMENICI. I hereby submit revisions to the 1998 Senate Appropriations Committee allocation, pursuant to section 302 of the Congressional Budget Act.

The revision follows:

	Budget authority	Outlays
Current allocation:		
Defense discretionary	269,000,000,000	266,823,000,000
Nondefense discretionary	249,867,000,000	283,293,000,000
Violent crime reduction fund	5,500,000,000	3,592,000,000
Mandatory	277,312,000,000	278,725,000,000
Total	801,679,000,000	832,433,000,000
Adjustment:		
Defense discretionary		
Nondefense discretionary	+18,172,000,000	
Violent crime reduction fund		
Mandatory		
Total	+18,172,000,000	
Revised allocation:		
Defense discretionary	269,000,000,000	266,823,000,000
Nondefense discretionary	268,039,000,000	283,293,000,000
Violent crime reduction fund	5,500,000,000	3,592,000,000
Mandatory	277,312,000,000	278,725,000,000
Total	819,851,000,000	832,433,000,000

Mr. DOMENICI. I hereby submit revisions to the 1999 Senate Appropriations Committee allocation, pursuant to section 302 of the Congressional Budget Act.

The revision follows:

	Budget authority	Outlays
Current allocation:		
Defense discretionary	271,570,000,000	266,635,000,000
Nondefense discretionary	255,209,000,000	265,020,000,000
Violent crime reduction fund	5,800,000,000	4,953,000,000
Highways		21,885,000,000
Mass transit		4,401,000,000
Mandatory	299,159,000,000	291,731,000,000
Total	831,738,000,000	854,625,000,000
Adjustments:		
Defense discretionary		
Nondefense discretionary		+17,000,000
Violent crime reduction fund		
Highways		
Mass transit		
Mandatory		
Total		+17,000,000
Revised allocation:		
Defense discretionary	271,570,000,000	266,635,000,000
Nondefense discretionary	255,209,000,000	265,037,000,000
Violent crime reduction fund	5,800,000,000	4,953,000,000
Highways		21,885,000,000
Mass transit		4,401,000,000
Mandatory	299,159,000,000	291,731,000,000
Total	831,738,000,000	854,642,000,000•

THE OLD GRANGE RESTAURANT

• Mr. TORRICELLI. Mr. President, I rise today in recognition of the "Old Grange" Restaurant, which has recently been placed on the New Jersey Register of Historic Places. The Old Grange, which is part of Historic Cold Spring Village, has been honored by the New Jersey Department of Environmental Protection through inclusion in the Register as one of New Jersey's Cultural treasures. It is a pleasure for me to be able to note this historical designation and to celebrate the Old Grange.

The Old Grange is located in the Cold Spring section of Lower Township. Grange #132 was organized in the late 1800's with a charter membership of thirty-two people. Also known as the Patrons of Husbandry, the Grange is America's oldest farm organization and the only rural fraternity in the world. During the early 20th century, the Old Grange was the site of many Township of Lower activities, serving as a school, voting area, and meeting hall, in addition to supporting projects and programs relating to the Grange Association. By 1970, Cold Spring Grange #132 was no longer able to maintain a membership base to support the organization. In 1973 it became the first building in the complex later known as Historic Cold Spring Village, the 19th century open-air living museum located adjacent to the Grange. Since 1981, visitors to the Village have enjoyed the grand meals offered by the Old Grange Restaurant, and the memory of Cold Spring Grange #132 has been kept alive.

The preservation of one's history is important to creating a sense of personal responsibility for one's community. All those who have worked to preserve the Old Grange and the Historic Cold Spring Village should be celebrated for embodying this concept and successfully instilling it in others. It is a pleasure to know that the rich and diverse cultural heritage of Cape May County is alive and well at the Village.

I am proud to recognize the Old Grange Restaurant as a historic site, and I am pleased that the State of New Jersey has made this designation.•

ANNIVERSARY OF AMERICANS WITH DISABILITY ACT

• Mr. McCAIN. Mr. President, as many of my colleagues know, this week is the 8th anniversary of the enactment of the Americans with Disabilities Act. I would like to take a moment to remember this pivotal moment in the history of our nation's disabled community.

As one of the principal sponsors of the Americans with Disabilities Act (ADA), I am proud of the array of opportunities which have been opened by this law for millions of our citizens with disabilities, setting a standard of inclusion for the world. In the eight years since the ADA was enacted, our nation has become more accessible for people with a broad array of disabilities, who now have greater opportunities than ever before. This law has empowered millions of disabled Americans with both the confidence and the tools necessary to live an independent and fulfilling life.

We must continue working together to ensure that the laudable goals of the ADA are achieved efficiently, equitably, and amicably. Continuing fair and reasonable implementation of this essential law will ensure that all people with disabilities have the opportunity to achieve their full potential. I look forward to a day when all Americans are rewarded for their abilities, not punished for their disabilities, and when Americans with disabilities face no barriers to achieving their highest goals.

While some problems have occurred during the implementation of the ADA, most Americans have responded positively and creatively to this important, but sometimes complicated law. I remain committed to working with both public and private entities in their efforts to implement the ADA as intended at its creation.

It is my firm belief that the ADA has helped demystify the world of disabilities and break down many barriers which have traditionally existed for the disabled. It has educated our nation and the world about the capabilities of all disabled individuals and achieved major transformations in society. I remain supportive of the achievements of the ADA and all that it has done for our nation over the past eight years, and I look forward to a future free of obstacles for all Americans.•

TRIBUTE TO NEWARK ACADEMY

• Mr. LAUTENBERG. Mr. President, I rise to recognize one of the few schools operating in America today dating from the pre-Revolutionary war days. The Newark Academy in Livingston, New Jersey, is celebrating its 225th anniversary this year, and deserves great recognition for its dedication to excellence in education since its formation in 1773.

For students who prove to have strong academic ability, the school offers a traditional college preparatory program and over 50 interscholastic athletic teams. With a commitment to diversity, the Newark Academy represents 15 countries, 85 communities, and since 1964 has been fully co-educational.

The Academy's motto, translated as "toward enlightenment," is apparent throughout the workings of the school. With 548 students between the 6th and 12th grades, this day school launches many youngsters on a path towards enlightenment, adulthood and higher education.

The Newark Academy's ability to grow and adapt to our changing educational needs, complexity of our society and the ever advancing world of technology has contributed to the strength of the Academy and established it as an example for other educational institutions to follow. I congratulate the administration, faculty and students of Newark Academy for the school's superior performance and wish them the best in the years to come.•

OPENING OF THE TOBACCO MARKETS IN SOUTH CAROLINA

• Mr. HOLLINGS. Mr. President, I rise today to discuss the opening of the 1998 tobacco marketing season in my home state of South Carolina.

According to the U.S. Department of Agriculture, the United States is one of the world's leading producers of tobacco. It is second only to China in total tobacco production. Tobacco is the seventh largest U.S. crop, with over 130,000 tobacco farms in the United States.

In South Carolina, tobacco is the top cash crop, worth about $200 million annually. It also generates over $1 billion in economic activity for my state. Tobacco production is responsible for more than 40,000 jobs on over 2,000 farms and continues to account for about one-fourth of all crops and around 13 percent of total crop and livestock agriculture in South Carolina.

It has been a hard year for tobacco farmers in my state. In June 1997, farmers found out about a settlement between the State Attorneys General and five tobacco companies. This settlement created insecurity in these farmers' lives, as well as in their communities, as they tried to prepare for the upcoming tobacco season. After learning of their exclusion from any type of compensation in this settlement, their quotas were cut by 16 percent from the previous year. This means the farmers' income will decrease by 16 percent in the next marketing year.

While the Senate debated comprehensive tobacco legislation, the tobacco companies acknowledged to tobacco farmers that they had made a mistake in not including them in their original settlement negotiations. These companies promised farmers they would be included in any future negotiations. Now we hear the State Attorneys General and the companies are again negotiating a settlement, and once again the farmers have been excluded.

In recent years, we have seen a rise in tobacco imports, as domestic purchases by companies have declined. This has had a direct effect on the economy of my state. Many of the rural towns in South Carolina have grown up around producing tobacco, and decreased demand for domestic tobacco has affected them greatly. I hope these companies see the need to purchase more domestic tobacco and decrease the amount of tobacco they import. It is imperative for these rural communities' economic stability that domestic tobacco purchases rise.

I also want to take this time to recognize a man who will begin his 50th season of auctioning tobacco. Kelly Ritter started auctioning tobacco in 1948, when times were a lot different. Back then tobacco was not seen as it is now, but rather as a way of life in the developing communities of South Carolina. Technology may have advanced in tobacco production over the last fifty years, and markets may have gone up and down, but it is a relief that there is still a constant in the production of tobacco—Kelly Ritter.

Mr. President, in conclusion I want to wish the tobacco farmers and warehousemen in South Carolina the best of luck this year. I wish that I could be down in South Carolina for this festive occasion of opening day, but duty calls. Although I can't be there physically, they all know that I'm there in spirit. And as hard as I have worked in the past for them, they can expect me to work even harder to ensure farmers and their communities remain economically sound.•

KIDS VOTING USA

• Mr. McCAIN. Mr. President, I would like to take this time to recognize an organization which began in 1988 with three Arizona businessmen on a fishing trip to Costa Rica. While there, they learned that regular voter turnout in that country was routinely 90 percent. They credit this to the Costa Rican tradition of having children accompany their parents to the polls. They observed first-hand the success this small country had achieved by instilling in children at an early age the importance of voting in a democracy.

The three Arizona businessmen took this idea back to the United States with them and began "Kids Voting

USA". Today, this nonprofit, nonpartisan, grassroots organization is active in 40 states plus the District of Columbia, and includes 5 million students, 200,000 teachers, and 6,000 schools, and is growing fast.

With voter turnout declining each year, this organization recognizes the need to educate our youth and instill in them respect for the right and the duty to vote. "Kids Voting USA" enables students to accompany their parent or guardian to local polling sites to cast a ballot similar to the official ballot. Although not a part of the official results, the students' vote are registered at schools and by the media.

Mr. President, this year, Kids Voting Day is September 29th. I would like to recognize "Kids Voting USA" and commend them for all they have done to promote the future of democracy by educating and involving youth in the American election process.●

IN HONOR OF MICHAEL QUEENAN

● Mr. KERRY. Mr. President, for nearly three years I have had the privilege to know Michael Queenan, who has served in my office as a Legislative Correspondent, and is leaving the extended KERRY family this month to attend law school. I like to say that Michael Queenan was the best Christmas present my colleague from Massachusetts Rep. ED MARKEY ever sent to my office. Three years ago I was searching for a bright young person to bring new energy to our staff. We interviewed a long list of prospective candidates and, although many were terrific, the right staffer just did not turn up. One day, late in December, some of our staff members were struggling to fit the office Christmas tree into its stand in the front office. Almost out of nowhere appeared a young man, an intern from Rep. MARKEY'S office, dropping off a letter to be signed. After a minute or two, this intern had taken off his coat, rolled up his sleeves, and was at work trimming our office Christmas tree. We quickly found out that this young man was a recent graduate of Clark University and a native of Winchester, Massachusetts. His name was Michael Queenan. In just a few days he was done with his internship for Rep. MARKEY—and he was the newest member of our staff! From the first day he walked into our office in the Russell Building—even before he was hired— Michael demonstrated a willingness to pitch in and contribute on any project, large or small. He brought a tremendous work ethic and energy to his duties, first as a Staff Assistant tirelessly working on the front phones and later as a Legislative Correspondent. After he joined our legislative staff, Michael Queenan also discovered a genuine passion for the most vital issues facing working families today. He spent hours researching legislation, responding to constituent concerns, and pouring his energies into the lengthy and at times tedious legislative process. Mike was hard at work over the last two years, assisting our Legislative Assistants, on issues ranging from raising the minimum wage to making health care affordable, college opportunity accessible to eradicating the A.I.D.S epidemic. In his own way—quietly, persistently—Michael contributed to the passage of legislation that made life better for the people of Massachusetts and for working people around the country.

Michael Queenan, however, was always more than just a policy staffer. He was a presence in our office. As the director of our intern program and the manager of our softball team, Michael Queenan established himself as an enthusiastic leader on our staff. As a former intern, he made it a personal goal for every one of our interns to have a positive experience, to learn from their observations of the Senate at work, and to glean from their time in our office the value of hard work. Michael also brought to our office his fierce competitiveness on the softball field, earning the nickname "Wheels" for his speed and tenacity on the basepaths. Michael might well have earned that title for the hours he spent in my 1982 Dodge convertible, accompanying me to events around Washington.

Mr. President, I wish Michael well as he leaves my office to attend law school this summer. I will always be grateful for the hard work and long hours he dedicated to his job in my office, and I will be equally grateful for his friendship, one that will continue long after Michael moves back to Massachusetts. I know that I join his parents, Fran Holland and Dick Queenan, in expressing my pride at what Michael has accomplished, and great hopes and warmest wishes for the bright future ahead of him.●

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

(The text of the bill (S. 2307), as passed by the Senate on Friday, July 24, 1998, is as follows:)

S. 2307

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

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, $1,768,600: *Provided*, That notwithstanding any other provision of law, there may be credited to this appropriation up to $1,000,000 in funds received from user fees.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, $554,700.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $8,645,000.

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY

For necessary expenses of the Office of the Assistant Secretary for Policy, $2,479,500.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, $6,686,300: *Provided further*, That none of the funds appropriated in this Act or otherwise made available may be used to maintain custody of airline tariffs that are already available for public and departmental access at no cost; to secure them against detection, alteration, or tampering; and open to inspection by the Department.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $5,687,800, including not to exceed $40,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $1,600,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $19,570,200.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses of the Office of Public Affairs, $1,656,600.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, $1,088,500.

BOARD OF CONTRACT APPEALS

For necessary expenses of the Board of Contract Appeals, $460,000.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $1,000,000.

OFFICE OF INTELLIGENCE AND SECURITY

For necessary expenses of the Office of Intelligence and Security, $935,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $4,652,700.

OFFICE OF INTERMODALISM

For necessary expenses of the Office of Intermodalism, $1,000,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $5,562,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, and development activities, to remain available until expended, $8,328,400.

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed

$158,468,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of direct loans, $1,500,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $13,775,000. In addition, for administrative expenses to carry out the direct loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $2,900,000, of which $2,635,000 shall remain available until September 30, 2000: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

AMTRAK REFORM COUNCIL

For necessary expenses of the Amtrak Reform Council authorized under section 203 of Public Law 105–134, $450,000, to remain available until September 30, 2000: *Provided*, That none of the funds provided under this heading shall be for payments to outside consultants: *Provided further*, That the duties of the Amtrak Reform Council described in section 203(g)(1) of Public Law 105–134 shall include the identification of Amtrak routes which are candidates for closure or realignment, based on performance rankings developed by Amtrak which incorporate information on each route's fully allocated costs and ridership on core intercity passenger service, and which assume, for purposes of closure or realignment candidate identification, that federal subsidies for Amtrak will decline over the 4-year period from fiscal year 1999 to fiscal year 2002: *Provided further*, That these closure or realignment recommendations shall be included in the Amtrak Reform Council's annual report to the Congress required by section 203(h) of Public Law 105–134.

COAST GUARD

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $2,761,603,000, of which $300,000,000 shall be available for national security-related activities and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That the number of aircraft on hand at any one time shall not exceed 212, exclusive of aircraft and parts stored to meet future attrition: *Provided further*, That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839: *Provided further*, That up to $615,000 in user fees collected pursuant to section 1111 of Public Law 104–324 shall be credited to this appropriation as offsetting collections in fiscal year 1998: *Provided further*, That the Secretary may transfer funds to this account, from Federal Aviation Administration "Operations", not to exceed $60,000,000 in total for the fiscal year, fifteen days after written notification to the House and Senate Committees on Appropriations, solely for the purpose of providing additional funds for drug interdiction activities: *Provided further*, That not less than $2,000,000 shall be available to support restoration of enhanced counter-narcotics operations around the island of Hispaniola: *Provided further*, That none of the funds in this Act shall be available for the Coast Guard to plan, finalize, or implement any regulation that would promulgate new maritime user fees not specifically authorized by law after the date of enactment of this Act.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $426,173,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $234,553,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2003; $55,131,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2001; $44,789,000 shall be available for other equipment, to remain available until September 30, 2001; $43,250,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2001; and $48,450,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2000: *Provided*, That funds received from the sale of HU–25 aircraft shall be credited to this appropriation for the purpose of acquiring new aircraft and increasing aviation capacity: *Provided further*, That the Commandant may dispose of surplus real property by sale or lease and the proceeds shall be credited to this appropriation, of which not more than $1,000,000 shall be credited as offsetting collections to this account, to be available for the purposes of this account: *Provided further*, That the amount herein appropriated from the General Fund shall be reduced by such amount: *Provided further*, That any proceeds from the sale or lease of Coast Guard surplus real property in excess of $1,000,000 shall be retained and remain available until expended, but shall not be available for obligation until October 1, 1999: *Provided further*, That the Secretary, with funds made available under this heading, acting through the Commandant, may enter into a long-term Use Agreement with the City of Homer for dedicated pier space on the Homer dock necessary to support Coast Guard vessels when such vessels call on Homer, Alaska.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $21,000,000, to remain available until expended.

ALTERATION OF BRIDGES

(HIGHWAY TRUST FUND)

For necessary expenses for alteration or removal of obstructive bridges, $20,000,000, to be derived from the highway account of the highway trust fund, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55); $684,000,000.

RESERVE TRAINING

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $67,000,000: *Provided*, That no more than $20,000,000 of funds made available under this heading may be transferred to Coast Guard "Operating expenses" or otherwise made available to reimburse the Coast Guard for financial support of the Coast Guard Reserve.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $17,461,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities and the operation (including leasing) and maintenance of aircraft, and carrying out the provisions of subchapter I of chapter 471 of title 49, United States Code, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $5,538,259,000, of which $2,158,930,135 shall be derived from the Airport and Airway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the Federal Aviation Administration

to plan, finalize, or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of enactment of this Act: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, $6,000,000 shall be for the contract tower cost-sharing program: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That the Secretary may transfer funds to this account, from Coast Guard "Operating expenses", not to exceed $60,000,000 in total for the fiscal year, fifteen days after written notification to the House and Senate Committees on Appropriations, solely for the purpose of providing additional funds for air traffic control operations and maintenance to enhance aviation safety and security: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, $2,044,683,269, to remain available until September 30, 2001: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That notwithstanding the Prompt Payment Act or any other provision of law, the Secretary of the Treasury may not make payments from this account in excess of $1,516,000,000 in fiscal year 1999, except for payments for salaries and benefits: *Provided further*, That no action may be brought in any court of law for delay of payment pursuant to the preceding proviso: *Provided further*, That no funds may be transferred out of this account in fiscal year 1999: *Provided further*, That any obligation of funds that results in an expenditure in excess of $1,736,000,000 in fiscal year 1999 shall be deemed to be an obligation in violation of section 1341 of title 31 of the United States Code: *Provided further*, That the Secretary shall submit monthly reports to the House and Senate Committees on Appropriations to ensure compliance with the preceding provisos and such reports shall include an analysis of cumulative obligations and expenditures from October 1, 1998, through the first day of the month in which the report is due and specific actions taken by the Secretary to ensure that the outlays in fiscal year 1999 resulting from the use of funds in this account shall not exceed $1,736,000,000: *Provided further*, That no funds shall be available for the Wide Area Augmentation System until notification by the Secretary that outlays in fiscal year 1999 resulting from the use of funds in this account shall not exceed $1,736,000,000: *Provided further*, That no funds shall be available for the Wide Area Augmentation System until certification to the House of Representatives Committee on Appropriations and the Senate Committee on Appropriations by the Secretary of Transportation and the Administrator of the FAA that the Wide Area Augmentation System will provide a sole means of navigation for aviation users, the Wide Area Augmentation System continuity problems will be solved without additional facilities or funding, and the cost/benefit ratio of the Wide Area Augmentation System exceeds the cost/benefit ratio of other landing and navigational aid programs: *Provided further*, That no funds shall be available for the Wide Area Augmentation System until the Department of Transportation Inspector General validates and concurs in the certification of the Secretary and the Administrator to the House of Representatives Committee on Appropriations and the Senate Committee on Appropriations.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $173,627,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2001: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and for noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations, $1,600,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of $2,100,000,000 in fiscal year 1999 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 47117(h) of title 49, United States Code: *Provided further*, That discretionary funds available for noise planning and mitigation shall not exceed $225,000,000 and discretionary funds available for the military airport program shall not exceed $26,000,000: *Provided further*, That up to $100,000,000 shall be available for the procurement of explosive detection systems.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

None of the funds in this Act shall be available for activities under this heading during fiscal year 1999.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration not to exceed $320,413,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

For carrying out the provisions of section 1069(y) of Public Law 102–240, relating to construction of, and improvements to, corridors of the Appalachian Development Highway System, $200,000,000 to remain available until expended.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $25,511,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 1999: *Provided*, That, notwithstanding any other provision of law, within the $25,511,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $200,000,000 shall be available for the implementation or execution of programs for Intelligent Transportation Systems (Sections 5204, 5205, 5206, 5207, 5208, and 5209 of Public Law 105–178) for fiscal year 1999; not more than $178,150,000 shall be available for the implementation or execution of programs for transportation research (Sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and section 5112 of Public Law 105–178) for fiscal year 1999; not more than $38,000,000 shall be available for the implementation or execution of programs for Ferry Boat and Ferry Terminal Facility Program (Section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005) as amended)) for fiscal year 1999; not more than $15,000,000 shall be available for the implementation or execution of programs for the Magnetic Levitation Transportation Technology Deployment Program (Section 1218 of Public Law 105–178) for fiscal year 1999; not

more than $31,000,000 shall be available for the implementation or execution of programs for the Bureau of Transportation Statistics (Section 111 of title 49, United States Code) for fiscal year 1999: *Provided further*, That within the $20,000,000 made available for refuge roads in fiscal year 1999 by section 204 of title 23, United States Code, as amended, $700,000 shall be made available to the United States Army Corps of Engineers to study rural access issues in Alaska, and $1,500,000 shall be made available for improvements to the Crooked Creek access road in the Charles M. Russell National Wildlife Refuge, Montana: *Provided further*, That notwithstanding any other provision of law, within the $25,511,000,000 obligation limitation, $5,000,000 of the amounts made available as contract authority under section 1221(e) of the Transportation Equity Act for the 21st Century (Public Law 105–178) shall be made available to carry out section 5113 of that Act: *Provided further*, That notwithstanding any other provision of law, within the $200,000,000 obligation limitation on Intelligent Transportation Systems, not less than the following sums shall be made available for Intelligent Transportation System projects in the specified areas:

Atlanta, GA, $4,000,000
Brandon, VT, $750,000
Buffalo, NY, $1,750,000
Columbus, OH, $2,000,000
Corpus Christi, TX, $900,000
Delaware River, PA, $4,000,000
Huntington Beach, CA, $1,000,000
Inglewood, CA, $1,000,000
Jackson, MS, $4,000,000
Kansas City, MO, $1,000,000
Mobile, AL, $5,000,000
Monroe County, NY, $1,000,000
Montgomery, AL, $2,500,000
Nashville, TN, $1,000,000
New York/Long Island, NY, $5,000,000
Oakland County, MI, $2,000,000
Onondaga County, NY, $1,000,000
Raleigh-Wake County, NC, $4,000,000
Spokane, WA, $900,000
St. Louis, MO, $1,500,000
State of Alaska, $3,000,000
State of Idaho, $1,000,000
State of Maryland, $2,000,000
State of Missouri ITS project, $1,000,000
State of Montana, $2,000,000
State of Nevada, $1,150,000
State of New Jersey, $6,000,000
State of New Mexico, $2,000,000
State of North Dakota, $1,450,000
State of Pennsylvania, $4,000,000
State of Texas, $2,000,000
State of Utah, $7,200,000
State of Washington, $3,000,000
State of Wisconsin, $3,000,000
Westchester and Putnam Counties, NY, $1,000,000.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, $24,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 31102, $100,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $100,000,000 for "Motor Carrier Safety Grants".

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary, to be derived from the Highway Trust Fund, $87,400,000 for traffic and highway safety under chapter 301 of title 49, U.S.C., and part C of subtitle VI of title 49, U.S.C., of which $58,558,000 shall remain available until September 30, 2001; $2,000,000 for chapter 303 of title 49, U.S.C., to remain available until September 30, 2001: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 1999, are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 410, and 411 to remain available until expended, $200,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 1999, are in excess of $200,000,000 for programs authorized under 23 U.S.C. 402, 405, 410, and 411 of which $150,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402, $10,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405, $35,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Grants" under 23 U.S.C. 410, $5,000,000 shall be for the "State Highway Safety Data Grants" under 23 U.S.C. 411: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That not to exceed $5,434,000 of the funds made available for Highway Safety Programs under 23 U.S.C. 402 shall be available to NHTSA for administering "Highway Safety Programs": *Provided further*, That not to exceed $500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $21,020,000, of which $1,389,000 shall remain available until expended: *Provided*, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further*, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation: *Provided further*, That of the funds provided under this heading, $5,000,000 shall be made available for grants authorized under title 49, United States Code, section 22301.

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, $61,876,000, of which $3,825,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated under this heading are available for the reimbursement of out-of-state travel and per diem costs incurred by employees of State governments directly supporting the Federal railroad safety program, including regulatory development and compliance-related activities.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $25,760,000, to remain available until expended: *Provided*, That the Secretary of Transportation is authorized to sell aluminum reaction rail, power rail base, and other related materials located at the Transportation Technology Center, near Pueblo, Colorado, and shall credit the receipts from such sale to this account, notwithstanding 31 U.S.C. 3302, to remain available until expended.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 United States Code sections 26101 and 26102, $28,494,000, to remain available until expended: *Provided*, That funds under this heading may be made available for grants to States for high-speed rail corridor design, feasibility studies, environmental analyses, and track and signal improvements.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $10,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations.

RHODE ISLAND RAIL DEVELOPMENT

For the costs associated with construction of a third track on the Northeast Corridor

between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, $7,500,000 to be matched by the State of Rhode Island or its designee on a dollar for dollar basis and to remain available until expended: *Provided*, That as a condition of accepting such funds, the Providence and Worcester (P&W) Railroad shall enter into an agreement with the Secretary to reimburse Amtrak and/or the Federal Railroad Administration, on a dollar for dollar basis, up to the first $28,000,000 in damages resulting from the legal action initiated by the P&W Railroad under its existing contracts with Amtrak relating to the provision of vertical clearances between Davisville and Central Falls in excess of those required for present freight operations.

CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For necessary expenses of capital improvements of the National Railroad Passenger Corporation, $555,000,000; of which not less than $200,000,000, to remain available until September 30, 2001, shall be for Northeast Corridor improvements authorized by chapter 249 of title 49, United States Code, and 49 U.S.C. 24104(a); and of which no more than $355,000,000, to become available on October 1, 1998 and remain available until expended, shall be for capital grants authorized by 49 U.S.C. 24104(a): *Provided further*, That the term "capital improvements" includes projects for—(A)(i) acquisition, construction, supervision, or inspection, of a facility or equipment, for use in intercity rail transportation; (ii) expenses incidental to the acquisition or construction (including designing, engineering, location survey, mapping, acquiring rights of way, associated pre-revenue startup costs, and environmental mitigation), payments for rail trackage rights, Intelligent Transportation Systems; (B) rehabilitating rolling stock; (C) remanufacturing rolling stock; (D) overhauling rolling stock; and (E) preventive maintenance: *Provided further*, That the Secretary shall not obligate more than $222,000,000 prior to September 30, 1999.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $10,800,000: *Provided*, That no more than $54,000,000 of budget authority shall be available for these purposes: *Provided further*, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $1,000,000 shall be transferred to the Department of Transportation Inspector General for costs associated with the audit and review of new fixed guideway systems projects of national significance or that experience extensive changes in financial scope or system design.

FORMULA GRANTS

For necessary expenses to carry out 49 United States Code 5307, 5308, 5310, 5311, and 5327, $570,000,000: *Provided*, That no more than $2,850,000,000 of budget authority shall be available for these purposes: *Provided further*, That of the funds made available under section 5308, up to $10,000,000 may be used for the projects that include payments for the incremental costs of biodiesel fuels: *Provided further*, That such incremental costs shall be limited to the cost difference between the cost of alternative fuels and their petroleum-based alternatives.

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 United States Code 5505, $1,200,000: *Provided*, That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 United States Code 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $19,800,000: *Provided*, That no more than $98,000,000 of budget authority shall be available for these purposes: *Provided further*, That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)); $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315); $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)); $43,841,600 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305); $9,158,400 is available for state planning (49 U.S.C. 5313(b)); and $27,500,000 is available for the national planning and research program (49 U.S.C. 5314): *Provided further*, That of the total budget authority made available for the national planning and research program, the Federal Transit Administration shall provide the following amounts to the projects listed below:

Santa Barbara Electric Transportation Institute and San Diego Clean Fuel Ferry program, $1,000,000;

City of Branson, MO congestion study, $450,000;

1999 Special Olympics World Summer Games planning and assistance, $1,500,000;

Skagit County, WA North Sound connecting communities project, Skagit County Council of Governments, $50,000;

2002 Winter Olympics security training and assistance, $1,000,000;

Desert air quality comprehensive analysis, Las Vegas, NV, $500,000;

Vegetation control on rail rights-of-way survey, $250,000;

Zinc-air battery bus technology demonstration, $1,000,000;

Virtual transit enterprise distributed information technology demonstration, $1,400,000;

North Orange-South Seminole County, FL fixed guideway ITS application, $750,000;

Galveston, TX fixed guideway ITS activities, $750,000;

Washoe County, NV transit technology, $1,250,000;

Massachusetts Bay Transit Authority advanced electric transit buses and related infrastructure, $1,500,000;

Palm Springs, CA fuel cell buses, $1,000,000;

Gloucester, MA intermodal technology center, $1,500,000; and

Southeastern Pennsylvania Transit Authority advanced propulsion control system, $2,000,000.

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 5303 through 5308, 5310 through 5315, 5317(b), 5322, 5327 and 5334, $2,446,200,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund: *Provided*, That $2,280,000,000 shall be paid to the Federal Transit Administration's formula grants account: *Provided further*, That $78,200,000 shall be paid to the Federal Transit Administration's transit planning and research account: *Provided further*, That $43,200,000 shall be paid to the Federal Transit Administration's administrative expenses account: *Provided further*, That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: *Provided further*, That $40,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out 49 United States Code 5308, 5309, 5318, and 5327, $451,400,000: *Provided*, That no more than $2,257,000,000 of budget authority shall be available for these purposes: *Provided further*, That there shall be available for fixed guideway modernization, $902,800,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $451,400,000; and there shall be available for new fixed guideway systems $902,800,000: *Provided further*, That, within the total funds provided for buses and bus-related facilities to carry out 49 U.S.C. section 5309, the following projects shall be considered eligible for these funds: *Provided further*, That the Administrator of the Federal Transit Administration shall, not later than 60 days after the enactment of this Act, individually submit to the congressional transit appropriations and authorization committees the recommended grant funding levels for the respective projects from the following projects here listed:

AC Transit electric bus program, CA

Albany, NY paratransit buses and facilities

Albuquerque, NM buses and bus facilities

Alexandria, VA King Street Station access

Alexandria, VA bus maintenance facility

Allegheny County, PA buses and intermodal station

Altoona, PA Metro Transit Authority buses

Altoona, PA pedestrian crossover

Altoona, PA Metro Transit Authority Logan Valley Mall suburban transfer center

Anacortes, WA ferry terminal information system

Anchorage, AK Ship Creek intermodal facility

Arkansas statewide bus needs

Armstrong County-Mid County, PA bus facilities and buses

Atlanta, GA MARTA buses

Austin, TX Capital Metro bus replacement

Babylon, NY intermodal center

Beaver County, PA transit facility

Bellingham, WA Whatcom Transit Authority bus maintenance facility

Berlin, NH Tri-County Community Action transit garage

Birmingham, AL intermodal facility

Birmingham-Jefferson County, AL buses

Boston, MA Logan Airport intermodal buses

Boston, MA Charles Street/MA General Hospital "T" Station Rehabilitation

Boston, MA South Station intermodal center connection link

Boulder/Denver, CO RTD buses

Bradford County, PA Endless Mountain Transportation Authority buses

Brattleboro, VT Union Station multimodal center

Brazos, TX Transit Authority buses and facilities

Bremerton, WA Sinclair's Landing, multimodal center

Brockton, MA intermodal transportation center

Brookhaven Town, NY elderly and disabled buses and vans

Brooklyn-Staten Island, NY mobility enhancement buses

Broome County, NY buses and fare collection equipment

Broward County, FL buses
Buffalo, NY Crossroads intermodal station
Buffalo, NY Auditorium intermodal center
Burlington, VT ferry terminal improvements
Burlington, VT multimodal center
Butte, MT bus replacements
California I-5 corridor intermodal transit centers
Cambria County, PA bus facilities and buses
Carroll County, NH transportation alliance buses
Cedar Rapids, IA Ground Transportation Center
Centre Area, PA Transportation Authority buses
Chambersburg, PA Transit Authority buses and intermodal center
Chelan, WA Chelan-Douglas multimodal center
Chester County, PA Paoli transportation center
Clark County, NV RTC CNG fueling facility
Clark County, NV Regional Transportation Commission buses
Cleveland, OH Triskett Garage bus maintenance facility
Clinton, WA ferry terminal
Colorado statewide buses
Columbia, SC bus replacement
Concord Area Transit, NH buses
Corpus Christi, TX transit authority buses and facilities
Crawford Area, PA buses
Culver City, CA CityBus buses
Dade County, FL Metro-Dade Transit Agency replacement buses
Dallas, TX Dallas Area Rapid Transit buses
Davis, CA Unitrans transit maintenance facility
Davis/Sacramento CA hydrogen bus technology validation
Dayton, OH multimodal transportation center
Daytona, FL intermodal center
Deerfield Valley, VT Transit Authority
Demonstration of universal electric transportation subsystems (DUETS), bus system, NM
Denver, CO Stapleton intermodal center
Des Moines, IA intermodal facility
Dothan, AL Wiregrass Transit Authority demand response shuttle vehicles and transit facility
Duluth, MN Transit Authority community circulation vehicles
Duluth, MN Transit Authority intelligent transportation systems
Duluth, MN Transit Authority transit hub
Dutchess County, NY Loop System buses
East Hampton, NY elderly and disabled buses and vans
El Paso, TX Sun Metro demand response, maintenance, and terminal facility
Erie, PA Metropolitan Transit Authority buses
Essex and Middlesex Counties, MA buses
Eugene, OR Lane Transit District buses
Everett, WA multimodal transportation center
Fairbanks, AK intermodal rail/bus transfer facility
Fayette County, PA intermodal facilities and buses
Fayetteville, AR University of Arkansas Transit System buses
Folsom, CA Railroad block project
Fort Ord, CA multi-modal transportation center
Fort Dodge, IA Intermodal Facility
Fort Worth, TX buses
Frankford, PA Septa transportation center
Galveston, TX alternative fuel buses
Gary, IN Transit Consortium buses
Georgetown University fuel cell bus development and manufacturing
Gloucester, MA intermodal transportation center
Grand Forks, Fargo, Bismarck-Mandan and Minot, ND buses
Grant County, WA buses and vans
Greater Laconia, NH Transit Agency buses
Greensboro, NC Transit Authority buses and vans
Greensboro, NC multimodal center
Harrison County, MS multimodal center/hybrid electric shuttle buses
Harrisonburg, VA buses
Hartford, CT transportation access project
Healdsburg, CA intermodal facility
Honolulu, HI bus facility and buses
Hot Springs, AR transportation depot and plaza
Humboldt, CA intermodal facility
Huntington Beach, CA senior center shuttle buses
Huntington, WV intermodal facility
Huntsville, AL intermodal space centers—East and West
Hyannis, MA intermodal transportation center
Illinois statewide buses and bus-related equipment
Indianapolis, IN buses
Iowa/Illinois Transit Consortium bus safety and security
Iowa statewide bus request
Ithaca, NY TCAT bus technology improvements
Jackson, MS buses and facilities
Jacksonville, FL Transit Authority buses and mini transit center
Jasper, AL buses
Johnson County, KS bus maintenance/operations facility
Kansas City, MO Union Station redevelopment
Kansas City, MO two-way radios; farebox system; facility repair
Keene, NH HCS Community Care buses and equipment
King County/Kingdome, WA pedestrian bridges
King County, WA Metro transit transfer facilities
Lackawanna County, PA Transit System buses
Lake Tahoe, CA intermodal terminal
Lake Tahoe, CA alternative fuels station
Lake Tahoe, CA coordinated transit system
Lakeland, FL Citrus Connection transit vehicles/equipment
Lane County, OR bus rapid transit
Lansing, MI CATA bus technology improvements
Las Cruces, NM buses, facilities and park and ride
Las Vegas, NV RTC South Resort Corridor transit center
Las Vegas, NV Citizen Area Transit System
Lebanon, NH Advance Transit buses
Lee County, AL buses
Little Rock, AR Central Arkansas Transit buses
Little Rock, AR New Harbor Inlet intermodal center
Livermore-Ardmore Valley, CA automatic vehicle locator program
Long Beach, NY central bus facility
Long Island, NY CNG transit vehicles and facilities
Long Island, NY bus replacement
Los Angeles County, CA Foothills transit buses
Los Angeles County, CA Metropolitan Transportation Authority bus replacement
Los Angeles, CA Foothills transit bus maintenance facility
Los Angeles, CA San Fernando Valley smart shuttle buses
Los Angeles, CA Union Station Gateway intermodal transit center
Los Angeles, CA municipal transit operators consortium
Louisiana statewide bus request
Louisville, Kentucky University of Louisville and River City buses
Lynchburg, VA buses
Market Street, NJ bus maintenance facility
Maryland statewide bus facilities and buses
Massachusetts Bay Transportation Authority statewide bus replacement
Mercer County, PA buses
Miami Beach, FL electric shuttle service
Miami-Dade, FL buses
Michigan statewide buses
Milwaukee, WI train station improvements
Milwaukee County, WI buses
Mineola/Hicksville, NY LIRR intermodal centers
Minnesota Metro transit buses
Minnesota I-35 corridor transit stations
Missouri statewide bus and bus facilities
Mobile, AL bus replacement
Mobile, AL intermodal facilities
Modesto, CA bus maintenance facility
Monroe County, PA Transportation Authority buses
Monroe, LA maintenance facility
Monterey, CA Monterey-Salinas buses
Montgomery, AL Union Station intermodal center and buses
Morongo Basin, CA Transit Authority bus facility
Mount Vernon, WA multimodal center
New Bedford/Fall River, MA mobile access to health care
New Hampshire statewide transit systems
New Haven, CT bus facility
New Jersey statewide buses and bus facilities
New Jersey Transit jitney shuttle buses
New Mexico statewide buses and bus facilities including northern New Mexico park and ride
New Orleans, LA RTA maintenance facility
New Rochelle, NY intermodal center
New York City, CNG buses and refueling station
New York City, NY Midtown west ferry terminal
New York, NY West 72nd St. intermodal station
Newark, NJ Morris and Essex Station access and buses
Niagara Frontier Transportation Authority Hublink, NY
North Carolina statewide buses and bus facilities
North Dakota statewide buses and bus-related facilities
North Slope Borough, AK buses
Northern Kentucky Area Development District senior citizen buses
Northstar Corridor, MN intermodal facilities and buses
Norwich, CT buses
Oak Park, IL Marion Street multimodal transit center
OATS Transit, MO
Ogden, UT Intermodal Center
Ohio statewide buses and bus facilities
Oklahoma statewide bus facilities and buses
Olympia, WA bus replacement

Olympic Peninsula, WA International Gateway transportation center
Omnitrans, CA replacement buses
Oneida County, NY Union Station intermodal facility
Oneida County, NY buses and equipment
Orlando, FL Lynx buses and bus facilities
Orlando, FL Downtown intermodal facility
Pee Dee, SC Regional Transportation Authority
Pennsylvania statewide request for small communities
Perris, CA bus maintenance facility
Phenix City, AL express transit system
Philadelphia, PA Market Street bus maintenance facility
Philadelphia, PA Frankford transportation center
Philadelphia, PA SEPTA ADA bus acquisition
Philadelphia, PA 30th Street intermodal station
Philadelphia, PA regional transportation system for elderly and disabled
Phoenix, AZ alternatively fueled buses
Pittsfield, MA intermodal center
Portland, OR Tri-Met buses
Potomac and Rappahannock, VA Trans Commission buses
Poughkeepsie, NY intermodal facility
Pritchard, AL bus transfer facility
Providence, RI buses and bus maintenance facility
Rankin County, MI Intermodal Connector
Reading, PA BARTA intermodal transportation facility
Red Rose, PA transit bus terminal
Reno, NV RTC transit passenger and facility security improvements
Rensselear, NY intermodal facility
Rhode Island Public Transit Authority buses
Rialto, CA Metrolink depot
Richland, WA Ben Franklin Transit maintenance, operation, and administration facility
Richmond, VA Main Street station
Richmond, VA GRTC bus maintenance facility
Riverhead, NY elderly and disabled buses and vans
Riverside, CA Transit Agency buses, facilities and ITS applications
Roanoke, VA buses
Robinson, PA Towne Center intermodal facility
Rochester-Genessee, NY CNG buses
Rochester, NY Rochester central bus facility
Rogue Valley, OR transit district bus purchase
Rome, NY intermodal center
Rural Texas bus replacement
Sacramento, CA intermodal station
Sacramento, CA CNG buses
Salem, OR area mass transit buses
San Francisco, CA Islais Creek maintenance facility
San Joaquin, CA buses and facilities
San Juan, Puerto Rico intermodal access
Santa Clara, CA Valley Transportation Authority buses
Santa Clarita, CA facilities and buses
Santa Cruz, CA bus facility
Santa Rosa/Cotati, CA intermodal transportation facilities
Savannah, GA Chatham buses and bus facilities
Savannah, GA downtown multimodal center
Seattle RTA buses
Seattle, WA intermodal transportation terminal
Seward, AK intermodal facility
Shelter Island, NY elderly and disabled buses and vans
Sinclair Landing transit facility, WA
Sioux Falls, SD buses
Sioux City, IA park and ride bus facility
Smithtown, NY elderly and disabled buses and vans
Solano Links, CA intercity transit consortium
Solano County, CA automated vehicle locator
Somerset County, PA bus facilities and buses
Sonoma County, CA intermodal center
South Amboy, NJ regional intermodal transportation initiative
South Bend, IN urban intermodal transportation facility
South Carolina statewide Virtual Transit Enterprise
South Dakota computerized bus dispatch system, radios, money boxes, and lift replacements
South Dakota statewide bus facilities and buses
Southampton, NY elderly and disabled buses and vans
Southeast Missouri transportation services
Southold, NY elderly and disabled buses and vans
Spartanburg, SC intermodal facility
Springfield, MA Union Station
Springfield/Branson, MO bus terminal
St. Louis, MO Bi-state intermodal center
St. Louis, MO Care-Cab
St. Louis, MO Bi-State development agency bus replacement
Suffolk County, NY elderly and disabled buses and vans
Syracuse, NY CNG buses and facilities
Tacoma, WA Tacoma Dome station
Tampa, FL Hartline buses
Tampa, FL Ybor intermodal station (Hillsborough Area Regional Transit Authority)
Tennessee statewide bus and facility replacement
Texas statewide small urban and rural buses
Tompkins County, NY new technology project
Towamencin Township, PA intermodal bus transportation center
Tucson, AZ alternatively fueled buses
Tuscaloosa, AL intermodal center
Ukiah, CA transportation center
Ulster County, NY bus garage and equipment
University of North Alabama, pedestrian walkways
Utah Olympics park and ride lots
Utah Olympics intermodal transportation centers
Utah Hybrid electric vehicle bus purchase
Utah Transit Authority/Park City Transit, UT buses
Utah Transit Authority, UT intermodal facilities
Utica and Rome, NY bus facilities and buses
Utica, NY Union Station
Vancouver, WA C-Tran Seventh Street transit center expansion
Vancouver, WA I-5 park and ride lots
Vermont statewide bus needs
Volusia County, FL bus systems integrated fleet operations system
Washington County, PA intermodal facilities
Washington, Community Transit bus replacement
Washington statewide bus
Washington RTA buses
Washington, D.C. intermodal transportation center
Washoe County, NV transit improvements
Waterbury, CT bus facility
Waukesha, WI downtown transit center
West Virginia statewide intermodal facility and buses
Westchester County, NY DOT articulated buses
Westchester County, NY Bee-Line transit system shuttle buses and fareboxes
Westfield, MA intermodal center
Westmoreland County, PA intermodal facility
Whittier, AK intermodal facility and pedistrian overpass
Wilkes-Barre, PA intermodal facility
Williamsport, PA bus facility
Wilsonville, OR buses and bus shelters
Windsor, CA intermodal facility
Wisconsin statewide bus facilities and buses
Woodland Hills, CA Warner Center transportation hub
Worcester, MA Union Station intermodal transportation center
Yonkers, NY intermodal facility
Yosemite area, CA regional transportation strategies:

Provided further, That, the funds provided for new fixed guideway systems shall be made available as follows:

$10,400,000 for Alaska and/or Hawaii ferry projects;
$2,500,000 for the Albuquerque/Santa Fe regional multimodal transportation project;
$10,000,000 for the Albuquerque light rail project;
$55,000,000 for the Atlanta MARTA North Springs project;
$2,000,000 for the Austin Capital metro project;
$1,000,000 for the Baltimore central downtown transit alternatives major investment study;
$2,000,000 for the Baltimore light rail double-track project;
$37,600,000 for the BART San Francisco Airport and San Jose Tasman West extensions projects;
$1,000,000 for the Birmingham, AL light rail project feasibility study;
$1,000,000 for the Boston North-South rail link project;
$53,983,000 for the Boston-South Boston Piers MOS-2 project;
$1,500,000 for the Boston urban ring project;
$4,000,000 for the Burlington-Essex, Vermont commuter rail project;
$3,000,000 for the Charleston, SC monobeam rail project;
$3,000,000 for the Charlotte, NC North-South corridor transitway project;
$19,000,000 for Chicago Metra commuter rail extensions and upgrades;
$4,000,000 for the Chicago Transit Authority Ravenswood and Douglas branch lines projects;
$3,600,000 for the Cincinnati Northeast/Northern Kentucky rail line project;
$1,000,000 for the Cleveland Berea Red Line MIS;
$4,000,000 for the Cleveland Euclid corridor improvement project;
$500,000 for the Colorado-North Front Range corridor feasibility study;
$20,500,000 for the Dallas DART North Central light rail extension project;
$40,000,000 for the Denver Southwest Corridor project;
$1,000,000 for the Denver Southeast Corridor multimodal corridor project;
$10,000,000 for the Fort Lauderdale, FL Tri-County commuter rail project;
$12,000,000 for the Fort Worth, TX Railtran project;

$1,000,000 for the Galveston, Texas rail trolley system extension project;

$2,000,000 for the Harrisburg, PA capitol area transit/corridor one project;

$1,000,000 for the Hartford, CT light rail project;

$1,000,000 for a major investment analysis of Honolulu transit alternatives;

$59,670,000 for the Houston Metro Regional Bus plan project;

$1,000,000 for a Jacksonville, FL light rail and bus corridors study;

$1,500,000 for the Johnson County, KS I-35 commuter rail project;

$500,000 for the Kansas City, MO commuter rail study;

$1,000,000 for the Kenosha-Racine-Milwaukee, WI commuter rail project;

$250,000 for the King County, WA Elliott Bay water taxi;

$2,000,000 for the Knoxville, TN transit program project;

$2,000,000 for the Largo, MD Metro Blue Line extension project;

$4,000,000 for the Las Vegas resort corridor fixed guideway system project;

$40,000,000 for the LIRR East Side access project, New York;

$4,000,000 for the Little Rock, AR Arkansas River rail project;

$30,000,000 for the Los Angeles MOS-3 project, of which $24,000,000 shall be made available from funds provided in Public Law 105-66 under this head for this project: *Provided further*, That such sum shall be available to the grantee without restriction;

$17,000,000 for MARC commuter rail improvements;

$2,200,000 for the Memphis Medical Center rail extension project;

$3,000,000 for the Miami Metrorail Palmetto extension project;

$4,000,000 for the Miami Metro-Dade Transit east-west corridor project;

$8,000,000 for the Miami-North corridor transitway to Broward County project;

$4,500,000 for the Morgantown, WV fixed guideway modernization project;

$2,500,000 for the Nashville regional commuter rail project;

$70,000,000 for the New Jersey urban core Hudson-Bergen LRT project;

$12,000,000 for the New Jersey urban core Newark-Elizabeth rail link project;

$1,000,000 for the New London, CT waterfront access project;

$12,000,000 for the New York City, Kennedy class ferryboat replacement project;

$2,000,000 for the Niagara Frontier Transportation Authority light rail car rebuild project;

$6,000,000 for the Northern Indiana South Shore commuter rail project;

$20,000,000 for the Orlando Lynx light rail project;

$500,000 for the Philadelphia to Pittsburgh high-speed magnetic levitation project;

$6,500,000 for the Philadelphia-Reading SEPTA Schuylkill Valley Metro project;

$1,000,000 for the Philadelphia SEPTA Cross County Metro project;

$5,000,000 for the Pittsburgh Allegheny County Stage II light rail project;

$5,000,000 for the Pittsburgh Airborne Shuttle System project;

$1,000,000 for the Pittsburgh North Shore central business district transit options major investment study;

$26,700,000 for the Portland Westside and South-North light rail projects;

$13,000,000 for the Puget Sound RTA Link light rail project;

$47,000,000 for the Puget Sound RTA Sounder commuter rail project;

$14,000,000 for the Raleigh-Durham-Chapel Hill Triangle Transit project;

$23,480,000 for the Sacramento south corridor LRT project;

$70,000,000 for the Salt Lake City South LRT project: *Provided further*, That the non-governmental share for these funds and for funds made available for this project under Public Law 105-66, shall be determined in accordance with section 3030(c)(2)(B)(ii) of the Transportation Equity Act for the 21st Century, as amended (Public Law 105-178);

$8,000,000 for the Salt Lake City/Airport to University (West-East) light rail project: *Provided further*, That the non-governmental share for these funds shall be determined in accordance with Section 3030(c)(2)(B)(ii) of the Transportation Equity Act for the 21st Century, as amended (Public Law 105-178);

$1,000,000 for the San Diego Mission Valley and Mid-Coast Corridors;

$19,967,000 for the San Juan Tren Urbano;

$2,000,000 for the Santa Fe rail link project;

$250,000 for the Sioux City micro rail trolley system;

$1,000,000 for the South DeKalb-Lindbergh Corridor LRT project;

$200,000 for the Southeast Michigan commuter rail viability study;

$10,000,000 for the St. George Ferry, NY terminal project;

$35,000,000 for the St. Louis Metro link/St. Clair County LRT extension project;

$500,000 for the St. Louis-Jefferson City-Kansas City, MO commuter rail project;

$1,000,000 for the Stamford, CT fixed guideway connector;

$1,000,000 for the Tampa Bay regional rail project; and

$15,000,000 for the Whitehall ferry terminal project.

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 5338(b) administered by the Federal Transit Administration, $1,805,600,000, to be derived from the Highway Trust Fund and to remain available until expended.

DISCRETIONARY GRANTS

(HIGHWAY TRUST FUND, MASS TRANSIT ACCOUNT)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized in Public Law 102-240 under 49 U.S.C. 5338(b)(1), $392,000,000 are rescinded.

JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out Section 3037 of the Federal Transit Act of 1998, $10,000,000: *Provided*, That no more than $50,000,000 of budget authority shall be available for these purposes: *Provided further*, That of the amounts appropriated under this head, not more than $10,000,000 shall be used for grants for reverse commute projects.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For necessary expenses to carry out the provisions of section 14 of Public Law 96-184 and Public Law 101-551, $50,000,000, to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operation and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $11,496,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $29,000,000, of which $574,000 shall be derived from the Pipeline Safety Fund, and of which $3,460,000 shall remain available until September 30, 2001: *Provided*, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OILSPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $32,500,000, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2001; and of which $29,000,000 shall be derived from the Pipeline Safety Fund, of which $16,919,000 shall remain available until September 30, 2001: *Provided*, That in addition to amounts made available for the Pipeline Safety Fund, $1,000,000 shall be available for grants to States for the development and establishment of one-call notification systems and shall be derived from amounts previously collected under 49 U.S.C. 60301, and that an additional $659,000 in amounts previously collected under 49 U.S.C. 60301 is available to conduct general functions of the pipeline safety program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2001: *Provided*, That not more than $11,000,000 shall be made available for obligation in fiscal year 1999 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): *Provided further*, That no such funds shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $42,720,000.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $13,853,000: *Provided*, That $2,000,000 in fees collected in fiscal year 1999 by the Surface Transportation Board pursuant to 31 U.S.C. 9701 shall be made available to this appropriation in fiscal year 1999: *Provided further*, That any fees received in excess of $2,000,000 in fiscal year 1999 shall remain available until expended, but shall not be available for obligation until October 1, 1999.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $3,847,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $53,473,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

EMERGENCY FUND

For necessary expenses, not otherwise provided for, of the National Transportation Safety Board for accident investigations, and for oversight and provision of services to families of victims of transportation disasters, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $1,000,000, to remain available until expended.

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Such sums as may be necessary for fiscal year 1999 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available: (1) except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.) for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents; and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 305. None of the funds in this Act shall be available for salaries and expenses of more than 91 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. The Secretary of Transportation may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 and related legislation: *Provided*, That the authority provided in this section may be exercised without regard to section 3324 of title 31, United States Code.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 310. (a) For fiscal year 1999, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a) of title 23, United States Code, and amounts authorized for the highway use tax evasion program and the Bureau of Transportation Statistics.

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) for section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and $2,000,000,000 for such fiscal year under section 105 of the Transportation Efficiency Act for the 21st Century (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United State Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highway and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid Highways shall not apply to obligations (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under section 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23,

United States Code, as in effect on the day before the date of enactment of the Transportation Efficiency Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year).

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144, of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Efficiency Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1943–1945).

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapters 3 and 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds (1) that are authorized to be appropriated for such fiscal year for Federal-aid highway programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and chapter 4 of title 23, United States Code, and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL RULE.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for a section set forth in subsection (a)(4) shall remain available until used for obligation of funds for such section and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 311. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 312. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 313. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 314. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant. The FAA shall accept such equipment, which shall thereafter be operated and maintained by the FAA in accordance with agency criteria.

SEC. 315. None of the funds in this Act shall be available to award a multiyear contract for production end items that: (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any one year of the contract; or (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the Government's liability; or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided*, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 316. Section 218 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence by striking "the south Alaskan border" and inserting "Haines" in lieu thereof;

(B) in the third sentence by striking "highway" and inserting "highway or the Alaska Marine Highway System" in lieu thereof;

(C) in the fourth sentence by striking "any other fiscal year thereafter" and inserting "any other fiscal year thereafter, including any portion of any other fiscal year thereafter, prior to the date of the enactment of the Transportation Equity Act for the 21st Century" in lieu thereof;

(D) in the fifth sentence by striking "construction of such highways until an agreement" and inserting "construction of the portion of such highways that are in Canada until an agreement" in lieu thereof; and

(2) in subsection (b) by inserting "in Canada" after "undertaken".

SEC. 317. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, capital investment grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2001 and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 318. Notwithstanding any other provision of law, any funds appropriated before October 1, 1998, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 319. None of the funds in this Act may be used to compensate in excess of 350 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 1999.

SEC. 320. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be reduced by $17,247,000, which limits fiscal year 1999 TASC obligational authority for elements of the Department of Transportation funded in this Act to no more than $165,215,000: *Provided*, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Transportation Administrative Service Center.

SEC. 321. Funds received by the Federal Highway Administration and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Limitation on Administrative Expenses" account and to the Federal Railroad Administration's "Railroad Safety" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 322. None of the funds in this or any other Act may be used to compel, direct, or require agencies of the Department of Transportation in their own construction contract awards, or recipients of financial assistance for construction projects under this Act, to use a project labor agreement on any project, nor to preclude use of a project labor agreement in such circumstances.

SEC. 323. None of the funds made available in this Act may be used for the purpose of promulgating or enforcing any regulation that has the practical effect of (a) requiring more than one attendant during unloading of liquefied compressed gases, or (b) preventing the attendant from monitoring the customer's liquefied compressed gas storage tank during unloading.

SEC. 324. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall not be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 325. None of the funds made available in this or any other Act may be used for grants to the National Railroad Passenger Corporation: *Provided*, That this provision shall not apply upon the public disclosure by Amtrak of its national average per passenger loss during the previous fiscal year for which a full fiscal year's data is available: *Provided further*, That Amtrak shall determine the national average per passenger loss by using revenues and fully allocated expenses of core intercity passenger rail service and such determination shall be verified by the United States General Accounting Office: *Provided further*, That the national average per passenger loss figure for each year shall be prominently displayed on every passenger ticket sold by any means or mechanism along with a specific reference to the American taxpayers' support for Amtrak: *Provided further*, That the Secretary, acting through the Administrator of the Federal Aviation Administration, shall by January 1, 1999, take such actions as may be necessary to ensure that each air carrier (as that term is defined in section 40102 of title 49 U.S.C.) prominently displays on every passenger ticket sold by any means or mechanism a statement that reflects the national average per passenger general fund subsidy based on the fiscal year 1997 general fund appropriation from the Federal Government to the

Federal Aviation Administration: *Provided further*, That the Secretary of Transportation, acting through the administrator of the Federal Highway Administration, shall take such actions as may be necessary to ensure the placement of signs, on each Federal-aid highway (as that term is defined in section 101 of title 23, U.S.C.) that states that, during fiscal year 1997, the Federal Government provided a general fund appropriation at a level verified by the Department of Transportation, for the subsidy of State and local highway construction and maintenance.

SEC. 326. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation: *Provided*, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

SEC. 327. Not to exceed $1,000,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees.

SEC. 328. BULK FUEL STORAGE TANKS. (a) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, the remainder of the balance in the Trans-Alaska Pipeline Liability Fund that is transferred and deposited into the Oil Spill Liability Trust Fund under section 8102(a)(2)(B)(ii) of the Oil Pollution Act of 1990 (43 U.S.C. 1653 note) after June 16, 1998 shall be used in accordance with this section.

(b) USE OF INTEREST ONLY.—The interest produced from the investment of the Trans-Alaska Pipeline Liability Fund balance that is transferred and deposited into the Oil Spill Liability Trust Fund under section 8102(a)(2)(B)(ii) of the Oil Pollution Act of 1990 (43 U.S.C. 1653 note) after June 16, 1998 shall be transferred annually by the National Pollution Funds Center to the Denali Commission for a program, to be developed in consultation with the Coast Guard, to repair or replace bulk fuel storage tanks in Alaska which are not in compliance with federal law, including the Oil Pollution Act of 1990, or State law.

(c) TAPS PAYMENT TO ALASKA DEDICATED TO BULK FUEL STORAGE TANK REPAIR AND REPLACEMENT.—Section 8102(a)(2)(B)(i) of Public Law 101-380 (43 U.S.C. 1653 note) is amended by inserting immediately before the semicolon, ", which shall be used to repair and replace bulk fuel storage tanks in Alaska so that such tanks comply with this Act and with other applicable federal and state laws".

SEC. 329. No funds other than those appropriated to the Surface Transportation Board or fees collected by the Board shall be used for conducting the activities of the Board.

SEC. 330. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a-10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 331. Notwithstanding any other provision of law, receipts, in amounts determined by the Secretary, collected from users of fitness centers operated by or for the Department of Transportation shall be available to support the operation and maintenance of those facilities.

SEC. 332. Notwithstanding 49 U.S.C. 41742, no essential air service shall be provided to communities in the 48 contiguous States that are located fewer than 70 highway miles from the nearest large and medium hub airport, or that require a rate of subsidy per passenger in excess of $200 unless such point is greater than 210 miles from the nearest large or medium hub airport.

SEC. 333. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 1999.

SEC. 334. LAND CONVEYANCE, COAST GUARD STATION OCRACOKE, NORTH CAROLINA. (a) AUTHORITY TO CONVEY.—The Secretary of Transportation may convey, without consideration, to the State of North Carolina (in this section referred to as the "State"), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, in Ocracoke, North Carolina, consisting of such portion of the Coast Guard Station Ocracoke, North Carolina, as the Secretary considers appropriate for purposes of the conveyance.

(b) CONDITIONS.—The conveyance under subsection (a) shall be subject to the following conditions:

(1) That the State accept the property to be conveyed under that subsection subject to such easements or rights of way in favor of the United States as the Secretary considers to be appropriate for—

(A) utilities;

(B) access to and from the property;

(C) the use of the boat launching ramp on the property; and

(D) the use of pier space on the property by search and rescue assets.

(2) That the State maintain the property in a manner so as to preserve the usefulness of the easements or rights of way referred to in paragraph (1).

(3) That the State utilize the property for transportation, education, environmental, or other public purposes.

(c) REVERSION.—(1) If the Secretary determines at any time that the property conveyed under subsection (a) is not to be used in accordance with 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.

(2) Upon reversion under paragraph (1), the property shall be under the administrative jurisdiction of the Administrator of General Services.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under subsection (a), and any easements or rights 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 State.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to the conveyance under subsection (a), and any easements or rights of way granted under subsection (b)(1), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 335. Notwithstanding any other provisions of law, funds appropriated in this or any other Act intended for highway demonstration projects, railroad-highway crossings demonstration projects or railroad relocation projects in Augusta, Georgia are available for implementation of a project consisting of modifications and additions to streets, railroads, and related improvements in the vicinity of the grade crossing of the CSX railroad and 15th Street in Augusta, Georgia.

SEC. 336. Notwithstanding any other provision of law, no approval from the Secretary (other than review of the project final design) shall be required to construct additional entrances and exits between exits 57 and 58 for a pilot project to demonstrate a streamlined process for project implementation on Interstate 495 in Suffolk County, New York provided such entrances and exits are designed, constructed or otherwise authorized by the responsible state transportation agency through the appropriate state environmental process.

SEC. 337. Notwithstanding and other provision of law, the Secretary of Transportation shall enter into agreements with the New York State Department of Transportation that would allow automotive service stations or other commercial establishments for serving motor vehicle users to be sited and constructed in the vicinity of exit 51 and either exits 66, 67, or 68 of the Long Island Expressway (Interstate 495) in Suffolk County.

SEC. 338. (a) IN GENERAL.—Section 30113 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting "or passenger motor vehicles from a bumper standard prescribed under chapter 325 of this title," after "a motor vehicle safety standard prescribed under this chapter"; and

(B) in paragraph (3)(A), by inserting "or chapter 325 of this title (as applicable)" after "this chapter";

(2) in subsection (c)(1), by inserting ", or a bumper standard prescribed under chapter 325 of this title," after "motor vehicle safety standard prescribed under this chapter";

(3) in subsection (d), by inserting "(including an exemption under subsection (b)(3)(B)(i) relating to a bumper standard referred to in subsection (b)(1))" after "subsection (b)(3)(B)(i) of this section"; and

(4) in subsection (h), by inserting "or bumper standard prescribed under chapter 325 of this title" after "each motor vehicle safety standard prescribed under this chapter".

(b) CONFORMING AMENDMENTS.—

(1) Section 32502(c) of title 49, United States Code, is amended—

(A) in the matter preceding paragraph (1), by striking "any part of a standard" and inserting "all or any part of a standard";

(B) in paragraph (1), by striking "or" at the end;

(C) in paragraph (2), by striking the period and inserting "; or"; and

(D) by adding at the end the following:

"(3) a passenger motor vehicle for which an application for an exemption under section 30013(b) of this title has been filed in accordance with the requirements of that section.".

(2) Section 32506(a) of title 49, United States Code, is amended by inserting "and section 32502 of this title" after "Except as provided in this section".

SEC. 339. Of the funds made available under this Act for capital investment grants, $20,000,000 is provided for the Norfolk-Virginia Beach Corridor project; $1,500,000 is provided for the Massachusetts North Shore Corridor project; $5,000,000 is provided for the San Diego Mission Valley and Mid-Coast Corridor projects; $3,300,000 is provided for the Hartford, CT light rail project; $200,000 is provided for the Southeast Michigan commuter rail viability study; $2,000,000 is provided for the major investment analysis of Honolulu transit alternatives; $2,700,000 is provided for the Stamford, CT fixed guideway connector; $3,500,000 is provided for the Providence-Boston commuter rail project; and $500,000 is provided for the Old Saybrook-Hartford rail extension project.

SEC. 340. (a) LIMITATION ON FUNDS USED TO ENFORCE REGULATIONS REGARDING ANIMAL FATS AND VEGETABLE OILS.—None of the funds made available by this Act or subsequent Acts may be used by the Coast Guard to issue, implement, or enforce a regulation or to establish an interpretation or guideline under the Edible Oil Regulatory Reform Act (Public Law 104-55) or the amendments made by that Act, that does not recognize and provide for, with respect to fats, oils, and greases (as described in that Act, or the amendments made by that Act) differences in (1) physical, chemical, biological and other relevant properties; and (2) environmental effects.

(B) DEADLINE FOR PROMULGATION OF REGULATIONS.—Not later than March 31, 1999, the Secretary of Transportation shall issue regulations amending 33 C.F.R. 154 to comply with the requirements of Public Law 104-55.

SEC. 341. AMENDMENT TO SUBSECTION 1110(a) OF PUBLIC LAW 96-487, 95 STAT. 2464.—Amend Subsection 1110(a) of Public Law 96-487, 95 Stat. 2565 as follows: strike "airplanes" and insert in lieu thereof "aircraft".

SEC. 342. Notwithstanding any other provision of law, funds made available under section 1503 of Public Law 105-178 may be used to support a direct loan of $85,000,000 to the city of Reno, Nevada for the Reno Transportation Corridor project, including the grade separation of at-grade rail lines and cross streets with a primarily below-grade corridor.

SEC. 343. Within the $25,511,000,000 obligation limitation on the federal-aid highway program, funds allocated or authorized from the highway trust fund, in Public Law 105-178 for Miller Highway in New York City, New York shall be made available to the State of New York subject to the State and local planning and environmental review process.

SEC. 344. Notwithstanding any provision of law, the Secretary of Transportation is hereby authorized to waive repayment of any Federal-aid highway funds expended on the construction of high occupancy vehicle lanes or auxiliary lanes on I-287 in the State of New Jersey. Such waiver shall not be granted by the Secretary until such time as the Secretary is assured by the State of New Jersey that removal of the high occupancy vehicle restrictions on I-287 is in the public interest.

SEC. 345. MODIFICATION OF SUBSTITUTE PROJECT IN WISCONSIN. Section 1211 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

"(o) MODIFICATION OF SUBSTITUTE PROJECT IN WISCONSIN.—Section 1045(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (as amended by subsection (n) of this section) is amended in paragraph (2)—

"(1) by inserting 'after consultation with appropriate local government officials,' after 'Wisconsin,'; and

"(2) by striking 'shall' and inserting 'may'.".

SEC. 346. Discretionary grants funds for bus and bus-related facilities made available under Public Law 105-66 and its accompanying conference report for the Virtual Transit Enterprise project may be used to fund any aspect of the Virtual Transit Enterprise integration of information project in South Carolina.

SEC. 347. Section 3021 of the Transportation Equity Act for the 21st Century (Public Law 105-178) is amended—

(1) in subsection (a), by inserting "or the State of Vermont" after "the State of Oklahoma"; and

(2) in subsection (b)(2)(A), by inserting "and the State of Vermont" after "within the State of Oklahoma".

SEC. 348. Item 1132 in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 298), relating to Mississippi, is amended by striking "Pirate Cove" and inserting "Pirates' Cove and 4-lane connector to Mississippi Highway 468".

SEC. 349. JUDICIAL REVIEW OF CONSTITUTIONAL CLAIMS. (a) EXPEDITED CONSIDERATION.—It shall be the duty of a district court of the United States and the Supreme Court of the United States to advance on the docket and to expedite to the maximum extent practicable the disposition of any claim challenging the constitutionality of section 1101(b) of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note; 112 Stat. 113), whether on its face or as applied.

(b) APPEAL TO SUPREME COURT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any order of a district court of the United States disposing of a claim described in subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States.

(2) DEADLINES FOR APPEAL.—

(A) NOTICE OF APPEAL.—Any appeal under paragraph (1) shall be taken by a notice of appeal filed within 10 calendar days after the date on which the order of the district court is entered.

(B) JURISDICTIONAL STATEMENT.—The jurisdictional statement shall be filed within 30 calendar days after the date on which the order of the district court is entered.

(3) STAYS.—No stay of an order described in paragraph (1) shall be issued by a single Justice of the Supreme Court.

(c) APPLICABILITY.—Subsections (a) and (b) shall apply with respect to any claim filed after June 9, 1998, but before June 10, 1999.

SEC. 350. The change in definition for Amtrak capital expenses shall not affect the legal characteristics of capital and operating expenditures for purposes of Amtrak's requirement to eliminate the use of appropriated funds for operating expenses according to Public Law 105-134. No funds appropriated for Amtrak in this Act shall be used to pay for any wage, salary, or benefit increases that are a result of any agreement entered into after October 1, 1997: *Provided*, That nothing in this Act shall affect Amtrak's legal requirements to maintain its current system of accounting under Generally Accepted Accounting Principles: *Provided further*, That no later than 30 days after the end of each quarter beginning with the first quarter in fiscal year 1999, Amtrak shall submit to the Amtrak Reform Council and the Senate Committee on Appropriations, and the Senate Committee on Commerce, Science, and Transportation, a reporting of specific expenditures for preventative maintenance, labor, and other operating expenses from amounts made available under this Act, and Amtrak's estimate of the amounts expected to be expended for such expenses for the remainder of the fiscal year.

SEC. 351. Section 3 of the Act of July 17, 1952 (66 Stat. 746, chapter 921), and section 3 of the Act of July 17, 1952 (66 Stat. 571, chapter 922), are each amended in the proviso—

(1) by striking "That" and all that follows through "the collection of" and inserting "That the commission may collect"; and

(2) by striking ", shall cease" and all that follows through the period at the end and inserting a period.

SEC. 352. Section 1212(m) of Public Law 105-178 is amended— (1) in the subsection heading, by inserting ", Idaho and West Virginia" after "Minnesota"; and (2) by inserting "or the States of Idaho or West Virginia" after "Minnesota".

SEC. 353. PROHIBITIONS AGAINST SMOKING ON SCHEDULED FLIGHTS. (a) IN GENERAL.—Section 41706 of title 49, United States Code, is amended to read as follows:

"§ 41706. Prohibitions against smoking on scheduled flights

"(a) SMOKING PROHIBITION IN INTRASTATE AND INTERSTATE AIR TRANSPORTATION.—An individual may not smoke in an aircraft on a scheduled airline flight segment in interstate air transportation or intrastate air transportation.

"(b) SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit, on and after the 120th day following the date of the enactment of this section, smoking in any aircraft on a scheduled airline flight segment within the United States or between a place in the United States and a place outside the United States.

"(c) LIMITATION ON APPLICABILITY.—With respect to an aircraft operated by a foreign air carrier, the smoking prohibitions contained in subsections (a) and (b) shall apply only to the passenger cabin and lavatory of the aircraft. If a foreign government objects to the application of subsection (b) on the basis that it is an extraterritorial application of the laws of the United States, the

Secretary is authorized to waive the application of subsection (b) to a foreign air carrier licensed by that foreign government. The Secretary of Transportation shall identify and enforce an alternative smoking prohibition in lieu of subsection (b) that has been negotiated by the Secretary and the objecting foreign government through a bilateral negotiation process.

"(d) REGULATIONS.—The Secretary shall prescribe regulations necessary to carry out this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the 60th day following the date of enactment of this Act.

SEC. 354. HAZARDOUS MATERIALS. In the case of a State that, as of the date of enactment of this Act, has in force and effect State hazardous material transportation laws that are inconsistent with Federal hazardous material transportation laws with respect to intrastate transportation of agricultural production materials for transportation from agricultural retailer to farm, farm to farm, and from farm to agricultural retailer, within a 100-mile air radius, such inconsistent laws may remain in force and effect for fiscal year 1999 only.

SEC. 355. REIMBURSEMENT FOR SALARIES AND EXPENSES. The National Transportation Safety Board shall reimburse the State of New York and local counties in New York during the period beginning on June 12, 1997, and ending on September 30, 1999, an aggregate amount equal to $6,059,000 for costs (including salaries and expenses) incurred in connection with the crash of TWA Flight 800.

SEC. 356. SIGNAGE ON HIGHWAYS WITH RESPECT TO THE NATIONAL CEMETERY SYSTEM. (a) DEFINITIONS.—In this section:

(1) FEDERAL-AID HIGHWAY.—The term "Federal aid highway" has the meaning given that term in section 101 of title 23, United States Code.

(2) NATIONAL CEMETERY SYSTEM.—The term "National Cemetery System" means the National Cemetery System, which is managed by the Secretary of Veterans Affairs.

(3) STATE.—The term "State" has the meaning given that term in section 101 of title 23, United States Code.

(b) FEDERAL-AID HIGHWAYS.—The Secretary of Transportation may encourage States to take such action as may be necessary to ensure that, for each cemetery of the National Cemetery System that is located in the proximity of any Federal-aid highway, there is sufficient and appropriate signage along that highway to direct visitors to that cemetery.

(c) STATE HIGHWAYS.—Nothing in subsection (b) is intended to affect the provision of signage by a State along a State highway to direct visitors to a cemetery of the National Cemetery System.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 1999".

AUTHORIZING TESTIMONY AND REPRESENTATION OF SENATE EMPLOYEE

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 258, submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 258) to authorize testimony and representation of Senate employee in State of Tennessee v. Ronald W. Byrd.

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, this resolution concerns a request for testimony in a criminal trespass action pending in the Court of General Sessions for Sullivan County, Tennessee. The case involves an incident at Senator FRED THOMPSON'S Blountville office in which an individual refused to leave the premises and was arrested by public safety personnel for trespassing. The State is seeking testimony from the Senator's caseworker who has knowledge of these events.

This resolution would authorize the caseworker to testify, except where a privilege should be asserted, with representation by the Senate Legal Counsel.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that a statement of explanation appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 258) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 258

Whereas, in the case of *State of Tennessee* v. *Ronald W. Byrd*, Case No. S 113068, pending in the Court of General Sessions for Sullivan County, Tennessee, testimony has been requested from Kathy Tipton, an employee in the office of Senator Fred Thompson;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Kathy Tipton is authorized to testify in the case of *State of Tennessee* v. *Ronald W. Byrd*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Kathy Tipton in connection with the testimony authorized in section one of this resolution.

ORDERS FOR WEDNESDAY, JULY 29, 1998

Mr. CAMPBELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, July 29. I further ask unanimous consent that when the Senate reconvenes on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then resume consideration of S. 2312, the Treasury-Postal appropriations bill.

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

Mr. CAMPBELL. I further ask unanimous consent that after the clerk reports the bill, Senator ASHCROFT be recognized to offer an amendment regarding the marriage penalty.

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

Mr. CAMPBELL. I further ask unanimous consent that the Senate stand in recess on Wednesday from 12:30 p.m. to 2:15 p.m. to allow the weekly party caucuses to meet.

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

Mr. DOMENICI. Reserving the right to object, Mr. President, I ask the chairman if he is stating which amendments can be offered and no others.

Mr. CAMPBELL. No.

Mr. DOMENICI. I thank the chairman.

PROGRAM

Mr. CAMPBELL. Mr. President, for the information of all Senators, when the Senate reconvenes on Wednesday, Senator ASHCROFT will be recognized to offer his marriage penalty amendment. It is hoped that following approximately 2 hours of debate on the amendment, the Senate will vote on a motion to table the Ashcroft amendment. Following that vote, it is hoped that Members will come to the floor to offer and debate remaining amendments to the Treasury bill.

Upon disposition of the Treasury appropriations bill, the Senate may begin consideration of the foreign operations appropriations bill, health care reform, any other appropriations bills or conference reports as available and any other legislative or executive items cleared for action. Therefore, Members should expect a late night session with votes on Wednesday, as the Senate attempts to complete its work prior to the August recess.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CAMPBELL. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:58 p.m., adjourned until Wednesday, July 29, 1998, at 9:30 a.m.