SENATE—*Monday, June 22, 1998*

The Senate met at 12 noon and was called to order by the Honorable JON KYL, a Senator from the State of Arizona.

PRAYER

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

Dear God, we respond to the repeated biblical admonition to give You praise for the gift of life and to thank You for Your daily goodness, faithfulness, and grace in answer to our prayers for each other. You seek our gratitude because it turns all of life into a constant expression of love to You. All that we have and are is a gift from Your gracious care.

Today we thank You for the Senate family of friends. You not only have called the Senators to lead this Nation but to share with each other a deep friendship of mutual caring. In times of personal need and in times of special blessing, they stand together to encourage each other and rejoice with each other.

As we begin this new week, we are united in mutual thanksgiving. We praise You for the continued healing of Senator ARLEN SPECTER. Bless him and return him to work with Your strength.

And today, we join with Senator TRENT and Tricia Lott in delight in the birth of their grandson, Chester Trent Lott III, born Saturday evening to Chet and Diane Lott. Thank You, dear Father, for this wonderful child of promise.

Now we commit to You the work of this day. Draw us into deeper friendship with You and with each other. In the Name of our Lord and Saviour. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The ACTING PRESIDENT pro tempore. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The bill clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 22, 1998.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON KYL, a Senator from the State of Arizona, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. KYL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished Senator from Iowa.

SCHEDULE

Mr. GRASSLEY. Mr. President, on behalf of the leader, I will announce today's business. Today, the Senate will resume the defense authorization bill. It is hoped that Members will come to the floor to offer and debate amendments to the defense bill under short time agreements.

As ordered, at 3 o'clock, the Senate will begin 2 hours of debate on the nomination of Susan Mollway to be U.S. district judge. It is expected that the first vote of today's session will occur at 5 p.m. on the confirmation of that nomination.

As a reminder to all Members, a cloture motion was filed on Friday to the DOD bill. The cloture vote will occur tomorrow, Tuesday, June 23, at a time to be determined by the two leaders. Under rule XXII, Senators have until 1 p.m. today to file first-degree amendments. The cloture vote will not necessarily be the first vote of Tuesday's session, so Members may expect early morning votes on amendments to the defense bill.

The majority leader would like to remind all Members that the Independence Day recess is fast approaching. The cooperation of all Members will be necessary for the Senate to complete work on many important items, including appropriations bills, the Higher Education Act, the Department of Defense authorization bill, the conference reports on the Coverdell education bill and the IRS reform bill, and any other legislative or executive items that may be cleared for action.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 2057, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2057) to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Feinstein amendment No. 2405, to express the sense of the Senate regarding the Indian nuclear tests.

Brownback amendment No. 2407 (to amendment No. 2405), to repeal a restriction on the provision of certain assistance and other transfers to Pakistan.

Warner motion to recommit the bill to the Committee on Armed Services with instructions to report back forthwith with all amendments agreed to in status quo and with a Warner amendment No. 2735 (to the instructions on the motion to recommit), condemning forced abortions in the People's Republic of China.

Warner amendment No. 2736 (to the instructions of the motion to recommit), of a perfecting nature.

Warner amendment No. 2737 (to amendment No. 2736), condemning human rights abuses in the People's Republic of China.

PRIVILEGE OF THE FLOOR

The ACTING PRESIDENT pro tempore. Without objection, John Rood is granted floor privileges during consideration of the pending debate of the defense authorization bill, S. 2057.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I will make some comments on the defense bill that we are considering.

This defense authorization bill, as reported by the Armed Services Committee, contains essential elements to ensure that our military men and women and the equipment that we have are prepared to respond when and if needed for our national security. Funds are included in the bill that continue to modernize the force and continue to improve the quality of life for our military personnel and families.

The bill remains within the limits of last year's budget agreement. It cuts spending by about 1 percent in real terms from last year. The committee approved a budget of $270.6 billion in budget authority.

The bill represents a number of very difficult choices—choices that we had to make when we proposed increases in

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

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funding for the programs that the committee wanted to increase. For every dollar of increase, of course, we had to find funds elsewhere and, accordingly, there are some cuts in the budget that came from the administration. There are a few significant departures from funding levels in programs that were in the budget last year. In my view, it is a more "responsible" budget than we have had here on the Senate floor in several years with regard to our defense spending.

That said, the relative stability in the bill can be a good thing. It can also prevent us from moving swiftly in important directions that require a timely response. I want to speak to some of those in a moment.

At its best, the bill takes good care of the military personnel and their families. It contains a 3.1 percent pay raise, effective January 1, and three health care demonstration projects for retired military personnel, who are over 65, and for their families. These projects are designed to meet the concerns voiced by retirees who have served their country and seek equitable and quality health care services. There is a provision to enhance cooperation between the Veterans' Administration and the Department of Defense in providing health care to dual-eligible beneficiaries. There is a continuation of pilot and nuclear personnel bonuses and increased limits on certain bonuses to enhance recruitment and retention. There is increased funding for construction and upgrades of family housing. There are provisions to make it easier for military families to move when they are required to move.

For my home State of New Mexico, the bill includes significant funding for our military bases and our National Laboratories that will benefit not only my State but the Nation. It includes funds for the High Energy Laser Test Facility and the Tactical High Energy Laser Program at White Sands Missile Range. It includes funding for the high-tech research being conducted at Phillips Laboratory in Albuquerque. It includes substantial funding for the defense programs at Los Alamos and Sandia to support their work in the stockpile stewardship program, nonproliferation research and development, and nuclear security assistance programs. It includes funds for military construction projects that we have been seeking—a new support facility for National Guard in Taos, NM, refurbishment of facilities and new family housing at Kirtland Air Force Base, a new war readiness facility at Holloman Air Force Base, and a badly needed runway repair project at Cannon Air Force Base.

Mr. President, for all the good things that this bill provides for our military personnel and to the facilities in my State and to the Nation, there are still some aspects of the bill that I find troubling.

The bill continues to place relatively greater emphasis on programs that address potential, rather than actual, long-term threats for which there is no current deployment requirement. Increased spending in those areas has come at the expense of programs designed to meet near-term threats which are actual and for which validated requirements exist.

For example, the bill contains $1.1 billion for strategic missile defense programs, including national missile defense and space-based laser programs; that is an increase of $100 million over the President's request. That $1.1 billion is compared to $675 million for programs designed to reduce the threat of proliferation of nuclear, chemical, and biological weapons. The committee approved cuts in funding to proliferation prevention programs at a time when India's actions, and now Pakistan's actions, remind us of the immediacy of such threats.

Information provided to the committee indicates that the intercontinental ballistic missile threat for which the national missile defense is intended is limited. The Intelligence people told our committee that such threats from rogue nations are not likely to occur for many years in the future.

The tradeoff seems clear to me. The committee prefers to allocate the lion's share of resources to meet a poorly defined threat that lies somewhere in the distant future, rather than allocating resources to meet the near-term, real world threat of proliferation of weapons of mass destruction.

Particularly, the bill does not fully fund programs intended to meet the threat of proliferation of weapons grade fissile materials, highly enriched uranium, and plutonium. A small amount of any of these materials in knowledgeable hands could wreak havoc upon our cities.

It is extremely important that we continue to work cooperatively with Russia and with other former Soviet States to account for and secure former Soviet nuclear weapons and related nuclear materials.

Despite the clear and present danger of that threat, the committee chose to reduce funding for the DOD's cooperative threat reduction program, also known as the Nunn-LUGAR program, by $2 million after considering much deeper cuts.

The committee cut similar programs managed by the Department of Energy by $20 million. Those programs are designed to improve the security of Russian nuclear weapons and materials and to provide protection against their theft, unauthorized use, or accidental misuse.

The Department of Energy's materials protection control and accounting program provides those security measures to a small portion of Russia's nuclear arsenal. With more funding, that program could provide greater security against the threat of smuggling dangerous materials to terrorists or rogue nations.

Instead, if the bill is passed as it stands, funding for this program—an essential program for our Nation's security now and in the future—is going to be cut. Efforts to secure hundreds of tons of nuclear materials at 53 sites will be delayed.

Mr. President, I spoke of India and Pakistan a moment ago. I would like to take a few more minutes to relate that problem to this defense bill. Shocking as India and Pakistan's nuclear tests have been, they should serve as a wakeup call to this country and to the Senate. The proliferation clock ticks on, while the Senate defers debate and consideration of the Comprehensive Test Ban Treaty. Other nonnuclear States could be reconsidering their positions on nuclear weapons in light of events in south Asia.

China, who is a signatory to the Comprehensive Test Ban Treaty, may now choose not to ratify. The U.S.—the first to sign the treaty—should have led the effort to implement a comprehensive testing ban before now. Perhaps our leadership in that area could have forestalled the tests in south Asia. Instead, the Senate has chosen not to step forward. Now we see ourselves more as a follower than as a leader in this area.

One element that could support a leadership role in ratifying a comprehensive test ban is an effective nuclear stockpile stewardship program. That program is an essential element for ensuring the safety and reliability of our nuclear weapons in the absence of testing. The directors of our National Laboratories at Livermore, Los Alamos, and Sandia have testified about the effectiveness of that program in the absence of nuclear testing. In spite of that testimony, this bill reduces funding by $145 million in prior year balances that, according to the DOE, no longer exist.

Without sufficient funding for the stockpile stewardship program, this bill threatens the likelihood of ratifying the Comprehensive Test Ban Treaty. Failure to ratify that treaty plays into the hands of the Indian and Pakistani Governments and could encourage other nonnuclear nations to follow their lead. The result will be a far more dangerous world than the one we live in today.

Mr. President, I am concerned that while many of my colleagues are focused on the long-term future security issues, they may have their focus in the wrong place. Funding for basic research and development and building, the building blocks for future technological advances, continues to receive low priority in this defense budget. It

is not anticipated to increase for the foreseeable future under current Department of Defense plans.

My colleagues acknowledged when considering this bill that funding for basic research and development has often been and remains a bill payer for other programs.

Efforts to identify this problem and establish long-term spending goals for basic research were rejected during the deliberations in the committee on this bill.

I believe that the high-tech future so many of us in the Senate consider an axiom of America's future security is unlikely to become a reality in the defense area unless we make the investment that is needed in the future today.

In addition, funding for the Nation's test and evaluation facilities and their operations lags behind efforts to modernize our weapons.

I have seen this with personnel cuts, neglect of infrastructure, and aging instrumentation at White Sands Missile Range in my State. These cuts reflect a low priority that has been given to the testing activities across the Department of Defense in this budget.

These cuts suggest that even if our technical genius continues to provide new technological opportunities, we may not be able to adequately evaluate whether they will actually work as intended.

Mr. President, I am concerned about the inertia contained in this bill. I believe that in many ways it fails to meet our most immediate high priority security concerns. It may also fail to lay a sound scientific foundation for the long-term security needs of our country.

I urge my colleagues to consider these large issues as we consider the bill this week. We have an opportunity to fix some of these problems. I hope we are able to do so. I intend to have one or more amendments to offer later in the week which will help us to accomplish that.

Mr. President, let me yield the floor and suggest the absence of a quorum at this point.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CORRECTION OF THE RECORD

Mr. BYRD. Mr. President, I wish to make a couple of corrections in the RECORD of Friday, June 19.

In the middle column on page S. 6661, where I quote Tennyson, the RECORD indicates that I quoted Tennyson as saying, "I am a part of all that I have met, and we are all a part of each other."

Mr. President, only the first clause is an accurate quote by Tennyson. The second clause was an editorial comment of my own. It should not be included in Tennyson's quote. So I ask unanimous consent that in the permanent RECORD Tennyson's quote as quoted by me read, "I am a part of all that I have met," and take out the quotation mark at the end of the sentence which appears in the RECORD in the middle column.

The next correction I should like to make is in the same speech, the same page, S. 6661, middle column. I am quoted as saying, "The Bible says, 'see us now a man diligent in his business; he shall stand before kings.'"

That is a misquote. I did not say, "See us now." I said, "Seest thou." "Seest thou a man diligent in his business; he shall stand before kings."

I ask unanimous consent that that correction be made in the permanent RECORD. Sometimes in talking I sound like I have my mouth full of turnips, and I am sure it is hard for the Official Reporters to catch the diction correctly. So I ask that those corrections be made.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, those of us who had the real privilege to be in the Chamber during Friday had the benefit of an absolutely magnificent set of remarks by our distinguished colleague, the senior Senator from West Virginia, the former majority leader of the Senate. I reflected over the course of the weekend on those remarks. I urge others to take a look at the RECORD today which, with these minor corrections, clearly sets forth those remarks. I thank the Senator.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

Mr. WARNER. Mr. President, we are in the process of resuming consideration of S. 2057, the National Defense Authorization Act for fiscal year 1999. On behalf of Chairman THURMOND and the distinguished ranking member, I urge Senators who have amendments to the bill to bring their amendments to the floor. Last Friday, Chairman THURMOND, together with the distinguished Senator from Michigan, Mr. LEVIN, cleared some 45 amendments to this important bill. The majority and minority staffs of the Committee on the Armed Forces will continue to work today with others and Members to get further amendments cleared.

I remind Senators that a cloture vote on S. 2057 will occur tomorrow, at a time to be determined by the majority leader after consultation with the Democrat leader. And if cloture is imposed, all nongermane amendments which have not already been adopted will be terminated. Therefore, I urge Senators to come to the floor. The bill will be up until 3 o'clock today, according to the previous order. Hopefully, we can conclude a profitable day towards further concluding this bill which must be concluded this week.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me just clarify what my colleague from Virginia said. My understanding is that the present parliamentary situation is that no amendments can be offered unless that is done with unanimous consent; is that correct?

Mr. WARNER. The Senator is correct.

Mr. BINGAMAN. We are urging people to come to the floor and try to obtain that unanimous consent. But those Senators who do have amendments that have not been agreed to are not able to offer those amendments at this time.

Mr. WARNER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, in response to the observation of my distinguished colleague, the situation is that there are pending amendments, of course. I hope my colleague and I, and such others who are managing this bill throughout the day, can work out accommodations and perhaps get unanimous consent for other amendments so we can proceed. I thank the Chair.

Mr. BINGAMAN. Mr. President, since we do have a lull in the proceedings, I have filed two amendments that together would incorporate in this year's defense bill the key provisions of S. 2081, which is the National Defense Science and Technology Investment Act of 1998. Consistent with the strong bipartisan support for defense research, I am very pleased to say that we have Senator SANTORUM, Senator LIEBERMAN, Senator LOTT, Senator FRIST, all as original cosponsors of this bill and also as sponsors of these complementary amendments.

I will not, of course, try to get a vote on these at this point because it would require unanimous consent to do so, but I would like to just briefly describe what the amendments do so when the opportunity comes to have a vote, people will be informed.

These amendments lay the fiscal framework for the defense research that is needed to achieve, early in the next century, what the Department of Defense calls full spectrum dominance, that is the ability of our Armed Forces to dominate potential adversaries

across the entire spectrum of military operations, from humanitarian operations through the highest intensity conflicted.

One of the two amendments sets goals that would result in the Defense Science and Technology Program budget reaching the equivalent of at least $9 billion in today's dollars by the year 2008; that would be an increase of 16 percent above today's level. The other amendment sets similar increased goals for the nonproliferation research at the Department of Energy.

It is worth focusing on why defense research is so important. Much of the technology that gave the United States a quick victory with so very few casualties in Desert Storm came out of defense-related research in the 1960s and 1970s. Those kinds of results, plus the fact that our military remains the most technologically sophisticated in the world, have fostered a broad agreement that defense research is one of the best investments that our country makes, one providing enormous long-term returns to our military. Even with the cold war over, there are a number of reasons why now is the time to vigorously invest in defense research.

First, as the Department of Defense has noted, the two keys to this full spectrum dominance, which is the cornerstone of our strategy as we move forward—the two keys will be information superiority and, second, technological innovation.

The Department of Defense has been the preeminent Federal agency funding the disciplines that undergird these two key enablers, for example, supporting roughly 80 percent of the federally sponsored research in electrical engineering, 50 percent of that in computer science and mathematics. No other organizations, public or private, can substitute for the unique role and focus of the Department of Defense in these research areas. We simply will not be able to achieve this so-called full spectrum dominance without a vigorous program of defense research.

A second important point is that the global spread of advanced technology and a nascent revolution in military affairs are creating new threats to the United States which will challenge our ability to achieve full spectrum dominance. Those are threats requiring new responses and requiring new technology. They include information warfare; cheap, precise cruise missiles and the spread of weapons of mass destruction.

Recent events in India and Pakistan, which I alluded to earlier, may have concentrated our thinking on this last problem, this threat of the spread of weapons of mass destruction. In the words of the National Defense Panel, "We must lead the coming technological revolution or be vulnerable to it." That said, right now we are in a relatively secure interlude in our international relations. We are in a time where we can afford to work on transforming our military forces. While the world is still a dangerous place, it will be even more dangerous in the future. So now is the time for the defense research to be accomplished, which is needed to achieve this full spectrum dominance.

When you look, though, at DOD's current science and technology budget plans, they do not reflect these realities. The out-year budgets are basically flat in real terms, out to the year 2003, at a level of around $200 million lower than the 1998 level. This is the money that pays for the research and concept experimentation needed to invent and try out new military capabilities. Worse yet, the budget of the Department of Energy for nonproliferation research is slated to decline by about 20 percent in real terms by the year 2003.

These budget plans are not consistent with the vision of full spectrum dominance. They are not consistent with the threats on the horizon or with the opportunity that we have today. These two amendments that I filed would promote budget plans that are consistent with the vision, threats and opportunity. What they do is this: From fiscal year 2003 to fiscal year 2008, the first amendment would give the Secretary of Defense a goal—not a requirement, but a goal—to increase the defense science and technology budget request by at least 2 percent a year over inflation greater than the previous year's budget request. The other amendment gives the same 2 percent goal, 2 percent increased goal to the Secretary of Energy for nonproliferation research.

The end result will be a defense science and technology budget that reaches at least $9 billion in today's dollars by 2008, an increase of $1.2 billion, or 16 percent over the 1998 level. The budget for nonproliferation research would increase it around 23 percent over today's level.

These budget increases are significant for research, yet they are modest and achievable when you look at our overall defense budget. If you look at a graph of the projected Science and Technology Program budget under this agreement, you can see that the increases will be, No. 1, gradual; that is, the total increase by 2008 will be less than some year-to-year changes in the past. Also, the increase will be smooth in that they will not be a huge change from the Defense Department's current plans at the start. They will also be reasonable; the $9 billion endpoint is comparable with previous levels of science after technology funding.

Achieving these increases will require some shifting the funds within the DOD budget. The total amount shifted will be only around half a percent of the total DOD budget over 10 years.

I am extremely confident the Secretary of Defense will be able to make this kind of gradual shift without damaging other priorities. I am also quite sure that this is a priority need for our country.

Technological supremacy has been a keystone of our security strategy since World War II. Supporting that supremacy has been this defense research. The coming decade is the time to start increasing the investment in our national security. These amendments are a modest bipartisan, sensible and achievable approach to make that investment. I am sure that these modest increases will yield substantial returns to our military.

I hope that when we get an opportunity to vote on these amendments that my colleagues will join me and Senators SANTORUM, LIEBERMAN, LOTT and FRIST in supporting both of these important amendments.

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

The PRESIDING OFFICER (Mr. SESSIONS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ABRAHAM. 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. ABRAHAM. Mr. President, I rise to address the ongoing debate in the Senate connected to the pending business, I believe, regarding United States relations with the People's Republic of China.

As the Senate considers the Department of Defense authorization bill, S. 2057, a number of my colleagues and I have been working to try to find a vehicle, or vehicles, through which to present amendments to this bill, intended to put United States-China relations on the path toward what we consider to be meaningful engagement. Many of our amendments have already been filed. Two of these, one to combat slave labor in China and the other to monitor People's Liberation Army companies operating in the United States, were adopted by voice vote last month. This shows, I believe, the substantial support among Senators for measures upholding principles of freedom and human rights and measures protecting the national security interests of the United States.

Today I would like to clarify the intents of the remaining amendments and the context in which we hope to offer them. Put simply, I and my colleagues seek meaningful engagement with the Chinese Government, consistent with our moral principles and with our national security interests. On this, I believe, all Americans are agreed. Unfortunately, this administration's policies towards China have, in my opinion, failed to produce that kind of relationship. For that reason, I believe amendments intended to promote meaningful engagement are necessary.

Some people have charged that any attempt to go beyond current policies of what I consider to be hollow engagement with China will necessarily lead to isolationism. I disagree. I believe a more reasoned approach lies between the extremes of appeasement on the one hand and isolationism on the other. The problem with current discussions regarding United States-China relations, in my view, is best illustrated by debates over most-favored-nation trading status. Until recently, debates over our relations with China have focused almost entirely and exclusively on whether we should extend or revoke China's MFN status.

It is time, in my view, to move the discussion out of the MFN box and to find common means to achieve common American goals. Revoking MFN would punish Americans with higher prices without significantly affecting the Chinese Government and its policies, and it would also punish innocent Chinese citizens by withdrawing economic opportunities provided by United States trade and investment. Even in the short term, in my view, we should not underestimate trade and investment's positive impact. "Already," writes China expert Stephen J. Yates of the Heritage Foundation, Chinese "employees at U.S. firms earn higher wages and are free to choose where to live, what to eat, and how to educate and care for their children."

It is my belief that MFN, by itself, is a necessary element of any meaningful engagement between the United States and China. However, MFN alone is not sufficient to bring the changes so sorely needed in China or to protect the principles and interests of the United States. Unfortunately, the Clinton administration has not pursued the policies necessary to make meaningful engagement possible.

The administration has claimed that our current relationship with the People's Republic of China has improved through a process of constructive engagement. On this view, the Chinese Government has improved its behavior in a number of areas out of a desire to maintain good relations with the United States. Specific examples have been cited, including the release of a small number of dissidents, movement toward protection of intellectual property, and China's alleged steadiness during the continuing Asian financial crisis.

I understand my colleagues' continuing hopes that these events might lead to better relations in the future between the United States and China. However, in my view, these hopes must be tempered by a realistic assessment of current Chinese Government practices and behavior. We all want the United States to be able to engage in an open and frank relationship with the Chinese Government, one in which each side can present its views on a broad range of issues, confident that the other side will promptly respond to their concerns and live up to international standards of human rights and mutual security.

Unfortunately, our relationship with China has yet to reach that stage of mutual trust and responsibility. In particular, a clear-eyed view of China's human rights record shows that the hollow engagement that has characterized America's role in its relations with China in recent years has not led to substantive reform. Although the international community roundly condemned the Chinese Government's crushing of prodemocracy demonstrations in Tiananmen Square along with the killing of thousands of student protesters and the imprisonment of many more, Chinese officials continue to claim their actions were justified. They continue to insist that their violent actions were a valid response to a counterrevolutionary riot.

Indeed, Chinese officials now want to place our President at the scene of this crime as a sign of their righteousness. Likewise, even as the administration continues to claim a new era of Chinese nonproliferation resulting from the recent summit, fresh reports have arisen of Chinese assistance to Iranian missile programs and the Chinese decision to abandon previous assurances to observe the Missile Technology Regime's export control standards.

Finally, it is important to recognize that definitive investigations are underway regarding the administration's export control policy toward China and its effect on national security. But it is also important to note that the administration has uniformly waived any sanctions for even the most egregious of Chinese actions harming our national security interests.

The bottom line is that we currently lack the tools with which to pursue meaningful engagement with China. Current policies of hollow engagement allow Chinese leaders to believe that the United States will overlook almost any action on their part simply in order to keep them happy. This provides China's leaders with little incentive to change their behavior or beliefs to bring them more closely into alignment with international standards.

The result is that our Government now constantly finds itself reacting to China's actions in an incoherent, ad hoc fashion. This has produced an unfortunate and increasing abandonment of the principles of freedom and defense of fundamental human rights on which our Nation is based, as well as a failure to fully protect the national security interests of the United States. The United States must, in my view, enunciate a clear and compelling policy disapproving Chinese violations of human rights and international conventions regarding national security. This requires, at a minimum, that we recognize that China's current leadership neither accepts nor acts upon the principle of friendship in international or domestic relations.

Mr. President, I think this is an important debate. I think it is a debate that we need to have here in the Senate. I regret that the current procedural roadblocks that seem to exist will make it very difficult for us to fully act through the amendments that many of us would like to bring up and prevent us from having the kind of full and clear discussion in this debate that I think the Senate should make happen. Consequently, I find myself a bit frustrated today. I would like to applaud the Senator from Arkansas for the ongoing efforts he has engaged in to try to bring these issues to the floor of the Senate, to try to make it possible for us to have the kind of debate that I think many of us wish would occur.

I hope that his efforts with many of us working together can be ultimately successful. If it cannot happen in the context of the current bill, then I think a group of us will find other vehicles coming to the floor of the Senate on which it can be possible for us to have this debate. But whether it happens now or happens later, I think the message to the administration should be clear and to the American people it should be clear: We are deeply concerned about the human rights policies of China. We are deeply concerned about the implications of their policies on American national security, and we in the U.S. Senate are not going to sit idly by and allow these policies to continue without ultimately having the kind of full and detailed debate, discussion and action that they require.

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

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for about 3 minutes.

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

A LONGTIME FRIEND—ALBERT McDERMOTT

Mr. STEVENS. Mr. President, it is with a sadness and real heavy heart that I report to the Senate that the former chief counsel of the Appropriations Committee passed away this morning at 7 a.m. at NIH. Albert McDermott was a longtime friend. He

and I met during the Eisenhower administration when he was the Assistant Secretary of Labor and I was Assistant Secretary of the Interior.

After having been with the Hotel-Motel Association for some 25 years, I convinced him to join the staff of the Rules Committee when I became the ranking member of that committee. He came on board, as I recall, in about 1991. He was a graduate of Georgetown Law School, a distinguished naval officer in World War II who was in charge of an LCT, landing craft tank, that hit Normandy beach several times, I believe.

He became the chief of staff of the Rules Committee when I became chairman, and then moved to the Governmental Affairs Committee and was chief of staff there. When I became chairman of the Appropriations Committee, I asked him to take on the job of counsel for the Appropriations Committee.

He retired from that position late last year. He was a grand friend, and I shall miss him very much. He was my best man when Catherine and I were married and I was his best man when he married at the age of 70.

He has left behind his beloved wife, and she was a longtime friend. Krieks is a great friend now of my wife Catherine. She was also very close to my first wife, Ann.

I announce to the Senate that there will be a visitation at Gawler's Funeral Home on Wisconsin Avenue from 7:30 p.m. to 9:30 p.m. on Thursday and a memorial service at 10 a.m. at the Annunciation Church on Massachusetts Avenue in Northwest.

Thank you, Mr. President.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, having served on the Rules Committee with Mr. STEVENS, the chairman, I remember him very well. I add my expression of deepest sympathy to his family.

Mr. STEVENS. I thank the Senator.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

Mr. WARNER. Mr. President, I have advised the distinguished ranking member of the Armed Services Committee of what I am about to do. Hopefully, this announcement will lend some clarity to the procedural situation we are now in.

AMENDMENT NO. 2737, AS MODIFIED

Mr. WARNER. Mr. President, on behalf of Senator HUTCHINSON, I modify the pending amendment with the additional text now at the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of the amendment, add the following:

TITLE ___

SEC. ___. SHORT TITLE.

This title may be cited as the "Forced Abortion Condemnation Act".

SEC. ___. FINDINGS.

Congress makes the following findings:

(1) Forced abortion was rightly denounced as a crime against humanity by the Nuremberg War Crimes Tribunal.

(2) For over 15 years there have been frequent and credible reports of forced abortion and forced sterilization in connection with the population control policies of the People's Republic of China. These reports indicate the following:

(A) Although it is the stated position of the politburo of the Chinese Communist Party that forced abortion and forced sterilization have no role in the population control program, in fact the Communist Chinese Government encourages both forced abortion and forced sterilization through a combination of strictly enforced birth quotas and immunity for local population control officials who engage in coercion. Officials acknowledge that there have been instances of forced abortions and sterilization, and no evidence has been made available to suggest that the perpetrators have been punished.

(B) People's Republic of China population control officials, in cooperation with employers and works unit officials, routinely monitor women's menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment, and often to physical force.

(C) Official sanctions for giving birth to unauthorized children include fines in amounts several times larger than the per capita annual incomes of residents of the People's Republic of China. In Fujian, for example, the average fine is estimated to be twice a family's gross annual income. Families which cannot pay the fine may be subject to confiscation and destruction of their homes and personal property.

(D) Especially harsh punishments have been inflicted on those whose resistance is motivated by religion. For example, according to a 1995 Amnesty International report, the Catholic inhabitants of 2 villages in Hebei Province were subjected to population control under the slogan "better to have more graves than one more child". Enforcement measures included torture, sexual abuse, and the detention of resisters' relatives as hostages.

(E) Forced abortions in Communist China often have taken place in the very late stages of pregnancy.

(F) Since 1994 forced abortion and sterilization have been used in Communist China not only to regulate the number of children, but also to eliminate those who are regarded as defective in accordance with the official eugenic policy known as the "Natal and Health Care Law".

SEC. ___. DENIAL OF ENTRY INTO THE UNITED STATES OF PERSONS IN THE PEOPLE'S REPUBLIC OF CHINA ENGAGED IN ENFORCEMENT OF FORCED ABORTION POLICY.

The Secretary of State may not issue any visa to, and the Attorney General may not admit to the United States, any national of the People's Republic of China, including any official of the Communist Party or the Government of the People's Republic of China and its regional, local, and village authorities (except the head of state, the head of government, and cabinet level ministers) who the Secretary finds, based on credible information, has been involved in the establishment or enforcement of population control policies resulting in a woman being forced to undergo an abortion against her free choice, or resulting in a man or woman being forced to undergo sterilization against his or her free choice.

SEC. ___. WAIVER.

The President may waive the requirement contained in section ___ with respect to a national of the People's Republic of China if the President—

(1) determines that it is in the national interest of the United States to do so; and

(2) provides written notification to Congress containing a justification for the waiver.

This title may be cited as the "Communist China Subsidy Reduction Act of 1998".

SEC. ___. FINDINGS.

Congress finds that—

(1) the People's Republic of China has enjoyed ready access to international capital through commercial loans, direct investment, sales of securities, bond sales, and foreign aid;

(2) regarding international commercial lending, the People's Republic of China had $48,000,000,000 in loans outstanding from private creditors in 1995;

(3) regarding international direct investment, international direct investment in the People's Republic of China from 1993 through 1995 totaled $97,151,000,000, and in 1996 alone totaled $47,000,000,000;

(4) regarding investment in Chinese securities, the aggregate value of outstanding Chinese securities currently held by Chinese nationals and foreign persons is $175,000,000,000, and from 1993 through 1995 foreign persons invested $10,540,000,000 in Chinese stocks;

(5) regarding investment in Chinese bonds, entities controlled by the Government of the People's Republic of China have issued 75 bonds since 1988, including 36 dollar-denominated bond offerings valued at more than $6,700,000,000, and the total value of long-term Chinese bonds outstanding as of January 1, 1996, was $11,709,000,000;

(6) regarding international assistance, the People's Republic of China received almost $1,000,000,000 in foreign aid grants and an additional $1,566,000,000 in technical assistance grants from 1993 through 1995, and in 1995 received $5,540,000,000 in bilateral assistance loans, including concessional aid, export credits, and related assistance; and

(7) regarding international financial institutions—

(A) despite the People's Republic of China's access to international capital and world financial markets, international financial institutions have annually provided it with more than $4,000,000,000 in loans in recent years, amounting to almost a third of the loan commitments of the Asian Development Bank and 17.1 percent of the loan approvals by the International Bank for Reconstruction and Development in 1995; and

(B) the People's Republic of China borrows more from the International Bank for Reconstruction and Development and the Asian Development Bank than any other country, and loan commitments from those institutions to the People's Republic of China quadrupled from $1,100,000,000 in 1985 to $4,300,000,000 by 1995.

SEC. ___. OPPOSITION OF UNITED STATES TO CONCESSIONAL LOANS TO THE PEOPLE'S REPUBLIC OF CHINA.

Title XV of the International Financial Institutions Act (22 U.S.C. 262o–262o–1) is amended by adding at the end the following:

"SEC. 1503. OPPOSITION OF UNITED STATES TO CONCESSIONAL LOANS TO THE PEOPLE'S REPUBLIC OF CHINA.

"(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Directors at each international financial institution (as defined in section 1702(c)(2) of the International Financial Institutions Act) to use the voice and vote of the United States to oppose the provision by the institution of concessional loans to the People's Republic of China, any citizen or national of the People's Republic of China, or any entity established in the People's Republic of China.

"(b) CONCESSIONAL LOANS DEFINED.—As used in subsection (a), the term 'concessional loans' means loans with highly subsidized interest rates, grace periods for repayment of 5 years or more, and maturities of 20 years or more.".

SEC. ___. PRINCIPLES THAT SHOULD BE ADHERED TO BY ANY UNITED STATES NATIONAL CONDUCTING AN INDUSTRIAL COOPERATION PROJECT IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) PURPOSE.—It is the purpose of this section to create principles governing the conduct of industrial cooperation projects of United States nationals in the People's Republic of China.

(b) STATEMENT OF PRINCIPLES.—It is the sense of Congress that any United States national conducting an industrial cooperation project in the People's Republic of China should:

(1) Suspend the use of any goods, wares, articles, or merchandise that the United States national has reason to believe were mined, produced, or manufactured, in whole or in part, by convict labor or forced labor, and refuse to use forced labor in the industrial cooperation project.

(2) Seek to ensure that political or religious views, sex, ethnic or national background, involvement in political activities or nonviolent demonstrations, or association with suspected or known dissidents will not prohibit hiring, lead to harassment, demotion, or dismissal, or in any way affect the status or terms of employment in the industrial cooperation project. The United States national should not discriminate in terms or conditions of employment in the industrial cooperation project against persons with past records of arrest or internal exile for nonviolent protest or membership in unofficial organizations committed to nonviolence.

(3) Ensure that methods of production used in the industrial cooperation project do not pose an unnecessary physical danger to workers and neighboring populations or property, and that the industrial cooperation project does not unnecessarily risk harm to the surrounding environment; and consult with community leaders regarding environmental protection with respect to the industrial cooperation project.

(4) Strive to establish a private business enterprise when involved in an industrial cooperation project with the Government of the People's Republic of China or other state entity.

(5) Discourage any Chinese military presence on the premises of any industrial cooperation projects which involve dual-use technologies.

(6) Undertake to promote freedom of association and assembly among the employees of the United States national. The United States national should protest any infringement by the Government of the People's Republic of China of these freedoms to the International Labor Organization's office in Beijing.

(7) Provide the Department of State with information relevant to the Department's efforts to collect information on prisoners for the purposes of the Prisoner Information Registry, and for other purposes.

(8) Discourage or undertake to prevent compulsory political indoctrination programs from taking place on the premises of the industrial cooperation project.

(9) Promote freedom of expression, including the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media. To this end, the United States national should raise with appropriate authorities of the Government of the People's Republic of China concerns about restrictions on the free flow of information.

(10) Undertake to prevent harassment of workers who, consistent with the United Nations World Population Plan of Action, decide freely and responsibly the number and spacing of their children; and prohibit compulsory population control activities on the premises of the industrial cooperation project.

(c) PROMOTION OF PRINCIPLES BY OTHER NATIONS.—The Secretary of State shall forward a copy of the principles set forth in subsection (b) to the member nations of the Organization for Economic Cooperation and Development and encourage them to promote principles similar to these principles.

(d) REGISTRATION REQUIREMENT.—

(1) IN GENERAL.—Each United States national conducting an industrial cooperation project in the People's Republic of China shall register with the Secretary of State and indicate that the United States national agrees to implement the principles set forth in subsection (b). No fee shall be required for registration under this subsection.

(2) PREFERENCE FOR PARTICIPATION IN TRADE MISSIONS.—The Secretary of Commerce shall consult the register prior to the selection of private sector participants in any form of trade mission to China, and undertake to involve those United States nationals that have registered their adoption of the principles set forth above.

(e) DEFINITIONS.—As used in this section—

(1) the term "industrial cooperation project" refers to a for-profit activity the business operations of which employ more than 25 individuals or have assets greater than $25,000; and

(2) the term "United States national" means—

(A) a citizen or national of the United States or a permanent resident of the United States; and

(B) a corporation, partnership, or other business association organized under the laws of the United States, any State or territory thereof, the District of Columbia, the Commonwealth of Puerto Rico, or the Commonwealth of the Northern Mariana Islands.

SEC. ___. PROMOTION OF EDUCATIONAL, CULTURAL, SCIENTIFIC, AGRICULTURAL, MILITARY, LEGAL, POLITICAL, AND ARTISTIC EXCHANGES BETWEEN THE UNITED STATES AND CHINA.

(a) EXCHANGES BETWEEN THE UNITED STATES AND CHINA.—Agencies of the United States Government which engage in educational, cultural, scientific, agricultural, military, legal, political, and artistic exchanges shall endeavor to initiate or expand such exchange programs with regard to China.

(b) SENSE OF CONGRESS.—It is the sense of Congress that a federally chartered not-for-profit organization should be established to fund exchanges between the United States and China through private donations.

SEC. ___. CONGRESSIONAL STATEMENT OF POLICY.

It is the sense of Congress that the President should make freedom of religion one of the major objectives of United States foreign policy with respect to China. As part of this policy, the Department of State should raise in every relevant bilateral and multilateral forum the issue of individuals imprisoned, detained, confined, or otherwise harassed by the Chinese Government on religious grounds. In its communications with the Chinese Government, the Department of State should provide specific names of individuals of concern and request a complete and timely response from the Chinese Government regarding the individuals' whereabouts and condition, the charges against them, and sentence imposed. The goal of these official communications should be the expeditious release of all religious prisoners in China and Tibet and the end of the Chinese Government's policy and practice of harassing and repressing religious believers.

SEC. ___. PROHIBITION ON USE OF FUNDS FOR THE PARTICIPATION OF CERTAIN CHINESE OFFICIALS IN CONFERENCES, EXCHANGES, PROGRAMS, AND ACTIVITIES.

(a) PROHIBITION.—Notwithstanding any other provision of law, for fiscal years after fiscal year 1997, no funds appropriated or otherwise made available for the Department of State, the United States Information Agency, and the United States Agency for International Development may be used for the purpose of providing travel expenses and per diem for the participation of nationals of the People's Republic of China described in paragraphs (1) and (2) in conferences, exchanges, programs, and activities:

(1) The head or political secretary of any of the following Chinese Government-created or approved organizations:

(A) The Chinese Buddhist Association.

(B) The Chinese Catholic Patriotic Association.

(C) The National Congress of Catholic Representatives.

(D) The Chinese Catholic Bishops' Conference.

(E) The Chinese Protestant "Three Self" Patriotic Movement.

(F) The China Christian Council.

(G) The Chinese Taoist Association.

(H) The Chinese Islamic Association.

(2) Any military or civilian official or employee of the Government of the People's Republic of China who carried out or directed the carrying out of any of the following policies or practices:

(A) Formulating, drafting, or implementing repressive religious policies.

(B) Imprisoning, detaining, or harassing individuals on religious grounds.

(C) Promoting or participating in policies or practices which hinder religious activities or the free expression of religious beliefs.

(b) CERTIFICATION.—

(1) Each Federal agency subject to the prohibition of subsection (a) shall certify in writing to the appropriate congressional committees no later than 120 days after the date of enactment of this Act, and every 90 days thereafter, that it did not pay, either directly or through a contractor or grantee, for travel expenses or per diem of any national of the People's Republic of China described in subsection (a).

(2) Each certification under paragraph (1) shall be supported by the following information:

(A) The name of each employee of any agency of the Government of the People's

Republic of China whose travel expenses or per diem were paid by funds of the reporting agency of the United States Government.

(B) The procedures employed by the reporting agency of the United States Government to ascertain whether each individual under subparagraph (A) did or did not participate in activities described in subsection (a)(2).

(C) The reporting agency's basis for concluding that each individual under subparagraph (A) did not participate in such activities.

(c) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of this section the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

SEC. ___. CERTAIN OFFICIALS OF THE PEOPLE'S REPUBLIC OF CHINA INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION.

(a) REQUIREMENT.—Notwithstanding any other provision of law, any national of the People's Republic of China described in section ___(a)(2) (except the head of state, the head of government, and cabinet level ministers) shall be ineligible to receive visas and shall be excluded from admission into the United States.

(b) WAIVER.—The President may waive the requirement in subsection (a) with respect to an individual described in such subsection if the President—

(1) determines that it is vital to the national interest to do so; and

(2) provides written notification to the appropriate congressional committees (as defined in section ___(c)) containing a justification for the waiver.

SEC. ___. SUNSET PROVISION.

Sections ___ and ___ shall cease to have effect 4 years after the date of the enactment of this Act.

SEC. ___. SATELLITE CONTROLS UNDER THE UNITED STATES MUNITIONS LIST.

(a) CONTROL OF SATELLITES ON THE UNITED STATES MUNITIONS LIST.—Notwithstanding any other provision of law, the export control of satellites and related items on the Commerce Control List of dual-use items in the Export Administration Regulations (15 C.F.R. Part 730 et seq.) on the day before the effective date of this section shall be considered, on or after such date, to be transferred to the United States Munitions List under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(b) REPORT.—Each report to Congress submitted pursuant to section 902(b) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246) to waive the restrictions contained in that Act on the export to the People's Republic of China of United States-origin satellites and defense articles on the United States Munitions List shall be accompanied by a detailed justification setting forth—

(1) a detailed description of all militarily sensitive characteristics integrated within, or associated with, the satellite;

(2) an estimate of the number of United States civilian contract personnel expected to be needed in country to carry out the proposed satellite launch;

(3) a detailed description of—

(A) the United States Government's plan to monitor the proposed satellite launch to ensure that no unauthorized transfer of technology occurs, together with an estimate of the number of officers and employees of the United States Government expected to be needed in country to carry out monitoring of the proposed satellite launch; and

(B) the manner in which the costs of such monitoring shall be borne; and

(4) the reasons why the proposed satellite launch is in the national security interest of the United States, including—

(A) the impact of the proposed export on employment in the United States, including the number of new jobs created in the United States, on a State-by-State basis, as a direct result of the proposed export;

(B) the number of existing jobs in the United States that would be lost, on a State-by-State basis, as a direct result of the proposed export not being licensed;

(C) the impact of the proposed export on the balance of trade between the United States and China and a reduction in the current United States trade deficit with China;

(D) the impact of the proposed export on China's transition from a nonmarket to a market economy and the long-term economic benefit to the United States;

(E) the impact of the proposed export on opening new markets to American-made products through China's purchase of United States-made goods and services not directly related to the proposed export;

(F) the impact of the proposed export on reducing acts, policies, and practices that constitute significant trade barriers to United States exports or foreign direct investment in China by United States nationals;

(G) the increase in the United States overall market share for goods and services in comparison to Japan, France, Germany, the United Kingdom, and Russia;

(H) the impact of the proposed export on China's willingness to modify its commercial and trade laws, practices, and regulations to make American-made goods and services more accessible to that market; and

(I) the impact of the proposed export on China's willingness to reduce formal and informal trade barriers and tariffs, duties, and other fees on American-made goods and services entering China.

(c) NATIONAL SECURITY WAIVER FOR THE EXPORT OF SATELLITES TO CHINA.—Section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246; 22 U.S.C. 2151 note) is amended by inserting before the period at the end the following: ", except that, in the case of a proposed export of a satellite under subsection (a)(5), on a case-by-case basis, that it is in the national security interests of the United States to do so".

(d) DEFINITIONS.—In this section:

(1) MILITARILY SENSITIVE CHARACTERISTICS.—The term "militarily sensitive characteristics" includes, but is not limited to, antijamming capability, antennas, crosslinks, baseband processing, encryption devices, radiation-hardened devices, propulsion systems, pointing accuracy, or kick motors.

(2) RELATED ITEMS.—The term "related items" means the satellite fuel, ground support equipment, test equipment, payload adapter or interface hardware, replacement parts, and non-embedded solid propellant orbit transfer engines described in the report submitted to Congress by the Department of State on February 6, 1998, pursuant to section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)).

(e) EFFECTIVE DATE.—This section shall take effect 15 days after the date of enactment of this Act.

SEC. ___. DEPUTY UNDER SECRETARY OF DEFENSE FOR TECHNOLOGY SECURITY POLICY.

(a) ESTABLISHMENT OF POSITION.—Section 134 of title 10, United States Code, is amended by adding at the end the following:

"(d)(1) There is a Deputy Under Secretary of Defense for Technology Security Policy in the Office of the Under Secretary. The Deputy Under Secretary serves as the Director of the Defense Technology Security Administration.

"(2) The Deputy Under Secretary has only the following duties:

"(A) To supervise activities of the Department of Defense relating to export controls.

"(B) To develop for the Department of Defense policies and positions regarding the appropriate export control policies and procedures that are necessary to protect the national security interests of the United States.

"(3) The Deputy Under Secretary may report directly to the Secretary of Defense on the matters that are within the duties of the Deputy Under Secretary.".

(b) IMPLEMENTATION.—The Secretary of Defense shall complete the actions necessary to implement section 134(d) of title 10, United States Code (as added by subsection (a)), not later than 45 days after the date of the enactment of this Act.

(c) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the plans of the Secretary for implementing section 134(d) of title 10, United States Code, as added by subsection (a). The report shall include the following:

(1) A description of any organizational changes that are to be made within the Department of Defense to implement the provision.

(2) A description of the role of the Chairman of the Joint Chiefs of Staff in the export control activities of the Department of Defense after the provision is implemented, together with a discussion of how that role compares to the Chairman's role in those activities before the implementation of the provision.

(d) LIMITATION.—Unless specifically authorized and appropriated for such purpose, no funds may be obligated to relocate office space or personnel of the Defense Technology Security Administration.

Mr. WARNER. Mr. President, it will be my intention to move to table this amendment at approximately 11 a.m. tomorrow, Tuesday, June 23. I will be working with Senator LEVIN to reach an agreement as to the exact time. Members will be notified as soon as that time agreement has been reached. In addition, other votes could occur prior to the scheduled weekly recess for our party conferences, which begins at 12:30 p.m. on Tuesday. I thank all colleagues for their attention to this matter.

Mr. President, I hope that while we only have another 50 minutes on the bill prior to business, according to the pending order, that there will be statements and other matters relating to this bill so that we can make as productive use of the time as possible. I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. I thank my friend from Virginia for the statement he has made. I know all Members of the Senate will be on notice accordingly.

I take this moment to speak generally to the amendment that is before the Senate regarding China policy and the overall question before the country about China policy, as President Clinton prepares to leave for China later this week.

Mr. President, this debate is nothing new. Nonetheless, it takes on a special meaning and intensity, because it happens in the week in which the President will go to China. I understand the Senator from Arkansas, who is the proponent of most of the amendments, has stated over and over again that it was not his intention that these amendments be brought up in the week in which the President was going to China, and I know that is absolutely the fact. These amendments were filed earlier. He had discussed them earlier. It just happens that here we are on this bill, and they are coming up.

I hope that we will proceed, may I say, with an appropriate sense of respect for the mission that the President will carry out on all our behalf, because, though we may have different sides of this American policy towards China that we speak to on the floor, I know that we all hope and pray that the President's trip will be successful, in the sense that it will not only strengthen our bilateral relationship with China, but will do so based on honest exchange and principle, including the very principles that are the subject of some of the amendments that are before us, most particularly human rights, proliferation, which is to say security, and trade policy, and the others as well.

Mr. President, this question of our relationship with China is, in some ways, the most difficult, complicated and yet the most important of our foreign and defense policies because of the size of China, the enormous changes that are occurring in China, and the significant role that China will play in the next century as a true military, economic superpower. The question of our policy is often described as a choice between engagement or nonengagement, which is to say engagement, on the one hand, or isolation and containment on the other.

Well, I favor engagement. I think that the truth is when you come down to it, there are very few people here that I have heard in the Senate who really want to isolate China, or that is the stated intention of their policy. The question then becomes, I believe, not whether or not to engage; China is too big for us not to engage with; we are too sensible for us to try to isolate or contain this great country with such a long and proud history. The question then becomes, How do we engage? And do we engage in a way that works together in an honest, principled fashion to not only improve our relations—military, economic, ideological, philosophical—but to improve the lot, the plight, the lives of people in China consistent with our own principles.

My fear is that some of the amendments that are offered here on this bill, and some of the statements of intention that have been made regarding American policy toward China, while they may want a form of engagement or they may acknowledge the inevitability of engagement with China, they do so in a way that is confrontational, in some sense is punitive, perhaps without justification for all the punitive qualities, and in the end will put us in a course of conflict with China which many of us feel is not necessary. That, I think, is the issue drawn by these amendments. Yes, engagement, but what kind of engagement will it be?

On the other side there is an engagement that would be so devoid of honesty and principle that it would sacrifice America's national interests and our traditional values, human rights being at the top of them, which is to say it would be engagement for the sake of engagement, to yield, if you will, to the People's Republic of China in any point of conflict between us. That is as unacceptable as the policy on the other side of isolation and attempted containment.

I think we have to see if we can work together here to find a common ground on which we engage honestly and consistent with our principles and interests, which is to say we have an interest—military, economic, philosophical—in engaging China in the world community, in building peaceful relationships and prosperous relationships with her, but that engagement must be honest in the sense that we do not conceal our differences, and principled in the sense that we do not yield on the principles that make us uniquely American.

I hope out of the kind of debate that—though it is awkward to have it the week that the President is going to China—but I hope that out of the debate that is occurring here on these amendments, and the debate that I am sure will follow on MFN as the days and weeks go by, that we will be able to find a common ground.

It is not surprising that this debate is occurring. China is not only a big country and an important country, but it is a country with a different culture and history from ours. It is a country that lived under a remarkably rigid, ideological, Communist dictatorship for a long period of time that has seen outbursts, spasmodic alterations in the political status quo, and it is different from us. So these differences about how to engage China, what to expect of China, are not surprising. And we express those in the debate that is occurring on this bill.

My own strong support for the policy of engagement—honest, principled, direct engagement; one that I think is in our national interest—is premised on a conclusion which is that that policy of engagement, begun 26 years ago by President Nixon, followed by every President since of both political parties, has worked. We have had tough times, crises in the relationship—cultural revolution two decades ago; and very fresh, still stinging for us, the tragedy on Tiananmen Square a little less than a decade ago.

But overall, if you look at the changes, the revolutionary changes within this country, China, I believe the facts indicate that the policy of engagement has produced a China today that is significantly different than the China of two decades ago of the cultural revolution, and one decade ago of the Tiananmen Square tragedy—an atrocity—that it is a country today that is moving in exactly the direction we would want it to, remarkably toward a market economy—and I will speak in a moment more to that—and also more in the direction of human rights than before, though, God knows, not enough.

But remember, again, we are dealing with a culture and a country very different from ours, a culture and a country during communism and before so large that it lived with the constant fear of the leadership, of the disintegration of this enormous national entity, a country in which leaders have traditionally portrayed themselves as riding on the back of a tiger. But the changes have most assuredly occurred.

It has been fascinating in the last month or so just to pay a little bit of extra attention to the newspaper reports from China, not so much the political reports, but what might be called feature stories in the press. And they showed a China that is dramatically different, much more like us than it was before.

There was a story a while back in one of the papers about the fact that half of the villages in China have held elections. It was a concerted effort by the leadership—not unlimited; that is for sure—but a concerted effort by the leadership of China to introduce some form of participatory electoral system in half of the villages in China, almost 500,000 villages.

There was another story about a professor at a university in Beijing, a brilliant man, from the article, who had an idea for a new technology; this kind of thing that happens around America, particularly in places like Silicon Valley. It did not happen in Communist China. But he found his way to some capital, started a company, and is doing brilliantly. He is excited about

his stock options. Wow. That is not one of Mao's—I do not remember stock options being in Mao's little red book.

There was a different kind of story about a change in the use of the media. Remember, under Mao the television or the propaganda instruments only had one—it was all straight ahead. It was all: "Support Mao. Support the State." There was a story about a gentleman who is producing the most popular sitcom on television in China. He had been, I am proud to say, in my own State of Connecticut, in Waterford at the Eugene O'Neill Theater for a period of months studying and saw "The Cosby Show" and was inspired by it. I take some license here, but he went back and created the Chinese version of "Cosby," the most popular show in China at this point.

There was an announcement of the sale of 3 million state-owned residences to people, to citizens of China, property ownership fundamental to our view of the world, not theirs; tens of thousands of State-owned enterprises about to be privatized or closed down because they are inefficient.

Under the leadership I would describe as revolutionary, of the new Premier, Zhu Rongji, one of the ways in which the Communist State controls the lives and political behavior of all of its citizens is by employing all of its citizens. Once you take these tens of thousands, hundreds of thousands, of State-owned enterprises, privatize them, and people are not working for the State any more but working for private owners, you have the conditions for a whole new expression and experience of freedom—remarkable, remarkable changes.

Let me talk about religion, because it is of real interest to me. I worked with colleagues and cosponsored one of the two bills before this body that try to put religious freedom and protection from religious persecution and discrimination at the center of our foreign policy and impose penalties on countries or at least alter our relationship with countries that don't respect the bedrock American principle of freedom of religion.

Last March, Senator MACK, a colleague and dear friend from Florida, and I went to China. It happened to be Holy Week, the week before Easter. Senator MACK went to mass each day. The churches were more or less full.

Let me read from a New York Times article of just less than a week ago, June 17, so you can get a flavor of the changes that are occurring, and yet the enormous changes that have not yet occurred that we need to have occurring. I will read briefly from the New York Times of June 17, an article by Eric Eckholm, from Nanjing. The article begins with a report that:

New Bibles stream forth from a computerized printing press in this onetime southern capital at a rate of two and a half million a year for sale to Christians all over China. [Bibles in Chinese, of course.]

* * * * *

Critics in the West point to the restrictions and repression as evidence of systematic persecution, while the Government's defenders here point, instead, to the relative freedom most Christians now enjoy.

Paradoxically, the rising outcry abroad comes as Christianity in China, especially evangelical Protestantism, is growing explosively. The Rev. Don Argue [many of us are privileged to know in this Chamber], recent president of the National Association of Evangelicals in the United States, says China may be experiencing "the single greatest Revival in the history of Christianity."

Much of that growth has occurred with official acquiescence, and though they remain a small minority in a giant country, millions of Chinese people like Zhang Linmei, a 32-year-old worshiper at St. Paul's [in Nanjing], find the same comfort in religion that Christians do anywhere, without worrying much about politics.

"I feel life is meaningless in society at large," Zhang said after services as she picked up her 5-year-old daughter, dressed in her finest, from Sunday school.

"This is the only reliable place in my life," Zhang added.

"The situation for religion is in many ways the best it's been since 1949," [the year of the Communist revolution] said Richard Madsen, an expert on Chinese religion at the University of California at San Diego. Though the Government still controls their growth and closely monitors their activities, he said, the official churches enjoy more autonomy [today] than [ever] in the past.

Even the illegal churches—[of course, here we get to the problem] unregistered Protestant churches and openly pro-Vatican Catholic groups—function without serious trouble in many places, Dr. Madsen and others say. But those who refuse to pledge support to the Government and its apparatus of religious control, and those with unorthodox or ecstatic styles of worship, can face harsh repression. The situation is similar for other major religions here, including Buddhists and Muslims. Many believers now enjoy relative freedom, but Tibetan Buddhists who consider the Dalai Lama their leader face repression.

Finally, a few more paragraphs which I think express the explosion in belief and freedom to believe, and yet the repression that still exists for those who trouble and offend particularly provincial administrators, administrators of the various Chinese provinces, or touch a vulnerable cord in the Chinese experience, which is the fear of a loyalty to a force outside of China and beyond the Government.

I read again from the New York Times article of June 17 last week:

Officials say Catholics now number four million, while outside researchers say the true total may be closer to 10 million, with many secretly accepting the Pope as the true head of their church.

The peculiar hybrid state of Christianity here reflects the obsession of the Communist party with control: virtually any organization, whether political or social or religious, must gain party approval.

The party is an officially atheist organization that asserts that religion will eventually wither away. But in a policy spelled out in the early 1980's, the Government officially guarantees freedom of religion—within prescribed boundaries including a required allegiance to the state, adherence to certain styles of worship and limits on church construction, evangelizing and the baptism of children, among other rules.

Of course, those are all unacceptable to us.

For those willing to accommodate, the 1990's seem a golden time.

"From our perspective, now is the best time ever for implementing the policy of religious freedom," said Han Wenzao, who as president of the China Christian Council is the national leader of the official Protestant church and a prime link to the Communist Government. "The criterion should be, is the word of God being propagated or not? [And Mr. Han Wenzao says] It is and it's good."

Well, that is a rational report, sobering and disappointing in the continuation of official sanctions, repression, anxiety about religion; and yet, clearly, the momentum is all in favor of faith. That, too, represents a maturing, a changing and development within the mind and outlook of the leadership of China. I think it is at least in part a reaction to the centrality that we have placed on religious freedom, absent persecution, in our relations with the People's Republic of China.

So, I hope we will pass one of these bills that set up a system in our Government to rank and report on the state of religious freedom in all the countries of the world. Of course, I don't favor a specific action regarding the People's Republic of China, because that tends to scapegoat them and it tends to create a confrontation between us separately that is not necessary. They ought to be part of the overall policy that I hope this Senate will adopt, that Congress will adopt, before this session ends and, most particularly, to the events of this week.

I hope and believe that when the President meets with Jiang Zemin, when he speaks with the people of China publicly, he will raise this question of religious persecution in a way that he couldn't do if he were not engaged and wouldn't do if we were not honestly and principally engaged; he will speak directly to why it is so important to us in America that countries with which we have normal, bilateral relations respect the right of their citizens to worship God as they choose. That was the initial, primal motivation for those who founded this country. It is right there in the first or second paragraph—first substantive paragraph of the Declaration of Independence, in the first amendment to our Constitution, the beginning of the Bill of Rights. It is what we are about. If we are not directly and principally engaged with that, if our President of the United States does not go to China, the kind of progress that I have described in which I say the glass is certainly half full and getting fuller, the opportunities for that will be lost.

I want to say just a word more about national security, because these

amendments, after all, are attached to the Department of Defense authorization bill, S. 2057.

In a literal sense, a parliamentary sense, it seems to me personally that these amendments are not germane. That is a matter of parliamentary conclusion, which I will leave to others. But I want to say that the question of our relations with the People's Republic of China, the question of how we engage and whether we engage with the People's Republic of China is at the center of our national security policy, of our defense policy today and, even more so, in the next century.

We have many important security relationships in the world, beginning with our allies in Europe, and in Japan. Our ability to manage our relationship with the People's Republic of China will, in my opinion, as much as any other relation we have, determine whether or not we will live in a world that remains secure in our time, but whether our children, and whether the pages here, as they grow to be adults, will live in a world that is secure. That is the destiny of China—with 1.2 billion people who are building a military, it is strategically located, an enormous country.

Look at the situations in the world which worry us now—most recently, the explosions of atomic weapons by India and Pakistan on the Asian subcontinent. Our ability to work with them, as we have been doing since those explosions, greatly strengthens our capacity to limit the possibility that the conflict on the subcontinent will break into a worse conflict, and a nightmare would be a nuclear war.

Consider where we would be today in implementing the policy on the Asian subcontinent if we were not engaged with China, if we could not work with the permanent five members of the Security Council and with China on a problem such as that. Take the Korean peninsula. We have in excess of 30,000 American soldiers there. It is probably the most heavily armed border in the world. Our ability to keep the peace there and, in fact, to begin to move beyond, in the absence of conflict, to better relations between the parties there is very important to us. It is materially helped by our engagement with China—our ability to work with the two Koreas, China, and the United States to try to create more stability and ultimately, perhaps, a reunification of the two parts of Korea.

Take our interest in the Persian Gulf, in the Middle East—an interest so clearly vital to our national security that we sent a half million troops there about 7 years ago in the Persian Gulf war. China and United States will begin to have shared interests—and perhaps even if we are not engaged, a shared competition, as China grows economically—for the energy resources in the Persian Gulf area, for the oil. We have to have a good relationship with China to be able to manage that competition for energy in a way that doesn't break into conflict.

More immediately, the Middle East, Persian Gulf—always a tinderbox in our time—we deeply fear the proliferation of weapons of mass destruction, of ballistic missiles, particularly in Iran. My sense is that the engagement with China has assisted us materially in cutting down the flow of component parts to the Iranians for the development of nuclear weapons, which is not so with missile proliferation, as far as I can tell. I hope and trust that the President will discuss that directly with the leadership of China in the summit that is to come later this week.

But, again, an engagement with China offers us the prospect, in return for what China seeks in our bilateral relationship, including not only economic gain but recognition, stature, involvement in world organizations—in return for that, hopefully, we will be in a position to convince the leadership in China to cut back on any of the component parts of ballistic missiles, which they are selling to Iran, or any other countries that threaten our security, because that is part of what it means to be engaged.

Incidentally, Mr. President, in this regard—and I know there are some amendments that maybe have been put forth that deal with proliferation—this Chamber, a short while ago, passed the Iran Missile Sanctions Act, also passed by the House, on its way to the President. The concern expressed about that bill had mostly to do with its impact on Russia as a major supply of component parts for missile construction in Iran. But Russia is not mentioned in that bill. That is a generic bill. That is the way we ought to deal with problems like proliferation—not to single out the Chinese, but, you know, the PRC, People's Republic of China, will be affected by that legislation, and entities within it will be deprived of doing business with the United States if there is evidence that they are contributing to the ballistic missile capacity of the Iranians. We would not have those opportunities if we were not engaged honestly and in a principled way.

So I draw the conclusion that though these amendments may, in one sense, parliamentary, be ill placed on this bill, that they touch a larger issue. It is the right issue and the right point, which is that our ability to manage our relations with China in our time, and particularly as we head into the next century, will substantially affect the national security of the United States.

Let us say we stopped engaging and we attempted to isolate or contain China. Think of the turmoil that would cause to our allies in Taiwan, our great, dear friends and allies in Taiwan. Think about the prospect of an independent—disengaged from the United States—People's Republic of China, growing stronger in the next century. Could our allies in that region—even our best ally, Japan—maintain as close a relationship with us when China was an emerging strength and was hostile to the United States because we attempted to contain them? I think not.

So, Mr. President, I hope we can find a more constructive course to go forward with than being unnecessarily punitive about everything that happens in the People's Republic of China that doesn't please us. A lot will happen there that doesn't please us. But it is in our overriding national interest, militarily, economically, and ideologically, to continue to be engaged in an honest and direct way.

In my opinion, there is ultimately no choice. And I hope we can find ways—short of some of the amendments that have been put onto this bill—to reason together and come up with common approaches because, as I said at the outset, as much as I support engagement, engagement cannot allow us to become spineless. I don't think it has been in our time. Since President Nixon, and since Tiananmen, and President Bush, and on into President Clinton, I think we have been strong and demanding. It is an appropriate role for Congress to continue to work with the administration to make sure that is the case.

Finally, I will offer for the review of my colleagues, at some point, a bill I was privileged to introduce last fall, in October, with three colleagues, which constituted two Republicans and two Democrats, including myself; Senators BOB KERREY of Nebraska; CHUCK HAGEL of Nebraska, and FRANK MURKOWSKI. I believe it is Senate bill 1303. It is an attempt to create a legislative expression of support for a policy of honest, direct, tough principled engagement with China, that is in our interest, and to create some bilateral entities, commissions, and working groups to work through in a demanding way—and some of them including Members of Congress —these points of conflict that we have with China to see if we cannot build on them instead of striking down and undercutting the relationship as a result of those areas in which we disagree.

I hope at some point to be able to bring this bill to the floor and to either in whole or in part as an amendment ask my colleagues to consider it as an expression of a policy, but also as evidence of a particular way to express that policy to establish a United States-China trade and investment commission, to establish a bilateral energy committee, to establish a bilateral food committee, to establish a U.S. human rights commission to not only create a bilateral dialog on human rights, but for us to have an opportunity directly to speak to the Chinese

about how important it is to us, but also to create an opportunity to review the Chinese, province by province, in these areas of concern to us—human rights, proliferation, trade, environment—and to use a carrot instead of a stick, and to offer to those provinces that measure up closer to our standards and ideals: OPIC insurance financing backing, clear access to Eximbank financing that is not available now but only through a Presidential waiver to move constructively, honestly, forward; an understanding that both peoples and both countries have to gain from this involvement, and particularly understanding that the people of China for whose freedom we work and pray and from whose increasing freedom we take great joy.

They are the ones that I think will ultimately suffer as much as we will from a policy of isolation and containment, and will gain from a policy of direct and principled engagement.

I thank my colleagues for giving me the opportunity to speak.

It would be my intention on the motion to table that the Senator from Virginia has said he will put in tomorrow to vote to table, because while I think this has been a constructive debate, I don't think this is the week to be taking action in the way that some of these amendments would, and I don't favor most of the amendments as expressing the kind of policy of engagement that I think is so much in our American national interests.

I thank my colleagues. I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that current business be set aside for the purpose of immediate consideration of my amendment No. 2405.

Mr. LIEBERMAN. Mr. President, with respect, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. INHOFE. Mr. President, I had the intention, and still have the intention at some later time, of reintroducing the amendment that is at the desk.

What it effectively does is address the potential problem and influence that a company called COSCO, the Chinese Ocean Shipping Company, will have on the United States.

Mr. President, the Chinese Ocean Shipping Company is Communist China's largest shipping group. It has more than doubled the number of ships that our entire U.S. Navy has. This group has been given preferential treatment by this country and other countries for some period of time. It wasn't long ago that they were given the opportunity to have ports at both ends of the Panama Canal, the Ports of Colon and Cristobal, and our country was supportive of that.

This 25-year lease gives them an abundance of control in the Panama Canal and was to cost $22 million a year. But the deal that was made would be to waive that amount of money, and to waive the labor laws and veto rights over a period of approximately 2 years.

Other areas where we have given preferential treatment to COSCO fall in the area of taxpayer-guaranteed loans.

COSCO was the first shipping company owned by Beijing government to receive a U.S. Federal loan guarantee under a 40-year-old Transportation Department program designed to help American shipyards win business. This was a $138 million loan, which constituted 87.5 percent of the cost of the projects to build four container ships in Alabama. The ships were never built. They did not go through. Nonetheless, the permission was given.

There are many other areas where they have received preferential treatment. Since the 1950s, ships from Communist nations have been forced to give 4 day's notice before they could dock near U.S. military establishments. This was to give the U.S. officials early warning about possible spying and this type of thing. The restriction still applies to countries like Cambodia, Vietnam, Russia, and some of the other former Soviet Republics. But in a deal that was worked out in December of 1996, the United States cut China's wait at a dozen sensitive ports from 4 days to 1 day.

Make sure we understand what we have done here. We have allowed this company to only have to wait 1 day, and all the rest of the Communist nations have to wait 4 days. Cambodia still has to wait 4 days. Vietnam still has to wait 4 days. Russia still has to wait 4 days, but China only 1 day.

U.S. firms still can't get sole-tenancy leases at Chinese ports, yet COSCO got just such rights last year from Long Beach, CA. What a lease—a vacant U.S. Naval Station with no security check. What they are attempting to do now is to get the rest of that closed operation.

We are talking about several hundred acres very strategically located.

It is kind of interesting, since we have been giving such preferential treatment to the Chinese Ocean Shipping Company. Why are we doing this?

I think it is important to understand that this shipping company is not a part of the private sector. This is owned by the Chinese Government. It is owned specifically by the People's Liberation Army of Communist China. So their interests are not just in mercantile—not just in ships—but also they have military interests. COSCO reports to the Chinese Ministry of Communications, which falls under the State Council, which in turn is led by the Communist Party Politburo member and Premier Li Peng.

If we are looking at the problems that have come up and surfaced and have caused many of us to be concerned, we might want to remember that back in March of 1996 a COSCO ship, the *Empress Phoenix*, transported 2,000 illegal AK-47 automatic weapons to be used in street gangs in Los Angeles. It was intended to be sold to the California street gangs, and this has been verified. The corporation was the Norinco Corporation, which is controlled by the People's Liberation Army. Fortunately, the guns were confiscated as a part of an FBI sting operation.

Mr. President, it is certainly no coincidence that the firm is also the employer of record of Wang Jun, which is the well-known Chinese arms dealer who attended a recent radio address in this country.

Mr. President, only last week the Washington Times reported that a COSCO ship was on its way to Pakistan.

Now we are talking about shipping, carrying, nuclear technology and equipment in violation of an international nonproliferation agreement. We are talking about carrying this information, carrying this technology, carrying this nuclear technology to Pakistan from China, a clear violation.

The COSCO ships have previously been used to transport military and strategic cargoes, including components for ballistic missiles from China and North Korea to such countries as Pakistan, Iran, Iraq, Syria, and just most recently, we learned last week, Libya.

So I think that we have a great deal of our Nation's security at risk by allowing them—continuing to allow them to have this lease.

With that in mind, I would again renew my unanimous consent request. I will wait and give adequate time for someone to come in, if there is an objection, but my unanimous consent request would be to set aside the pending business for the immediate consideration of my amendment No. 2405.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. I respectfully object.

The PRESIDING OFFICER. The Chair hears an objection.

Mr. INHOFE. I thank the Chair.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, in the few minutes we have, I would like to respond to my good friend and colleague from Connecticut, to some of the comments he made about the pending business and the amendments I have offered regarding China.

He spoke of engagement and the necessity of the engagement policy, and

as has so often been the case with administration defenders and the defenders of the engagement policy, they would present a false dichotomy in that if you are not for the current administration's policy, then you are an isolationist. I would suggest it is not engagement or isolation; it is how we are going to engage China.

I would further suggest that the policy this administration has pursued has failed in engaging China adequately. That is evident in a whole host of areas, not the least of which are the abuses addressed by these amendments.

So when my good friend from Connecticut said that he is opposed to these amendments, I was tempted to ask specifically what amendment is it—denying visas to those who perform forced abortions, or is it denying visas to government individuals involved in religious persecution? What is it precisely that is objectionable about these? I would think, rather than undermining the President's hand as he goes to China, this in fact strengthens his hand, strengthens his ability to deal in a more forthright way with those issues of concern to all Americans.

My good friend from Connecticut also spoke in glowing terms of the "changed China." It is becoming more common to hear of the "changed China."

In the edition of Newsweek magazine which just came out is a cover article, a beautiful cover article, entitled "The New China." "The New China."

Well, I wish that as we looked at the experience of the Chinese people today and what has happened since 9 years ago and the Tiananmen massacre, we could be reassured that there were students to gather on the Tiananmen plaza during the President's visit next week, in fact they would receive a different greeting than they did 9 years ago when they were mowed down with gunfire.

Well, is China different? Is it a new China? These are just reports in the last 3 weeks. New York Times, June 6: A bishop in the underground Catholic Church has been arrested, was detained on May 31 while traveling to his village.

This is the changed China.

June 14, the Portland Oregonian reports that Chinese police interrogated and threatened three dissidents who urged President Clinton to press Chinese leaders on human rights during the summit. Police ransacked the homes, confiscated their computers, took two to local precincts. June 14.

June 15, South China Morning Post: Dissidents in several areas including Shanghai and Weifang in Shangdong Province, the first stop for Mr. Clinton, have complained of harassment. Incidents have included home raids, detention, telephone tapping and confiscation of computers.

June 16, Japan Economic News Wire. In the runup to President Bill Clinton's visit to China, a veteran Chinese dissident has been indicted for helping another activist escape to Hong Kong.

June 18, Far Eastern Economic Review reports that Beijing warned the Vatican, "Don't use the Internet or other media channels to interfere with Chinese religious affairs policies." And we could go on and on.

That is the last 3 weeks, Mr. President, of news accounts of what is going on in China. That is the "new China." We want to present China today in some kind of rose-colored glasses, that everything is fine, when in fact it is not.

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

Mr. HUTCHINSON. I would love to yield to my good friend from Oklahoma, but I have 5 minutes left. Unfortunately, the Presiding Officer has assured me he is going to gavel me quiet at 3 o'clock, so I am going to have to talk very quickly.

The issue of religious freedom was raised, and my friend from Connecticut spoke once again in glowing terms of improved conditions in China on the issue of religious freedom. While my friend quoted from the New York Times—my good friend and distinguished colleague, whom I admire greatly—I would like to quote from the State Department's Report on Religious Freedom in China just issued in the last—it is a 1997 report just issued recently on China, and I will quote just a portion of this.

> Some religious groups have registered while others were refused registration and others have not applied. Many groups have been reluctant to comply due to principled opposition to state control of religion, unwillingness to limit their activities or refusal to compromise their position on matters such as abortion. They fear adverse consequences if they reveal as required the names and addresses of members and details about leadership activities, finances and contacts in China or abroad.
>
> Guided by a central policy directive of October 1996 that launched a national campaign to suppress unauthorized religious groups and social organizations, Chinese authorities in some areas made strong efforts to crack down on the activities of unregistered Catholic and Protestant movements. They raided and closed several hundred house church groups, many with significant memberships, properties and financial resources.

And it goes on and gives many examples of that. So, in fact, our State Department—whatever else the New York Times may say, our State Department says that conditions in China are deplorable and that in fact there has been a crackdown on those who would defy the Government by not registering because of principled opposition to the Government's policy.

Now, we say—and I have heard it argued even today—that the church and religious organizations in China are flourishing. Well, they are growing, but I would just suggest that they are growing in spite of Government policy, in spite of the persecution, not because there has somehow been a blossoming of religious freedom in China.

As I think back to the early days of Christianity and how the Roman empire cracked down with great intensity upon the infant Christian faith, the Christian faith mushroomed and spread all across the known world at that time. But they did so in spite of intense persecution, and actually Christianity began to demise when suddenly it was made the "official religion." So to say somehow growth equates with freedom in China today, I simply reject that.

I have much, much more that I would like to say. I do want to say a word about the President's plans to be received in Tiananmen Square. Mrs. Ding Zilin, mother of a 17-year-old student who was killed in 1989 in the Tiananmen protest, said that she hoped President Clinton would make a strong gesture. Her husband is associate professor of philosophy at the People's University in Beijing. They said this. They objected to the pomp and ceremony in Tiananmen Square as the red carpet "is dyed with the blood of our relatives who have fallen."

I wonder, with the emphasis upon property control, if the President would feel the same about following protocol if those hundreds of students who were slain had included some American students, perhaps there as foreign exchange students.

One thing is certain. When the President goes to Tiananmen, it will be peaceful. It will be quiet. All dissidents will have been rounded up, and there will be no embarrassing protesters. When President Jiang Zemin came to the United States, there were protesters. When Jiang was asked about it, he mocked the protesters, saying with a smile that periodically he heard little voices and noises in his ear. There will be no such embarrassing little noises in his ear when President Clinton goes to Tiananmen Square.

How do we turn what I think is an unfortunate decision to go to Tiananmen Square into something positive? Perhaps the President could give a Reagan-like speech, when President Reagan went to the Berlin Wall in 1987 and he said, "Tear down this wall."

It was Jiang who said that all of the protest in 1989 was "much ado about nothing." That was the President's attitude—much ado about nothing. Perhaps President Clinton could ask for an official apology. Perhaps he could ask for the release of the dissidents. They have never investigated; they have never apologized; they have never released the dissidents. Perhaps he could take a lead from the Italian President, who last week, after the official reception, returned to Tiananmen Square,

where he prayed and where he meditated and where he remembered those who fell. Perhaps the President, in going to Tiananmen, could bring a wreath in memory of those.

And then I would suggest this as well, that when the President raises the issue of human rights, he does so not before a press briefing but that he does so on his broadcast to the Chinese people. And if he will do so, it will be at least a small step in turning what I think is an unfortunate image for the world to see, into something that can be positive in this trip to China.

Mr. President, I yield the floor.

Mr. THOMAS. Mr. President, I come to the floor briefly today to address the China-related amendments to the S. 2057, the DOD Authorization bill, as the Chairman of the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations—the subcommittee with jurisdiction over the subject matter of these amendments.

Unfortunately, the proponents of these amendments chose a day to debate these provisions when it was clear that many of the amendments' detractors would be out of town. As a result, many of the latter are not here today to participate in this important discussion. While I strongly oppose these amendments, as I believe do a majority of the members of the full Foreign Relations Committee, I myself have commitments preventing me from spending any significant time today on the floor.

So in order to express the thrust of my position on these amendments, Mr. President, I ask unanimous consent to have printed in the RECORD at this point a copy of a "Dear Colleague" letter dated June 15, 1998, of which I am the primary signatory; a copy of my opening statement from a hearing before my subcommittee dated June 18, 1998; and finally pages 1, 2 and 6 through 9 of a statement by Assistant Secretary Stanley Roth.

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

U.S. SENATE,
Washington, DC, June 15, 1998.

DEAR COLLEAGUE: When the Senate returns to consideration of the DOD Authorization bill, S. 2057, we expect a series of amendments to be offered concerning the People's Republic of China. These amendments, if accepted, would do serious damage to our bilateral relationship and halt a decade of U.S. efforts to encourage greater Chinese adherence to international norms in such areas of nonproliferation, human rights, and trade.

In relative terms, in the last year China has shown improvement in several areas which the U.S. has specifically indicated are important to us. Relations with Taiwan have stabilized, several prominent dissidents have been released from prison, enforcement of our agreements on intellectual property rights has been stepped up, the reversion of Hong Kong has gone smoothly, and China's agreement not to devalue its currency helped to stabilize Asia's economic crisis.

Has this been enough change: Clearly not. But the question is: how do we best encourage more change in China? Do we do so by isolating one fourth of the world's population, by denying visas to most members of its government, by denying it access to any international concessional loans, and by backing it into a corner and declaring it a pariah as these amendments would do?

Or, rather, is the better course to engage China, to expand dialogue, to invite China to live up to its aspirations as a world power, to expose the country to the norms of democracy and human rights and thereby draw it further into the family of nations?

We are all for human rights; there's no dispute about that. But the question is, how do we best achieve human rights? We think it's through engagement.

We urge you to look beyond the artfully-crafted titles of these amendments to their actual content and effect. One would require the United States to oppose the provision of any international concessional loan to China, its citizens, or businesses, even if the loan were to be used in a manner which would promote democracy or human rights. This same amendment would require every U.S. national involved in conducting any significant business in China to register with the Commerce Department and to agree to abide by a set of government-imposed "business principles" mandated in the amendment. On the eve of President Clinton's trip to China, the raft of radical China-related amendments threatens to undermine our relationship just when it is most crucial to advance vital U.S. interests.

Several of the amendments contain provisions which are sufficiently vague so as to effectively bar the grant of any entrance visa to the United States to every member of the Chinese government. Those provisions not only countervene many of our international treaty commitments, but are completely at odds with one of the amendments which would prohibit the United States from funding the participation of a great proportion of Chinese officials in any State Department, USIA, or USAID conference, exchange program, or activity; and with another amendment which urges agencies of the U.S. Government to increase exchange programs between our two countries.

Finally, many of the amendments are drawn from bills which have yet to be considered by the committee of jurisdiction, the Foreign Relations Committee. That committee will review the bills at a June 18 hearing, and they are scheduled to be marked-up in committee on June 23. Legislation such as this that would have such a profound effect on US-China relations warrants careful committee consideration. They should not be the subject of an attempt to circumvent the committee process.

In the short twenty years since we first officially engaged China, that country has opened up to the outside world, rejected Maoism, initiated extensive market reforms, witnessed a growing grass-roots movement towards increased democratization, agreed to be bound by major international nonproliferation and human rights agreements, and is on the verge of dismantling its state-run enterprises. We can continue to nurture that transformation through further engagement, or we can capitulate to the voices of isolation and containment that these amendments represent and negate all the advances made so far.

We hope that you will agree with us and choose engagement. We strongly urge you to vote against these amendments.

Sincerely,

Craig Thomas, Chairman, Subcommittee on East Asian and Pacific Affairs, Committee on Foreign Relations; Joseph R. Biden, Jr., Ranking Member, Committee on Foreign Relations; Frank H. Murkowski, Chairman, Committee on Energy and Natural Resources; John F. Kerry; Ranking Member, Subcommittee on East Asian and Pacific Affairs, Committee on Foreign Relations; Chuck Hagel, Chairman, Subcommittee on International Economic Policy, Committee on Foreign Relations; Gordon Smith, Chairman, Subcommittee on European Affairs, Committee on Foreign Relations; Rod Grams, Chairman, Subcommittee on International Operations, Committee on Foreign Relations; Dianne Feinstein, Ranking Member, Subcommittee on International Operations, Committee on Foreign Relations; Charles S. Robb, Ranking Member, Subcommittee on Near East/South Asian Affairs, Committee on Foreign Relations; Joseph I. Lieberman, Ranking Member, Subcommittee on Acquisition and Technology, Committee on Armed Services.

OPENING STATEMENT OF SENATOR CRAIG THOMAS, CHAIRMAN, SUBCOMMITTEE ON EAST ASIAN & PACIFIC AFFAIRS, JUNE 18, 1998

Good Morning. Today the Subcommittee meets to consider current Congressional views of the U.S.-China relationship. If we had had this hearing just six months ago, I believe that we'd be examining an entirely different climate. But due to a variety of circumstances—the timing of the President's visit to Beijing, a growing effort to emphasize human rights, both the Loral and campaign finance allegations, a question of foreign policy leadership in general and Asia policy in particular on the part of the Administration, to name a few—the Congressional spotlight is focused brightly on China, and the light is harsh.

As of today, in this Congress there have been 25 pieces of legislation introduced in the Senate and 51 in the House dealing solely with China. That's excluding authorization and appropriations bills, or amendments and riders to other non-China specific legislation and is more than in the last three Congresses. A majority of them involve sanctioning or otherwise castigating China for its behavior in a variety of fields, good examples being five bills presently pending before this Committee: HR 967, 2358, 2386, 2570, and 2605.

One would require the United States to oppose the provision of any international concessional loan to China, its citizens, or businesses, even if the loan were to be used in a manner which would promote democracy or human rights. This same amendment would require every U.S. national involved in conducting any significant business in China to register with the Commerce Department and to agree to abide by a set of government-imposed "business principles" mandated in the amendment. On the eve of President Clinton's trip to China, the raft of strident China-related bills and amendments threatens to challenge our relationship just at a time in its development when it is most crucial to advance vital U.S. interests.

Several of the bills contain provisions which are sufficiently vague so as to effectively bar the grant of any entrance visa to the United States to every member of the Chinese government. Those provisions not only contravene many of our international treaty commitments, but are completely at

odds with one of the bills which would prohibit the United States from funding the participation of a great proportion of Chinese officials in any State Department, USIA, or SAID conference, exchange program, or activity; and with another amendment which urges agencies of the U.S. Government to increase exchange programs between our two countries. Finally, many of the provisions in the bills are redundant, reflecting legislation which has either already passed out of the Committee or out of the Senate.

Targeting China at this time strikes me as somewhat ironic. In relative terms, during the last year China has shown improvement in several areas which the U.S. has specifically indicated are important to us. Relations with Taiwan have stabilized and intergovernmental contacts have increased. Several prominent dissidents have been released from prison. Enforcement of our trade agreements on intellectual property rights has been stepped up. Despite predictions to the contrary, the reversion of Hong Kong has gone smoothly and Beijing has maintained its distance. And at the height of the Asian financial crisis, China agreed not to devalue its currency thereby helping to stabilize the crisis.

Has this been enough change? Clearly not. But the question is: how do we best encourage more change in China? Do we do so by isolating one fourth of the world's population, by denying visas to most members of its government, by denying it access to any international concessional loans, and by backing it into a corner and declaring it a pariah as these bills would do?

Or, rather is the better course to engage China, to expand dialogue, to invite China to live up to its aspirations as a world player, to expose the country to the norms of democracy and human rights and thereby draw it further into the family of nations?

We're all for human rights—there's no dispute about that. We agree on the message we want the Chinese to hear—stop the human rights abuses, stop facilitating the proliferation of dangerous weapons, stop the trade inequities. As the Chairman of the Senate Subcommittee on East Asian and Pacific Affairs, I have been extremely active in making clear to the Chinese our disappointment with their actions in these and other related areas. But the question is, how do we best achieve human rights? I think it's through engagement.

In the short twenty years since we first officially engaged China, that country has opened up to the outside world, rejected Maoism, initiated extensive market reforms, witnessed a growing grass-roots movement towards increased democratization, agreed to be bound by major international nonproliferation and human rights agreements, and is on the verge of dismantling its state-run enterprises. We can continue to nurture that transformation through further engagement, or we can capitulate to the voices of isolation and containment that these five House bills in particular represent and negate all the advances made so far.

The purpose of this hearing is to explore the current climate in Congress, to examine these bills, and to explore alternatives to them that will continue to advance both our interests and China's transformation.

TESTIMONY OF STANLEY O. ROTH, ASSISTANT SECRETARY OF STATE FOR EAST ASIAN AND PACIFIC AFFAIRS, SENATE FOREIGN RELATIONS COMMITTEE, ASIA PACIFIC SUBCOMMITTEE, JUNE 18, 1998

Mr. Chairman, thank you for the invitation to address the Subcommittee on the important issue of pending China legislation in the Senate. This is, of course, a timely hearing, with the President's historic trip to China only a week away. I therefore welcome this opportunity to lay out the Administration's position on the bills before the Senate and look forward to engaging Committee members in a productive dialogue on this matter.

My testimony will be divided into three parts. First, I will review the reasons why a stronger, more constructive relationship with China is in the U.S. interest. Second, I will outline the Clinton Administration's strategy of engagement, highlighting what we have accomplished while noting the obstacles we still face. Finally I will explain the Administration's position on each of the five China-related bills currently before the Senate, examining the impact such legislation would have on our ability to engage the Chinese.

CHINA AFFECTS U.S. INTERESTS

Mr. Chairman, peace and stability in East Asia and the Pacific is a fundamental prerequisite for U.S. security and prosperity. Nearly one half the world's people live in countries bordering the Asia Pacific region and over half of all economic activity in the world is conducted there. Four of the world's major powers rub shoulders in Northeast Asia while some of the most strategically important waterways on the globe flow through Southeast Asia. The U.S. itself is as much a Pacific nation as an Atlantic one, with the states of Alaska, California, Oregon and Washington bordering on the Pacific Ocean and Hawaii surrounded by it. American citizens in Guam, American Samoa, and the Commonwealth of the Northern Marianas live closer to Asian capitals than to our own, vast numbers of Americans work in the Asia-Pacific region, and an increasingly large number of Americans trace their ancestry back to the Pacific Rim.

For these and many other reasons, the U.S. has remained committed to the Asia-Pacific region and has spent its resources and blood defending and strengthening our stake in the region. Since coming to office, President Clinton has repeatedly made clear that America will remain an Asia-Pacific power. We maintain a sizable military presence in Asia; enjoy a vibrant network of mutual security alliances with Australia, Japan, the Philippines, the Republic of Korea and Thailand; and have significant economic ties with most countries in the region. . . .

PENDING LEGISLATION

The sponsors of the China-related legislation before the Senate clearly share our goal of positively influencing China's development. The bills in question seek to bring an end to human rights violations, religious persecution, forced prison labor and coercive family planning policies in China and thus are very much in line with the Administration's own objectives.

The question, once again, is one of approach. How do we best effect those changes in the PRC?

H.R. 967 and H.R. 2570 both mandate a denial of visas to Chinese officials alleged to be involved in religious persecution (in the case of the former) or forced abortions (in the case of the latter). While the Administration opposes such repugnant practices and wholeheartedly agrees they must be addressed, these bills would restrict our ability to engage influential individuals in the very dialogue that has begun to produce tangible results.

For example, the heads of the Religious Affairs and Family Planning Bureaus are people we want to invite to the United States again and again. The more Chinese leaders see of the U.S., the more they are exposed to our point of view and our way of life. We would be doing a disservice to the very people we endeavor to help if we cut off dialogue with those officials who shape the very policies we want to change. Such unilateral action on our part, moreover, could prompt Beijing to impose its own visa restrictions, further limiting the ability of U.S. officials and religious figures to advocate their views in China.

In addition, these bills impinge upon the President's constitutional prerogatives regarding the conduct of foreign relations of the United States. Decisions whether and when to issue visas to foreign government officials necessarily implicate the most sensitive foreign policy considerations, concerning which the Executive requires maximum flexibility.

H.R. 2605, which requires U.S. directors at International Financial Institutions to oppose the provision of concessional loans to China, would have the effect of punishing the Chinese people most in need of international assistance. The United States, as a matter of policy, has not since the Tiananmen Square crackdown supported development bank lending to China except for projects designed to help meet basic human needs. Concessional loans to China from the World Bank, for example, are only granted for the purposes of poverty alleviation. These loans support agricultural, rural health, educational and rural water supply programs in some of the poorest areas of the country. A vote against such lending would thus be a vote against the Chinese people.

Moreover, World Bank member donors agreed in 1996 that China, owing to its improved creditworthiness, would cease concessional borrowing. The Bank's concessional loans to China are thus to be terminated at the end of FY1999.

H.R. 2358 is fundamentally different than the first three bills in that it seeks to expand rather than limit U.S. engagement in China. The bill allocates new monies for additional human rights monitors at U.S. Embassies/Consulates in China; authorizes funds to the NED for democracy, civil society, and rule of law programming; and requires the Secretary of State to use funds from the East Asia/Pacific Regional democracy fund to provide grants to NGOs for similar programs. Human rights reporting and the promotion of democracy, civil society and rule of law have long been among this Administration's highest priorities in China, and thus we do not oppose, in principle, any of the above provisions. We would note, however, that the East Asia/Pacific democracy fund is a limited fund with competing demands. There is much work to be done to promote democracy at this time of great change in the Asia-Pacific, and thus we ask that Congress give Secretary Albright maximum flexibility in allocating these scarce resources.

The bill further requires the Secretary of State to establish a Prisoner Information Registry for China. We are sympathetic to the idea of establishing a prisoner registry and recognize the importance of such a registry to our human rights work. We caution, however, that the U.S. government is not the right institution for the task. Aside from the logistical difficulties of gaining access to the families and friends of Chinese dissidents, U.S. Government contact with such individuals could actually place them in further jeopardy. We believe that NGOs are far better equipped to carry out these kinds of contacts. Several groups and individual activists, including Human Rights Watch, Human

Rights in Asia, and John Kamm, already maintain such lists. Thus rather than undertake to compile and maintain an accurate registry, the State Department might play a more useful role in coordinating those groups already actively engaged in this issue.

Finally, H.R. 2358 requires the Secretary of State to submit a separate, annual human rights in China report to the HIRC and the SFRC. Documenting and making public the human rights situation in China is indeed of critical importance. We have accordingly given a great deal of attention to China in our annual "Country Reports on Human Rights Practices." The Department and our missions abroad expend enormous energy and resources preparing this report, and the final product routinely receives high marks for its thoroughness and integrity.

An additional study on China would be redundant and thus wasteful of taxpayer dollars. We already make extensive efforts to cover those topics earmarked for attention in H.R. 2358: religious persecution, development of democratic institutions and the rule of law. That said, we welcome suggestions on how to improve the reports and would gladly open a dialogue with the Congress on this important issue.

The last bill I want to address today, H.R. 2386, requires the Secretary of Defense to produce a study of the architecture requirements for the establishment and operation of a theater ballistic missile defense system for Taiwan. Let me state up front and emphatically that the Clinton Administration remains firmly committed to fulfilling the security and arms transfer provisions of the Taiwan Relations Act. We have demonstrated this commitment through the transfer of F-16s, *Knox* class frigates, helicopters and tanks as well as a variety of air to air, surface to air, and anti-ship defensive missiles and will continue to assist Taiwan in meeting its defense needs.

Consistent with our obligations under the TRA, we regularly consult with Taiwan as to how it can best address a broad range of security threats, including the threat posed by ballistic missiles. We have briefed Taiwan, as we have many other friends, on the concept of theater missile defense (TMD). Officials in Taiwan are currently assessing their own capabilities and needs, an have not, to date, indicated interest in acquiring TMD. Requiring a study of this kind thus gets ahead of the situation on the ground in Taiwan and may not even be consistent with the approach Taiwan officials will ultimately want to take. We are accordingly opposed to the legislation.

Again, let me restate that we are steadfast in our commitment to meet Taiwan's defense needs. But while making it possible for Taiwan to acquire the wherewithal to defend itself, we must recognize that security over the long term depends upon more than military factors. In the end, stability in the Strait will be contingent upon the ability of the two sides to come to terms with each other. For this reason the Administration has encouraged Taipei an Beijing to reopen dialogue, making it clear to both sides that dialogue is the most promising way to defuse tensions and build confidence. In that regard, we are encouraged by recent signs of a willingness on both sides of the Strait to resume talks.

Mr. Chairman, as Secretary Albright has often said, there is no greater opportunity—or challenge—in U.S. foreign policy today than to encourage China's integration into the world community. While the Administration shares fully the concerns which inform the bills before the Senate today, we do not believe that proscribing engagement with broad categories of Chinese people and mandating U.S. rejection of aid intended to meet basic human needs will help to change those policies and practices with which we disagree.

These concerns can be best addressed by continuing to engage Chinese leaders on the full range of security, economic and political issues. President Clinton's upcoming trip to China is intended to do just that, and thus is an opportunity to make progress on the very human rights issues addressed in today's legislation. Our strategy of engagement has met with considerable success thus far, and I am confident that with the support of the Congress we will continue to make progress in the lead up to the summit and beyond.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I know my friend from Arkansas has been waiting. I just want to say very briefly in response to my other friend from Arkansas, the question, I think, and we will debate this more tomorrow, is whether things are better today for the people of China than they were at the time of Tiananmen. I say much better. Are they where they ought to be? No. Absolutely not. Is it moving in the right direction as a result of our engagement? Yes.

Mr. BUMPERS. Mr. President, I know my good friend Senator INOUYE is here because he has a judgeship nomination he feels very strongly about. I have waited here for over an hour now, and I ask unanimous consent I be permitted to speak for 10 minutes on the Hutchinson amendment.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. BUMPERS. Mr. President, let me say it is with some regret I rise in opposition to an amendment by my distinguished colleague and good friend from Arkansas, Senator HUTCHINSON. It is never pleasant to take an opposite viewpoint from your colleague, but I feel very strongly about this, as does he.

Let me say, first of all, I have no quarrel or suggestion that any of the information that Senator HUTCHINSON has just given us about conditions in China are incorrect. I do not know that they are correct, but I am sure he has checked out the facts he just gave the Senate. What I want to say is, if you had been in China with me in 1978 at the end of the Cultural Revolution, and it was at the end of the Cultural Revolution, and if you had heard the stories or if you had read the documentation since the end of the Cultural Revolution about what went on in China, I suggest this debate ought to be not about where China is, but how far she has come since 1978.

On the issue of religion in China, according to the New York Times, in 1979 there were three active churches in China. Today there are 12,000. In addition to the 12,000 temples and churches in China, it is estimated that over 25,000 religious groups meet in the homes of members every week, and nobody has tried to stop that. On the contrary, when you think of the growth from 3 to 12,000, China should receive some recognition for what they have done and the improvements they have made.

Nobody in the U.S. Senate will take issue with some of the accusations here that have been made about China's opposition to religions of all kinds. Nobody will argue that China has a good human rights record. Nobody will argue with very much of what has been said here. What we are arguing here is a simple philosophical point that I feel strongly about, and that is that China is 10 times more likely to allow the kind of progress that is going on there today, which has been absolutely phenomenal, when they are engaged in dialog with nations like the United States with whom they would like to have good relations, than it would be if we try to tell a great nation of between 1 billion and 2 billion people—25 percent of the Earth's population resides in China—they are much more likely to behave themselves when they are dealing with people who constructively engage them than they are with people who ignore them and try to impose sanctions.

What if China said, "We are not going to do business with the United States anymore until they pay the United Nations dues? We are paid up. It is the United States that is the deadbeat. They owe the United Nations $900 million."

You would hear a hue and outcry in this country that would drown out every rock band in America.

Mr. President, China has a long way to go. Nobody argues that. But I can tell you that by the President constructively engaging China, presumably he will talk to them forcefully about human rights, inquire and talk to them forcefully about the issue of forced abortion, talk to them about religion, talk to them about political freedoms and how much better off they would be, talk to them about nuclear weaponry and how we are relying on China to temper one of the most volatile dangerous regions in the world, between India and Pakistan.

If you read the Washington Post yesterday, read the interview with President Jiang, you heard him say that he was shocked to hear India use, as one of its excuses for exploding a nuclear weapon—a weapon—he was shocked that they used China as a threat to India as one of the reasons. China and India have not been big bosom buddies. I am not suggesting that. As a matter of fact, it hasn't been too long since

they had a border war. But, in my opinion, China is not the reason they exploded a nuclear bomb. The reason they exploded a nuclear weapon is because the Indians and Pakistanis mistrust each other, and one of the main reasons they distrust each other is because of their religious differences. If you look around the world, you will find most of the wars, most of the dissent going on in the world today is because of religion—in Ireland, in Bosnia, in China, in India and Pakistan.

Mr. President, I think we ought to utilize China as a possible broker in the fight on the Korean peninsula, as well as between India and Pakistan—that whole region of the world.

I heard something the other day. I don't know whether it is true or not. I heard some guy on NPR talking about the criminal justice of the United States. There are 70,000 people in the United States in prison who are innocent. That is not the best record in the world, if that is true. I expect it is probably close to true. Every day you read about somebody who gets out of prison who has been there 10 years because he was found, finally, to be innocent. Nobody's criminal justice system is perfect. I am not saying there are not a lot more people imprisoned in China who are innocent. All I am saying is for any nation to hold itself out as perfect and to castigate other nations for being imperfect is the height of hypocrisy.

Mr. President, nobody disagrees with the issues that are being raised in this amendment, nor is anybody suggesting the President not engage the Chinese very forcefully on those issues. We have a trade imbalance with China. They sell us a lot more than we sell them. But I can tell you, if you took away the $5 billion in goods we sell to China every year, there would be a lot of jobs lost in this country, and the people who sell in China, and other people who buy from China, are opposed, very strongly opposed to this amendment.

Two final points. A lot of people have a very difficult time since the Soviet Union disappeared. They have a very difficult time accepting the idea that we don't have anybody to hate. We had the Soviet Union for 70 years. It was so much fun. We didn't have to debate about who the enemy was; we knew it was the Soviet Union. We built weapons galore, trillions of dollars' worth, because of the threat of the Soviet Union.

The Soviet Union is not around anymore, and we have been searching frantically for somebody with which to replace the Soviet Union, somebody we could hate with a great deal of gusto and vigor.

I have watched for the past 2 years. I have watched the anti-China decibel level rise to unprecedented rates. China has been elected. I am not suggesting this amendment is offered because of the hatred for China. I am telling you, you cannot keep 270 billion dollars' worth of defense going a year unless you have an enemy. The military industrial complex has decided that is China, so we are going to continue to build weapons, and we are going to continue to make China the bad guy.

As I say, when you say these things, it looks as if you are being apologetic or defensive. I am not, not for a moment. I am simply saying that is a fact, and I can tell you, since those bombs exploded in India and Pakistan, it is a very ominous sign, and I can tell you the threat to civilization has gone up exponentially.

When the President is going to visit a country which has signed the Comprehensive Test Ban Treaty, which has signed the Conventional Weapons Treaty, Conventional Weapons Convention, and which has agreed to quit shipping any information of any nuclear value to Iran, those are things that would never have happened if the Hutchinson amendment was in place. I feel quite sure the Hutchinson amendment will be defeated. I hope so.

He is my colleague, and I regret taking a position opposite him on any issue, but on this one, I can tell you, in my opinion, common sense dictates that the President do exactly what he is doing. I wish him well. I yield the floor.

EXECUTIVE SESSION

The PRESIDING OFFICER (Ms. COLLINS). Under the previous order, the hour of 3 p.m. having arrived, the Senate will now proceed to Executive Session to consider the nomination of Susan Oki Mollway to be United States District Judge for the District of Hawaii, which the clerk will report.

NOMINATION OF SUSAN OKI MOLLWAY, OF HAWAII, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII

The bill clerk read the nomination of Susan Oki Mollway to be United States District Judge for the District of Hawaii.

The PRESIDING OFFICER. Under the previous order, there are 2 hours for debate on the nomination, equally divided.

The Senate proceeded to consider the nomination.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Madam President, before I proceed, I thank my dear friend from Utah, the distinguished chairman of the Judiciary Committee, Mr. HATCH, for reporting out the nomination of Susan Oki Mollway. I also thank my friend from Vermont, the ranking Democrat on the committee, Mr. LEAHY, for his encouragement throughout this process. And, if I may, I acknowledge and thank the majority leader of the Senate, the distinguished Senator from Mississippi, Mr. LOTT, for scheduling this matter this afternoon. I am certain the people of Hawaii are most grateful for this.

Madam President, I am pleased to recommend to my colleagues for their approval the President's nominee to the U.S. district court for the district of Hawaii, Ms. Susan Oki Mollway. Ms. Mollway was nominated to fill a vacancy created more than 3 years ago by the untimely and unexpected death of the Honorable Harold F. Fong.

An empty judgeship is considered a judicial emergency after 18 months. This seat has been vacant for more than twice that time. In 1990, under Public Law 101–65, the Congress determined that Hawaii's Federal caseload called for increasing its Federal bench from three to four positions. However, the Honorable Helen Gillmor was not confirmed for that fourth seat until October 31, 1994.

Then Judge Fong passed away on April 20, 1995, returning Hawaii to three sitting district judges. Thus, Hawaii has had the benefit of the fourth judgeship for less than 6 months since its authorization in 1990.

For the year 1997, the weighted case filings for the three sitting district judges in Hawaii was 706 cases per judge. To give you a sense of what this means, the Federal Judicial Conference's standard indication of the need for additional judgeship is 430 weighted case filings per judge. Ours is 706. Needless to say, Hawaii has justifiably requested that a fifth judgeship be approved.

When Judge Fong passed away, Senator AKAKA and I undertook the job of interviewing and considering nearly 40 candidates for this judgeship. After personally meeting with these candidates and reviewing their individual backgrounds, Senator AKAKA and I were pleased to recommend Ms. Susan Oki Mollway to the President.

Ms. Mollway is ready for the position of U.S. district judge, and I believe she is absolutely worthy of your favorable consideration. The majority of the American Bar Association Standing Committee on the Federal Judiciary has given her the highest rating of "well qualified" for this judicial position.

By way of professional background, Ms. Mollway graduated at the top of her class from the University of Hawaii with a degree in English literature. She received later her master's degree in the same field. Then Ms. Mollway went on to Harvard Law School where she graduated cum laude in 1981.

For the past 17 years, Ms. Mollway has had a very successful litigation practice with one of the largest and

most respected law firms in the State of Hawaii. She has been a partner in that firm's litigation department since 1986. Her impressive litigation experience includes a wide array of areas from Federal labor law to contract disputes to lender liability and appearances before every level of the State and Federal courts, as well as a successful appearance before the U.S. Supreme Court in 1994.

Ms. Mollway has also taught appellate advocacy at the University of Hawaii's William S. Richardson School of Law and has participated as an arbitrator with Hawaii's court-annexed arbitration program. I have no hesitation in giving my highest recommendation to Ms. Susan Oki Mollway.

Questions have been raised about Ms. Mollway's former membership on the board of directorship of the American Civil Liberties Union of Hawaii. More particularly, she has been asked to give her personal views on such matters as same-sex marriage, mandatory minimum sentencing, the death penalty, and employee drug testing. Ms. Mollway has responded to these questions and I believe has given a complete account of her own activities with the ACLU. With respect to her personal views, in most instances, Ms. Mollway has stated that she has not formed any personal opinions.

More important, as one who may become a Federal trial judge, she clearly understands that her personal opinions are not relevant to the decisions she will make as a judge. Rather, Ms. Mollway has unambiguously and repeatedly recognized in her responses the authority of the Constitution, Federal statutes as passed by the Congress, and case precedent from higher courts.

Furthermore, Ms. Mollway has unwaveringly stated that there is nothing whatsoever that prevents her from abiding by and applying applicable law and precedent in cases that may come before her as a Federal district judge. I am certain she will do just that and serve the Federal judiciary and the State of Hawaii with reason, balance, and integrity.

Madam President, on a more personal note, I would like to make a few comments about Ms. Mollway's family background, because I have known Susan Oki Mollway virtually all her life.

The question that comes before us is why did she join the ACLU? People do things because of background or some experience in life.

As a young law student, she began to research the life of Japanese-Americans in the United States. And she came across rather strange decisions made by the Court and also by the Congress of the United States. These are chapters in the history of the United States that many of us would like to forget. But I think it might be well if we reviewed them at this moment.

Ms. Mollway found out, for example, that in 1922 the Supreme Court of the United States declared that Japanese were not qualified for citizenship; in other words, they were singled out among all the peoples of the United States and said, "You cannot be a naturalized citizen." Everyone else could be.

Then in 1924, the Congress of the United States, in enacting the immigration laws, declared that if people are not qualified for citizenship, they may not immigrate to the United States. So once again the Japanese were singled out and told that they may not come here as immigrants.

Then we all know that on December 7, that day of infamy, the Japanese attacked Pearl Harbor. Soon thereafter, on February 19, 1942, an Executive order was issued authorizing the Army of the United States to establish, throughout the United States, 10 concentration camps and to place in these camps, for the duration of the war, all Japanese, whether they be citizens or not; and the vast majority were citizens. They were never tried. They were never charged with any crime. Due process was totally ignored. But there they were.

Then on March 17 of that year, 1942, a strange decision was rendered and made known. The Selective Service System declared that Japanese-Americans would be designated 4–C. Most Americans may not be aware of what 4–C stands for. Madam President, 1–A is that that person is physically and mentally fit to put on the uniform; 4–F is just the opposite. 4–C is the designation for "enemy alien." And so on March 17, 1942, I was declared an enemy alien. Ms. Mollway's father was also declared an enemy alien. But we proceeded to petition the Government, and I am glad to report that, about 9 months later, the President of the United States issued an order saying that Americanism is not a matter of race or color, Americanism is a matter of mind and heart, and authorized the formation of a special combat team of volunteers.

The response was astounding to everyone. In Hawaii, over 85 percent of those eligible to put on the uniform volunteered. What is more astounding than that, hundreds of men who were behind barbed wires in these camps also stepped forward to volunteer to be given the opportunity of demonstrating their Americanism and their loyalty.

Many Americans may not be aware of this, but this combat team, at the end of the war, was declared to be the most decorated in the history of the United States Army. There is no evidence or history of any subversive activity on the part of any member. Furthermore, in all of the investigations that were held since the end of that war, they could find not one instance of Japanese involvement in sabotage of fifth column activities.

Ms. Mollway read these things, and she did research. And it is obvious for any young person who comes across information of that nature to be quite concerned. And she found that the ACLU was an organization that was concerned about the Constitution, to preserve and defend that most sacred of documents of Americans. And she was especially concerned about the Bill of Rights. So it was natural for her, just as I joined the ACLU because of my concern about the Constitution. But that does not make me any less an American.

But this chapter in our lives ends with a burst of glory. I am certain Americans will remember that for the first time a mighty nation, a superpower, admitted their wrong and apologized, and apologized to the 120,000 Americans of Japanese ancestry who were incarcerated without due process of law.

I am pleased to tell you that Susan Oki Mollway's father and I volunteered and we served in this regiment. And Susan could have no better role model to guide her life, professionally or personally, than her own father, who happens to be a lawyer also. I am certain that she mirrors her father in her love of country, in her commitment to the Constitution, and in her patriotism.

Once again, Madam President, I wish to thank my distinguished friend from Utah, the chairman of the committee, for reporting this measure. I also wish to thank Mr. TRENT LOTT, the majority leader of the U.S. Senate, for scheduling this matter. We will be forever grateful.

Thank you very much.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I thank my dear colleague for his kind remarks on the floor. I just want to again express my regard for him and for the service he has given to his country, not only being an effective and very important and powerful U.S. Senator, but also as a hero, in my eyes, having served our country in the war and having sacrificed greatly for our country.

From my point of view, if he wants a judgeship nominee, he is going to be given the benefit of the doubt in every way. And I have to say, in the case of Susan Oki Mollway of Hawaii, I do support her for this position as a United States district court judge. I plan to vote for her nomination, as I did in committee. If confirmed—and I believe she will be confirmed—Ms. Mollway will be the 270th Clinton judicial nominee to be reported by the Judiciary Committee and confirmed by the Senate.

In light of this record of accomplishment and in light of some recent remarks made on the floor of the Senate,

I thought it would be appropriate for me to spend a few minutes reviewing our record in processing President Clinton's nominees.

I have been working with White House Counsel Chuck Ruff to ensure that the nomination and confirmation process is a collaborative one between the White House and the Members of the Senate. I think it is fair to say that after a few bumpy months in which the process suffered due to inadequate consultation between the White House and some Senators, the process is now working rather smoothly. I think the progress is due to the White House's renewed commitment to good-faith consultation with Senators of both parties.

I strongly believe that we must do our best to reduce the 73 current vacancies in the Federal courts. But, frankly, there are limits to what we can do given the administration's performance so far. The fact of the matter is that, of the 45 nominees currently pending, 15 of those were received during the last month alone. And it takes 3 to 6 months just to process Federal district and circuit court judges. These are very tough positions. These are positions that are lifetime appointments, and they deserve the scrutiny that we have always applied on the committee, whether the committee has been controlled by Democrats or Republicans.

Of the 45 total judicial nominees that are pending, 10 are individuals simply renominated from last Congress. Last year, the administration renominated a total of 23 nominees from the 104th Congress. Thirteen of them have been confirmed, but some of the others have some problems. That is why they were held over.

Of those 73 vacancies, 28 have not yet received a nominee, and it was only a few months ago when better than half of the total vacancies of around 81 or 82 did not have a nominee. Like I said, we have received 15 nominees within the last month. So, many of the vacancies come as a result not of the committee's slow pace but of the administration's inaction.

Moreover, of the 115 judicial nominees sent forward to the committee this Congress, 82 of them have had hearings. Of the 82 nominees who have had hearings, 74 have been reported out of the committee. Of those 74 nominees reported out of the committee, 66 have been confirmed and 7 are pending on the Senate floor. One of those seven will be confirmed shortly, I hope, in the form of Susan Oki Mollway.

Assuming most of these nominees the committee has processed are confirmed, I think you will see that our efforts compare quite favorably to prior Congresses in terms of the number of judges confirmed at this point in the second session of the Congress, especially if you look at the recent Democrat-controlled Congresses. For example, during the second session of the 102nd Congress, when President Bush was in office and the Democrats controlled the Senate and therefore the Judiciary Committee, guess how many nominees had been confirmed by July of 1992? Thirty. That is all. How many Clinton nominees this year will we have confirmed were we to stop confirming judges after today? Thirty-one. And we are not through with this session yet. As of July 1, 1990, the Democratic Senate had only confirmed 25 of the Bush nominees nominated that year. As of July 1, 1988, only 21 of Reagan nominees confirmed that year had been confirmed by the Democrat-controlled Senate. So the plain fact is that we are right on track, if not ahead of previous Congresses.

Now, while I am concerned that some vacancies need to be filled, I think there has been considerable distortion of the overall situation. There is by no means an unprecedented level of vacancies. In fact, there are more sitting judges today than there were throughout virtually all of the Reagan and Bush administrations. As of today, we have 767 active Federal judges. In addition, there are also well over 400 senior judges who can, and often do, hear cases.

Keep in mind that the Clinton administration is on record as having stated that 63 vacancies—a vacancy rate just over 7 percent—is considered virtual full employment of the Federal Judiciary. They were right; when we have around 60 vacancies, we have virtually full employment. It is natural that there will always be some vacancies in light of the turnaround time involved in receiving and reviewing nominees. That is as it should be. Seventy-three vacancies, however, is a vacancy rate of 9 percent. Now, how can a vacancy rate from 7 percent to 9 percent convert "full employment" into a "crisis"?

Moreover, compare today's 73 vacancies to the vacancies under a Democratic Senate during President Bush's Administration. In May 1991 there were 148 vacancies, and in May 1992 there were 117 vacancies. I find it interesting that at that time I don't recall a single news article or floor speech on judicial vacancies. So, in short, I think it is quite unfair and, frankly, inaccurate to report that the Republican Congress has created a vacancy crisis in our courts.

While the debate about vacancy rates on our Federal courts is not unimportant, it remains more important that the Senate perform its advise and consent function thoroughly and responsibly. Federal judges serve for life and perform an important constitutional function, without direct political accountability to the people. Accordingly, the Senate should never move too quickly on nominations before it. I do not believe that we are moving too quickly on this nominee. This nominee is getting considered today, and I hope that she passes.

Just this past year, we saw two examples of what can happen when we try to move nominations along perhaps too quickly. In one instance, a sitting Federal district judge nominated for a very important Federal appeals court was forced to withdraw the nomination after he had a hearing in the Judiciary Committee when it was discovered that he had lied about certain details of his background.

In another instance, a nominee for a Federal district court was reported out of the Judiciary Committee before all the details of her record as a judge on a State trial court were known. As it happens, the district attorney in the nominee's city and the district attorneys' association in her home State have all recently come to publicly oppose the nomination, setting forth facts demonstrating a very serious antiprosecution bias in her judicial record.

It is cases like these that underscore the importance of proceeding very deliberately with nominations for these most important life-tenured positions. Even so, you can be too deliberate; you can delay these too much. I think under my tenure as chairman of the committee we have not done that. I hope that our colleagues on the other side realize that.

In closing, I feel I should respond to some unfortunate remarks made recently on the floor of the Senate. I am referring to a speech where one of my colleagues accused the Senate majority of "stalling Hispanic women and minority nominees" because of "ethnic and gender biases."

Day in and day out, the Judiciary Committee routinely has evaluated and reported on literally hundreds of Clinton judicial nominees without any regard whatever to the nominee's race, gender, religion, or ethnic origin. And the Senate has gone on to confirm those Clinton nominees—269 of them, up until today. Should Susan Oki Mollway be confirmed, the number will be 270 judges. Indeed, according to statistics compiled by the liberal judicial watchdog group, the Alliance for Justice, no fewer than 70 of these nominees were women, 42 were African Americans, 13 were Hispanics, and 4 were Asian Americans. These figures do not include the more than 235 Department of Justice and White House nominees—non-judicial nominees, if you will—approved by the Senate Judiciary Committee whom Republicans have confirmed for President Clinton.

Anyone can cite individual isolated examples of unexpedited consideration but I flatly reject that these amount to what my colleague called a "disturbing pattern" of "ethnic and gender bias." I do not think it would be appropriate for me at this point to discuss why

each of his examples fails to support his point. Suffice it for me to say here that members of the Judiciary Committee are well aware that many nominees lack the support of home-State Senators, have a record that raises serious questions of character and judicial temperament, or have some other background difficulty that necessitated further investigation.

I do not believe it does the Senate well, nor do I believe it does the Committee well, to engage in this sort of "wedge" politics. I hope my colleagues will refrain from such unproductive attacks. They are not only unproductive, they are unfair and, in my opinion, somewhat vicious.

To suggest that the Committee or this majority is motivated by improper bias of any kind is simply wrong, and the record shows it. In addition, I will not allow such accusations to force us to abdicate the Senate's responsibility to ensure that the Senate adequately and fully discharges its constitutional advise and consent function for nominees for life-tenured judicial office.

Having said all of this, I would like to lend my support for Susan Oki Mollway and to the distinguished Senators from Hawaii, both of whom I admire very much. I have to say that the distinguished Senator from Hawaii, Senator INOUYE, has known Susan Oki Mollway virtually all her life. He has known her father, who also, likewise, is a hero.

I examined her record, and, yes, there are things that naturally raised the hackles of some on the committee, but I have to say that she is an extremely intelligent women with an extremely well balanced background. I have to say that I believe she ought to be supported here on the floor today, and I intend to do everything I can to support her.

Susan Oki Mollway was nominated for district judge from the District of Hawaii on January 7 of last year. I personally apologize to my two colleagues for this having taken so long to get to the floor. She has a B.A. and an M.A. in English from the University of Hawaii. That alone is pretty impressive, but she received her J.D. cum laude from Harvard University in 1981. That is also pretty impressive.

Currently, she is a partner with the Honolulu firm of Cades, Schutte, Fleming and Wright. She also currently serves as director to the Hawaii Justice Foundation and the Hawaii Women's Legal Foundation, both unpaid positions, organizations that focus on local issues and/or raise money for charitable organizations. In addition, she was the recipient of the Outstanding Woman Lawyer of the Year award in 1987. She is an exceptional person—in my opinion, one who should be able to fill this position in a way that will bring honor to the Federal courts. I hope that is true. I have no way of being absolutely sure, but I am relying on the recommendations of our two colleagues from Hawaii and the extensive background investigation the Committee performed on Susan Oki Mollway. I hope our colleagues in the Senate will support her. I believe she is worthy of support.

I think my colleagues know that I take these nominations very seriously. We look at them very seriously. We do extensive background checks and investigations, as did our friends on the other side when they were in control of the committee. I try to be down the line, down the middle, and I try to make sure people are treated fairly. Naturally, I resent it when somebody indicates in any conversation that there may be some impropriety or improper bias involved with regard to some of the nominees who have been or are currently pending before the Senate and/or the Judiciary Committee.

I am very concerned, as Judiciary Committee chairman, that we do our jobs well. I am very concerned that we do them in a way that is fair. I am very concerned that we get the best people we can on the Federal bench. After all, these are lifetime appointments. It is often said that Federal judges are the "closest thing to God" in this life because they have so much power, and once they are there, you really can't get rid of them. They are not really politically accountable or directly accountable to the American people because they don't have to stand for reelection, which I think is a very good thing because that keeps the Federal judicial system above politics, hopefully, or at least less involved in politics than any other branch of our Government. I think the judiciary has served our country well. I have seen great liberal judges and great conservative judges, and I have seen lousy liberal judges and lousy conservative judges on the Federal bench. Ideology isn't necessarily the determining factor as to whether a judge will serve in the best possible manner as a member of the Federal bench.

So it is important that we find people of high caliber, high quality, high ethics, with good work habits, that are honest and decent, to fill these positions. I believe Susan Oki Mollway fits all of those categories.

I yield the floor.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii, Mr. INOUYE.

Mr. INOUYE. Madam President, I thank my distinguished friend from Utah for his warm and generous remarks. I am most grateful.

I yield to my colleague from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii, Mr. AKAKA, is recognized.

Mr. AKAKA. Madam President, it is with great pleasure that I take the floor today to speak on behalf of Ms. Susan Oki Mollway, the President's nominee to the U.S. District Court for the District of Hawaii.

I wholeheartedly support Ms. Mollway, who, if confirmed, will fill the fourth seat on the Hawaii court. I also want to join with the remarks of my senior Senator, who eloquently and passionately spoke about Susan Oki Mollway and her family. He also spoke about our interviewing her for this position and how impressed we were with her caliber, the kind of person that she is. I also want to thank chairman ORRIN HATCH of Utah for his support and for reporting this out of committee, and also Senator PAT LEAHY, the ranking member from Vermont on the committee, and members of the committee for reporting this nominee out to the floor. I also want to thank our majority leader, TRENT LOTT of Mississippi, for permitting it to be on the floor today.

This has been a long journey for us. This position has been vacant since the untimely passing of Judge Harold Fong in April of 1995. As the senior Senator from Hawaii noted, the caseload in the District of Hawaii continues to increase. This has been very, very difficult for Hawaii. The recently adjusted 1997 Federal Court Management Statistics Report found that the U.S. District Court, District of Hawaii, is the eighth busiest court out of 91 in the country, and the third busiest in the ninth circuit.

Therefore, it is critical that the vacancy on the Hawaii court is filled. Senator INOUYE and I believe that Susan Oki Mollway is the most qualified candidate for this position.

Ms. Mollway enjoys the highest rating of "well qualified" from the majority of the American Bar Association's Standing Committee on the Federal Judiciary. To quote some of her colleagues in Hawaii, "We have come to know her as a highly ethical, careful, dedicated, intelligent, articulate, caring, and energetic lawyer." Ms. Mollway is known for her professional skills, her sense of ethics, and a moral compassion—qualities needed for service on the Federal bench.

Senator INOUYE has already recounted Ms. Mollway's education, professional, and family background. However, I do wish to point out that, as a Harvard Law School graduate, she could have stayed on the mainland like so many of Hawaii's young people. Instead, she returned to Hawaii, the home of her parents, where she joined one of Honolulu's best-known law firms —Cades Schutte Fleming & Wright.

As a specialist in civil litigation, Ms. Mollway handles a wide range of cases and has appeared before every level of the State and Federal courts, including a successful appearance before the U.S. Supreme Court in 1994.

Ms. Mollway has responded fully to those who have questioned her on her

former position on the board of directors of the Hawaii chapter of the American Civil Liberties Union. Senator INOUYE has mentioned this about her. Prior to her board membership, the ACLU-Hawaii filed a friend of the court brief in support of plaintiffs in the Hawaii same-sex marriage case. Although she was aware of ACLU-Hawaii's position and activities in the same-sex marriage case, as a board member Susan Mollway was never called on to play an active role.

Furthermore, Ms. Mollway understands that her personal opinions are not relevant to the decisions she would make as a Federal judge. She has stated that she recognizes the authority of the Constitution, Federal statutes as passed by the Congress, and case precedent from higher courts as the judicial guidelines to follow in court deliberation.

I believe my colleagues will agree with me that Susan Mollway's credentials are impressive. She is an individual of the highest integrity, whose dedication to her profession is admired by all. I am pleased to lend my support to Ms. Mollway and urge my colleagues to vote in favor of this nominee whose confirmation will bring the U.S. District Court in Hawaii to its full complement.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I am honored to have the opportunity to make some remarks on the occasion of this nomination. First, I want to say how much I respect both of the Senators from Hawaii. I believe that they take very seriously the nomination of a U.S. district judge, and I believe they have sought to fulfill their responsibilities well in that regard.

Having been a practitioner in Federal court myself—full-time as a U.S. attorney for 15 years, and another 5 years or so in private practice—I have a deep feeling about the judiciary, what it needs to be, and the standards it ought to uphold. I believe it ought to be a disinterested applicator of the law, regardless of politics, ideology, and those sorts of things. I believe we ought to look for nominees that do that. Both for my respect for the distinguished Senators from Hawaii and my respect for this nominee make it difficult for me to stand here and suggest, as I will, that we ought not to confirm this nominee for the Federal bench. I have no doubt that she is a person of integrity and character. But I want to share some concerns that I have about this nomination, and why I think it ought not be confirmed.

Also, let me express my respect for the distinguished chairman of the Senate Judiciary Committee. There is no finer constitutional lawyer in this body than Senator HATCH. He is a man of integrity and ability. He works hard every day in our committee to make sure nominees are given a fair shake, and that the nominations are moved along at a steady pace, as they continue to do. I know that he considered carefully the problems that this nominee had before he agreed to vote in favor of this nominee. I know he respects the opinion of both Senators from Hawaii.

I note that the committee voted 12 to 6, with six Senators voting against the nomination. I think that suggests that there was a genuine unease by a considerable number of the committee with regard to this nominee.

It is impossible to know for sure what anyone will do on the bench. This nominee may turn out to be a very restrained and rigorous judicial nominee and judge, consistent with some of the great judges in history. But we have to look at the nominees' backgrounds and the positions they have taken over the years to try to analyze how they might perform on the bench.

The Senate is given under the Constitution the power to advise and consent with the President. These nominees are lifetime appointees. They will serve throughout their entire life making decisions day after day, week after week, month after month, year after year. And, as Senator HATCH said, they are not accountable to the people. It is really the most anti-democratic aspect of our entire American government, but I support it. I am not in favor of electing Federal judges. I therefore believe it is our responsibility to give careful thought to those to whom we give that position.

First, let me note one thing. It does appear that the district of Hawaii is in need of a judge. Their caseload is 700 weighted cases per judge. It is a heavy caseload. We have a judicial circuit in Alabama that has a higher caseload, and it is, indeed, a high caseload. I am sure another judge is needed to do that work. I know all of us are active in various activities. And I think it is appropriate that we be asked about those activities when we are nominated for a position like this.

What do we know about this nominee? We know that she was a voluntary member of the American Civil Liberties Union for a number of years—may still be—and was an active member of the board of directors and a fundraiser for the Hawaii ACLU during 1995 and 1996.

During that time, the Hawaii ACLU took a number of positions. I am certain that as a board member she did not sign those pleadings, and maybe did not personally conduct in-depth research. In fact, I think she suggested she has not researched each one of these issues. But I think it is appropriate for us to ask about those positions, as we did on the committee. She did not disavow any of them.

In 1996, in Hawaii, an ACLU executive or administrator stated, "The laws that discriminate based on sexual orientation are as reprehensible as laws that at one time protected segregation."

The point of that discussion was testimony on the recognition of homosexual marriages. And, in fact, the ACLU official was taking the position that Hawaii should take on the question of affirming, ratifying, respecting, and acknowledging homosexual unions. He was suggesting that those who would oppose it would be the same as those who opposed integration.

I would have to say that is outside the mainstream of law. As attorney general of Alabama, I had the occasion to have my staff do some research on this. We found no place in the history of America that any State or government agency ever recognized a homosexual union. It is not recognized, to my knowledge, any place in any culture in the world and reflects an odd and historically inaccurate view of the law. But that was the organization's position, of which she was a board member and a fundraiser.

In 1995, the ACLU opposed legislation that would have required HIV testing for persons indicted for sexual crimes. I would suggest that there is an extreme anxiousness and justifiable concern about these kinds of activities.

When a person is arrested for a sexual crime and there is a victim that may have been infected with HIV, I think it is perfectly appropriate for a judicial authority require as a condition of the suspect's release that person to be tested to see if they have passed on such a horrible disease to the victim.

Also, I suggest that we have a large number of people in the ACLU active in opposing all drug testing. That is a very, very important matter of public interest. It is unfounded in constitutional law and at least in most properly applied cases of drug testing. We will have more drug testing in the future, because we are concerned about young people and others who are using drugs.

In 1995, the ACLU in Hawaii, of which this individual was a board member and fundraiser, opposed an ordinance that banned overnight sleeping in parks.

We have learned in recent months pretty clearly that it is important and necessary for a city and police departments to take control of their streets. We learned in New York that the panhandlers and those who are in the parks can, in fact, undermine public safety. Mayor Guiliani in New York has taken great leadership in that regard, and has substantially driven down the crime rate in New York.

It is small matters like this which sometimes turn into much larger matters. This is the kind of frustration that cities and counties and police departments around the country feel

when they are challenged about the steps they have to take to preserve public safety.

In 1965, the Hawaii ACLU, of which this nominee was a board member and fundraiser, opposed drug testing in the workplace, saying, "The ACLU opposes random and indiscriminate drug testing in the workplace, not only on privacy grounds but also because such drug testing does not detect current impairment."

Madam President, one of the most beneficial acts that has been done to fight drugs in America, in my opinion, is drug testing in the workplace. A businessman who cares about his employees, who sets a high standard, who wants to eliminate theft, who wants to reduce accidents, who wants to protect the health of his or her employees sends out a clear message that drug use is not acceptable in their company, and they drug test fairly and objectively. The tests are very reliable today and make the workplace safer by protecting the lives and safety of employees, eliminating and reducing crime and theft by the employees, and avoiding injury to those who come into contact with those employees. Furthermore, they also encourage employees to stay drug free. You are encouraging them by insisting on a high standard. And perhaps that employee when they go home will tell their wife or husband who suggests that they might use drugs, "No, we shouldn't do it. I am going to be tested at work."

Drug testing has been a great success. But it has been a long, hard legal fight. In case after case, the ACLU position has been rejected.

I must admit, as a person who has been involved in the fight against drugs, that it concerns me that our nominee is a person who was a board member of an organization that voluntarily went out and tried to obstruct workplace drug testing.

In 1995, the Hawaii ACLU opposed another common occurrence in America, the very popular minimum sentence in criminal cases. State after State after State has followed the Federal law that says that under certain circumstances, crimes with certain prior convictions will be punished with at least a minimum sentence if convicted. And that process has worked; I believe it has helped us identify repeat offenders, to lock them up for longer periods of time, and I am confident that that is one of the primary reasons we have seen a reduction in crime among adults. We are doing a better job of identifying serious, repeat, violent offenders through these "three strikes you're out" laws and mandatory sentencing laws, and it is no small concern to me as a prosecutor, a Federal and State prosecutor, that our nominee for this position has supported the position of the ACLU that mandatory minimum sentences ought not to be approved.

In addition, the Hawaii ACLU has opposed a Federal Stop Turning Out Prisoners Act and the Community Notification of Sex Offenders Act. Those are some of the positions that they have taken during the 1995 period in which this nominee was a member of the board and a fundraiser. Now, when asked at our confirmation hearing if there were any policy positions of the Hawaii ACLU that she disagreed with while on the board of directors, Ms. Mollway answered, "I cannot think of any."

Now, I believe that is a sufficient basis for a Senate Member to have a serious concern about this nominee, and that is why at least six members of the Judiciary Committee cast a "no" vote. We respect those who have nominated her; we respect her; but we have serious concerns about her nomination to the Federal bench.

In addition, in recent years the ACLU has taken other positions that are outside the mainstream of legal and current American thought. They oppose the death penalty. They oppose three-strikes sentencing laws around the country. They oppose school vouchers for sectarian schools. They have opposition to V chips in televisions to screen out violence. They oppose voluntary labeling of music albums as to their content. They support the legality of partial-birth abortion. They support the constitutionality and use of racial preferences and oppose some of the laws that eliminate that. And they support the decriminalization of drugs; that is, the legalization of drugs.

Such positions are not mainstream thought in this country. That is not mainstream law that is being advocated. They have done some good things over the years. They have taken some positions that were courageous and were proved to be right and furthered our country, but this nominee in the last few years was an active member of an organization that took some of the positions I just mentioned, in court.

Now, I have voted for an ACLU member, maybe more than once, to be confirmed, but I want to share some other things that concern me and affect my decision, and I hope other Senators will consider this as they decide what standard they will use when they consider whether to consent to this nomination.

This nominee will be a district judge within the Ninth Circuit Court of Appeals that includes Hawaii, California, Oregon, Washington, Idaho, Arizona, Nevada and Alaska. Over the years that circuit has been recognized as the most liberal circuit in America. It has also been recognized as a court that has been out of touch with mainstream American law. In the last term of the U.S. Supreme Court, the Supreme Court reviewed 28 cases that arose from the ninth circuit, and of those 28 cases, they reversed 27 of them. This has been a pattern over quite a number of years.

Just last month, the ninth circuit became the first circuit in America to rule that the Prison Litigation Reform Act is unconstitutional. That was passed by this Congress. It was a magnificent act to eliminate this repetition of appeals by prisoners that have clogged courts for years, and I have seen it personally, and so many of them are extraordinarily frivolous. But it was carefully considered by this body. Every other circuit that has addressed this issue has upheld the constitutionality of the Prison Litigation Reform Act, including the 1st circuit, the 4th circuit, the 6th circuit, the 8th circuit, and the 11th circuit. They have upheld it as constitutional, but once again the ninth circuit is out of step with that group.

Recently, in the last month or so, the Supreme Court harshly criticized the ninth circuit for granting a habeas corpus petition—that is, a petition by a prisoner—that had overturned the death sentence of a convicted rapist and murderer. In reversing this conviction, the ninth circuit opinion reversed a conviction that had gone to the California Supreme Court four times, that had gone to the U.S. Supreme Court two times. The defendant had been on death row for well over 10 years and there was little dispute about his guilt or innocence. And so the Supreme Court really was frustrated by this. This was a midnight stay of execution, within 24 or 48 hours of the carrying out of this death penalty case that had been on death row for years and was reversed by them.

Some would say, as Ms. Mollway did, I will follow the laws. Sometimes we have to wonder what the law is in the ninth circuit. We know that they have been extraordinarily sensitive to death penalty cases beyond, in my opinion, rationality. We know that in many cases the court-appointed attorneys' fees in death cases in California or in the ninth circuit have exceeded $1 million for the court-appointed attorneys to defend those who have been charged, since the appeals go on for years and years. And, as I recall, the amount of money spent on that in the ninth circuit matches all the other circuits in America in expense.

So we have a problem with that, and we need judges who know what the law is, who make every effort to guarantee that the innocent are found innocent, their convictions reversed if need be, and are given a fair trial. That is absolutely guaranteed by our Constitution and should never be denied. But, Madam President, when you have these kinds of appeals, it makes a mockery of the law, it undermines the public respect for the law, it places the courts in disrespect, and I think this circuit is rightly criticized for that.

Recently, the New York Times referred to the ninth circuit as "the

country's most liberal circuit" and noted that it was viewed by a majority on the Supreme Court as "a rogue circuit."

I would say that is a serious matter. I believe, based on this nominee's background, her positions on issue after issue, her activities with the ACLU in Hawaii, that we have indications that instead of being a part of a renaissance in the ninth circuit, to improve the ninth circuit and bring it back into the mainstream of American law, that she would, in fact, be more of the same: the same liberal, activist, anti-law-enforcement mentality that has gotten this circuit out of whack with the rest of the Nation.

District judges are not circuit judges; I don't mean to suggest that they are; but they are part of the circuit. It was a district judge recently who ruled the California Proposition 209, the civil rights initiative that would eliminate racial preferences, violated the Constitution of the United States. Fortunately, a panel of even the ninth circuit unanimously agreed that was not correct and the court found there is no doubt that Proposition 209 was constitutional. And the Supreme Court refused to reverse that—in effect, affirmed that decision.

So I would just say to my distinguished friends from Hawaii, we do need to be careful about what is happening on our benches. We do have, in certain parts of this country, courts that are going beyond the traditional role of judges, going beyond the traditional role of courts. It is breeding a disrespect, it is undermining law enforcement, it is delaying the carrying out of justly imposed sentences, and we need to make sure that we do something about that. I, for one, have stated publicly for some time now that I feel a special obligation and a special concern to look at the nominees for the ninth circuit, to make sure that those nominees are going to be part of a solution to this problem rather than part of the problem.

Based on my analysis and my sincere belief about it, I have concluded that I should vote "no," and I will urge my fellow Senators also to vote no.

This nominee is a person of quality and intellect, but I believe she is not the right nominee at this time for this position.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. I am most grateful to the distinguished Senator from Alabama for his reasoned argument on the matter before us.

In order to further clarify the record, if I may, Madam President, I ask unanimous consent that a letter dated March 9, 1998, addressed to the chairman of the Committee on the Judiciary, with responses to additional questions from Senator THURMOND and Senator SESSIONS, be printed in the RECORD.

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

CADES SCHUTTE FLEMING & WRIGHT,
Honolulu, HI, March 9, 1998.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC

DEAR SENATOR HATCH: Thank you very much for giving me the opportunity to respond to additional questions from Senators Thurmond and Sessions. I am enclosing my responses to the questions delivered to me on March 9, 1998.

Very truly yours,

SUSAN OKI MOLLWAY.

Attachments.

ANSWERS OF SUSAN OKI MOLLWAY TO ADDITIONAL QUESTIONS FROM SENATOR SESSIONS

1. In your legal opinion, is the Prison Legal Reform Act constitutional?

Yes. This law is presumed to be constitutional. It has been upheld by several appellate courts (*e.g.*, *Hadix* v. *Johnson*, 133 F.3d 940 (6th Cir. 1998); *Benjamin* v. *Jacobson*, 124 F.3d 162 (2d Cir. 1997); *Plyler* v. *Moore*, 100 F.3d 365 (4th Cir. 1996), *Cert. den.*, 117 S. Ct. 2460 (1997)). I have no personal views that would prevent me from following applicable law in this or any other area.

2. In your legal opinion, is the 1995 Habeas Corpus Reform constitutional?

Yes. This law is presumed to be constitutional. It has been upheld as constitutional in *Felker* v. *Turpin*, 116 S. Ct. 2333 (1996). Again, I have no personal views that would prevent me from following applicable law in this or any other area.

If confirmed, you will preside over many employment discrimination cases as a federal judge.

3. In a suit challenging a government racial preference, quota, or set-aside, will you follow the 1995 *Adarand* v. *Pena* decision and subject that racial preference to the strictest judicial scrutiny?

Yes, if confirmed, I will follow *Adarand* v. *Pena* and subject any government racial preference, quota, or set-aside to the strictest judicial scrutiny.

4. In your legal opinion, how difficult is it for any government program or statute to survive strict scrutiny?

It is extremely difficult for a government racial preference, quota, or set-aside to survive strict scrutiny. The program or statute must be narrowly tailored to meet a compelling state interest. *Adarand* v. *Pena* makes it clear that this is a very heavy burden to overcome.

5. Is the California Civil Rights Initiative constitutional?

Yes. In *Coalition for Economic Equity* v. *Wilson*, 122 F. 3d 692 (9th Cir.), *Cert. den.*, 118 S. Ct. 397 (1997), the Ninth Circuit upheld the initiative.

6. Is there a constitutional right to homosexual marriage under the U.S. Constitution?

Bowers v. *Hardwick*, 478 U.S. 185 (1986), and the Defense of Marriage Act, which is presumptively constitutional, indicate that there is no constitutional right to homosexual marriage under the United States Constitution. I have no personal belief that would prevent me from following applicable law in this or any other area.

Mr. KENNEDY. Madam President, I strongly support Susan Oki Mollway's nomination to the federal district court in Hawaii. Her nomination has now been pending before the Senate for 2½ years. It is long past time to confirm this able nominee.

Ms. Mollway's credentials are impressive. She is a Harvard Law School graduate and a partner at a prestigious Hawaii law firm, where her practice has included complex civil litigation. In 1987, she was voted Outstanding Woman Lawyer by the Hawaii Women Lawyers. She successfully argued a case before the Supreme Court of the United States in 1994.

Ms. Mollway has the support of every member of Hawaii's congressional delegation, and the federal judges in Hawaii hold her in the highest regard. She would be the first Asian-American woman to sit on the federal bench.

Some of our colleagues oppose this nomination because Ms. Mollway served on the Board of Directors of the ACLU in Hawaii, at a time when the ACLU was active in the same-sex marriage debate in that state. In fact, much of the ACLU's involvement in that debate took place long before Ms. Mollway became a member of the Board of Directors. In addition, Ms. Mollway has emphatically stated that she never voted on the position the ACLU should take on this issue or on any other litigation or legislation. The opposition to her nomination is unjustified, and it is no basis for denying confirmation.

Unfortunately, Ms. Mollway is just one of the many well-qualified women and minority nominees who have been arbitrarily delayed by the Senate and subjected to unfair ideological hazing.

In fact, in this Republican Senate, women are four times more likely than men to be held up for more than a year. Forty-three percent of the nominees currently on the Senate calendar are women. In the last three months, the Senate Republican leadership has allowed only one woman to be confirmed to the federal bench, while confirming 15 men. And, 16 out of 21 —that's 76 percent—of the nominees carried over from last year's session are women or minorities.

I urge my colleagues to support Ms. Mollway's nomination. It is time to end the logjam of qualified women and minority nominees. It is time to provide relief to the federal district court in Hawaii, whose caseload has doubled in the last 5 years. It is long past time to confirm Susan Oki Mollway. Her qualifications are outstanding and I am confident that she will serve with great distinction on that court. Frankly, the Senate should confirm her—and apologize to her as well.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DASCHLE. Madam President, I want to say a couple of words about this nomination. I am very pleased that Susan Mollway's nomination has finally reached the Senate floor. As others have noted, it is a long, long time in coming. I am told that it has taken 2½ years. But today she is finally going to get a vote, and I am confident that she will be confirmed.

I think it is quite an impressive story. Susan Mollway, first nominated for the U.S. District Court for the District of Hawaii in December of 1995, was reported favorably by the Senate Judiciary Committee on April 25 of 1996. Nothing happened, of course, with that nomination, and she was renominated again on January 7 of 1997 and again reported out favorably by the Judiciary Committee.

She must be the most patient woman in the world. For all this time, with all this uncertainty, with all of the implications professionally, it has been a long wait, not only for her, but for Hawaii.

The seat which Ms. Mollway has been nominated to has been vacant now for 3 years, since April of 1995. Were it not for the extraordinary persistence of our colleagues from Hawaii, the senior Senator, DANIEL INOUYE, and the junior Senator, DANIEL AKAKA, we would not be here this afternoon. It is only their persistence and the extraordinary credibility and, frankly, persistence that they have demonstrated for all this time that we are now celebrating this moment.

Their persistence is well invested. Susan Mollway is fully qualified and will be an extraordinary credit to the bench. She is a partner in the Honolulu law firm of Cades, Schutte, Fleming and Wright where she went upon graduation from Harvard Law School.

She has practiced in a broad range of areas, including a successful argument before the U.S. Supreme Court. She has won numerous awards, including the Hawaii Women Lawyers' Outstanding Woman Lawyer Award in 1987.

The granddaughter of a "picture bride" and a plantation worker in Hawaii, Ms. Mollway and her family have learned strength and commitment from their story. Her father left high school during World War II to join a Japanese-American unit of the U.S. Army. Together with Senator INOUYE, he fought in Europe as part of the 442nd Regiment Combat Team, the most decorated military unit of its size in World War II. At the same time, people he knew were among the thousands of Japanese-Americans interned by our own Federal Government. Later, Ms. Mollway's father used his veteran's benefits to attend Harvard. Clearly, his daughter now understands the great joy and honor of being an American, but also the burdens and barriers faced by some in our society.

We are all proud of the distance we have come as a society in ending the kind of discrimination faced by Japanese-Americans of Ms. Mollway's father's generation, but the confirmation of this judge to be now U.S. district judge will mark yet another step in this progress. Susan Mollway is an outstanding nominee and deserves to be confirmed.

I, again, congratulate my two colleagues from Hawaii, and I call upon all of my colleagues to vote in her favor in 40 minutes.

I yield the floor.

Mr. INOUYE. Madam President, I ask unanimous consent that Senator SESSIONS and I be permitted to yield back the remainder of our time and that at the hour of 5 p.m., a rollcall vote be taken on this matter.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. INOUYE. Madam President, may I change that to 5:10?

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

Does the Senator wish to request the yeas and nays at this time?

Mr. INOUYE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

MORNING BUSINESS

Mr. INOUYE. Madam President, I ask unanimous consent that there now be a period for the transaction of morning business.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WYDEN. Thank you very much, Madam President.

SECRET HOLDS ON NOMINATIONS AND LEGISLATION

Mr. WYDEN. Madam President, only 52 legislative days remain in this session. Dozens of nominations are pending, and more than 400 items are on the calendar. Being an election year, this is a recipe for the explosion of a little-known procedure, but one that is extraordinarily important as the Senate moves to the end of the session. I speak today about the issue of secret holds on nominations and legislation before this body.

Nowhere in the Constitution nor in our Federal statutes is there any mention of the right of a U.S. Senator to put a secret hold on a bill or a nomination. Nevertheless, this power is one of the two or three most significant powers that a Member of the U.S. Senate can have. In effect, this power allows any Member of the U.S. Senate, in secret, to block a nomination or a piece of legislation from even being considered on the floor of this body.

I have talked to citizens at home about this. They are stunned that any Member of the U.S. Senate would have the power to be able to block something. But what really galls them is the right to do it in secret without there being any accountability whatsoever.

I am of the view that it is appropriate that Members of the U.S. Senate, in efforts to represent our constituents, have the power to make decisions that are going to affect dramatically the lives of millions of Americans. But I think that extraordinary power ought to be accompanied by real responsibility. Certainly if one Member of the U.S. Senate is going to block this body from even considering a bill or a nomination, it should be accompanied by public disclosure.

Our friend, Senator GRASSLEY, has come on to the floor. The Presiding Officer and our colleagues know that for more than a year he and I have been trying to bring some sunshine to the U.S. Senate. We have been trying to change the rules so that if a Member does singlehandedly seek to block a nomination or a bill from coming to this floor, they would be required, as part of the Standing Order of the Senate, to stipulate in the CONGRESSIONAL RECORD that they were, in fact, that individual.

We are moving to that part of the legislative session where the secret hold is most abused. Very shortly, in this body we will begin a game that I call legislative hide and seek. We will have holds on nominations and bills. Outside this Capitol Building there will be lobbyists trying to figure out who has put a secret hold on a particular bill or nomination. And this entire process contributes to the cynicism and skepticism that so many Americans have about our government today.

Madam President and colleagues, it came to light in the fall of 1997—which, as we all know, wasn't an election year—that there were 42 holds in play at one time. As I mentioned, this game of legislative hide and seek was underway outside these Chambers.

At that time, Senator GRASSLEY and I were able to win on a voice vote an amendment to change the Senate's Standing Orders to require public disclosure of a hold. But then, in what was really the ultimate irony, our effort to end secret holds was secretly killed in a conference committee and vanished

when the D.C. appropriations bill was brought back before the Senate.

I hope now with just over 50 legislative days remaining, that the Senate would on a bipartisan basis change this particular longstanding tradition—a tradition noted nowhere in the Constitution, our Federal statutes or Senate rules—and bring some openness and some sunshine to this body.

The hold started out as simply an effort to try to accommodate our colleagues. If a Member of the U.S. Senate had a spouse who was ill or a relative who faced a particular problem, they could, on a Monday, say, "I can't be there on Tuesday, would it be possible to hold things over for a couple of days so I could address a matter that was important to my constituents?"

That is not what Senator GRASSLEY and I are talking about. We are not talking about the right of a Senator to be present to discuss an issue important to them and to their constituents. We are talking about making sure that when a Member of the U.S. Senate digs in and digs in to block a particular nomination or a bill from either coming to the floor or ever being considered at all, that at that point they would be required to disclose publicly that they are the individual who is blocking consideration by the Senate.

Under our amendment no Member of the U.S. Senate would lose their power to place a hold on a bill. A Senator's power would be absolutely unchanged with respect to the right to place a hold on legislation. All that Senator GRASSLEY and I are saying is when you put on that hold, be straight with the American people. Let the Senate and let the American people know that you are the person who feels strongly about a particular issue. Make sure that it is possible, then, for us to find out where in the discussion of a particular nomination or piece of legislation the Senate is considering there is a problem. This has not been the case, and this situation is getting increasingly serious.

In the two years since I have been here I have seen more and more abuse of this process. We are seeing in a number of instances that even the Senators themselves don't know that a hold is being placed in their name. I have had Senators come to me and say, "I learned that one of my staff"—or someone else's staff—"put a hold on a bill," and the Senator I was working with didn't even know that a hold had been placed on the legislation.

This ought to be an easy reform for the U.S. Senate. It simply would require openness, public disclosure, and an opportunity for every Member of the Senate and for the American people to know who, in fact, feels sufficiently strongly about that bill, that they are the one keeping this body from considering it.

A number of public interest organizations and opinion leaders have come out in favor of the effort being pursued by myself and Senator GRASSLEY. I will close my opening remarks and then yield my time to Senator GRASSLEY, with just a quick statement from a Washington Post editorial that came out in favor of this effort.

The Washington Post said:

> It's time members of the Senate stand up and answer to each other and the public for such actions. What are they scared of?

That, Madam President, is what this issue is all about. It doesn't pass the smell test to keep this information from the American people. There is not a town meeting in our country where it is possible for a Member of the U.S. Senate to say, "I'm involved in making decisions that affect millions of people and billions of dollars, but you know, I'm not going to tell you anything about it. I'm not going to let you in on this particular procedure."

Again, this is a procedure that has evolved over the years, that is written down nowhere, not in the rules, not in the statutes, and not even in the Constitution.

Madam President, it is time to ensure that when Senators exercise the extraordinary powers that we are accorded in the Constitution and the laws of our land, that those powers be met with responsibility, powers that make it clear that when there is legislation affecting billions of dollars and countless Americans that we are going to let the public in on the way the Senate does its business.

Senator GRASSLEY and I filed our amendment to the Department of Defense authorization bill. It is our intention to bring this bipartisan amendment before the Senate at the earliest opportunity. We want to make it very clear that between now and the fall, when we are likely to have 60, 70, 80 secret holds and this game of hide and seek is being played all over the Capitol, Senator GRASSLEY and I want to have the Senate rules changed so that the public will know at the end of a session how and when these important decisions are being made.

Before I conclude, let me just say to my colleague from Iowa, who has joined us on the floor to speak after me this afternoon, I have enjoyed working with him on many issues. I serve on the Senate Aging Committee, which he so ably Chairs, but I am particularly appreciative of the chance to work with him on this issue. We have had a bipartisan team pursuing this matter for many, many months. We want it understood that there is absolutely nothing partisan, nothing Democrat, nothing Republican, about our desire to bring real openness and accountability to the U.S. Senate. This isn't about partisan politics. This is about good government. This is about making sure that in the last days of a Senate session we are no longer playing legislative hide and seek, but are making decisions in a way that we are accountable to the public, and that the American people can follow. We want to contribute to confidence in the way the Senate does its business, rather than to what we face today, which is additional skepticism and cynicism by virtue of the fact that the Senate does so much business at the end of a session in secret.

I thank my colleague from Iowa, and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Parliamentary inquiry. Is there any time limits? I know we vote at 5:00.

The PRESIDING OFFICER. The Senate is in morning business until 5:10, at which time a vote will occur.

Mr. GRASSLEY. Madam President, before I start to debate this issue, I should say thank you to my colleague from Oregon for his leadership in this area. He has worked very hard on it. I have been very happy to be supportive of him—and I am fully supportive of him. I have told him how secret holds have affected me and now both he and I practice what we preach—that is, we declare our intentions to put a hold on a piece of legislation if we decide to take that action. Obviously, being open about placing a hold has worked for us and it is a sound practice.

I want to state the proposition that eventually what is right is going to win out in the Senate. I know that constituents are skeptical about right winning out in this body, and I suppose sometimes it takes a long time for right to win out; but I believe if you feel you are in the right, and that you are pursuing the right course of action and, particularly, as in this case, when your opponents don't have a lot to say about what you are trying to do, I think you can be confident that you are pretty much on the right course. There wasn't much opposition to this expressed on the floor of the Senate last year. My guess is that there won't be a lot expressed this year either, and eventually we will win. I think we will win this year. But if we don't, we are going to win sometime on this proposition because it is so right and because we are not going to give up.

I know persistence pays because it took me about 6 years, ending in 1995, to get Congress covered by a lot of legislation that it exempted itself from. A lot of laws were applicable to the rest of the country and were not applicable to those of us on Capitol Hill. That was wrong. It was recognized as being wrong. So I presented the motions to accomplish the goal of getting Congress to obey the laws everyone else had to follow. They were hardly ever argued against on the floor of this assembly. But in the "dark dungeons" where conference committees are held, somehow those provisions were taken

out—until after about 6 years of discussing the issue of congressional exemptions, and the public becoming more aware of this shameful situation, finally there was enough embarrassment brought to Congress that we could not keep that exemption from those laws any longer. So we passed the Congressional Accountability Act early in 1995. It was the first bill signed that year by the President of the United States. We have ended those exemptions that were so wrong.

I still remember that, early on in that period of time, how my colleagues would just say privately to me, "What a terrible catastrophe it is going to be for the Congress to have to live under these laws that apply to the rest of the Nation"—laws like civil rights laws, worker safety laws, et cetera. We have had to live under those laws for 3 years now, and it hasn't harmed us at all. It has been good for the country to have those of us that make laws have to actually understand the bureaucratic morass and red tape you have to go through to meet those laws, and some of the conditions on employment, some of the working conditions in the office, some of the wage and hour issues that private employers have to go through. We understand those now. We have to be sympathetic to their arguments more because we have to live under those laws.

Well, that is one example of right ultimately winning. That brings me to what is right about this. There are plenty of reasons for holds, and there is nothing really wrong with holds. There is nothing that our legislation says is wrong with holds. But the reasons can be purely political. Sometimes holds are put on for one colleague to use as leverage with another colleague, to move something that maybe another individual is blocking. There can be truly flawed legislation, and maybe there such holds legitimately allow more time to work things out. However, other holds can be purely a stalling tactic. A hold could be all could be for all of those reasons and more. It doesn't matter what the reason is. We don't find fault with those reasons. We only say that the people that are exercising the hold, for whatever reason, ought to say so, and why.

It is going to cause the Senate, I think, with our amendment, to be run more openly and efficiently. It is going to lift one of the veils of secrecy. It is not going to lift all of the veils of secrecy in a parliamentary body. I don't know that I would call that all of them be lifted. I am not sure I could even enumerate all of the layers of secrecy that might go on. But this is one form of secrecy that is not legitimate.

As I said, we do not ban holds or the use of them, for whatever reason they might be made. We just stipulate that they must be made public so that we know who is putting the hold on. We would like to know why the hold is being put on, but that is not even a requirement in our legislation. Just tell who you are. You don't even have to say why. It is pretty simple. It is pretty reasonable.

A lot of my colleagues, I think, fear retribution. If they are putting a hold on for a legitimate reason, why should they have to fear that? Maybe the greater good of the body, the greater good of the country would be their motivation. They might think they would experience some sort of retribution and that is why they may not want their hold to be known. I say that, after 2 or 3 years of practicing open holds myself, there is no fear of a hold being known. I can tell you this: I probably was somewhat nervous the first time I announced that I was going to make public in the CONGRESSIONAL RECORD why I was putting a hold on. I thought that maybe I was opening myself up to a lot of retribution, a lot of trouble that I don't need. I probably don't use holds very often. You could probably count the number of times on one hand that I would use a hold in the course of a Congress. Regardless, the times that I have done it, I can tell you that there is no pain. No harm came to me. There is no retribution that came to me as a result of it from any of my colleagues. And 98 others beside Senator WYDEN and myself could do that, and they don't.

I can tell you about the problems I have had finding out who has a hold, why they have a hold; and then we have had these rotating holds where somebody has found out and some friend will put a hold on in his place. You run those things down. It is not a very productive way to be a Senator. If I can go to the CONGRESSIONAL RECORD and find out who doesn't like my proposition, who doesn't like this nominee, et cetera, I can go to that individual and just talk up front about the reason, and I think it will even speed up the work of the Senate. If each Senator can be a little more efficient, then the Senate is going to be a little more efficient body as a whole.

So this is one of those things that, from every angle—every reason for making a hold open is a good reason. Look at all of the prospective opposition to it and the reasons for the opposition. First of all, people don't very freely express opposition to it. But when they do express an argument against making holds open, it is not a very good reason to be against it. When you have these public policy arguments for making holds open that are good, good, good, why should we waste any time? They just ought to be adopted; they ought to be a part of the practice and make the public's business more public. That is what the Wyden-Grassley amendment is all about. I hope my colleagues will support us in this effort.

I yield the floor.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

PRIVILEGE OF THE FLOOR

Mr. INOUYE. Madam President, on behalf of the Senator from Illinois, Mr. RICHARD J. DURBIN, I ask unanimous consent that Mr. Christopher Midura, a legislative fellow with his staff, be accorded privileges of the floor during consideration of both S. 2057 and S. 2132.

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

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, I ask unanimous consent that I may speak as if in morning business.

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

FEDERAL DAIRY POLICY

Mr. FEINGOLD. Madam President, I rise today to discuss our archaic and unjust Federal Dairy Policy: it is hopelessly out-of-date, completely out-of-touch with reality and an outrageous way to treat the hard-working dairy farmers of the Upper Midwest, particularly Wisconsin.

Federal dairy policy has been putting small dairy farms out of business at an alarming rate, Madam President. The Northeast loses 200 dairy farms per year, which is bad enough. Meanwhile, Wisconsin is losing 200 per month, which is disastrous. That's about 5 dairy farms per day! The greatest force driving Wisconsin's dairy farmers out of business and off the land is the current structure of the Federal Dairy Program.

The Federal Dairy Program was developed back in the 1930's, when the Upper Midwest was seen as the primary producer of fluid milk. The idea was to encourage the development of local supplies of milk in other areas of the country that had not produced enough to meet local needs. It wasn't a bad idea for the 1930's, but those days are gone.

Six decades ago, the poor condition of America's transportation infrastructure and the lack of portable refrigeration technology prevented Upper Midwest producers from shipping fresh fluid milk to other parts of the country. Providing an artificial boost to milk prices in other regions to encourage local production made sense, in the 1930's, that is.

So, in 1937, we passed legislation authorizing higher prices outside the Upper Midwest. These artificial bumps in prices are referred to as Class I differentials. Mr. President, this system

is sometimes referred to as the "Eau Claire" system. Do you know why? Believe it or not, it's called the Eau Claire system because it allows dairy farmers to receive a higher price for their milk in proportion to the distance of their farms from Eau Claire, Wisconsin.

So the farther away you are from Eau Claire the better off you are. A dairy farmer, as any dairy farmer from Wisconsin, would tell you that a better name really for this system is the anti-Eau Claire system, because it doesn't treat farmers very well who live close to Eau Claire, Wisconsin.

The system's entire purpose was designed to put dairy farmers in Wisconsin and its neighboring states at a disadvantage. And unfortunately it worked well—too well. Now, we look on as trucks from other regions of the country come into Wisconsin, historically America's dairyland, with milk to be processed into cheese and yogurt. The current Federal Dairy Program is now working only to shortchange the Upper Midwest, and in particular, Wisconsin dairy farmers.

Madam President, it's time to change a system that is completely out of date and is short-changing upper Midwest dairy farmers to the brink of extinction.

But, instead, we have further aggravated the inequities of the Federal milk marketing orders system. Despite the discrimination against dairy farmers in Wisconsin under the Eau Claire rule, the 1996 Farm Bill provided the final nail in the coffin when it authorized the formation of the Northeast Interstate Dairy Compact.

Madam President, the Northeast Interstate Dairy Compact sounds benign, but its effect has been anything but, magnifying the existing inequities of the system. It establishes a commission for six Northeastern States—Vermont, Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut.

The Northeast Interstate Dairy Compact Commission is empowered to set minimum prices for fluid milk higher even than those established under Federal Milk Marketing Orders. Never mind that the Federal milk marketing order system, under the Eau Claire rule, already provided farmers in the region with minimum prices higher than those received by most other dairy farmers throughout the nation.

The compact not only allows the six States to set artificially high prices for their producers, it allows them to block entry of lower priced milk from producers in competing States. To give them an even bigger advantage, processors in the region get a subsidy to export their higher priced milk to non-compact States. It's a windfall for Northeast dairy farmers. It's also plainly unfair and unjust to the rest of the country.

Who can defend this system with a straight face? This compact amounts to nothing short of government-sponsored price fixing. It's outrageously unfair, and it's also bad policy: It blatantly interferes with interstate commerce and wildly distorts the marketplace by erecting artificial barriers around one specially protected region of the Nation; it arbitrarily provides preferential price treatment for farmers in the Northeast at the expense of farmers in other regions who work just as hard, who love their homes just as much and whose products are just as good or better; it irresponsibly encourages excess milk production in one region without establishing effective supply control. This practice flaunts basic economic principles and ignores the obvious risk that it will drive down milk prices for producers everywhere else in the country; you don't often hear about it but the compact imposes higher retail milk prices on the millions of consumers in the Compact region; it also imposes higher costs on every taxpayer because we all pay for nutrition programs such as food stamps and the national school lunch programs that provide milk and other dairy products.

As a price-fixing device, the Northeast Interstate Dairy Compact is unprecedented in the history of this Nation. In its breadth and its disregard for economic reality, it's in a class by itself.

Madam President, in addition to the current problems, language in the reported Agriculture Appropriations bill in the other body extends USDA's rulemaking period by six months, thereby extending the life of the Northeast Interstate Dairy Compact by six months. Wisconsin's producers cannot withstand another six months of these unfair pricing policies.

Wisconsin's dairy farmers are being economically crippled by these policies. It's time to bring justice to federal dairy policy, and give Wisconsin dairy farmers a fair shot in the market place.

In an effort to repair some of the damage that sixty years of this awful system has caused, I have worked with colleagues to bring the true nature of this system to light and offer some alternatives.

To strike at the heart of the problem, I have introduced legislation in the Senate to kill the notorious Eau Claire system. The measure simply would forbid USDA from using Eau Claire, Wisconsin as the sole basing point when pricing milk.

And I am cosponsoring legislation to repeal the Northeast Interstate Dairy Compact. I'm working hard to prevent the compact's extension and expansion, and to prevent the formation of other regional dairy compacts. Compacts of this kind are unfair and they need to be abolished along with this entire system which has been plaguing Wisconsin farmers for more than sixty years.

Also, I have cosponsored the Dairy Reform Act of 1998, introduced by Senator GRAMS, which establishes that the minimum Class I price differential will be the same for each marketing order at $1.80/hundredweight. What could be more fair than that? Given a level playing field, I know Wisconsin farmers can compete against any farmers in the nation.

The Dairy Reform Act ensures that the Class I differentials will no longer vary according to an arbitrary geographic measure—like the distance from Eau Claire, Wisconsin. This legislation identifies one of the most bizarre and unjustly punitive provisions in the current system, and corrects it. There is no justification to support non-uniform Class I differentials in present day policy.

I first learned of the profound inequity of the Federal dairy program when I served in the Wisconsin State Legislature. There, I spearheaded the effort to provide state funds for a lawsuit against the United States Department of Agriculture. Challenging the system, we argued that USDA had no sound and justifiable economic basis for their milk pricing system. The states of Wisconsin and Minnesota, working together, repeated that argument relentlessly in the courts for over ten years in an effort to beat back the system.

In November of last year, the people of Wisconsin and Minnesota won that case. Federal District Judge David Doty ruled in favor of a more equitable dairy pricing system and enjoined the Secretary of Agriculture from enforcing USDA's "arbitrary and capricious" Class I differentials. Madam President, in other words, a federal judge could find no rational justification for this archaic system and ruled the whole scheme illegal.

Although the case is now in the appellate court, I am optimistic that Doty's ruling will be upheld. As I said, Judge Doty found the current pricing system "arbitrary and capricious."

Most recently, the USDA came up with a proposed rule that included two different options to replace the old system: Option 1A is virtually identical to the status quo and is totally unacceptable to the majority of Wisconsin dairy farmers. Option 1B is a modest step in the right direction and a good place to begin reform efforts. I was optimistic when Secretary Glickman announced USDA's proposed rule for milk marketing order reform and his stated preference for Option 1B.

If there was any question of the intense, personal effect this discriminatory policy has on Wisconsin's dairy farmers, I would hope, after visiting with over 500 producers, consumer advocates, and local officials at an informal hearing in Green Bay, that USDA's doubts could be put to rest.

At the USDA listening session in Green Bay, more than 500 people

showed up, demanding a fair shake. At the sessions in New York, Georgia and Texas, a total of 240 people showed up. Wisconsin had more than double the attendance than the other locations combined. That difference in attendance didn't happen just because of Wisconsin's tradition of good citizenship. They showed up in Green Bay by the hundreds because they know they are getting a raw deal. Those Wisconsinites showed up to demand reform. They showed up to demand a better system, a chance to preserve economic viability and the opportunity to continue their way of life.

Day after day, season after season, we are losing small farms at an alarming rate. While these operations disappear, we are seeing the emergence of larger dairy farms. The trend toward fewer but larger dairy operations is mirrored in most States throughout the Nation. The economic losses associated with the reduction in the number of small farms go well beyond the impact on the individual farm families who must wrest themselves from the land.

The loss of these farms has hurt their rural communities, where small family-owned dairy farms are the key to economic stability. They deserve better: we need a system in which their farms are viable and their work can be fairly rewarded.

In conclusion, I will continue to work with Wisconsin family farmers and other concerned Wisconsinites in the fight to preserve and protect our family dairy farms by restoring some semblance of fairness and economic integrity to our outdated, out-of-touch, milk pricing system. In the process, we will save an important piece of American agricultural history and a priceless part of Wisconsin's culture.

As USDA considers Federal Milk Marketing Order reform, I urge the Department to set aside 60 years of inequality and senseless regionalism to do what is best for this nation's dairy industry. These policies are out-of-date, out-of-touch and, frankly, an outrageous way to treat Wisconsin dairy farmers. For those farmers, who are watching as their neighbors sell their livestock to cover their bills and abandon the land of their parents and grandparents, USDA's decision could mean the demise or the survival of their way of life. It is time to do the right thing on dairy pricing policy. Wisconsin farmers demand it, Wisconsin's consumers demand it, and, above all, Justice demands it.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

EXECUTIVE SESSION

NOMINATION OF SUSAN OKI MOLLWAY TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII

VOTE

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider the nomination of Susan Oki Mollway to be United States District Judge for the district of Hawaii.

The question occurs on the confirmation of the nomination. 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 Utah (Mr. BENNETT), the Senator from Rhode Island (Mr. CHAFEE), the Senator from New York (Mr. D'AMATO), the Senator from New Mexico (Mr. DOMENICI), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I also announce that the Senator from Pennsylvania (Mr. SPECTER) is absent because of illness.

Mr. FORD. I announce that the Senator from Vermont (Mr. LEAHY), the Senator from Illinois (Ms. MOSELEY-BRAUN), and the Senator from Nevada (Mr. REID) are necessarily absent.

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

The result was announced—yeas 56, nays 34, as follows:

[Rollcall Vote No. 166 Ex.]

YEAS—56

Akaka	Feinstein	Lieberman
Baucus	Ford	Lugar
Biden	Glenn	Mack
Bingaman	Graham	Mikulski
Boxer	Gregg	Moynihan
Breaux	Hagel	Murray
Bryan	Harkin	Reed
Bumpers	Hatch	Robb
Byrd	Hollings	Rockefeller
Cleland	Inouye	Roth
Cochran	Jeffords	Sarbanes
Collins	Johnson	Smith (OR)
Conrad	Kennedy	Snowe
Daschle	Kerrey	Stevens
DeWine	Kerry	Thompson
Dodd	Kohl	Torricelli
Dorgan	Landrieu	Wellstone
Durbin	Lautenberg	Wyden
Feingold	Levin	

NAYS—34

Abraham	Frist	McCain
Allard	Gorton	McConnell
Ashcroft	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Santorum
Burns	Helms	Sessions
Campbell	Hutchinson	Shelby
Coats	Hutchison	Smith (NH)
Coverdell	Inhofe	Thurmond
Craig	Kempthorne	Warner
Enzi	Kyl	
Faircloth	Lott	

NOT VOTING—10

Bennett	Leahy	Specter
Chafee	Moseley-Braun	Thomas
D'Amato	Murkowski	
Domenici	Reid	

The nomination was confirmed.

Mr. INOUYE. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senate will now return to legislative session.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

Mr. THOMPSON. Madam President, I ask unanimous consent that the pending motion and amendments be laid aside and it be in order for me to call up amendment No. 2813 relative to tax compensation at Fort Campbell and no second-degree amendment be in order.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Madam President, I object.

Mr. THOMPSON. Madam President, I regret the objection of my colleague. At this time, I put Members on notice that I will attempt to get this issue agreed to on the next available bill. This is an important issue to many people in my State. Consequently, I hope to have the cooperation of a majority of colleagues when I move next to enact this legislation.

I yield the floor.

Mr. FEINGOLD. Madam President, I ask unanimous consent to speak as in morning business.

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

EFFORT TO REMOVE FEC GENERAL COUNSEL

Mr. FEINGOLD. Madam President, I rise to talk about an effort under way in this Congress to hamstring the agency charged with enforcing the Federal election laws—the Federal Election Commission. This effort is happening very quietly under the guise of routine agency appropriations, but it has deadly serious consequences in terms of the independence of the Federal Election Commission. I think it is important to call the Senate's attention to it and give notice that I intend to do everything in my power to make sure it doesn't happen.

Here is what is happening. The Appropriations Committee of the other

body has included a provision in the funding bill for the FEC that would result in the firing of the Commission's general counsel and staff director. That's right, Madam President. The Congress is now going to get involved in the personnel decisions of the FEC, the agency that we have charged with overseeing us and the way we conduct our reelection campaigns. Some in the Congress want to fire two career civil servants who are simply trying to do their job to make campaign information available to the public and enforce the election laws.

Lawrence Noble, the General Counsel, has served the agency since 1987. John Surina, the Staff Director, has been in that position since 1983. These are not political appointees. They were put in their jobs by a bipartisan majority vote of the Commission, as required by law. In fact, both of these individuals were unanimously approved by the FEC when they were appointed. They provide crucial institutional continuity, especially now that, as of last year, we have put a one-term limit on the Commissioners themselves.

But now, unfortunately, some members of Congress apparently don't like some things that the Commission has done. And so they are trying to engineer, what I would call, a quiet coup. They want to require that these two staff positions be refilled every four years by an affirmative vote of four Commissioners. And they specify that this requirement will apply to the current occupants of the positions. So Mr. Noble and Mr. Surina will lose their jobs at the end of this year, unless the Commission votes to reappoint them.

Of course, the Commission itself is in great turmoil. Only two members are serving the terms to which they were appointed. Two members are holdovers, their terms having expired in April 1995. A fifth member is also a holdover, although the President has resubmitted his name. And the sixth slot has been vacant since October 1995. So the Congress has hardly been blameless if the Commission seems at times to be at sea. And now here we are about to create two other vacancies, more turmoil and lack of direction at this crucial agency.

Madam President, specifying by law that top staff positions in the agency must be refilled every four years is unprecedented. The Congressional Research Service has told me that there are three independent agencies—the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, and the National Labor Relations Board—where the General Counsel is actually a political appointee, nominated by the President and confirmed by the Senate. In each of these cases, the General Counsel has direct statutory authority.

But in every other independent agency, including the FEC—and there are lots of agencies, Madam President—the FCC, the SEC, the CPSC, the FTC, the CFTC, and many more. In all of these agencies, the General Counsel is appointed by either the Chairman or the entire body.

And guess how many of those General Counsels are required to be fired after four years unless they are reappointed and reconfirmed by the appointing entity. The answer is none. Not one.

Madam President, I ask unanimous consent that a memorandum from the Congressional Research Service on this issue be printed in the RECORD at this point.

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

To: Honorable Russell D. Feingold, Attention: Bob Schiff.

From: Rogelio Garcia, Specialist in American National Government, Government Division.

Subject: Appointments to Positions of General Counsel and of Staff Director on Independent Regulatory and Other Collegial Boards and Commissions.[1]

This memorandum responds to your request for information regarding appointments to the position of general counsel and of staff director, or its equivalent, or independent regulatory and other collegial boards and commissions. Specifically, you inquired about the number of such positions to which the President makes appointments with the advice and consent of the Senate. You also wanted to know if the positions included a fixed term of office, and, if they did, what happened to the incumbent when the term expired.

The position of general counsel at three of 32 independent regulatory and other collegial boards and commissions is subject to Senate confirmation. (The position of staff director, where it exists is not subject to Senate confirmation in any of the 32 agencies.) The three requiring Senate confirmation are the Equal Employment Opportunity Commission (EEOC), Federal Labor Relations Authority (FLRA), and National Labor Relations Board (NLRB). The general counsel positions at the three agencies are for fixed terms of office. At the EEOC, the general counsel is appointed to a 4-year term, and remains in office at the end of the term until replaced (42 U.S.C. 2000e-4(b)); at the FLRA, the general counsel is appointed to a 5-year term, and must leave office when the term expires (5 U.S.C. 7104(f)(1)); and at the NLRB, the general counsel is appointed to a 4-year term and must leave office when the term expires (29 U.S.C. 153(d)).

It appears that the above three general counsel positions were made subject to Senate confirmation because of the special responsibilities assigned directly to them by statute. The general counsel for the EEOC is charged directly with responsibility for the conduct of litigation regarding the commission's enforcement provisions and civil actions.[2] The general counsel for the FLRA has direct statutory authority to investigate alleged unfair labor practices and file and prosecute complaints, as well as "direct authority over, and responsibility for, all employees in the office of General Counsel, including employees of the General Counsel in the regional offices . . ."[3] Finally, the general counsel for the NLRB "exercise[s] general supervision over all attorneys employed by the Board (other than administrative law judges and legal assistants to Board members) and over the officers and employees in the regional offices, and has final authority, on behalf of the Board, in respect of the investigation of charges and issuance of complaints under [29 U.S.C. 160], and in respect of the prosecution of such complaints before the Board . . ."[4]

The general counsels at the other 29 agencies, and the staff director, where the position exists, are appointed either by the agency's governing board, i.e., the board of directors, or the chairman, subject to the general policies, directives, or approval of the governing board. In at least nine agencies, the governing board appoints the general counsel, staff director, and other employees.[5] In at least five agencies, the chairman, governed by the policies and directives of the governing body, makes the appointment.[6] In two agencies, the chairman makes the appointment on "behalf of the commission."[7] In one agency, the chairman appoints the general counsel and staff director, as well as certain other officers, subject to the approval of the commission.[8] Finally, in one agency, the chairman makes the appointment subject to disapproval by a majority vote of the commissioners.[9] None of the appointments is for a fixed term of office. They are all indefinite appointments, and, with two exceptions, the incumbents may be removed at any time by the appointing authority.[10]

If I may be of further assistance, please call me at 7-8687.

FOOTNOTES

[1] The position of general counsel in large independent agencies, and at the department level as opposed to the administration or bureau level, in each executive department is subject to Senate confirmation. None of the positions, however, is for a fixed term of office.

[2] 42 U.S.C. 2000e-4(b)(1).

[3] 5 U.S.C. 7104(f) (2) and (3)

[4] 29 U.S.C. 153(d).

[5] Commodity Futures Trading Commission (7 USC 4a (c) and (d)), Federal Communications Commission (47 U.S.C. 154(f)(1)), Federal Election Commission (20 U.S.C. 437c(f)(1)), Federal Mine Safety Health Review Commission (30 U.S.C. 823(b)(2)), Federal Trade Commission (15 U.S.C. 42, National Mediation Board (45 U.S.C. 154 Third), Railroad Retirement Board (42 U.S.C. 231f(9), Tennessee Valley Authority (16 U.S.C. 831b), and Securities and Exchange Commission (15 U.S.C. 78d(b)).

[6] Defense Nuclear Facilities Safety Board (42 U.S.C. 286(c)), Farm Credit Administration (12 U.S.C. 2245(b)), National Transportation Safety Board (49 U.S.C. 1111(e)(1)), Nuclear Regulatory Commission (42 U.S.C. 5841(a)(2)), and Surface Transportation Board (49 U.S.C. 701(a)(2)).

[7] Federal Energy Regulatory Commission (42 U.S.C. 7171(c)), and Occupational Safety and Health Review Commission (29 U.S.C. 661(e)).

[8] Consumer Product Safety Commission (15 U.S.C. 2053(g)(1)(A)).

[9] U.S. International Trade Commission (19 U.S.C. 1331(a)(1)).

[10] The chairman of the Consumer Product Safety Commission may remove the general counsel or executive director with the approval of the commission (15 U.S.C. 2053(g)(1)(B)); and the chairman of the U.S. International Trade Commission may remove the general counsel or other high official, subject to the approval of the governing body (19 U.S.C. 1331(c)(2)(A)).

Mr. FEINGOLD. Madam President, this is a whole new procedure invented, I have to assume, because some Members of Congress are, in effect, out to "get" Mr. Noble and Mr. Surina.

Oh, and by the way, there is not a single agency where the Staff Director

[1] See footnotes at end of memorandum.

is a political appointee or has to be reappointed by the commissioners themselves after a set term. Not one. Frankly, Madam President, the inclusion of the Staff Director in this provision in the House Appropriations bill seems to me to be a smokescreen designed to make this provision seem even-handed. What is really going on here, I believe, is that some in the Congress are trying to send a message to Mr. Noble, the General Counsel, and through him, to the Commission. Some powerful members of Congress don't like some of the cases that Mr. Noble has recommended bringing. So they want him out.

In recent years, the FEC has undertaken a number of controversial actions in an attempt to enforce the law that the Congress has written. Some of these cases have taken on powerful political figures or groups. The FEC pursued a highly publicized case against GOPAC, a group closely connected to the Speaker of the House. It has an ongoing action against the Christian Coalition alleging that that group illegally coordinated its activities with Republican candidates. And, of course, it has pursued cases and rulemaking proceedings under a more expansive definition of what constitutes express advocacy than some in this Congress believe is appropriate.

All of these actions are objectionable to people on the Republican side of the aisle. But let's remember that there is a flip side. The Commission has assessed significant fines against the 1992 Clinton campaign and the Kentucky Democratic Party. It has pursued litigation against the National Organization for Women and has pending cases against the California Democratic Party concerning its use of soft money, and the advocacy group Public Citizen, alleging that it coordinated its activities with a primary opponent of the Speaker of the House.

The bottom line, Madam President, is that the FEC is trying to do its job, even when we in Congress don't give it adequate resources to do it. And there is another crucial point about these actions. Each and every one of the cases or rulemakings I have mentioned was approved by a majority of the Commission.

Now that is significant, Madam President, because unlike most agencies, the FEC is evenly balanced with Republican and Democratic members. It was carefully designed not to allow either party to have control. So a General Counsel can't just work with one party. In order to file a case, he must get at least four votes from the Commission, including at least one from each party. Now that leads to problems sometimes, because if the Commission deadlocks, a General Counsel recommendation cannot go forward. But the bottom line is that every official action of the FEC must be bipartisan.

So what we have here, Madam President, is an effort to intimidate. The proponents of this firing want to punish the FEC's General Counsel for bringing forward recommendations to enforce the law. Even though in all of the cases I have mentioned, a bipartisan majority of the Commission has agreed with him.

I should mention one other recommendation that Mr. Noble has made that has not received a majority vote of the Commission, and so is not going forward yet. Mr. Noble has recommended that the Commission takes steps to reduce or eliminate certain kinds of soft money contributions. And we know there are some powerful Members of this body who disagree with that idea.

You know, it is really fascinating that some of the same people who are pushing this provision, trying to remove the current General Counsel say that we don't need to enact campaign finance reform, we just need to enforce current law. Well, you can't argue that we need to enforce current law and at the same time be trying to fire the chief law enforcement officer of the agency. That just doesn't make sense. If this provision goes through, and Mr. Noble is relieved of his duties at the end of the year, it may be months before a new General Counsel can be chosen that will get the bipartisan support that is required. So right after the 1998 elections, there will be no one to head up the crucially important enforcement functions of the FEC.

Madam President, we cannot let that happen. We need to let the professional staff of the FEC do its job. Surely the 3 to 3 party split on the Commission is enough to make sure that the Commission doesn't go off on a partisan vendetta. Now we need to stop the partisan vendetta that this proposal represents.

That is why I intend to offer an amendment when the FEC's appropriation bill comes to floor to make clear that the Senate does not want this House proposal to be part of the final bill. And I will urge the President to veto this bill if it is included. I certainly hope, Madam President, that those who want to see our election laws enforced will vote with me when that amendment is offered.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. CAMPBELL. I ask unanimous consent 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.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, June 19, 1998, the federal debt stood at $5,493,981,708,739.93 (Five trillion, four hundred ninety-three billion, nine hundred eighty-one million, seven hundred eight thousand, seven hundred thirty-nine dollars and ninety-three cents).

One year ago, June 19, 1997, the federal debt stood at $5,330,019,000,000 (Five trillion, three hundred thirty billion, nineteen million).

Twenty-five years ago, June 19, 1973, the federal debt stood at $455,362,000,000 (Four hundred fifty-five billion, three hundred sixty-two million) which reflects a debt increase of more than $5 trillion—$5,038,619,708,739.93 (Five trillion, thirty-eight billion, six hundred nineteen million, seven hundred eight thousand, seven hundred thirty-nine dollars and ninety-three cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting one nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5575. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice—Continuation of Representation Following Death of a Claimant or Appellant" (RIN2900–AI87) received on June 18, 1998; to the Committee on Veterans Affairs.

EC–5576. A communication from the Manager of the Federal Crop Insurance Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule regarding popcorn crop insurance provisions (RIN0563–AB48) received on June 12, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5577. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation regarding modernization of the commercial operations of the U.S. Customs Service; to the Committee on Finance.

EC–5578. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, a listing of documents sent to the Senate since March 1996; to the Committee on Finance.

EC–5579. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Changes in Accounting Periods and in Methods of Accounting" (Rev. Proc. 98–39) received on June 18, 1998; to the Committee on Finance.

EC–5580. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, a report of the texts of international agreements, other than treaties, and background statements (98–76—98–80); to the Committee on Foreign Relations.

EC–5581. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended—Place of Application" (Notice 2800) received on June 18, 1998; to the Committee on Foreign Relations.

EC–5582. A communication from the Deputy General Counsel of the Small Business Administration, transmitting, pursuant to law, the report of a rule regarding the Pilot Preferred Surety Bond Guarantee Program received on June 18, 1998; to the Committee on Small Business.

EC–5583. A communication from the Deputy General Counsel of the Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Disaster Loan Program" received on June 18, 1998; to the Committee on Small Business.

EC–5584. A communication from the Deputy General Counsel of the Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Business Loan Program" received on June 18, 1998; to the Committee on Small Business.

EC–5585. A communication from the Secretary of Commerce, transmitting, a draft of proposed legislation entitled "The Public Broadcasting Digital Investment Act"; to the Committee on Commerce, Science, and Transportation.

EC–5586. A communication from the Secretary of Transportation, transmitting, the report entitled "Importing Noncomplying Motor Vehicles" for calendar year 1997; to the Committee on Commerce, Science, and Transportation.

EC–5587. A communication from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule regarding the Pacific Offshore Cetacean Take Reduction Plan (RIN0648–AI84) received on June 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5588. A communication from the Assistant Administrator of the National Ocean Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "The Monterey Bay National Marine Sanctuary" received on June 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5589. A communication from the Assistant Administrator of the National Ocean Service, Department of Commerce, transmitting, pursuant to law, the report of a rule regarding the anchoring of vessels in the Florida Keys National Marine Sanctuary (Docket 971014245–7245–01) received on June 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5590. A communication from the ADM—Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Electronic Tariff Filing System" received on June 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5591. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, notice of a correction regarding the report of a rule on the biochemical phospholipid pesticide Lyso-PE (EC5423), which was incorrectly reported by the agency under FRL5795–1 instead of the correct FRL5795–7; to the Committee on Environment and Public Works.

EC–5592. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of Fee Schedules; 100% Fee Recovery, FY 1998" (RIN3150–AF83) received on June 18, 1998; to the Committee on Environment and Public Works.

EC–5593. 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 entitled "Reporting Requirements for Risk/Benefit Information; Amendment and Correction" (FRL5792–2) received on June 17, 1998; to the Committee on Environment and Public Works.

EC–5594. 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 emission standards for industrial process cooling towers (FRL6112–7) received on June 17, 1998; to the Committee on Environment and Public Works.

EC–5595. 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 residues of the pesticide buprofezin (FRL5794–7) received on June 17, 1998; to the Committee on Environment and Public Works.

EC–5596. 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 the San Joaquin Valley Unified Air Pollution Control District (FRL6112–5) received on June 17, 1998; to the Committee on Environment and Public Works.

EC–5597. A communication from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of interim and final revisions to the Federal Acquisition Regulation; to the Committee on Governmental Affairs.

EC–5598. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–358 adopted by the Council on May 5, 1998; to the Committee on Governmental Affairs.

EC–5599. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–359 adopted by the Council on May 5, 1998; to the Committee on Governmental Affairs.

EC–5600. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–360 adopted by the Council on May 5, 1998; to the Committee on Governmental Affairs.

EC–5601. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–361 adopted by the Council on May 5, 1998; to the Committee on Governmental Affairs.

EC–5602. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–362 adopted by the Council on May 5, 1998; to the Committee on Governmental Affairs.

EC–5603. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–368 adopted by the Council on May 5, 1998; to the Committee on Governmental Affairs.

EC–5604. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–369 adopted by the Council on May 5, 1998; to the Committee on Governmental Affairs.

EC–5605. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–370 adopted by the Council on May 5, 1998; to the Committee on Governmental Affairs.

EC–5606. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–373 adopted by the Council on May 5, 1998; to the Committee on Governmental Affairs.

EC–5607. A communication from the Commissioner of Social Security, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1997 through March 31, 1998; to the Committee on Governmental Affairs.

EC–5608. A communication from the President of the James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the annual report under the Federal Managers Financial Integrity Act for the year ending September 30, 1995; to the Committee on Governmental Affairs.

EC–5609. A communication from the President of the James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the annual report under the Federal Managers Financial Integrity Act for the year ending September 30, 1996; to the Committee on Governmental Affairs.

EC–5610. A communication from the President of the James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the annual report under the Federal Managers Financial Integrity Act for the year ending September 30, 1997; to the Committee on Governmental Affairs.

EC–5611. A communication from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Notice of Final Funding Priorities for Fiscal Years 1998–1999 for Certain Centers and Projects" received on June 18, 1998; to the Committee on Labor and Human Resources.

EC–5612. A communication from the Deputy General Counsel of the Small Business Administration, transmitting, pursuant to law, the report of a rule regarding procedures governing board meetings of the National Credit Union Administration received on June 18, 1998; to the Committee on Small Business.

EC–5613. A communication from the President and Chairman of the Export-Import

Bank of the United States, transmitting, the Revised Annual Performance Plan for fiscal year 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5614. A communication from the Secretary of Defense, transmitting, notice of military retirements; to the Committee on Armed Services.

EC–5615. 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; Direct Award of 8 (a) Contracts" (Case 98–DO11) received on June 18, 1998; to the Committee on Armed Services.

EC–5616. 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 entitled "Recodification of Certain Tolerance Regulations" (FRL5777–7) received on June 18, 1998; to the Committee on Environment and Public Works.

EC–5617. 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 entitled "Peroxyacetic Acid; Exemption From the Requirement of a Tolerance; Correction" (FRL5797–3) received on June 18, 1998; to the Committee on Environment and Public Works.

EC–5618. 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 hydrogen peroxide pesticide tolerances (FRL5797–4) received on June 18, 1998; to the Committee on Environment and Public Works.

EC–5619. 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 fludioxonil pesticide tolerances (FRL5797–5) received on June 18, 1998; to the Committee on Environment and Public Works.

EC–5620. 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 California gasoline refiners (FRL6114–4) received on June 18, 1998; to the Committee on Environment and Public Works.

EC–5621. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1997 through March 31, 1998; to the Committee on Governmental Affairs.

EC–5622. A communication from the Inspector General of the General Services Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1997 through March 31, 1998; to the Committee on Governmental Affairs.

EC–5623. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on Governmental Affairs.

EC–5624. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule regarding additions to the Committee's Procurement List received on June 18, 1998; to the Committee on Governmental Affairs.

EC–5625. A communication from the Federal Co-Chairman of the Appalachian Regional Commission, transmitting, a report on the internal accounting and administrative controls of the ARC for fiscal year 1997; to the Committee on Governmental Affairs.

EC–5626. A communication from the Director of the Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Status to That of Person Admitted for Permanent Residence" (RIN1125-AA20) received on June 18, 1998; to the Committee on the Judiciary.

EC–5627. A communication from the Director of the Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule regarding procedures on suspension of deportation and cancellation of removal (RIN1125-AA230) received on June 18, 1998; to the Committee on the Judiciary.

EC–5628. A communication from the Acting Chair of the Federal Subsistence Board, transmitting, pursuant to law, the report of a rule entitled "Subsistence Taking of Fish and Wildlife Regulations" (RIN1018-AE12) received on June 18, 1998; to the Committee on Energy and Natural Resources.

EC–5629. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Waiver for Canadian Electric Utility Motor Carriers From Alcohol and Controlled Substances Testing" (Docket FHWA-97-3202) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5630. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Skull Creek, Hilton Head Island, SC - COTP Savannah 98-034" (RIN2115-AA97) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5631. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule regarding airworthiness directives on Cessna Aircraft Company model 182S airplanes (Docket 98-CE-59-AD) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5632. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule regarding airworthiness directives on Glaser-Dirks Flugzeugbau GmbH Models DG-100 and DG-400 Gliders (Docket 97-CE-133-AD) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5633. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule regarding airworthiness directives on Alexander Schleicher Segelflugzeugbau Model AS-K13 Sailplanes (Docket 98-CE-04-AD) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5634. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule regarding airworthiness directives on Pilatus Aircraft Ltd. Model PC-12 Airplanes (Docket 97-CE-08-AD) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5635. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule regarding airworthiness directives on Construcciones Aeronauticas, S.A. (CASA) model CNJ-235 series airplanes (Docket 98-NM-85-AD) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5636. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule regarding airworthiness directives on Fokker model F27 Mark 100, 200, 300, 400, 500, 600, and 700 series airplanes (Docket 98-NM-98-AD) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5637. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule regarding airworthiness directives on Airbus model A320 series airplanes (Docket 97-NM-194-AD) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5638. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule regarding airworthiness directives on Areospatial model ATR42 and ATR72 series airplanes (Docket 98-NM-64-AD) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5639. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Homer, AK" (Docket 98-AAL-2) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5640. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Alteration of Restricted Areas; New Jersey and New York" (Docket 98-AEA-3) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5641. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Realignment of Colored Federal Airway; AK" (Docket 98-AAL-3) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5642. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule regarding airworthiness directives on certain British Aerospace Jetstream model airplanes (Docket 97-CE-110-AD) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5643. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule regarding airworthiness directives on Raytheon Aircraft Company models 35, A35, B35, and 35R airplanes (Docket 98–CE–55–AD) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5644. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Time of Designation for Restricted Areas; CA" (Docket 98–AWP–13) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5645. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA 330F, G,

and J Helicopters" (Docket 97-SW-07-AD) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC-5646. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Passaic River, NJ" (Docket 01-97-020) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC-5647. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, FL" (Docket 07-98 -025) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC-5648. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Merger of the Uniform States Waterway Marking System with the United States Aids to Navigation" (Docket 97-018) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC-5649. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, FL" (Docket 07-98-029) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC-5650. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations: EZ Challenge Speed Boat Race, Ohio River, Beech Bottom, West Virginia" (Docket 08-98-037) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC-5651. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Great Catskills Triathlon, Hudson River, Kingston, New York" (Docket 01-98-040) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC-5652. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Track Safety Standards" (Docket RST-90-1) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, with amendments:

S. 1758. A bill to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests (Rept. No. 105-219).

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. TORRICELLI:

S. 2199. A bill to amend the Marine Mammal Protection Act of 1972 to establish a Marine Mammal Rescue Grant Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. D'AMATO:

S. 2200. A bill to amend the Internal Revenue Code of 1986 to make the exclusion for amounts received under group legal services plans permanent; to the Committee on Finance.

By Mr. TORRICELLI (for himself, Mr. GORTON, Mr. FEINGOLD, Mr. MACK, Mr. SESSIONS, Mr. THURMOND, Ms. LANDRIEU, Mr. BREAUX, Mr. HOLLINGS, Mr. LAUTENBERG, Mr. KOHL, Mr. INHOFE, Mr. SMITH of Oregon, and Mr. SHELBY):

S. 2201. A bill to delay the effective date of the final rule promulgated by the Secretary of Health and Human Services regarding the Organ Procurement and Transplantation Network; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TORRICELLI:

S. 2199. A bill to amend the Marine Mammal Protection Act of 1972 to establish a Marine Mammal Rescue Grant Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE MARINE MAMMAL RESCUE FUND OF 1998

Mr. TORRICELLI. Mr. President, I rise today with my colleague from New Jersey, Senator LAUTENBURG, to introduce the "Marine Mammal Rescue Fund of 1998." This legislation will amend the Marine Mammal Protection Act of 1972 by establishing a grant program that Marine Mammal Stranding Centers and Networks can use to support the important work they do in responding to marine mammal strandings and mortality events.

Since the enactment of the Marine Mammal Protection Act in 1972, 47 facilities nationally have been authorized to handle the rehabilitation of stranded marine mammals and over 400 individuals and facilities across the country are part of an authorized National Stranding Network that responds to strandings and deaths.

Mr. President, these facilities and individuals provide our country with a variety of critical services, including rescue, housing, care, rehabilitation, transport, and tracking of marine mammals and sea turtles, as well as assistance in investigating mortality events, tissue sampling, and removal of carcasses. They also work very closely with the National Marine Fisheries Service, a variety of environmental groups, and with state and local officials in rescuing, tracking and protecting marine mammals and sea turtles on the Endangered Species List. Yet they rely primarily on private donations, fundraisers, and foundation grants for their operating budgets. They receive no federal assistance, and a very few of them get some financial assistance from their states.

As an example, Mr. President, the Marine Mammal Stranding Center located in Brigantine in my home state of New Jersey was formed in 1978. Todate, it has responded to over 1,500 calls for stranded whales, dolphins, seals and sea turtles that have washed ashore on New Jersey's beaches. It has also been called on to assist in strandings as far away as Delaware, Maryland, and Virginia. Yet, their operating budget for the past year was just under $300,000, with less than 6 percent ($17,000) coming from the state. Although the Stranding Center in Brigantine has never turned down a request for assistance with a stranding, trying to maintain that level of responsiveness and service becomes increasingly more difficult each year.

Virtually all the money raised by the Center, Mr. President, goes to pay for the feeding, care, and transportation of rescued marine mammals, rehabilitation (including medical care), insurance, day-to-day operation of the Center, and staff payroll. Too many times the staff are called upon to pay out-of-pocket expenses in travel, subsistence, and quarters while responding to strandings or mortality events.

Mr. President, this should not happen. These people are performing a great service to Americans across the country, and they are being asked to pay their own way as well. And when responding to mortality events, Mr. President, they are performing work that protects public health and helps assess the potential danger to human life and to other marine mammals.

I feel very strongly that we should be providing some support to the people who are doing this work. To that end, Mr. President, the legislation I am introducing would create the Marine Mammal Rescue Fund under the Marine Mammal Protection Act. It would authorize funding at $5,000,000.00, annually, over the next five years, for grants to Marine Mammal Stranding Centers and Stranding Network Members authorized by the National Marine Fisheries Service (NMFS). Grants would not exceed $100,000.00 per year, and would require a 25 percent non-federal funding matching requirement.

I am proud to offer this legislation on behalf of the Stranding Centers across the country, and look forward to working with my colleagues to ensure its passage. 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. 2199

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

SECTION 1. MARINE MAMMAL RESCUE GRANT PROGRAM.

(a) IN GENERAL.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371 et seq.) is amended—

(1) by redesignating sections 408 and 409 as sections 409 and 410, respectively; and

(2) by inserting after section 407 the following:

"SEC. 408. MARINE MAMMAL RESCUE GRANT PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the National Oceanic and Atmospheric Administration.

"(2) CHIEF.—The term 'Chief' means the Chief of the Office.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

"(4) STRANDING CENTER.—The term 'stranding center' means a center with respect to which the Secretary has entered into an agreement referred to in section 403 to take marine mammals under section 109(h)(1) in response to a stranding.

"(b) GRANTS.—

"(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Chief, shall conduct a grant program to be known as the Marine Mammal Rescue Grant Program, to provide grants to eligible stranding centers and eligible stranding network participants for the recovery or treatment of marine mammals and the collection of health information relating to marine mammals.

"(2) APPLICATION.—In order to receive a grant under this section, a stranding center or stranding network participant shall submit an application in such form and manner as the Secretary, acting through the Chief, may prescribe.

"(3) ELIGIBILITY CRITERIA.—The Secretary, acting through the Chief and in consultation with stranding network participants, shall establish criteria for eligibility for participation in the grant program under this section.

"(4) LIMITATION.—The amount of a grant awarded under this section shall not exceed $100,000.

"(5) MATCHING REQUIREMENT.—The non-Federal share for an activity conducted by a grant recipient under the grant program under this section shall be 25 percent of the cost of that activity.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce to carry out the grant program under this section, $5,000,000 for each of fiscal years 1999 through 2003.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (86 Stat. 1027) is amended by striking the items relating to sections 408 and 409 and inserting the following:

"Sec. 408. Marine Mammal Rescue Grant Program.
"Sec. 409. Authorization of appropriations.
"Sec. 410. Definitions.".

By Mr. D'AMATO:

S. 2200. A bill to amend the Internal Revenue Code of 1986 to make the exclusion for amounts received under group legal services plans permanent; to the Committee on Finance.

EXCLUSION FOR QUALIFIED EMPLOYER-PROVIDED GROUP LEGAL SERVICES

Mr. D'AMATO. Mr. President, today I am introducing legislation to reinstate, and make permanent, the employee exclusion for amounts received under qualified employer-provided group legal services plans.

This bill amends section 120 of the Internal Revenue Code and becomes effective for tax years beginning after June 30, 1998. It provides that an employee does not have to pay income and social security taxes for a qualified employer-provided group legal services plan. The annual premium is limited to $70 per person. In order to qualify, a plan must fulfill certain requirements, one of which states that benefits may not discriminate in favor of highly compensated employees.

The tax exclusion of group legal services is not a new provision. In fact, prior to its expiration in June of 1992, employees had been allowed to exclude such benefits from their gross income since 1976, albeit through seven extensions from Congress. I believe it is time to reinstate this measure on a permanent basis.

Employer-provided group legal plans have time and again proven their value in extending low-cost legal advice to working Americans. The reality for middle class wage earners is that they cannot afford the services of an attorney and thus cannot afford to obtain advice for issues relating to child support enforcement, adoptions, wills, landlord/tenant situations and consumer debt problems. Because it provides access to legal advice, this employer-provided benefit assists working Americans in avoiding the family disintegration and job disruption that can result from neglected legal issues.

In New York, these plans affect hundreds of thousands of employees and members of their families. These New Yorkers are employed as school teachers, municipal workers, hotel and hospital employees, law enforcement personnel and thousands working in our many service industries. Many of our citizens, though employed, are earning enough only for basic necessities.

A working mother seeking to enforce an order of child support gains access to the assistance of a lawyer through these legal benefit plans and avoids the need to rely on public assistance. A consumer debt problem can lead to a garnished salary, and eviction, the loss of a job, and dependency on public assistance. The relatively minor cost of providing this favorable tax treatment is repaid innumerable times by keeping the wage earner focused on his/her job, keeping a family in housing and intact, and removing the threat to moderate income workers to remaining self-sufficient.

Employer-provided legal benefit packages produce economies in both the purchase of legal services for a large group and in the delivery of those services at a reduced price. Because they provide a cost-effective approach, these employer-sponsored legal benefit plans are in the best American tradition of pragmatic, voluntary group action to meet common needs.

Restoring equity to the tax treatment of this benefit by placing it on equal footing with other statutory fringe benefits is a goal worth achieving. As an aspect of middle class tax relief, a high return on the cost of this benefit is realized for the estimated 2.5 million working Americans who gain access to critical legal advice through its operation.

Mr. President, there is no reason why we should not reinstate and make permanent this tax exclusion. In the past, the Senate repeatedly affirmed its commitment to assuring the availability of legal services. I urge my colleagues to join me in this effort to restore fair tax treatment of employer-provided group legal services.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2200

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

SECTION 1. PERMANENT EXTENSION OF EXCLUSION FOR EMPLOYER-PROVIDED GROUP LEGAL SERVICE PLANS.

(a) GENERAL RULE.—Subsection (e) of section 120 of the Internal Revenue Code of 1986 (relating to amounts received under qualified group legal services plans) is amended to read as follows:

"(e) TERMINATION.—This section and section 501(c)(20) shall apply to—

"(1) taxable years beginning after December 31, 1976, and before July 1, 1992, and

"(2) taxable years beginning after June 30, 1998."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after June 30, 1998.

By Mr. TORRICELLI (for himself, Mr. GORTON, Mr. FEINGOLD, Mr. MACK, Mr. SESSIONS, Mr. THURMOND, Ms. LANDRIEU, Mr. BREAUX, Mr. HOLLINGS, Mr. LAUTENBERG, Mr. KOHL, Mr. INHOFE, Mr. SMITH of Oregon, and Mr. SHELBY):

S. 2201. A bill to delay the effective date of the final rule promulgated by the Secretary of Health and Human Services regarding the Organ Procurement and Transplantation Network, to the Committee on Labor and Human Resources.

ORGAN DONATION LEGISLATION

Mr. TORRICELLI. Mr. President, I rise today to introduce legislation that addresses a potential crisis in our organ donation system. Proposed regulations by the U.S. Department of Health and Human Services (HHS) would have devastating effects on community-based transplant programs by prohibiting states from offering organs to their own sickest residents before making them available nationwide.

There is no more noble a deed than donating one's organs so that another may live. In the past 15 years, the national transplant system has saved over 200,000 lives. In my state of New Jersey, over 10,000 people in the past 10 years have received life-saving transplants.

Notwithstanding this success, there is a critical shortage of organs for donation. Less than one percent of Americans offer their organs for donation upon their death. Eleven people die every day in this country waiting for an organ.

The changes proposed by HHS, however well intentioned, fail to adequately address the national shortage of donated organs and create a system which may actually increase waiting times in many areas of the country. By directing the United Network for Organ Sharing (UNOS) to develop a system which removes geography as a factor in organ donation, the regulations will significantly increase waiting times in states with efficient systems. For instance, at University Hospital in New Jersey, the State's largest liver transplant center, the waiting period for a liver in 1997 was only 26 days, compared to a 250 day national waiting period. Forcing facilities, like University Hospital, to first offer donated organs nationwide will undoubtedly lead to longer waiting periods.

These unintended consequences will be felt most greatly among patients with disadvantaged backgrounds. In my State of New Jersey, we are extremely fortunate to have a system that is fair and efficient. New Jersey's unique system of certificate of need and charity care ensures that the most critical patients get organs first regardless of insurance. A national organ donation system will force the smaller transplant centers that serve the uninsured and underinsured to close as the vast majority of organs go to the handful of the nation's largest transplant centers with the longest waiting lists. Without access to smaller programs, many patients will be faced with the hardship of registering with out-of-state programs that may turn them away due to lack of insurance. Those who are accepted will be forced to travel out of state at great medical risk and financial hardship.

Mr. President, the legislation I introduce today is a bipartisan effort. I am pleased to be joined by my colleagues, Senators GORTON, FEINGOLD, MACK, SESSIONS, THURMOND, LANDRIEU, BREAUX, HOLLINGS, LAUTENBERG, KOHL, INHOFE, G. SMITH, and SHELBY. Our bill will delay for one year the Secretary's ability to issue regulations regarding the nation's organ donation system. The delay will allow HHS to further consult with the medical community, particularly those serving low-income patients, to develop workable guidelines for organ donation. In addition, the legislation calls on HHS to conduct a pilot study to determine the impact of any regulations before implementation. Finally, the legislation finds that provisions of the proposed changes with respect to standardized ranking and listing criteria, enforcement measures, and disclosure requirements are a potential good first step in improving the nation's organ donation system.

For the past 15 years, the national organ procurement and allocation system has existed without federal regulation. During this time, each State has developed a unique system to meet their individual needs. Many states, such as New Jersey, have focused on serving uninsured and underprivileged populations. Clearly, improvements can be made to increase the efficiency and effectiveness of organ donation nationwide. The legislation I am introducing today will allow us to meet these objectives by providing greater time for a more thoughtful debate.

Mr. President, I ask at this time 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. 2201

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The national transplant system, established by the National Organ Transplant Act of 1984, has saved over 200,000 lives. In 1998, 20,000 lives were saved by donated organs. Approximately 60,000 Americans currently are awaiting an organ transplant.

(2) Every 16 minutes a new name is added to the national organ waiting list.

(3) Every day in the United States, 11 people on the national waiting list die (more than 4,000 every year) because there are not enough donated organs.

(4) Eliminating the geographic criteria for donor organ allocation, as proposed by the Department of Health and Human Services, will have potentially negative consequences for the nation.

(5) Eliminating the geographic criteria for donor organ allocation will make organ transplants economically prohibitive for a large percentage of the population, especially for the 22 percent of transplant recipients covered under the medicaid program.

(6) The following provisions proposed by the Department of Health and Human Services with respect to organ donation are appropriate and workable and should be studied—

(A) the standardized listing criteria for patient placement on lists;

(B) the standardized criteria for determining current medical status based on objective and measurable medical criteria;

(C) the provision of enforcement authority; and

(D) the requirement of full and timely disclosure by transplant centers of waiting list times and survival statistics to potential patients.

SEC. 2. DELAY OF EFFECTIVE DATE OF FINAL RULE REGARDING ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.

(a) IN GENERAL.—During the 1-year period beginning on the date of the enactment of this Act, the Secretary of Health and Human Services may not modify regulations that, as of such date, are in effect with respect to the operation of the Organ Procurement and Transplantation Network under section 372 of the Public Health Service Act (42 U.S.C. 274), including regulations under section 1138 of the Social Security Act (42 U.S.C. 1320b-8) with respect to such Network. During such 1-year period, the final rule published in the Federal Register to establish part 121 in title 42, Code of Federal Regulations, has no legal effect.

(b) GUIDELINES.—During the 1-year period described in subsection (a), the Secretary of Health and Human Services shall consult with appropriate individuals and organizations in the medical community, including national and local organ donation organizations (including those serving low-income patients), to develop workable guidelines with respect to the operation of the Organ Procurement and Transplantation Network.

(c) STUDY.—Prior to the implementation of any modifications to the regulations described in subsection (a), the Secretary of Health and Human Services shall conduct a study to determine the impact of such proposed modifications on indigent care, economic and geographic access to transplantation services, transplantation outcome and survival rate, and waiting list time by organ. The Secretary shall ensure that any such modifications, together with the results of the study, are open for public comment for a period of at least 90-days prior to the effective date of such modifications.

Mr. FEINGOLD. Mr. President, I join my colleagues, Senator TORRICELLI, Senator GORTON, and others in introducing legislation to delay the effective date of the final rule promulgated by the Secretary of HHS regarding the Organ Procurement and Transplantation Network. This legislation is a crucial step in ensuring that implementation of the Department of Health and Human Services' Interim Final Rule regarding does not jeopardize patients' access to life-saving human organs in regions of the country that have been providing organ transplantation services efficiently.

Mr. President, organ donation, allocation and transplantation are extremely sensitive issues. They are issues that patients, families and health professionals agonize over because they quite literally can determine who lives and who dies. They agonize over these decisions because there are so many more people in need of organs than there are organs to transplant.

Mr. President, I want to share with my colleagues a fact that may not be well known, and that is that, according to statistics gathered by the United Network for Organ Sharing, UNO, Wisconsin's two organ procurement organizations—or "OPOs" as they are called—are two of the most successful in the entire country with respect to the ratio of organs procured per million in the population. Those two OPOs, one at the University of Wisconsin Medical School in Madison, the other at Froedtert Hospital in Milwaukee, have a truly impressive track record for conducting the community education and outreach that is so important in helping people make the decision about whether or not to donate organs. Through the tremendous work of Wisconsin's OPOs and our 4 transplant centers, nearly 700 Wisconsinites

received life-saving kidney, heart, liver, lung and pancreas transplants in 1997 alone.

Mr. President, as you and many other colleagues may already know, the Secretary of Health and Human Services proposed a rule earlier this year to revamp the way the nations donated organs are allocated.

Mr. President, the legislation my colleagues and I are introducing today would delay implementation of the Department of Health and Human Services' final rule on organ allocation pending further, more detailed examination of the impact of that rule on regional dislocation, transplantation outcome and survival rate, and waiting list time. While I have the highest regard for the intent behind the rule's issuance—the promoting of fairness—I nevertheless have serious concerns about the impact many of the proposed changes are going to have for states like Wisconsin that are served by smaller, community-based transplant centers. It is simply not clear to me that using a so-called "National list" for potential organ recipients would improve upon the current system for allocation or make the system more "fair." In fact, what specialists in the Wisconsin transplant community have told me is that the opposite is true: that a "National list" could dramatically increase "cold ischemic time" leading to higher rates of transplant rejection, and that a "National list" would likely result in longer waiting times in areas such as Wisconsin that have operated efficiently and successfully.

Mr. President, additionally study prior to implementation of the rule is vitally important to ensure that a federal agency doesn't take action that—while well-intentioned—inadvertently harms populations served by smaller, community-based organizations. My hope is that further study over the course of the one year delay, combined with further cooperation between HHS, professional and community-based organizations will result in a final rule whose implementation will not harm regions of the country that—because of a tremendous amount of grassroots work, patient and family education, and deep personal involvement by health care professionals—are currently well-served under the current system.

ADDITIONAL COSPONSORS

S. 314

At the request of Mr. THOMAS, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 314, a bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes.

S. 617

At the request of Mr. JOHNSON, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 617, a bill to amend the Federal Meat Inspection Act to require that imported meat, and meat food products containing imported meat, bear a label identifying the country of origin.

S. 1094

At the request of Mr. ALLARD, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 1094, a bill to authorize the use of certain public housing operating funds to provide tenant-based assistance to public housing residents.

S. 1251

At the request of Mr. D'AMATO, the names of the Senator from Utah [Mr. HATCH] and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1252

At the request of Mr. D'AMATO, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1413

At the request of Mr. LUGAR, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from North Dakota [Mr. DORGAN], and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of S. 1413, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions.

S. 1680

At the request of Mr. DORGAN, the name of the Senator from Kansas [Mr. BROWNBACK] was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to clarify that licensed pharmacists are not subject to the surety bond requirements under the medicare program.

S. 1734

At the request of Mrs. HUTCHISON, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 1734, A bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes.

S. 1754

At the request of Mr. FRIST, the names of the Senator from Maryland [Mr. SARBANES] and the Senator from Wyoming [Mr. ENZI] were added as cosponsors of S. 1754, a bill to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health professions and disadvantaged health education programs, and for other purposes.

S. 1981

At the request of Mr. HUTCHINSON, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1981, A bill to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act.

S. 1993

At the request of Ms. COLLINS, the name of the Senator from Oregon [Mr. SMITH] 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. 2049

At the request of Mr. KERREY, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Connecticut [Mr. DODD], the Senator from Alabama [Mr. SESSIONS], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 2049, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 2078

At the request of Mr. GRASSLEY, the name of the Senator from Alabama [Mr. SESSIONS] 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. 2098

At the request of Mr. CAMPBELL, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 2098, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surroundings those public lands and acquired lands.

S. 2100

At the request of Mr. DODD, his name was added as a cosponsor of S. 2100, a bill to amend the Higher Education Act of 1965 to increase public awareness concerning crime on college and university campuses.

S. 2102

At the request of Mr. FEINGOLD, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 2102, a bill to promote democracy and good governance in Nigeria, and for other purposes.

S. 2114

At the request of Mr. DURBIN, the name of the Senator from Connecticut

[Mr. LIEBERMAN] was added as a cosponsor of S. 2114, a bill to amend the Violence Against Women Act of 1994, the Family Violence Prevention and Services Act, the Older Americans Act of 1965, and the Public Health Service Act to ensure that older women are protected from institutional, community, and domestic violence and sexual assault and to improve outreach efforts and other services available to older women victimized by such violence, and for other purposes.

S. 2185

At the request of Mr. KENNEDY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 2185, a bill to protect children from firearms violence.

S. 2196

At the request of Mr. GORTON, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 2196, a bill to amend the Public Health Service Act to provide for establishment at the National Heart, Lung, and Blood Institute of a program regarding lifesaving interventions for individuals who experience cardiac arrest, and for other purposes.

SENATE RESOLUTION 189

At the request of Mr. TORRICELLI, the names of the Senator from Maine [Ms. COLLINS], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of Senate Resolution 189, a resolution honoring the 150th anniversary of the United States Women's Rights Movement that was initiated by the 1848 Women's Rights Convention held in Seneca Falls, New York, and calling for a national celebration of women's rights in 1998.

SENATE RESOLUTION 207

At the request of Mr. JEFFORDS, the names of the Senator from Arizona [Mr. KYL] and the Senator from Maine [Ms. SNOWE] were added as cosponsors of Senate Resolution 207, a resolution commemorating the 20th anniversary of the founding of the Vietnam Veterans of America.

SENATE RESOLUTION 237

At the request of Mr. FEINGOLD, the names of the Senator from California [Mrs. BOXER] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Resolution 237, a resolution expressing the sense of the Senate regarding the situation in Indonesia and East Timor.

AMENDMENT NO. 2736

At the request of Mr. HUTCHINSON the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of amendment No. 2736 proposed to S. 2057, an original bill to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2737

At the request of Mr. HUTCHINSON the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of amendment No. 2737 proposed to S. 2057, an original bill to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENTS SUBMITTED

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

FORD (AND McCONNELL) AMENDMENT NO. 2788

(Ordered to lie on the table.)

Mr. FORD (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by them to the bill (S. 2057) to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title I, insert the following:

SEC. 117. ALTERNATIVE TECHNOLOGIES FOR DESTRUCTION OF ASSEMBLED CHEMICAL WEAPONS.

(a) PROGRAM MANAGEMENT.—The program manager for the Assembled Chemical Weapons Assessment shall continue to manage the development and testing (including demonstration and pilot-scale testing) of technologies for the destruction of lethal chemical munitions that are potential or demonstrated alternatives to incineration. In performing such function, the program manager shall act independently of the program manager for the baseline chemical demilitarization program and shall report to the Under Secretary of Defense for Acquisition and Technology.

(b) POST-DEMONSTRATION ACTIVITIES.—(1) The program manager for the Assembled Chemical Weapons Assessment may undertake the activities that are necessary to ensure that an alternative technology for the destruction of lethal chemical munitions can be implemented immediately after—

(A) the technology has been demonstrated successful; and

(B) the Under Secretary of Defense for Acquisition and Technology has submitted a report on the demonstration to Congress.

(2) To prepare for the immediate implementation of any such technology, the program manager may, during fiscal years 1998 and 1999, take the following actions:

(A) Establish program requirements.

(B) Prepare procurement documentation.

(C) Develop environmental documentation.

(D) Identify and prepare to meet public outreach and public participation requirements.

(E) Prepare to award a contract for the design, construction, and operation of a pilot facility for the technology to the provider team for the technology not later than June 1, 1999.

(c) INDEPENDENT EVALUATION.—The Under Secretary of Defense for Acquisition and Technology shall provide for two evaluations of the cost and schedule of the Assembled Chemical Weapons Assessment to be performed, and for each such evaluation to be submitted to the Under Secretary, not later than September 30, 1999. One of the evaluations shall be performed by a nongovernmental organization qualified to make such an evaluation, and the other evaluation shall be performed separately by the Cost Analysis Improvement Group of the Department of Defense.

(d) PILOT FACILITIES CONTRACTS.—(1) The Under Secretary of Defense for Acquisition and Technology shall determine whether to proceed with pilot-scale testing of a technology referred to in paragraph (2) in time to award a contract for the design, construction, and operation of a pilot facility for the technology to the provider team for the technology not later than December 30, 1999. If the Under Secretary determines to proceed with such testing, the Under Secretary shall (exercising the acquisition authority of the Secretary of Defense) so award a contract not later than such date.

(2) Paragraph (1) applies to an alternative technology for the destruction of lethal chemical munitions, other than incineration, that the Under Secretary—

(A) certifies in writing to Congress is—

(i) as safe and cost effective for disposing of assembled chemical munitions as is incineration of such munitions; and

(ii) is capable of completing the destruction of such munitions on or before the later of the date by which the destruction of the munitions would be completed if incineration were used or the deadline date for completing the destruction of the munitions under the Chemical Weapons Convention; and

(B) determines as satisfying the Federal and State environmental and safety laws that are applicable to the use of the technology and to the design, construction, and operation of a pilot facility for use of the technology.

(3) The Under Secretary shall consult with the National Research Council in making determinations and certifications for the purpose of paragraph (2).

(4) In this subsection, the term "Chemical Weapons Convention" means the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, opened for signature on January 13, 1993, together with related annexes and associated documents.

(e) FUNDING.—(1) Of the total amount authorized to be appropriated under section 107, $18,000,000 shall be available for the program manager for the Assembled Chemical Weapons Assessment for the following:

(A) Demonstrations of alternative technologies under the Assembled Chemical Weapons Assessment.

(B) Planning and preparation to proceed from demonstration of an alternative technology immediately into the development of a pilot-scale facility for the technology, including planning and preparation for—

(i) continued development of the technology leading to deployment of the technology for use;

(ii) satisfaction of requirements for environmental permits;

(iii) demonstration, testing, and evaluation;

(iv) initiation of actions to design a pilot plant;

(v) provision of support at the field office or depot level for deployment of the technology for use; and

(vi) educational outreach to the public to engender support for the deployment.

(C) The independent evaluation of cost and schedule required under subsection (c).

(2) Funds authorized to be appropriated under section 107(1) are authorized to be used for awarding contracts in accordance with subsection (d) and for taking any other action authorized in this section.

(f) AMENDMENTS NECESSARY FOR IMPLEMENTATION.—(1) Section 409 of Public Law 91–121 is amended—

(A) in subsection (b) (50 U.S.C. 1512)—

(i) by striking out "warfare" in the matter preceding paragraph (1);

(ii) by inserting "or munition" after "agent" each place it appears; and

(iii) in paragraph (4)(B), by inserting "or munitions" after "agents";

(B) in subsection (c) (50 U.S.C. 1513)—

(i) by striking out "warfare" in paragraph (1)(A) and the first sentence of paragraph (2);

(ii) by inserting "or munition" after "agent" each place it appears; and

(iii) by inserting "agents or" before munitions in the first sentence of paragraph (2);

(C) by striking out subsection (d) (50 U.S.C. 1514) and inserting in lieu thereof the following:

"(d) As used in this section, the term 'United States', unless otherwise indicated, means the several States, the District of Columbia, and the territories and possessions of the United States."; and

(D) in subsection (g) (50 U.S.C. 1517), by striking out "warfare agent" both places it appears and inserting in lieu thereof "agent or munition".

(2) Section 143 of Public Law 103–337 (50 U.S.C. 1512a) is amended—

(A) by striking out "chemical weapons stockpile" both places it appears and inserting in lieu thereof "lethal chemical agents and munitions stockpile";

(B) in subsection (a)—

(i) by inserting "lethal" before "chemical munition" both places it appears; and

(ii) by inserting "agent or" before "munition" each of the four places it appears; and

(C) in subsection (b)—

(i) by striking out "any chemical munitions" and inserting in lieu thereof "any lethal chemical agents or munitions";

(ii) by striking out "such munitions" both places it appears and inserting in lieu thereof "such agents or munitions"; and

(iii) by striking out "chemical munitions stockpile" and inserting in lieu thereof "lethal chemical agents and munitions stockpile".

(g) ASSEMBLED CHEMICAL WEAPONS ASSESSMENT DEFINED.—In this section, the term "Assembled Chemical Weapons Assessment" means the pilot program carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104–208; 110 Stat. 3009–101; 50 U.S.C. 1521 note).

FORD AMENDMENTS NOS. 2789–2790

(Ordered to lie on the table.)

Mr. FORD submitted two amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2789

At the end of the bill, add the following new section:

SEC. . STUDY ON NON-RESIDENT WAGE EARNERS AT FEDERAL FACILITIES.

(a) The Secretary of the Treasury shall conduct a study which—

(1) identifies all federal facilities located within 50 miles of the border of an adjacent State;

(2) estimates the number of non-resident wage earners employed at such federal facilities; and

(3) compiles and describes all agreements or compacts between States regarding the taxation of non-resident wage earners employed at such facilities.

(b) The Secretary shall transmit the results of such study to the Congress not later than 180 days after the enactment of this Act.

AMENDMENT NO. 2790

In lieu of the matter proposed to be inserted, insert the following:

SEC. . STUDY ON NON-RESIDENT WAGE EARNERS AT FEDERAL FACILITIES.

(a) The Secretary of the Treasury shall conduct a study which—

(1) identifies all federal facilities located within 50 miles of the border of an adjacent State;

(2) estimates the number of non-resident wage earners employed at such federal facilities; and

(3) compiles and describes all agreements or compacts between States regarding the taxation of non-resident wage earners employed at such facilities.

(b) The Secretary shall transmit the results of such study to the Congress not later than 180 days after the enactment of this Act.

MIKULSKI (AND OTHERS) AMENDMENT NO. 2791

(Ordered to lie on the table.)

Ms. MIKULSKI (for herself, Mr. GLENN, and Mr. SARBANES) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

At the end of subtitle B of title X, add the following:

SEC. 1014. SHIP SCRAPPING PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of the Navy shall carry out a vessel scrapping pilot program within the United States during fiscal years 1999 and 2000. The scope of the program shall be that which the Secretary determines is sufficient to gather data on the cost of scrapping Government vessels domestically and to demonstrate cost effective technologies and techniques to scrap such vessels in a manner that is protective of worker safety and health and the environment.

(b) CONTRACT AWARD.—(1) The Secretary shall award a contract or contracts under subsection (a) to the offeror or offerors that the Secretary determines will provide the best value to the United States, taking into account such factors as the Secretary considers appropriate.

(2) In making a best value determination under this subsection, the Secretary shall give a greater weight to technical and performance-related factors than to cost and price-related factors.

(3) The Secretary shall give significant weight to the technical qualifications and past performance of the contractor and the major subcontractors or team members of the contractor in the following areas:

(A) Compliance with applicable Federal, State, and local laws and regulations for environmental and worker protection.

(B) Ability to safely remove handle and abate hazardous materials such as polychlorinated biphenyls, asbestos and lead.

(C) Experience with ship construction, conversion, repair or scrapping.

(D) Ability to manage workers safely in the following processes and procedures:

(i) Metal cutting and heating.

(ii) Working in confined and enclosed spaces.

(iii) Fire prevention and protection.

(iv) Health and sanitation.

(v) Handling and control of polychlorinated biphenyls, asbestos, lead, and other hazardous materials.

(vi) Operation and use of magnetic cranes or heavy lift cranes.

(vii) Use of personal protection equipment.

(viii) Emergency spill and containment capability;

(E) Ability to provide an overall plan and schedule to remove, tow, moor, demilitarize, dismantle, transport, and sell salvage materials and scrap in a safe and cost effective manner in compliance with applicable Federal, State, and local laws and regulations.

(F) Ability to provide an effective scrap site spill containment prevention and emergency response plan.

(G) The ability to ensure that subcontractors adhere to applicable Federal, State and local laws and regulations for environmental and worker safety.

(4) Nothing in this subsection shall be construed to require the Secretary to disclose the specific weight of evaluation factors to potential offerors or to the public.

(c) CONTRACT TERMS AND CONDITIONS.—The contract or contracts awarded by the Secretary pursuant to subsection (b) shall, at a minimum, provide for—

(1) the transfer of the vessel or vessels to the contractor or contractors;

(2) the sharing by any appropriate contracting method of the costs of scrapping the vessel or vessels between the government and the contractor or contractors;

(3) a performance incentive for a successful record of environmental and worker protection; and

(4) Government access to contractor records in accordance with the requirements of section 2313 of title 10, United States Code.

(d) REPORTS.—(1) Not later than September 30, 1999, the Secretary of the Navy shall submit an interim report on the pilot program to the congressional defense committees. The report shall contain the following:

(A) The procedures used for the solicitation and award of a contract or contracts under the pilot program.

(B) The contract or contracts awarded under the pilot program.

(2) Not later than September 30, 2000, the Secretary of the Navy shall submit a final report on the pilot program to the congressional defense committees. The report shall contain the following:

(A) The results of the pilot program and the performance of the contractors under such program.

(B) The Secretary's procurement strategy for future ship scrapping activities.

SARBANES AMENDMENT NO. 2792

(Ordered to lie on the table.)

Mr. SARBANES submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 347, below line 23, add the following:

SEC. 2833. EMERGENCY REPAIRS AND STABILIZATION MEASURES, FOREST GLEN ANNEX OF WALTER REED ARMY MEDICAL CENTER, MARYLAND.

Of the amounts authorized to be appropriated by this Act, $2,000,000 shall be available for the completion of roofing and other emergency repairs and stabilization measures at the historic district of the Forest Glen Annex of Walter Reed Army Medical Center, Maryland, in accordance with the plan submitted under section 2865 of the National Defense Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2806).

REID (AND OTHERS) AMENDMENT NO. 2793

(Ordered to lie on the table.)

Mr. REID (for himself, Mr. INOUYE, Mr. BRYAN, Mr. WYDEN, Mr. KERREY, and Mr. DURBIN) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

Strike out page 348, line 1, and all that follows through page 366, line 13.

MURRAY (AND OTHERS) AMENDMENT NO. 2794

(Ordered to lie on the table.)

Mrs. MURRAY (for herself, Ms. SNOWE, Mr. ROBB, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. KERREY, Ms. MOSELEY-BRAUN, and Mrs. BOXER) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

At the end of title VII add the following:

SEC. 708. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking out subsection (b); and

(2) in subsection (a), by striking out "(a) RESTRICTION ON USE OF FUNDS.—".

WYDEN (AND SMITH) AMENDMENTS NOS. 2795–2797

(Ordered to lie on the table.)

Mr. WYDEN (for himself and Mr. SMITH of Oregon) submitted three amendments intended to be proposed by them to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2795

On page 219, between lines 8 and 9, insert the following:

(c) ADDITIONAL REPORT MATTERS.—The report shall also include an assessment of the current Department of Defense aviation accident investigation process, including the following:

(1) An assessment of the effectiveness of the current military aviation accident investigation process in identifying the cause of military aviation accidents and correcting problems so identified in a timely manner.

(2) An assessment whether or not the procedures for sharing the results of military aviation accident investigations among the military departments should be improved.

(3) An assessment of the advisability of a centralized training facility and course of instruction for military aviation accident investigators.

(4) An assessment of the advisability of continuing to ensure that military aviation safety investigation reports are afforded protection from public release and use in subsequent civil and criminal proceedings comparable to the protection currently provided National Transportation Safety Board investigation reports and accident investigation reports.

(5) An assessment of any costs or cost avoidances that would result from the elimination of any overlap in military aviation accident investigation activities conducted under the current so-called "two-track" investigation process.

(6) Any improvements or modifications in the current military aviation accident investigation process that the Secretary considers appropriate to reduce the potential for aviation accidents and increase public confidence in the process.

AMENDMENT NO. 2796

On page 398, between lines 9 and 10, insert the following:

SEC. 3144. SENSE OF SENATE REGARDING MEMORANDA OF UNDERSTANDING WITH THE STATE OF OREGON RELATING TO HANFORD.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Energy and the State of Washington have entered into memoranda of understanding with the State of Oregon to provide the State of Oregon greater involvement in decisions regarding the Hanford Reservation.

(2) Hanford has an impact on the State of Oregon, and the State of Oregon has an interest in the decisions made regarding Hanford.

(3) The Department of Energy and the State of Washington are to be congratulated for entering into the memoranda of understanding with the State of Oregon regarding Hanford.

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

(1) encourage the Department of Energy and the State of Washington to implement the memoranda of understanding regarding Hanford in ways that result in continued involvement by the State of Oregon in decisions of concern to the State of Oregon regarding Hanford; and

(2) encourage the Department of Energy and the State of Washington to continue similar efforts to permit ongoing participation by the State of Oregon in the decisions regarding Hanford that may affect the environment or public health or safety of the citizens of the State of Oregon.

AMENDMENT NO. 2797

On page 196, between lines 18 and 19, insert the following:

SEC. 908. MILITARY AVIATION ACCIDENT INVESTIGATIONS.

(a) FINDINGS.—Congress makes the following findings:

(1) A February 1998 General Accounting Office review of military aircraft safety entitled "Military Aircraft Safety: Serious Accidents Remain at Historically Low Levels" noted that the military experienced fewer serious aviation mishaps in fiscal years 1996 and 1997 than in previous fiscal years, but there still remains a need for the Department of Defense to improve significantly its procedures for investigating military aviation accidents.

(2) This need was demonstrated by the aftermath of serious military aviation mishaps, including the tragic crash of a C–130 aircraft off the coast of Northern California that killed 10 Reservists from Oregon on November 22, 1996.

(3) The current Department investigation process for military aviation accidents (the so-called "two-track" investigation process), which involves privileged safety investigations and public legal investigations, continues to result in significant hardship for the families and relatives of members of the Armed Forces involved in military aviation accidents and a lack of overall public confidence in the investigation process and may result in a significant waste of resources due to overlapping activities in such investigations.

(4) Although the report required by section 1046 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1888) stated that "DoD found no evidence that changing existing investigation processes to more closely resemble those of the NTSB would help DoD to find more answers more quickly, or accurately", the Department can still improve its aviation safety by fully examining all options for improving or replacing its current aviation accident investigation processes.

(5) The inter-service working group formed as a result of that report has contributed to progress in military aviation accident investigations by identifying ways to improve family assistance, as has the formal policy direction coordinated by the Office of the Secretary of Defense.

(6) Such progress includes the issuance of Air Force Instruction 90–701 entitled "Assistance to Families of Persons Involved in Air Force Aviation Mishaps", that attempts to meet the need for a more timely flow of relevant information to families, a family liaison officer, and the establishment of the Air Force Office of Family Assistance. However, formal policy directions and Air Force instructions have not adequately addressed the failure to provide primary next of kin of members of the Armed Forces involved in military aviation accidents with interim reports regarding the course of investigations into such accidents, which failure causes much hardship for such kin and results in a loss of credibility regarding Air Force investigations into such accidents.

(7) The report referred to in paragraph (4) concluded that the Department would "benefit from the disappearance of the misperception that the privileged portion of the safety investigation exists to hide unfavorable information".

(8) That report further specified that "[e]ach Military Department has procedures in place to provide redacted copies of the final [privileged] safety report to the families. However, families must formally request a copy of the final safety investigation report".

(9) Current efforts to improve family notification would be enhanced by the issuance by the Secretary of Defense of uniform regulations to improve the timeliness and reliability of information provided to the primary next of kin of persons involved in military aviation accidents during and following both the legal investigation and safety investigation phases of such investigations.

(b) EVALUATION OF DEPARTMENT OF DEFENSE AVIATION ACCIDENT INVESTIGATION PROCEDURES.—(1) The Secretary of Defense shall establish a task force to—

(A) review the procedures employed by the Department of Defense to conduct military aviation accident investigations; and

(B) identify mechanisms for improving such investigations and the military aviation accident investigation process.

(2) The Secretary shall appoint to the task force the following:

(A) An appropriate number of members of the Armed Forces, including both members of the regular components and the reserve components, who have experience relating to military aviation or investigations into military aviation accidents.

(B) An appropriate number of former members of the Armed Forces who have such experience.

(C) With the concurrence of the member concerned, a member of the National Transportation Safety Board.

(3)(A) The task force shall submit to Congress an interim report and a final report on its activities under this subsection. The interim report shall be submitted on December 1, 1998, and the final report shall be submitted on March 31, 1999.

(B) Each report under subparagraph (A) shall include the following:

(i) An assessment of the advisability of conducting all military aviation accident investigations through an entity that is independent of the military departments.

(ii) An assessment of the effectiveness of the current military aviation accident investigation process in identifying the cause of military aviation accidents and correcting problems so identified in a timely manner.

(iii) An assessment whether or not the procedures for sharing the results of military aviation accident investigations among the military departments should be improved.

(iv) An assessment of the advisability of a centralized training facility and course of instruction for military aviation accident investigators.

(v) An assessment of the advisability of continuing to ensure that military aviation safety investigation reports are afforded protection from public release and use in subsequent civil and criminal proceedings comparable to the protection currently provided National Transportation Safety Board investigation reports and accident investigation reports.

(vi) An assessment of any costs or cost avoidances that would result from the elimination of any overlap in military aviation accident investigation activities conducted under the current so-called "two-track" investigation process.

(vii) Any improvements or modifications in the current military aviation accident investigation process that the task force considers appropriate to reduce the potential for aviation accidents and increase public confidence in the process.

(c) UNIFORM REGULATIONS FOR RELEASE OF INTERIM SAFETY INVESTIGATION REPORTS.—(1)(A) Not later than May 1, 1999, the Secretary of Defense shall prescribe regulations that provide for the release to the family members of persons involved in military aviation accidents, and to members of the public, of reports referred to in paragraph (2).

(B) The regulations shall apply uniformly to each military department.

(2) A report under paragraph (1) is a report on the findings of any ongoing privileged safety investigation into an accident referred to in that paragraph. Such report shall be in a redacted form or other form appropriate to preserve witness confidentiality and to minimize the effects of the release of information in such report on national security.

(3) Reports under paragraph (1) shall be made available—

(A) in the case of family members, at least once every 14 days during the course of the investigation concerned; and

(B) in the case of members of the public, on request.

WYDEN (AND GRASSLEY) AMENDMENT NO. 2798

(Ordered to lie on the table.)

Mr. WYDEN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

On page ___, after line ___, insert the following:

SEC. ___. ELIMINATING SECRET SENATE HOLDS.

(a) STANDING ORDER.—It is a standing order of the Senate that a Senator who provides notice to leadership of his or her intention to object to proceeding to a motion or matter shall disclose the objection or hold in the Congressional Record not later than 2 session days after the date of the notice.

(b) RULEMAKING.—This section is adopted—

(1) as an exercise of the rulemaking power of the Senate and as such it is deemed a part of the rules of the Senate and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of the Senate to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

LEVIN (AND BINGAMAN) AMENDMENT NO. 2799

(Ordered to lie on the table.)

Mr. LEVIN (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

On page 398, between lines 9 and 10, insert the following:

SEC. 3144. REASSIGNMENT OF RESPONSIBILITY FOR DEFENSE PROGRAMS EMERGENCY RESPONSE PROGRAM.

Section 3158 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 626) is amended—

(1) by striking out "The Office" and inserting in lieu thereof "(a) RETENTION OF RESPONSIBILITY.—Except as provided in subsection (b), the Office"; and

(2) by adding at the end the following:

"(b) REASSIGNMENT OF RESPONSIBILITY.—(1) The Secretary may reassign responsibility for the Program within the Department.

"(2) The Secretary may not exercise the authority in paragraph (1) until 30 days after the date on which the Secretary submits to the congressional defense committees a report setting forth the following:

"(A) The programs, funding, and personnel to be reassigned.

"(B) A description of the emergency response function of the Department, including the organizational structure of the function.

"(C) A position description for the director of emergency response of the Department and a plan for recruiting to fill the position.

"(D) A plan for establishing research and development requirements for the Program, including funding for the plan.

"(E) A description of the roles and responsibilities for emergency response of each headquarters office and field facility in the Department.

"(F) A plan for the implementation of operations of the emergency management center in the Department.".

BINGAMAN (AND OTHERS) AMENDMENTS NOS. 2800–2801

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. SANTORUM, Mr. LIEBERMAN, Mr. LOTT, and Mr. FRIST) submitted two amendments intended to be proposed by them to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2800

At the end of subtitle D of title X add the following:

"SEC. 1064. DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.

"(a) FUNDING REQUIREMENTS FOR THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM BUDGET.—For each of the fiscal years 2000 through 2008, it shall be an objective of the Secretary of Defense to increase the budget for the Defense Science and Technology Program for the fiscal year over the budget for that program for the preceding fiscal year by a percent that is at least two percent above the rate of inflation as determined by the Office of Management and Budget.

"(b) GUIDELINES FOR THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.—

"(1) RELATIONSHIP OF DEFENSE SCIENCE AND TECHNOLOGY PROGRAM TO UNIVERSITY RESEARCH.—The following shall be key objectives of the Defense Science and Technology Program—

"(A) the sustainment of research and capabilities in scientific and engineering disciplines critical to the Department of Defense;

"(B) the education and training of the next generation of scientists and engineers in disciplines that are relevant to future Defense systems, particularly through the conduct of basic research; and

"(C) the continued support of the Defense Experimental Program to Stimulate Competitive Research and research programs at historically black colleges and universities and minority institutions.

"(2) RELATIONSHIP OF THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM TO COMMERCIAL RESEARCH AND TECHNOLOGY.—

"(A) In supporting projects within the Defense Science and Technology Program, the Secretary of Defense shall attempt to leverage commercial research, technology, products, and processes for the benefit of the Department of Defense.

"(B) Funds made available for projects and programs of the Defense Science and Technology Program may be used only for the benefit of the Department of Defense, which includes—

"(i) the development of technology that has only military applications;

"(ii) the development of militarily useful, commercially viable technology; or

"(iii) the adaption of commercial technology, products, or processes for military purposes.

"(3) SYNERGISTIC MANAGEMENT OF RESEARCH AND DEVELOPMENT.—The Secretary of Defense may allocate a combination of funds available for the Department of Defense for basic and applied research and for advanced development to support any individual project or program within the Defense Science and Technology Program. This flexibility is not intended to change the allocation of funds in any fiscal year among basic

and applied research and advanced development.

"(c) DEFINITIONS.—In this section:

"(1) The term "Defense Science and Technology Program" means basic and applied research and advanced development.

"(2) The term "basic and applied research" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

"(3) The term "advanced development" means work funded in program elements for defense research and development under Department of Defense category 6.3.".

AMENDMENT NO. 2801

On page 398, between lines 9 and 10, insert the following:

"SEC. 3144. FUNDING REQUIREMENTS FOR THE NONPROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES OF THE DEPARTMENT OF ENERGY.

"(a) FUNDING REQUIREMENTS FOR THE NONPROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES BUDGET.—For each of the fiscal years 2000 through 2008, it shall be an objective of the Secretary of Energy to increase the budget for the nonproliferation science and technology activities for the fiscal year over the budget for those activities for the preceding fiscal year by a percent that is at least two percent above the rate of inflation as determined by the Office of Management and Budget.

"(b) NONPROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES DEFINED.—In this section, the term "nonproliferation science and technology activities" means activities (including program direction activities) relating to preventing and countering the proliferation of weapons of mass destruction that are funded by the Department of Energy under the following programs and projects:

"(1) The Verification and Control Technology program within the Office of Nonproliferation and National Security;

"(2) Projects under the "Technology and Systems Development" element of the Nuclear Safeguard and Security program within the Office of Nonproliferation and National Security.

"(3) Projects relating to a national capability to assess the credibility of radiological and extortion threats, or to combat nuclear materials trafficking or terrorism, under the Emergency Management program within the Office of Nonproliferation and National Security.

"(4) Projects relating to the development or integration of new technology to respond to emergencies and threats involving the presence, or possible presence, of weapons of mass destruction, radiological emergencies, and related terrorist threats, under the Office of Defense Programs.".

BUMPERS AMENDMENT NO. 2802

(Ordered to lie on the table.)

Mr. BUMPERS submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

Strike from line 1, page 25 through page 27, line 10, and insert in lieu there of the following:

SEC. 133. LIMITATION ON ADVANCE PROCUREMENT OF F-22 AIRCRAFT.—

Amounts available for the Department of Defense for any fiscal year for the F-22 aircraft program may not be obligated for advance procurement for the six Lot II F-22 aircraft before the date that is 30 days after the date on which the Secretary of Defense submits a certification to the congressional defense committees that the Air Force has completed 601 hours of flight testing of F-22 flight test vehicles.

KENNEDY AMENDMENT NO. 2803

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. SENSE OF THE SENATE REGARDING DECLASSIFICATION OF CLASSIFIED INFORMATION OF THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF ENERGY.

It is the sense of the Senate that the Secretary of Defense and the Secretary of Energy should submit to Congress a request for funds in fiscal year 2000 for activities relating to the declassification of information under the jurisdiction of such Secretaries in order to fulfill the obligations and commitments of such Secretaries under Executive Order No. 12958 and the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq,) and to the stakeholders.

BAUCUS AMENDMENTS NOS. 2804–2807

(Ordered to lie on the table.)

Mr. BAUCUS submitted four amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2804

At the end of subtitle B of title V, add the following:

SEC. 516. REPEAL OF DUAL STATUS REQUIREMENTS FOR MILITARY TECHNICIANS.

(a) REPEALS.—The following provisions of law are repealed:

(1) Subsections (d) and (e) of section 10216 of title 10, United States Code.

(2) Section 10217 of such title.

(3) Section 523 of the Public Law 105-85 (111 Stat. 1737).

(4) Section 8016 of Public Law 104-61 (109 Stat. 654; 10 U.S.C. 10101 note).

(b) PROHIBITION ON IMPLEMENTATION OF PLAN.—No plan submitted to Congress under section 523(d) of Public Law 105-85 (111 Stat. 1737) may be implemented.

(c) CONFORMING AMENDMENTS TO TITLE 10.—(1) Section 115(g) of title 10, United States Code, is amended by striking out "(dual status)" both places it appears.

(2) Section 115a(h) of such title is amended—

(A) by striking out "(displayed in the aggregate and separately for military technicians (dual status) and non-dual status military technicians)" in the matter preceding paragraph (1); and

(B) by adding at the end the following:

"(3) Within each of the numbers under paragraph (1), the numbers of military technicians who are not themselves members of a reserve component (so-called 'single-status' technicians), with a further display of such numbers as specified in paragraph (2).".

(3) Section 10216 of such title is amended—

(A) by striking out "(dual status)" each place that it appears;

(B) in subsection (a), by striking out subparagraph (B) and redesignating subparagraph (C) as subparagraph (B);

(C) in subsection (b)—

(i) by striking out "MILITARY TECHNICIANS (DUAL STATUS).—" in the subsection heading and inserting in lieu thereof "DUAL STATUS MILITARY TECHNICIANS.—"; and

(ii) by inserting "dual status" after "supporting authorizations for"; and

(D) in subsection (c)(1), by inserting "dual status" before "military technicians" each place that it appears in subparagraphs (A), (B), (C), and (D).

(4) The heading of such section is amended by striking out "**(dual status)**".

(5) The table of sections at the beginning of chapter 1007 of title 10, United States Code, is amended by striking out the items relating to section 10216 and 10217 and inserting in lieu thereof the following:

"10216. Military technicians.".

(d) CONFORMING AMENDMENT TO TITLE 32.—Section 709(b) of title 32, United States Code, is amended by striking out "A technician" and inserting in lieu thereof "Except as prescribed by the Secretary concerned, a technician".

AMENDMENT NO. 2805

At the end of subtitle B of title V, add the following:

SEC. 516. PROHIBITION ON REQUIRING NATIONAL GUARD MILITARY TECHNICIANS TO WEAR MILITARY UNIFORMS WHILE PERFORMING CIVILIAN SERVICE.

(a) PROHIBITION.—(1) Subchapter I of chapter 59 of title 5, United States Code, is amended by adding at the end the following:

"§ 5904. National Guard military technicians: wearing of military uniforms not required

"(a) PROHIBITION.—A National Guard military technician may not be required, by regulation or otherwise, to wear a military uniform while performing civilian service.

"(b) DEFINITIONS.—For the purposes of this section—

"(1) the term 'National Guard military technician' means an employee appointed by an adjutant general designated by the Secretary concerned under section 709(c) of title 32;

"(2) the term 'military uniform' means the uniform, or a distinctive part of the uniform, of the Army or Air Force (as defined under regulations prescribed by the Secretary of Defense); and

"(3) the term 'civilian service' means service other than service compensable under chapter 3 of title 37.".

(2) The table of sections at the beginning of chapter 59 of title 5, United States Code, is amended by inserting after the item relating to section 5903 the following:

"5904. National Guard military technicians: wearing of military uniforms not required.".

(b) CONFORMING AMENDMENTS.—(1) Section 5903 of title 5, United States Code, is amended by striking "this subchapter" and inserting "sections 5901 and 5902".

(2) Section 709(b) of title 32, United States Code, is amended—

(A) by inserting "and" at the end of paragraph (1);

(B) by striking out "; and" at the end of paragraph (2) and inserting in lieu thereof a period; and

(C) by striking out paragraph (3).

(3) Section 417 of title 37, United States Code, is amended by striking out subsection (d).

(4) Section 418 of title 37, United States Code, is amended—

(A) by striking out "(a)" at the beginning of subsection (a); and

(B) by striking out subsections (b) and (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

AMENDMENT NO. 2806

At the appropriate place, insert the following:

AGRICULTURAL RESEARCH SERVICE

For research efforts of the Agricultural Research Service of the Department of Agriculture for counter-narcotics research activities, $13,000,000, of which—

(1) $5,000,000 shall be used for chemical and biological crop eradication technologies;

(2) $2,000,000 shall be used for narcotics plant identification, chemistry, and biotechnology;

(3) $1,000,000 shall be used for worldwide crop identification, detection, tagging, and production estimation technology; and

(4) $5,000,000 shall be used for improving the disease resistance, yield, and economic competitiveness of commercial crops that can be promoted as alternatives to the production of narcotics plants.

For a contract with a commercial entity for the product development, environmental testing, registration, production, aerial distribution system development, product effectiveness monitoring, and modification of multiple mycoherbicides to control narcotic crops (including coca, poppy, and cannabis), $10,000,000, except that the entity shall—

(1) to be eligible to enter into the contract, have—

(A) long-term international experience with diseases of narcotic crops.

(B) intellectual property involving seed-borne dispersal formulations;

(C) the availability of state-of-the-art containment or quarantine facilities;

(D) country-specific mycoherbicide formulations;

(E) specialized fungicide resistant formulations; and

(F) special security arrangements; and

(2) report to a member of the Senior Executive Service in the Department of Agriculture.

At the appropriate place, insert the following:

SEC. ___. MASTER PLAN FOR MYCOHERBICIDES TO CONTROL NARCOTIC CROPS.

(a) IN GENERAL.—The Secretary of Agriculture shall develop a 10-year master plan for the use of mycoherbicides to control narcotic crops (including coca, poppy, and cannabis).

(b) COORDINATION.—The Secretary shall develop the plan in coordination with—

(1) the Office of National Drug Control Policy (ONDCP);

(2) the Bureau for International Narcotics and Law Enforcement Activities (INL) of the Department of State;

(3) the Drug Enforcement Administration (DEA) of the Department of Justice;

(4) the Department of Defense;

(5) the United States Information Agency (USIA); and

(6) other appropriate agencies.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress that describes the activities undertaken to carry out this section.

AMENDMENT NO. 2807

On page 18, before the period at the end of line 4, add the following: ": *Provided, further*, That, of the total amount appropriated under this heading, $10,500,000 shall be made available for a curatorial collections and processing facility at the Museum of the Rockies, a division of Montana State University-Bozeman.

FEINGOLD AMENDMENTS NOS. 2808–2809

(Ordered to lie on the table.)

Mr. FEINGOLD submitted two amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2808

At the end of subtitle B of title II, add the following:

SEC. . TERMINATION OF THE EXTREMELY LOW FREQUENCY COMMUNICATION SYSTEM PROGRAM.

(a) TERMINATION OF PROGRAM.—The Secretary of the Navy shall terminate the Extremely Low Frequency Communication System program.

(b) PAYMENT OF TERMINATION COSTS.—Funds that are available on or after the date of the enactment of this Act for the Department of Defense for obligation for the Extremely Low Frequency Communication System program of the Navy may be obligated for that program only for payment of the costs associated with the termination of the program.

(c) USE OF SAVINGS FOR NATIONAL GUARD.—Funds referred to in subsection (b) that are not necessary for terminating the program under this section shall be transferred (in accordance with such allocation between the Army National Guard and the Air National Guard as the Secretary of Defense shall direct) to funds available for the Army National Guard and the Air National Guard for operation and maintenance for the same fiscal year as the funds transferred, shall be merged with the funds to which transferred, and shall be available for the same period and purposes as the funds to which transferred.

AMENDMENT NO. 2809

At the end of subtitle C of title X, add the following:

SEC. 1031. ANNUAL GAO REVIEW OF F/A–18E/F AIRCRAFT PROGRAM.

(a) REVIEW AND REPORT REQUIRED.—Not later than June 15 of each year, the Comptroller General shall review the F/A–18E/F aircraft program and submit to Congress a report on the results of the review. The Comptroller General shall also submit to Congress with each report a certification regarding whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

(b) CONTENT OF REPORT.—The report submitted on the program each year shall include the following:

(1) The extent to which engineering and manufacturing development and operational test and evaluation under the program are meeting the goals established for engineering and manufacturing development and operational test and evaluation under the program, including the performance, cost, and schedule goals.

(2) The status of modifications expected to have a significant effect on the cost or performance of the F/A–18E/F aircraft.

(c) DURATION OF REQUIREMENT.—The Comptroller General shall submit the first report under this section not later than June 15, 1999. No report is required under this section after the full rate production contract is awarded under the program.

(d) REQUIREMENT TO SUPPORT ANNUAL GAO REVIEW.—The Secretary of Defense and the prime contractors under the F/A–18E/F aircraft program shall timely provide the Comptroller General with such information on the program, including information on program performance, as the Comptroller General considers necessary to carry out the responsibilities under this section.

FEINSTEIN (AND BOXER) AMENDMENTS NOS. 2810–2811

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted two amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2810

At the end of subtitle B of title X, add the following:

SEC. 1014. HOMEPORTING OF ONE IOWA-CLASS BATTLESHIP IN SAN FRANCISCO.

One of the Iowa-class battleships on the Naval Vessel Register shall be homeported at the Port of San Francisco, California.

AMENDMENT NO. 2811

At the end of subtitle B of title X, add the following:

SEC. 1014. HOMEPORTING OF ONE IOWA-CLASS BATTLESHIP IN SAN FRANCISCO.

It is the sense of Congress that one of the Iowa-class battleships on the Naval Vessel Register should be homeported at the Port of San Francisco, California.

FRIST AMENDMENT NO. 2812

(Ordered to lie on the table.)

Mr. FRIST submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the end of subtitle B of title X, add the following:

SEC. 1013. SENSE OF CONGRESS CONCERNING THE NAMING OF AN LPD–17 VESSEL.

It is the sense of Congress that, consistent with section 1018 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 425), the next unnamed vessel of the LPD–17 class of amphibious vessels should be named the U.S.S. Clifton B. Cates, in honor of Marine General Clifton B. Cates (1893–1970), a native of Tennessee whose distinguished career of service in the Marine Corps included combat service in World War I so heroic that he became the most decorated Marine Corps officer of World War I, included exemplary combat leadership from Guadalcanal to Tinian and Iwo Jima and beyond in the Pacific Theater during World War II, and culminated in Lieutenant General Cates being appointed the 19th Commandant of the Marine Corps, a position in which he led the Marine Corps' efficient and alacritous response to the invasion of the Republic of South Korea by Communist North Korea.

THOMPSON (AND OTHERS) AMENDMENT NO. 2813

(Ordered to lie on the table.)

Mr. THOMPSON (for himself, Mr. FRIST, Mr. GORTON, Mrs. MURRAY, Mr. DASCHLE, and Mr. JOHNSON) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. LIMITATION ON STATE AUTHORITY TO TAX COMPENSATION PAID TO INDIVIDUALS PERFORMING SERVICES AT FORT CAMPBELL, KENTUCKY.

(a) IN GENERAL.—Chapter 4 of title 4, United States Code, is amended by adding at the end the following:

"§ 115. Limitation on State authority to tax compensation paid to individuals performing services at Fort Campbell, Kentucky

"Pay and compensation paid to an individual for personal services at Fort Campbell, Kentucky, shall be subject to taxation by the State or any political subdivision thereof of which such employee is a resident.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 4, United States Code, is amended by adding at the end the following:

"115. Limitation on State authority to tax compensation paid to individuals performing services at Fort Campbell, Kentucky.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to pay and compensation paid after the date of the enactment of this Act.

SEC. 1065. CLARIFICATION OF STATE AUTHORITY TO TAX COMPENSATION PAID TO CERTAIN FEDERAL EMPLOYEES.

(a) IN GENERAL.—Section 111 of title 4, United States Code, is amended—

(1) by inserting "(a) GENERAL RULE.—" before "The United States" the first place it appears, and

(2) by adding at the end the following:

"(b) TREATMENT OF CERTAIN FEDERAL EMPLOYEES EMPLOYED AT FEDERAL HYDROELECTRIC FACILITIES LOCATED ON THE COLUMBIA RIVER.—Pay or compensation paid by the United States for personal services as an employee of the United States at a hydroelectric facility—

"(1) which is owned by the United States,

"(2) which is located on the Columbia River, and

"(3) portions of which are within the States of Oregon and Washington,

shall be subject to taxation by the State or any political subdivision thereof of which such employee is a resident.

"(c) TREATMENT OF CERTAIN FEDERAL EMPLOYEES EMPLOYED AT FEDERAL HYDROELECTRIC FACILITIES LOCATED ON THE MISSOURI RIVER.—Pay or compensation paid by the United States for personal services as an employee of the United States at a hydroelectric facility—

"(1) which is owned by the United States,

"(2) which is located on the Missouri River, and

"(3) portions of which are within the States of South Dakota and Nebraska,

shall be subject to taxation by the State or any political subdivision thereof of which such employee is a resident.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to pay and compensation paid after the date of the enactment of this Act.

INOUYE AMENDMENTS NOS. 2814–2815

(Ordered to lie on the table.)

Mr. INOUYE submitted two amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2814

On page 76, between lines 7 and 8, insert the following:

SEC. 349. AUTHORITY TO PAY CLAIMS OF CERTAIN CONTRACTOR EMPLOYEES.

Of the amount authorized to be appropriated by section 301, $300,000 shall be available to the Secretary of the Navy for the purpose of paying claims of former employees of Airspace Technology Corporation for unpaid back wages and benefits for work performed by the employees of that Corporation under Department of the Navy contracts N000600-89-C-0958, N000600-89-0959, N000600-90-C-0894, and DAAB-07-89-C-B917.

AMENDMENT NO. 2815

At the appropriate place, insert:

SEC. 2833. Not later than December 1, 1998, the Secretary of Defense shall submit to the President and the Congressional Defense Committees a report regarding the potential for development of Ford Island within the Pearl Harbor Naval Complex, Oahu, Hawaii through an integrated resourcing plan incorporating both appropriated funds and one or more public-private ventures. This report shall consider innovative resource development measures, including but not limited to, an enhanced-use leasing program similar to that of the Department of Veterans Affairs as well as the sale or other disposal of land in Hawaii under the control of the Navy as part of an overall program for Ford Island development. The report shall include proposed legislation for carrying out the measures recommended therein.

ROCKEFELLER (AND OTHERS) AMENDMENT NO. 2816

(Ordered to lie on the table.)

Mr. ROCKEFELLER (for himself, Mr. DURBIN, and Mr. HARKIN) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

On page 41, below line 23, add the following:

SEC. 219. DOD/VA COOPERATIVE RESEARCH PROGRAM.

(a) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 201(4), $20,000,000 shall be available for the Dod/VA Cooperative Research Program.

(b) EXECUTIVE AGENT.—The Secretary of Defense shall be the executive agent for the utilization of the funds made available by subsection (a).

• Mr. ROCKEFELLER. Mr. President, as Ranking Member of the Senate Committee on Veterans' Affairs, I have an especially strong interest in the history of illnesses and health concerns that follow military deployments. We have all observed the effects of post-conflict illnesses among our Gulf War veterans who returned with poorly understood, undiagnosed illnesses, and our Vietnam veterans with health problems related to exposure to Agent Orange. This legacy is not just a problem of our most recent conflicts; our Atomic-era veterans are still fighting for recognition of health conditions related to radiation exposures they experienced in service to their country 50 years ago.

If there is any single lesson to be learned from this history, it is that the Department of Defense and the Department of Veterans Affairs have not always been aggressive enough in pursuing the immediate health consequences of military conflicts. Too many times our veterans have had to wait years before post-conflict illnesses are recognized as real problems that require firm commitments of research and treatment programs. These delays have come at a cost to the veterans who have had to fight for this recognition, and they have come at a cost to the government's credibility on this important issue.

I believe it is time to consider establishing an independent entity with the capacity to evaluate government efforts to monitor the health of servicemembers following military conflicts, and to evaluate whether servicemembers are being effectively treated for illnesses that occur following such deployments. There have been suggestions for the need for such an entity within DoD and VA, but I believe that important health expertise outside these agencies is required as well. Indeed, it may be that the best approach is one that pulls together expertise from VA, DoD, and health care professionals and researchers from centers of medical excellence in fields such as toxicology, occupational medicine, and other disciplines.

Therefore, I would like to submit an amendment to the Department of Defense Authorization to require the Secretary to enter into an agreement with the National Academy of Sciences to assess the feasibility of establishing, as an independent entity, a National Center for the Study of Military Health.

The proposed Center for the Study of Military Health would evaluate and monitor interagency coordination on issues relating to post-deployment health concerns of members of the Armed Forces, including outreach and risk communication, recordkeeping, research, utilization of new technologies, international cooperation and research, health surveillance, and other health related activities.

In addition, this center would evaluate the health care provided to members of the Armed Services both before and after their deployment on military operations. The proposed center would monitor and direct government efforts to evaluate the health of servicemembers upon their return from military deployments, for purposes of ensuring the rapid identification of any trends in diseases or injuries that result from such operations. Such an independent health center could also serve an important role in providing training of health care professionals in DoD and VA in the evaluation and treatment of post-conflict diseases and health conditions, including nonspecific and unexplained illnesses.

While some have argued that it is time to take some of these responsibilities away from existing agencies, I would suggest that this is a matter for

careful study and thoughtful deliberation. Therefore, this amendment would require the National Academy of Sciences to assess the feasibility of such an independent health entity. In their report to the Secretary of Defense, the Academy should provide a recommendation of the feasibility of such an entity and justification for such a recommendation. If such a center is recommended by the Academy, their report should also provide recommendations regarding the organizational placement of the entity; the health and science expertise that would be necessary; the scope and nature of the activities and responsibilities of the entity; and mechanisms for ensuring that the recommendations of the entity are carried out by DoD and VA.

Mr. President, as Ranking Member of the Committee on Veterans' Affairs, there have been too many times when I have heard agency officials testify that poorly understood, unexplained illnesses are a common, inevitable occurrence of every military conflict. With the tremendous advances achieved elsewhere in medical and military technologies, I find the acceptance of these illnesses as an inevitability to be unacceptable. I hope that this amendment will offer an initial step to better prevention and treatment of these post-conflict illnesss.●

ROCKEFELLER AMENDMENT NO. 2817

(Ordered to lie on the table.)

Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 157, between lines 13 and 14, insert the following:

SEC. 708. ASSESSMENT OF ESTABLISHMENT OF INDEPENDENT ENTITY TO EVALUATE POST-CONFLICT ILLNESSES AMONG MEMBERS OF THE ARMED FORCES AND HEALTH CARE PROVIDED BY THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS BEFORE AND AFTER DEPLOYMENT OF SUCH MEMBERS.

(a) AGREEMENT FOR ASSESSMENT.—The Secretary of Defense shall seek to enter into an agreement with the National Academy of Sciences, or other appropriate independent organization, under which agreement the Academy shall carry out the assessment referred to in subsection (b).

(b) ASSESSMENT.—(1) Under the agreement, the Academy shall assess the need for and feasibility of establishing an independent entity to—

(A) evaluate and monitor interagency coordination on issues relating to the post-deployment health concerns of members of the Armed Forces, including coordination relating to outreach and risk communication, recordkeeping, research, utilization of new technologies, international cooperation and research, health surveillance, and other health-related activities;

(B) evaluate the health care (including preventive care and responsive care) provided to members of the Armed Forces both before and after their deployment on military operations;

(C) monitor and direct government efforts to evaluate the health of members of the Armed Forces upon their return from deployment on military operations for purposes of ensuring the rapid identification of any trends in diseases or injuries among such members as a result of such operations;

(D) provide and direct the provision of ongoing training of health care personnel of the Department of Defense and the Department of Veterans Affairs in the evaluation and treatment of post-deployment diseases and health conditions, including nonspecific and unexplained illnesses; and

(E) make recommendations to the Department of Defense and the Department of Veterans Affairs regarding improvements in the provision of health care referred to in subparagraph (B), including improvements in the monitoring and treatment of members referred to in that subparagraph.

(2) The assessment shall cover the health care provided by the Department of Defense and, where applicable, by the Department of Veterans Affairs.

(c) REPORT.—(1) The agreement shall require the Academy to submit to the committees referred to in paragraph (3) a report on the results of the assessment under this section not later than one year after the date of enactment of this Act.

(2) The report shall include the following:

(A) The recommendation of the Academy as to the need for and feasibility of establishing an independent entity as described in subsection (b) and a justification of such recommendation.

(B) If the Academy recommends that an entity be established, the recommendations of the Academy as to—

(i) the organizational placement of the entity;

(ii) the personnel and other resources to be allocated to the entity;

(iii) the scope and nature of the activities and responsibilities of the entity; and

(iv) mechanisms for ensuring that any recommendations of the entity are carried out by the Department of Defense and the Department of Veterans Affairs.

(3) The report shall be submitted to the following:

(A) The Committee on Armed Services and the Committee on Veterans' Affairs of the Senate.

(B) The Committee on National Security and the Committee on Veterans' Affairs of the House of Representatives.

TORRICELLI AMENDMENTS NOS. 2818–2821

(Ordered to lie on the table.)

Mr. TORRICELLI submitted four amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2818

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. PROHIBITIONS RELATING TO EXPLOSIVE MATERIALS.

(a) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

"(d) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—It shall be unlawful for any licensee to knowingly sell, deliver, or transfer any explosive materials to any individual who—

"(1) is less than 21 years of age;

"(2) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

"(3) is a fugitive from justice;

"(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(5) has been adjudicated as a mental defective or has been committed to any mental institution;

"(6) being an alien—

"(A) is illegally or unlawfully in the United States; or

"(B) except as provided in subsection (*l*), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

"(7) has been discharged from the Armed Forces under dishonorable conditions;

"(8) having been a citizen of the United States, has renounced his citizenship;

"(9) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

"(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

"(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

"(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

"(10) has been convicted in any court of a misdemeanor crime of domestic violence.".

(b) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (p) and inserting the following:

"(p) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—It shall be unlawful for any person to ship or transport in interstate or foreign commerce, or possess, in or affecting commerce, any explosive, or to receive any explosive that has been shipped or transported in interstate or foreign commerce, if that person—

"(1) is less than 21 years of age;

"(2) has been convicted in any court, of a crime punishable by imprisonment for a term exceeding 1 year;

"(3) is a fugitive from justice;

"(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(5) has been adjudicated as a mental defective or who has been committed to a mental institution;

"(6) being an alien—

"(A) is illegally or unlawfully in the United States; or

"(B) except as provided in subsection (*l*), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

"(7) has been discharged from the Armed Forces under dishonorable conditions;

"(8) having been a citizen of the United States, has renounced his citizenship; or

"(9) is subject to a court order that—

"(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

"(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

"(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

"(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

"(10) has been convicted in any court of a misdemeanor crime of domestic violence.".

(c) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

"(*l*) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

"(B) the term 'nonimmigrant visa' has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

"(2) EXCEPTIONS.—Subsections (d)(5)(B) and (p)(5)(B) do not apply to any alien who has been lawfully admitted to the United States pursuant to a nonimmigrant visa, if that alien is—

"(A) admitted to the United States for lawful hunting or sporting purposes;

"(B) a foreign military personnel on official assignment to the United States;

"(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

"(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

"(3) WAIVER.—

"(A) IN GENERAL.—Any individual who has been admitted to the United States under a nonimmigrant visa and who is not described in paragraph (2), may receive a waiver from the applicability of subsection (d)(5)(B) or (p)(5)(B), if—

"(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (B); and

"(ii) the Attorney General approves the petition.

"(B) PETITIONS.—Each petition under subparagraph (A)(i) shall—

"(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

"(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to engage in any activity prohibited under subsection (d) or (p), as applicable, and certifying that the petitioner would not otherwise be prohibited from engaging in that activity under subsection (d) or (p), as applicable.".

AMENDMENT NO. 2819

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. PROHIBITIONS RELATING TO EXPLOSIVE MATERIALS.

(a) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

"(d) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—It shall be unlawful for any licensee to knowingly sell, deliver, or transfer any explosive materials to any individual who—

"(1) is less than 21 years of age;

"(2) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

"(3) is a fugitive from justice;

"(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(5) has been adjudicated as a mental defective or has been committed to any mental institution;

"(6) being an alien—

"(A) is illegally or unlawfully in the United States; or

"(B) except as provided in subsection (*l*), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

"(7) has been discharged from the Armed Forces under dishonorable conditions;

"(8) having been a citizen of the United States, has renounced his citizenship;

"(9) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

"(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

"(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

"(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

"(10) has been convicted in any court of a misdemeanor crime of domestic violence.".

(b) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (p) and inserting the following:

"(p) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—It shall be unlawful for any person to ship or transport in interstate or foreign commerce, or possess, in or affecting commerce, any explosive, or to receive any explosive that has been shipped or transported in interstate or foreign commerce, if that person—

"(1) is less than 21 years of age;

"(2) has been convicted in any court, of a crime punishable by imprisonment for a term exceeding 1 year;

"(3) is a fugitive from justice;

"(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(5) has been adjudicated as a mental defective or who has been committed to a mental institution;

"(6) being an alien—

"(A) is illegally or unlawfully in the United States; or

"(B) except as provided in subsection (*l*), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

"(7) has been discharged from the Armed Forces under dishonorable conditions;

"(8) having been a citizen of the United States, has renounced his citizenship; or

"(9) is subject to a court order that—

"(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

"(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

"(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

"(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

"(10) has been convicted in any court of a misdemeanor crime of domestic violence.".

(c) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

"(*l*) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

"(B) the term 'nonimmigrant visa' has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

"(2) EXCEPTIONS.—Subsections (d)(5)(B) and (p)(5)(B) do not apply to any alien who has been lawfully admitted to the United States pursuant to a nonimmigrant visa, if that alien is—

"(A) admitted to the United States for lawful hunting or sporting purposes;

"(B) a foreign military personnel on official assignment to the United States;

"(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

"(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

"(3) WAIVER.—

"(A) IN GENERAL.—Any individual who has been admitted to the United States under a nonimmigrant visa and who is not described in paragraph (2), may receive a waiver from the applicability of subsection (d)(5)(B) or (p)(5)(B), if—

"(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (B); and

"(ii) the Attorney General approves the petition.

"(B) PETITIONS.—Each petition under subparagraph (A)(i) shall—

"(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

"(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to engage in any activity prohibited under subsection (d) or (p), as applicable, and certifying that the petitioner would not otherwise be prohibited from engaging in that activity under subsection (d) or (p), as applicable.".

AMENDMENT NO. 2820

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. DEATH OR LIFE IN PRISON FOR CERTAIN OFFENSES WHOSE VICTIMS ARE CHILDREN.

Section 3559 of title 18, United States Code, is amended by adding at the end the following:

"(d) DEATH OR LIFE IMPRISONMENT FOR CRIMES AGAINST CHILDREN.—Notwithstanding any other provision of law, a person who is convicted of a Federal offense that is a serious violent felony (as defined in subsection (c)) or a violation of section 2251 shall, unless a sentence of death is imposed, be sentenced to imprisonment for life, if the victim of the offense—

"(1) is less than 14 years of age at the time of the offense; and

"(2) dies as a result of the offense.".

AMENDMENT NO. 2821

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. DEATH OR LIFE IN PRISON FOR CERTAIN OFFENSES WHOSE VICTIMS ARE CHILDREN.

Section 3559 of title 18, United States Code, is amended by adding at the end the following:

"(d) DEATH OR LIFE IMPRISONMENT FOR CRIMES AGAINST CHILDREN.—Notwithstanding any other provision of law, a person who is convicted of a Federal offense that is a serious violent felony (as defined in subsection (c)) or a violation of section 2251 shall, unless a sentence of death is imposed, be sentenced to imprisonment for life, if the victim of the offense—

"(1) is less than 14 years of age at the time of the offense; and

"(2) dies as a result of the offense.".

GRASSLEY AMENDMENT NO. 2822

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. DEMILITARIZATION AND EXPORTATION OF DEFENSE PROPERTY.

(a) CENTRALIZED ASSIGNMENT OF DEMILITARIZATION CODES FOR DEFENSE PROPERTY.—(1) Chapter 153 of title 10, United States Code, is amended by inserting after section 2572 the following:

"§ 2573. Demilitarization codes for defense property

"(a) AUTHORITY.—The Secretary of Defense shall—

"(1) assign the demilitarization codes to the property (other than real property) of the Department of Defense; and

"(2) take any action that the Secretary considers necessary to ensure that the property assigned demilitarization codes is demilitarized in accordance with the assigned codes.

"(b) SUPREMACY OF CODES.—A demilitarization code assigned to an item of property by the Secretary of Defense under this section shall take precedence over any demilitarization code assigned to the item before the date of enactment of the National Defense Authorization Act for Fiscal Year 1999 by any other official in the Department of Defense.

"(c) ENFORCEMENT.—The Secretary of Defense shall commit the personnel and resources to the exercise of authority under subsection (a) that are necessary to ensure that—

"(1) appropriate demilitarization codes are assigned to property of the Department of Defense; and

"(2) property is demilitarized in accordance with the assigned codes.

"(d) ANNUAL REPORT.—The Secretary of Defense shall include in the annual report submitted to Congress under section 113(c)(1) of this title a discussion of the following:

"(1) The exercise of the authority under this section during the fiscal year preceding the fiscal year in which the report is submitted.

"(2) Any changes in the exercise of the authority that are taking place in the fiscal year in which the report is submitted or are planned for that fiscal year or any subsequent fiscal year.

"(e) DEFINITIONS.—In this section:

"(1) The term 'demilitarization code', with respect to property, means a code that identifies the extent to which the property must be demilitarized before disposal.

"(2) The term 'demilitarize', with respect to property, means to destroy the military offensive or defensive advantages inherent in the property, by mutilation, cutting, crushing, scrapping, melting, burning, or altering the property so that the property cannot be used for the purpose for which it was originally made.".

(2) The table of sections at the beginning of such chapter 153 is amended by inserting after the item relating to section 2572 the following:

"2573. Demilitarization codes for defense property.".

(b) CRIMINAL OFFENSE.—(1) Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§ 554. Violations of regulated acts involving the exportation of United States property

"(a) Any person who—

"(1) fraudulently or knowingly exports or otherwise sends from the United States (as defined in section 545 of this title), or attempts to export or send from the United States any merchandise contrary to any law of the United States; or

"(2) receives, conceals, buys, sells, or in any manner facilitates, the transportation, concealment, or sale of any merchandise prior to exportation, knowing that the merchandise is intended for exportation in violation of Federal law;

shall be fined under this title, imprisoned not more than 5 years, or both.

"(b) The penalties under this section shall be in addition to any other applicable criminal penalty.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"554. Violations of regulated acts involving the exportation of United States property.".

COATS AMENDMENTS NOS. 2823–2825

(Ordered to lie on the table.)

Mr. COATS submitted three amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2823

At the end of subtitle D of title X, add the following:

SEC. 1064. CHEMICAL STOCKPILE EMERGENCY PREPAREDNESS PROGRAM.

Section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 50 U.S.C. 1521) is amended by adding at the end of subsection (c) the following:

"(4)(A) The Director of the Federal Emergency Management Agency shall carry out a program to provide assistance to State and local governments in developing capabilities to respond to emergencies involving risks to the public health or safety within their jurisdictions that are identified by the Secretary as being risks resulting from—

"(i) the storage of any such agents and munitions at military installations in the continental United States; or

"(ii) the destruction of such agents and munitions at facilities referred to in paragraph (1)(B).

"(B) No assistance may be provided under this paragraph after the completion of the destruction of the United States stockpile of lethal chemical agents and munitions.".

AMENDMENT NO. 2824

At the end of title XXXV, add the following:

SEC. 3513. DESIGNATION OF OFFICER OF THE DEPARTMENT OF DEFENSE AS A MEMBER AND CHAIRMAN OF THE PANAMA CANAL COMMISSION SUPERVISORY BOARD.

Section 1102(a) (22 U.S.C. 3612(a)) is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: "The Commission shall be supervised by a Board composed of nine members. An official of the Department of Defense, or an officer of the Armed Forces, designated by the Secretary of Defense shall be one of the members and the Chairman of the Board."; and

(2) in the last sentence, by striking out "Secretary of Defense or a designee of the Secretary of Defense" and inserting in lieu thereof "Chairman of the Board".

AMENDMENT NO. 2825

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. DEBARMENT OF COMPANIES TRANSFERRING SENSITIVE TECHNOLOGY TO THE PEOPLE'S REPUBLIC OF CHINA FROM CONTRACTING WITH THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The People's Republic of China is an authoritarian state that has acted and continues to act in a manner threatening to her neighbors and the United States.

(2) A nuclear-capable power, China is believed to have strategic missiles targeted at the United States.

(3) China launched ballistic missiles during the Spring of 1996 over portions of Taiwan in a show of force calculated to influence the presidential elections in Taiwan

(4) Responding to United States affirmation of support for Taiwan, a Chinese official in 1996 reportedly threatened a United States city with destruction should the United States act to defend Taiwan from an attack.

(5) Despite denials of hegemonic intent and criticism of other nations for allegedly pursuing hegemony in the region, China has attacked her neighbors, India and Vietnam, and threatened others, notably the Philippines, over disputed territory.

(6) Having brutally subjugated a long-independent nation, Tibet, in 1950, China continues to pursue policies that are clearly inimical to the Tibetan people. China systematically violates the most basic human rights though the denial of religious freedom, the jailing and persecution of the political opposition, and the immoral policy of forced abortion to control population growth.

(7) China is a proliferator of ballistic missile technology and nuclear technology.

(8) China supported the development by Pakistan of ballistic missiles and nuclear weapons.

(9) China supports missile development programs in Libya and Iran.

(10) China provided cruise missiles to Iran that currently threaten commercial shipping and United States naval vessels in the Persian Gulf.

(11) China appears to have a policy aimed at coercing United States companies as well as companies in over countries to transfer technology in order to obtain market access. According to a 1997 press report, "no country makes such demands across as wide a variety of industries as China does.". This has led one Administration official to characterize as blackmail the insistence of China that "to sell here, you have to locate here, and give us technology.".

(12) A number of questionable transfers of sensitive United States technology to China have occurred.

(13) In 1993, an American-backed joint venture transferred sensitive communications technology to a Chinese company headed by an official of the People's Liberation Army, reportedly over the objection of various officials of the Department of Defense and the National Security Agency.

(14) Advanced dual-use machine tools were sold to China in 1994 over the objections of a senior analyst of the Defense Technology Security Agency. These machine tools subsequently were found at a Chinese missile plant in violation of the export license.

(15) Two United States defense contractors appear to have transferred sensitive technical information to China in 1996 that may have enabled China to dramatically increase the reliability and capabilities of its space launch vehicles and strategic missiles.

(b) DEBARMENT.—(1) The Secretary of Defense shall debar from contracting with the Department of Defense, for a period of time provided for under paragraph (2), any company that has transferred sensitive technology to the People's Republic of China without the prior authorization of the United States Government.

(2) Debarment under paragraph (1) shall be for a period determined appropriate by the Secretary, but not less than five years.

(3) Debarment shall commence under paragraph (1) as of the first day of the fiscal year commencing after the later of the date of the determination by the Secretary that the transfer in question occurred without prior authorization of the United States Government.

(c) DEFINITIONS.—In this section:

(1) The term "debar" has the meaning given that term in section 2393(c) of title 10, United States Code.

(2) The term "sensitive technology" means any military or dual-use technologies or hardware covered by the Export Administration Act of 1979, and the regulations implementing that Act.

DEWINE AMENDMENT NO. 2826

(Ordered to lie on the table.)

Mr. DEWINE submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 204, below line 22, add the following:

SEC. 1014. CONVEYANCE OF NDRF VESSEL EX-USS LORAIN COUNTY.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation may convey all right, title, and interest of the Federal Government in and to the vessel ex-USS LORAIN COUNTY (LST-1177) to the Ohio War Memorial, Inc., located in Sandusky, Ohio (in this section referred to as the "recipient"), for use as a memorial to Ohio veterans.

(b) TERMS OF CONVEYANCE.—

(1) DELIVERY OF VESSEL.—In carrying out subsection (a), the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date; and

(C) at no cost to the Federal Government.

(2) REQUIRED CONDITIONS.—The Secretary may not convey a vessel under this section unless—

(A) the recipient agrees to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising before the date of the conveyance of from use of the vessel by the Government after that date; and

(B) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least $100,000.

(3) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(c) OTHER UNNEEDED EQUIPMENT.—The Secretary may convey to the recipient of the vessel conveyed under this section any unneeded equipment from other vessels in the National Defense Reserve Fleet, for use to restore the vessel conveyed under this section to museum quality.

FAIRCLOTH AMENDMENT NO. 2827

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 321, between lines 16 and 17, insert the following:

SEC. 2603. NATIONAL GUARD MILITARY EDUCATIONAL FACILITY, FORT BRAGG, NORTH CAROLINA.

(a) AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(1)(A) is hereby increased by $8,300,000.

(b) AVAILABILITY OF FUNDS.—Funds available as a result of the increase in the authorization of appropriations made by subsection (a) shall be available for purposes of construction of the National Guard Military Educational Facility at Fort Bragg, North Carolina.

(c) OFFSET.—The amount authorized to be appropriated by section 2502 is hereby reduced by $8,300,000.

WARNER AMENDMENTS NOS. 2828–2830

(Ordered to lie on the table.)

Mr. WARNER submitted three amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2828

At the end of title VIII, add the following:

SEC. 812. CLARIFICATION OF RESPONSIBILITY FOR SUBMISSION OF INFORMATION ON PRICES PREVIOUSLY CHARGED FOR PROPERTY OR SERVICES OFFERED.

(a) ARMED SERVICES PROCUREMENTS.—Section 2306a(d)(1) of title 10, United States Code is amended—

(1) by striking out "the data submitted shall" in the second sentence and inserting in lieu thereof the following: "the contracting officer shall require that the data submitted"; and

(2) by adding at the end the following: "Submission of data required of an offeror under the preceding sentence in the case of a contract or subcontract shall be a condition for the eligibility of the offeror to enter into the contract or subcontract.".

(b) CIVILIAN AGENCY PROCUREMENTS.—Section 304A(d)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b(d)(1)), is amended—

(1) by striking out "the data submitted shall" in the second sentence and inserting in lieu thereof the following: "the contracting officer shall require that the data submitted"; and

(2) by adding at the end the following: "Submission of data required of an offeror under the preceding sentence in the case of a contract or subcontract shall be a condition for the eligibility of the offeror to enter into the contract or subcontract.".

(c) CRITERIA FOR CERTAIN DETERMINATIONS.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to include criteria for contracting officers to apply for determining the specific price information that an offeror should be required to submit under section 2306(d) of title 10, United States Code, or section 304A(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b(d)).

AMENDMENT NO. 2829

At the end of subtitle D of title X, add the following:

SEC. 1064. DESIGNATION OF AMERICA'S NATIONAL MARITIME MUSEUM.

(a) DESIGNATION OF AMERICA'S NATIONAL MARITIME MUSEUM.—The Mariners' Museum building located at 100 Museum Drive, Newport News, Virginia, and the South Street Seaport Museum buildings located at 207 Front Street, New York, New York, shall be known and designated as "America's National Maritime Museum".

(b) REFERENCE TO AMERICA'S NATIONAL MARITIME MUSEUM.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the buildings referred to in subsection (a) shall be deemed to be a reference to America's National Maritime Museum.

AMENDMENT NO. 2830

At the end of subtitle D of title X, add the following:

SEC. 1064. TRANSFER OF DEFENSE AUTOMATED PRINTING SERVICE FUNCTIONS.

(b) REPORT.—Not later than March 31, 1999, the Secretary of Defense shall submit to the

Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the printing functions of the Defense Automated Printing Service. The report shall contain the following:

(1) The functions that the Secretary determines are inherently national security functions and, as such, need to be performed within the Department of Defense, together with a detailed justification for the determination for each such function.

(2) The functions that the Secretary determines are appropriate for transfer to the General Services Administration or the Government Printing Office.

(3) A plan to transfer to the General Services Administration, the Government Printing Office, or other entity, the printing functions of the Defense Automated Printing Service that are not identified under paragraph (1) as being inherently national security functions.

(4) Any recommended legislation and any administrative action that is necessary for transferring the functions in accordance with the plan.

(5) A discussion of the costs or savings associated with the transfers provided for in the plan.

(b) EXTENSION OF REQUIREMENT FOR COMPETITIVE PROCUREMENT OF SERVICES.—Section 351(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 266), as amended by section 351(a) of Public Law 104–201 (110 Stat. 2490) and section 387(a)(1) of Public Law 105–85 (111 Stat. 1713), is further amended by striking out "1998" and inserting in lieu thereof "1999".

MURKOWSKI AMENDMENT NO. 2831

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the appropriate place in the bill insert, the following:

SEC. . Between November 1 and February 29 of each year, when ice conditions in Cook Inlet can threaten physical deliveries of fuel by barge, a refiner that qualifies as a small, disadvantaged business shall, without diminishing any of the benefits that accrue as a result of such status, be permitted to use barrel-for-barrel fuel exchange agreements with other refiners to meet the terms of any contractual arrangement with the Defense Energy Supply Center for the delivery of fuel to Defense Energy Supply Point-Anchorage.

DOMENICI AMENDMENTS NOS. 2832–2833

(Ordered to lie on the table.)

Mr. DOMENICI submitted two amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2832

At the end of subtitle B of title II, add the following:

SEC. 219. SCORPIUS LOW COST LAUNCH DEVELOPMENT PROGRAM.

(a) AMOUNT FROM DEFENSE-WIDE FUNDING.—Of the total amount authorized to be appropriated under section 201(4), $20,000,000 is available for the Scorpius Low Cost Launch Development program.

(b) OFFSETTING REDUCTIONS.—(1) Of the amount authorized to be appropriated by section 201(3), $13,383,993,000 is available for the Air Space Technology program.

(2) Of the total amount authorized to be appropriated under section 201(4), $9,832,764,000 is available for the Ballistic Missile Defense Organization Follow-on and Support Technology program.

AMENDMENT NO. 2833

On page 29 strike section 214 and insert the following:

SEC. 214. AIRBORNE LASER PROGRAM—FUNDING FOR THE PROGRAM.

Of the amount authorized to be appropriated under section 201(3), $292,000,000 shall be available for the Airborne Laser Program.

GORTON (AND SMITH) AMENDMENT NO. 2834

(Ordered to lie on the table.)

Mr. GORTON (for himself and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. ___. PRESIDENTIAL AUTHORITY TO IMPOSE NUCLEAR NONPROLIFERATION CONTROLS.

(a) AMENDMENT OF THE ARMS EXPORT CONTROL ACT.—

(1) REPROCESSING TRANSFERS; ILLEGAL EXPORTS.—Section 102(a) of the Arms Export Control Act (22 U.S.C. 2799aa–1(a)) is amended by striking "no funds" and all that follows through "making guarantees," and inserting the following: "the President may suspend or terminate the provision of economic assistance under the Foreign Assistance Act of 1961 (including economic support fund assistance under chapter 4 of part II of that Act) or military assistance, grant military education and training, or peacekeeping assistance under part II of that Act, or the extension of military credits or the making of guarantees under the Arms Export Control Act,".

(2) TRANSFER OR USE OF NUCLEAR EXPLOSIVE DEVICES.—Section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)) is amended—

(A) in paragraph (1), by striking "shall forthwith impose" and inserting "may impose";

(B) by striking paragraphs (4), (5), and (7);

(C) by redesignating paragraphs (6) and (8) as paragraphs (4) and (5), respectively; and

(D) by amending paragraph (4) (as redesignated) to read as follows:

"(4) If the President decides to impose any sanction against a country under paragraph (1)(C) or (1)(D), the President shall forthwith so inform that country and shall impose the sanction beginning 30 days after submitting to Congress the report required by paragraph (1) unless, and to the extent that, there is enacted during the 30-day period a law prohibiting the imposition of that sanction.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to determinations made by the President before, on, or after the date of enactment of this Act.

THOMAS (AND ENZI) AMENDMENT NO. 2835

(Ordered to lie on the table.)

Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

On page 320, line 25, strike out "$95,395,000" and insert in lieu thereof "$108,979,000".

KYL (AND MURKOWSKI) AMENDMENT NO. 2836

(Ordered to lie on the table.)

Mr. KYL (for himself and Mr. MURKOWSKI) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. INCREASED MISSILE THREAT IN ASIA-PACIFIC REGION.

(a) FINDINGS.—Congress makes the following findings:

(1) United States forces and allies in the Asia-Pacific region face a growing missile threat from China and North Korea.

(2) China has embarked on a program to modernize its theater and strategic missile programs and has shown a willingness to use ballistic missiles to intimidate its neighbors. During Taiwan's national legislative elections in 1995, China fired six M–9 ballistic missiles to an area about 100 miles north of Taiwan. Less than a year later, on the eve of Taiwan's first democratic presidential election, China again launched M–9 missiles to areas within 30 miles north and south of Taiwan, thereby establishing a virtual blockade of the two primary ports of Taiwan.

(3) North Korea's missile program is becoming more advanced. According to a recent Department of Defense report, North Korea has deployed several hundred Scud missiles that are capable of reaching targets in South Korea. North Korea has started to deploy the No Dong missile, which will have sufficient range to target nearly all of Japan, and is continuing to develop a longer-range ballistic missile that will be capable of reaching Alaska and Hawaii.

(4) Theater missile defenses are vitally needed to protect American forces and interests in the Asia-Pacific region.

(5) The sale of United States ballistic missile defense items to Taiwan is consistent with the provisions of the Taiwan Relations Act, which states that "the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.".

(b) SENSE OF CONGRESS REGARDING RESTRICTIONS ON DEPLOYMENT OF UNITED STATES THEATER MISSILE DEFENSES.—It is the sense of Congress that the President should not adopt any policies or negotiate any agreements that restrict the deployment of theater missile defense systems operated by United States forces or allies.

(c) STUDY AND REPORT.—(1) The Secretary of Defense shall carry out a study of the architecture requirements for the establishment and operation of a theater ballistic missile defense system in the Asia-Pacific region that would have the capability to protect Taiwan, South Korea, and Japan from ballistic missile attack. The study shall include a description of appropriate measures by which the United States would cooperate with Taiwan, South Korea, and Japan and provide them with an advanced local-area ballistic missile defense system.

(2) Not later than January 1, 1999, the Secretary shall submit to the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate a report containing—

(A) the results of the study conducted under paragraph (1);

(B) the factors used to obtain such results; and

(C) a description of any existing United States missile defense system that could be transferred to Taiwan and Japan in accordance with the Taiwan Relations Act in order to allow Taiwan and Japan to provide for their self-defense against limited ballistic missile attacks.

(3) The report shall be submitted in both classified and unclassified form.

(d) SENSE OF CONGRESS REGARDING TRANSFER OF BALLISTIC MISSILE DEFENSE SYSTEMS.—It is the sense of Congress that the President, if requested by the Government of Taiwan, South Korea, or Japan and in accordance with the results of the study conducted under subsection (c), should sell, at full market value, to the requesting nation appropriate defense articles or defense services under the foreign military sales program under chapter 2 of the Arms Export Control Act (22 U.S.C. 2761 et seq.) for the purpose of establishing and operating a local-area ballistic missile defense system to protect Taiwan, including the Penghu Islands, Kinmen, and Matsu, South Korea, or Japan, as the case may be, against limited ballistic missile attack.

(e) STATEMENT OF POLICY RELATING TO UNITED STATES THEATER MISSILE DEFENSES FOR THE ASIA-PACIFIC REGION.—Congress declares that it is in the national interest of the United States that Taiwan be included in any effort at ballistic missile defense cooperation, networking, or interoperability with friendly and allied nations in the Asia-Pacific region.

(f) SENSE OF CONGRESS URGING THE PRESIDENT TO DECLARE TO THE PEOPLE'S REPUBLIC OF CHINA THE COMMITMENT OF THE AMERICAN PEOPLE TO SECURITY AND DEMOCRACY IN TAIWAN.—It is the sense of Congress that the President should make clear to the leadership of the People's Republic of China the firm commitment of the American people to security and democracy for the people of Taiwan and that the United States fully expects that security issues on both sides of the Taiwan Strait will be resolved by peaceful means.

(g) SENSE OF CONGRESS REGARDING TAIWAN.—It is the sense of Congress that—

(1) the transfer of Hong Kong to the People's Republic of China does not alter the current and future status of Taiwan;

(2) the future of Taiwan should be determined by peaceful means through a democratic process; and

(3) the United States, in accordance with the Taiwan Relations Act and the constitutional processes of the United States, should assist in the defense of Taiwan in case of threats or military attack by the People's Republic of China against Taiwan.

HUTCHISON AMENDMENT NO. 2837

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 2057, supra; as follows:

At the end of Title II, Subtitle B, (page 41, after line 23) insert the following new Section:

SEC. . ACCELERATION OF H-1 UPGRADE PROGRAM.

(a) Of the amounts authorized to be appropriated under Section 201(2), $121,942,000 shall be available only for the upgrade of H-1 rotary wing aircraft.

KYL AMENDMENT NO. 2838

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. COMMISSION TO ASSESS THE RELIABILITY SAFETY AND SECURITY OF THE UNITED STATES NUCLEAR DETERRENT.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "Commission for Assessment of the Reliability, Safety, and Security of the United States Nuclear Deterrent".

(b) COMPOSITION.—(1) The Commission shall be composed of six members who shall be appointed from among private citizens of the United States with knowledge and expertise in the technical aspects of design, maintenance, and deployment of nuclear weapons, as follows:

(A) Two members appointed by the Majority Leader of the Senate.

(B) One member appointed by the Minority Leader of the Senate.

(C) Two members appointed by the Speaker of the House of Representatives.

(D) One member appointed by the Minority Leader of the House of Representatives.

(2) The Senate Majority Leader and the Speaker of the House of Representatives shall each appoint one member to serve for five years and one member to serve for two years. The Minority Leaders of the Senate and House of Representatives shall each appoint one member to serve for five years. A member may be reappointed.

(3) Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(4) All members of the Commission shall hold appropriate security clearances.

(c) CHAIRMAN.—The Majority Leader of the Senate, after consultation with the Speaker of the House of Representatives and the Minority Leaders of the Senate and House of Representatives, shall designate one of the members of the Commission, without regard to the term of appointment of that member, to serve as Chairman of the Commission.

(d) DUTIES OF COMMISSION.—(1) Each year the Commission shall assess, for Congress—

(A) the safety, security, and reliability of the nuclear deterrent forces of the United States; and

(B) the annual certification on the safety, security, and reliability of the nuclear weapons stockpile of the United States that is provided by the directors of the national weapons laboratories through the Secretary of Energy to the President.

(2) The Commission shall submit to Congress an annual report, in classified form, setting forth the findings and conclusions resulting from each assessment.

(e) COOPERATION OF OTHER AGENCIES.—(1) The Commission may secure directly from the Department of Energy, the Department of Defense, or any of the national weapons laboratories or plants or any other Federal department or agency information that the Commission considers necessary for the Commission to carry out its duties.

(2) For carrying out its duties, the Commission shall be provided full and timely cooperation by the Secretary of Energy, the Secretary of Defense, the Commander of United States Strategic Command, the Directors of the Los Alamos National Laboratory, the Lawrence Livermore National Laboratory, the Sandia National Laboratories, the Savannah River Site, the Y-12 Plant, the Pantex Facility, and the Kansas City Plant, and any other official of the United States that the Chairman determines as having information described in paragraph (1).

(3) The Secretary of Energy and the Secretary of Defense shall each designate at least one officer or employee of the Department of Energy and the Department of Defense, respectively, to serve as a liaison officer between the department and the Commission.

(f) COMMISSION PROCEDURES.—(1) The Commission shall meet at the call of the Chairman.

(2) Four members of the Commission shall constitute a quorum, except that the Commission may designate a lesser number of members as a quorum for the purpose of holding hearings. The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(3) Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this section.

(4) The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. Findings and conclusions of a panel of the Commission may not be considered findings and conclusions of the Commission unless approved by the Commission.

(5) The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out its duties, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(g) PERSONNEL MATTERS.—(1) A member of the Commission shall be compensated at the daily equivalent of the rate of basic pay established for level V of the Executive Schedule under 5316 of title 5, United States Code, for each day on which the member is engaged in any meeting, hearing, briefing, or other work in the performance of duties of the Commission.

(2) A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular place of business in the performance of services for the Commission.

(3) The Chairman of the Commission may, without regard to the provisions of the title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The Chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) Upon the request of the Chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(5) The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not

exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule and under section 5316 of such title.

(h) MISCELLANEOUS ADMINISTRATIVE PROVISIONS.—(1) The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(2) The Secretary of Defense and the Secretary of Energy shall furnish the Commission with any administrative and support services requested by the Commission and with office space within the Washington, District Columbia, metropolitan area that is sufficient for the administrative offices of the Commission and for holding general meetings of Commission.

(i) FUNDING.—The Secretary of Defense and the Secretary of Energy shall each contribute 50 percent of the amount of funds that are necessary for the Commission to carry out its duties. Upon receiving from the Chairman of the Commission a written certification of the amount of funds that is necessary for funding the activities of the Commission for a period, the Secretaries shall promptly make available to the Commission funds in the total amount specified in the certification. Funds available for the Department of Defense for Defense-wide research, development, test, and evaluation shall be available for the Department of Defense contribution. Funds available for the Department of Energy for atomic energy defense activities shall be available for the Department of Energy contribution.

(j) TERMINATION OF THE COMMISSION.—The Commission shall terminate three years after the date of the appointment of the member designated as Chairman.

(k) INITIAL IMPLEMENTATION.—All appointments to the Commission shall be made not later than 45 days after the date of the enactment of this Act. The Commission shall convene its first meeting not later than 30 days after the date as of which all members of the Commission have been appointed.

JEFFORDS (AND LEAHY) AMENDMENT NO. 2839

(Ordered to lie on the table.)

Mr. JEFFORDS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

Strike out section 413, and insert in lieu thereof the following:

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

(a) MINIMUM STRENGTHS.—The number of military technicians (dual status) of each of the reserve components of the Army and the Air Force as of September 30, 1999, shall be at least the following:

(1) For the Army Reserve, 5,395.

(2) For the Army National Guard of the United States, 23,125.

(3) For the Air Force Reserve, 9,761.

(4) For the Air National Guard of the United States, 22,408.

(b) NON-DUAL STATUS MILITARY TECHNICIANS NOT INCLUDED.—In this section, the term "military technician (dual status)" has the meaning given the term in section 10216(a) of title 10, United State Code, and does not include a non-dual status technician (within the meaning of section 10217 of such title).

At the end of subtitle C of title X, add the following:

SEC. 1031. REVIEW AND REPORT REGARDING THE DISTRIBUTION OF NATIONAL GUARD RESOURCES AMONG STATES.

(a) REQUIREMENT FOR REVIEW.—The Chief of the National Guard Bureau shall review the process used for planning for an appropriate distribution of resources among the States for the National Guard of the States.

(b) PURPOSE OF REVIEW.—The purpose of the review is to determine whether the process provides for adequately funding the National Guard of the States that have within the National Guard no unit or few units categorized in readiness tiers I, II, and III.

(c) MATTERS REVIEWED.—The matters reviewed shall include the following:

(1) The factors considered for the process of determining the distribution of resources, including the weights assigned to the factors.

(2) The extent to which the process results in planning for the units of the States described in subsection (b) to be funded at the levels necessary to optimize the preparedness of the units to meet the mission requirements applicable to the units.

(3) The effects that funding at levels determined under the process will have on the National Guard of those States in the future, including the effects on unit readiness, recruitment, and continued use of existing National Guard armories and other facilities.

(d) REPORT.—Not later than March 15, 1999, the Chief of the National Guard Bureau shall submit a report on the results of the review to the congressional defense committees.

COVERDELL (AND OTHERS) AMENDMENT NO. 2840

(Ordered to lie on the table.)

Mr. COVERDELL (for himself, Mr. BREAUX, and Mr. DEWINE) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. FEDERAL FACILITIES CLEAN WATER COMPLIANCE.

(a) APPLICATION OF CERTAIN PROVISIONS TO FEDERAL FACILITIES.—Section 313 of the Federal Water Pollution Control Act (33 U.S.C. 1323) is amended—

(1) by redesignating subsection (b) as subsection (d); and

(2) by striking subsection (a) and inserting the following:

"(a) COMPLIANCE.—

"(1) DEFINITION OF REASONABLE SERVICE CHARGE.—In this subsection, the term 'reasonable service charge' includes but is not limited to—

"(A) a fee or charge assessed in connection with the processing, issuance, renewal, or amendment of a permit, review of a plan, study, or other document, or inspection or monitoring of a facility; and

"(B) any other nondiscriminatory charge that is assessed in connection with a Federal, State, interstate, or local regulatory program concerning the control and abatement of water pollution.

"(2) REQUIREMENT.—Each department, agency, and instrumentality of the executive, legislative, or judicial branch of the Federal Government that has jurisdiction over any property or facility, or is engaged in any activity that results, or that may result, in the discharge or runoff of a pollutant shall be subject to, and shall comply with, all Federal, State, interstate, and local substantive and procedural requirements (including any requirement for a permit or reporting, any provision for injunctive relief and such sanctions as are imposed by a Federal or State court to enforce the relief, and any requirement for the payment of a reasonable service charge) concerning the control and abatement of water pollution in the same manner, and to the same extent, as any other person is subject to the requirements.

"(3) WAIVER OF SOVEREIGN IMMUNITY.—The United States waives any immunity otherwise applicable to the United States with respect to any substantive or procedural requirement described in paragraph (2), including but not limited to immunity from process in an administrative or court action seeking—

"(A) injunctive relief;

"(B) imposition of a sanction referred to in this subsection;

"(C) enforcement of an administrative order;

"(D) imposition of an administrative penalty or fine; or

"(E) payment of a reasonable service charge.

"(4) ADMINISTRATIVE ORDERS AND PENALTIES.—The substantive and procedural requirements described in paragraph (2) include but are not limited to all administrative orders and all civil and administrative penalties or fines, regardless of whether the penalties or fines are punitive or coercive in nature or are imposed for isolated, intermittent, or continuing violations.

"(5) INJUNCTIVE RELIEF.—The United States (including any agent, employee, or officer of the United States) shall not be immune or exempt from any process or sanction of any State or Federal court with respect to the enforcement of any injunctive relief referred to in paragraph (2).

"(6) CIVIL PENALTIES.—No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal, State, interstate, or local law concerning the control and abatement of water pollution with respect to any act or omission within the scope of the official duties of the agent, employee, or officer.

"(7) CRIMINAL PENALTIES.—

"(A) AGENTS, EMPLOYEES, AND OFFICERS.—An agent, employee, or officer of the United States shall be subject to a criminal sanction (including but not limited to a fine or imprisonment) under any Federal or State law concerning the control and abatement of water pollution.

"(B) DEPARTMENTS, AGENCIES, AND INSTRUMENTALITIES.—No department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to a sanction referred to in subparagraph (A).

"(b) ADMINISTRATIVE ENFORCEMENT ACTIONS.—

"(1) IN GENERAL.—

"(A) COMMENCEMENT.—The Administrator, the Secretary of the Army, and the Secretary of the department in which the Coast Guard is operating may commence an administrative enforcement action against any department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government pursuant to the enforcement authorities authorized by this Act.

"(B) MANNER AND CIRCUMSTANCES.—The Administrator or Secretary, as applicable, shall initiate an administrative enforcement action against such a department, agency, or instrumentality in the same manner and under the same circumstances as the Administrator or Secretary would initiate such an action against another person.

"(C) CONSENT ORDERS.—Any voluntary resolution or settlement of an action described

in subparagraph (B) shall be set forth in a consent order.

"(2) OPPORTUNITY TO CONFER.—An administrative order issued to a department, agency, or instrumentality under paragraph (1) shall not become final until the department, agency, or instrumentality has had the opportunity to confer with the Administrator or Secretary, as applicable.

"(c) LIMITATION ON STATE USE OF FUNDS COLLECTED FROM THE FEDERAL GOVERNMENT.—Unless a State law in effect on the date of enactment of this subsection or a State constitution requires the funds to be used in a different manner, all funds collected by a State from the Federal Government from penalties and fines imposed for violation of a substantive or procedural requirement described in subsection (a) shall be used by the State only for projects designed to improve or protect the environment or to defray the costs of environmental protection or enforcement.".

(b) DEFINITION OF PERSON.—

(1) GENERAL DEFINITIONS.—Section 502(5) of the Federal Water Pollution Control Act (33 U.S.C. 1362(5)) is amended—

(A) by striking "or any" and inserting "an"; and

(B) by inserting before the period at the end the following: "or a department, agency, or instrumentality of the United States".

(2) OIL AND HAZARDOUS SUBSTANCE LIABILITY PROGRAM.—Section 311(a)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)(7)) is amended—

(A) by striking "a"; and

(B) by inserting before the semicolon at the end the following: "and a department, agency, or instrumentality of the United States".

COVERDELL AMENDMENT NO. 2841

(Ordered to lie on the table.)

Mr. COVERDELL submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. COVERAGE OF FEDERAL FACILITIES UNDER THE EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT OF 1986.

Section 329(7) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11049(7)) is amended by inserting "or the United States" before the period at the end.

GRAMS AMENDMENT NO. 2842

(Ordered to lie on the table.)

Mr. GRAMS submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 634. PRESENTATION OF UNITED STATES FLAG TO MEMBERS OF THE ARMED FORCES.

(a) ARMY.—(1) Chapter 353 of title 10, United States Code, is amended by inserting after the table of sections the following:

"§ 3681. Presentation of flag upon retirement at end of active duty service

"(a) REQUIREMENT.—The Secretary of the Army shall present a United States flag to a member of any component of the Army upon the release of the member from active duty for retirement.

"(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for a presentation of a flag under subsection (a) if the member has previously been presented a flag under this section or section 6141 or 8681 of this title.

"(c) NO COST TO RECIPIENT.—The presentation of a flag under his section shall be at no cost to the recipient.".

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 3684 the following:

"3681. Presentation of flag upon retirement at end of active duty service.".

(b) NAVY AND MARINE CORPS.—(1) Chapter 561 of title 10, United States Code, is amended by inserting after the table of sections the following:

"§ 6141. Presentation of flag upon retirement at end of active duty service

"(a) REQUIREMENT.—The Secretary of the Navy shall present a United States flag to a member of any component of the Navy or Marine Corps upon the release of the member from active duty for retirement or for transfer to the Fleet Reserve or the Fleet Marine Corps Reserve.

"(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for a presentation of a flag under subsection (a) if the member has previously been presented a flag under this section or section 3681 or 8681 of this title.

"(c) NO COST TO RECIPIENT.—The presentation of a flag under his section shall be at no cost to the recipient.".

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 6151 the following:

"6141. Presentation of flag upon retirement at end of active duty service.".

(c) AIR FORCE.—(1) Chapter 853 of title 10, United States Code, is amended by inserting after the table of sections the following:

"§ 8681. Presentation of flag upon retirement at end of active duty service

"(a) REQUIREMENT.—The Secretary of the Air Force shall present a United States flag to a member of any component of the Air Force upon the release of the member from active duty for retirement.

"(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for a presentation of a flag under subsection (a) if the member has previously been presented a flag under this section or section 3681 or 6141 of this title.

"(c) NO COST TO RECIPIENT.—The presentation of a flag under his section shall be at no cost to the recipient.".

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 8684 the following:

"8681. Presentation of flag upon retirement at end of active duty service.".

(d) REQUIREMENT FOR ADVANCE APPROPRIATIONS.—The Secretary of a military department may present flags under authority provided the Secretary in section 3681, 6141, or 8681 title 10, United States Code (as added by this section), only to the extent that funds for such presentations are appropriated for that purpose in advance.

(e) EFFECTIVE DATE.—Sections 3681, 6141, and 8681 of title 10, United States Code (as added by this section shall take effect on October 1, 1998, and shall apply with respect to releases described in those sections on or after that date.

HUTCHISON AMENDMENT NO. 2843

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 2057, supra; as follows:

On page 222, below line 21, add the following:

SEC. 1031. REPORT ON REDUCTION OF INFRASTRUCTURE COSTS AT BROOKS AIR FORCE BASE, TEXAS.

(a) REQUIREMENT.—Not later than December 31, 1998, the Secretary of the Air Force shall, in consultation with the Secretary of Defense, submit to the congressional defense committees a report on means of reducing significantly the infrastructure costs at Brooks Air Force Base, Texas, while also maintaining or improving the support for Department of Defense missions and personnel provided through Brooks Air Force Base.

(b) ELEMENTS.—The report shall include the following:

(1) A description of any barriers (including barriers under law and through policy) to improved infrastructure management at Brooks Air Force Base.

(2) A description of means of reducing infrastructure management costs at Brooks Air Force Base through cost-sharing arrangements and more cost-effective utilization of property.

(3) A description of any potential public partnerships or public-private partnerships to enhance management and operations at Brooks Air Force Base.

(4) An assessment of any potential for expanding infrastructure management opportunities at Brooks Air Force Base as a result of initiative considered at the Base or at other installations.

(5) An analysis (including appropriate data) on current and projected costs of the ownership or lease of Brooks Air Force Base under a variety of ownership or leasing scenarios, including the savings that would accrue to the Air Force under such scenarios and a schedule for achieving such savings.

(6) Any recommendations relating to reducing the infrastructure costs at Brooks Air Force Base that the Secretary considers appropriate.

THURMOND AMENDMENT NO. 2844

(Ordered to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. SENSE OF CONGRESS REGARDING CONTINUED PARTICIPATION OF UNITED STATES FORCES IN OPERATIONS IN BOSNIA AND HERZEGOVINA.

(a) FINDINGS.—Congress makes the following findings:

(1) The contributions of the people of the United States and other nations have, in large measure, resulted in the suspension of fighting and alleviated the suffering of the people of Bosnia and Herzegovina since December 1995.

(2) the people of the United States have expended approximately $9,500,000,000 in tax dollars between 1992 and mid-1998 just in support of the United States military operations in Bosnia to achieve those results.

(3) Efforts to restore the economy and political structure in Bosnia and Herzegovina have achieved some success in accordance with the Dayton Agreement.

(4) In February 1998, the President certified to Congress that the continued presence of United States forces in Bosnia and Herzegovina after June 30, 1998, was necessary in order to meet national security interests of the United States.

(5) There is, however, no accurate estimate of the time needed to accomplish the civilian implementation tasks outlined in the Dayton Agreement.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) United States ground combat forces should not remain in Bosnia and Herzegovina indefinitely in view of the world-wide commitments of the Armed Forces of the United States;

(2) the President should work with NATO allies and the other nations whose military forces are participating in the NATO-led Stabilization Force to remove United States ground combat forces from Bosnia and Herzegovina within a reasonable period of time, consistent with the safety of those forces and the accomplishment of the Stabilization Force's military tasks;

(3) a NATO-led force without the participation of United States ground combat forces in Bosnia and Herzegovina might be suitable for a European follow-on force for Bosnia and Herzegovina;

(4) United States leaders potentially could decide to provide appropriate support to a European or NATO-led follow-on force for Bosnia and Herzegovina, including command and control, intelligence, logistics, and, if necessary, a ready reserve force in the region;

(5) the President should inform the European NATO allies of this expression of the sense of Congress and should strongly urge them to undertake preparations for establishing a European or a NATO-led force as a follow-on force to the NATO-led Stabilization Force if needed to maintain peace and stability in Bosnia and Herzegovina; and

(6) the President should consult closely with the congressional leadership and the congressional defense committees with respect to the progress being made toward achieving a sustainable peace in Bosnia and Herzegovina and the progress being made toward a reduction and ultimate withdrawal of United States ground combat forces from Bosnia and Herzegovina.

(c) DAYTON AGREEMENT DEFINED.—In this section, the term "Dayton Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

THURMOND (AND LEVIN) AMENDMENT NO. 2845

(Ordered to lie on the table.)

Mr. THURMOND (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. SENSE OF CONGRESS REGARDING CONTINUED PARTICIPATION OF UNITED STATES FORCES IN OPERATIONS IN BOSNIA AND HERZEGOVINA.

(a) FINDINGS.—Congress makes the following findings:

(1) The contributions of the people of the United States and other nations have, in large measure, resulted in the suspension of fighting and alleviated the suffering of the people of Bosnia and Herzegovina since December 1995.

(2) the people of the United States have expended approximately $9,500,000,000 in tax dollars between 1992 and mid-1998 just in support of the United States military operations in Bosnia to achieve those results.

(3) Efforts to restore the economy and political structure in Bosnia and Herzegovina have achieved some success in accordance with the Dayton Agreement.

(4) In February 1998, the President certified to Congress that the continued presence of United States forces in Bosnia and Herzegovina after June 30, 1998, was necessary in order to meet national security interests of the United States.

(5) There is, however, no accurate estimate of the time needed to accomplish the civilian implementation tasks outlined in the Dayton Agreement.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) United States ground combat forces should not remain in Bosnia and Herzegovina indefinitely in view of the world-wide commitments of the Armed Forces of the United States;

(2) the President should work with NATO allies and the other nations whose military forces are participating in the NATO-led Stabilization Force to withdraw United States ground combat forces from Bosnia and Herzegovina within a reasonable period of time, consistent with the safety of those forces and the accomplishment of the Stabilization Force's military tasks;

(3) a NATO-led force without the participation of United States ground combat forces in Bosnia and Herzegovina might be suitable for a follow-on force for Bosnia and Herzegovina if the European Security and Defense Identity is not sufficiently developed or is otherwise considered inappropriate for such a mission;

(4) United States leaders potentially could decide to provide appropriate support to a Western European Union-led or NATO-led follow-on force for Bosnia and Herzegovina, including command and control, intelligence, logistics, and, if necessary, a ready reserve force in the region;

(5) the President should inform the European NATO allies of this expression of the sense of Congress and should strongly urge them to undertake preparations for establishing a Western European Union-led or a NATO-led force as a follow-on force to the NATO-led Stabilization Force if needed to maintain peace and stability in Bosnia and Herzegovina; and

(6) the President should consult closely with the congressional leadership and the congressional defense committees with respect to the progress being made toward achieving a sustainable peace in Bosnia and Herzegovina and the progress being made toward a reduction and ultimate withdrawal of United States ground combat forces from Bosnia and Herzegovina.

(c) DAYTON AGREEMENT DEFINED.—In this section, the term "Dayton Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

THURMOND AMENDMENT NO. 2846

(Ordered to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 347, below line 23, add the following:

SEC. 2833. REPORT ON LEASING AND OTHER ALTERNATIVE USES OF NON-EXCESS MILITARY PROPERTY.

(a) FINDINGS.—Congress makes the following findings:

(1) The Secretary of Defense, with the support of the chiefs of staff of the Armed Forces, is calling for the closure of additional military installations in the United States as a means of eliminating excess capacity in such installations.

(2) The Secretary has stated that the closure of additional military installations in the United States is essential if the United States is to have the funds required to buy critically needed new weapons and equipment.

(3) The prospect of redevelopment of military installations closed under the Defense Base Closure and Realignment Act of 1990 has provoked significant private sector interest in military installations as potential locations for commercial development.

(4) Excess capacity in Department of Defense installations is a valuable asset, and the utilization of such capacity presents a potential economic benefit for the Department and the Nation.

(5) The experiences of the Department have demonstrated that the military departments and private businesses can carry out activities at the same military installation simultaneously.

(6) Section 2667 of title 10, United States Code, authorizes the Secretaries of the military departments to lease, upon terms that promote the national defense or are in the public interest, real property that is—

(A) under the control of such departments;

(B) not for the time needed for public use; and

(C) not excess to the requirements of the United States.

(b) REPORT.—Not later than February 1, 1999, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report setting forth the following:

(1) The number and purpose of the leases entered into under section 2667 of title 10, United States Code, during the five-year period ending on the date of enactment of this Act.

(2) The types and amounts of payments received under the leases specified in paragraph (1).

(3) The costs, if any, foregone as a result of the leases specified in paragraph (1).

(4) A discussion of the positive and negative aspects of leasing real property and surplus capacity at military installations to the private sector, including the potential impact on force protection.

(5) A description of the current efforts of the Department of Defense to identify for the private sector any surplus capacity at military installations that could be leased or otherwise used by the private sector.

(6) A proposal for any legislation that the Secretary considers appropriate to enhance the ability of the Department to utilize surplus capacity in military installations in order to improve military readiness, achieve cost savings with respect to such installations, or decrease the cost of operating such installations.

(7) An estimate of the amount of income that could accrue to the Department as a result of the enhanced authority proposed under paragraph (6) during the five-year period beginning on the effective date of such enhanced authority.

(8) A discussion of the extent to which any such income should be reserved for the use of

the installations exercising such authority and of the extent to which installations are likely to enter into such leases if they cannot retain such income.

WARNER AMENDMENT NO. 2847

(Ordered to lie on the table.)

Mr. WARNER submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. TRANSFER OF DEFENSE AUTOMATED PRINTING SERVICE FUNCTIONS.

(b) REPORT.—Not later than March 31, 1999, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the printing functions of the Defense Automated Printing Service. The report shall contain the following:

(1) The functions that the Secretary determines are inherently national security functions and, as such, need to be performed within the Department of Defense, together with a detailed justification for the determination for each such function.

(2) The functions that the Secretary determines are appropriate for transfer to the General Services Administration or the Government Printing Office.

(3) A plan to transfer to the General Services Administration or the Government Printing Office the printing functions of the Defense Automated Printing Service that are not identified under paragraph (1) as being inherently national security functions.

(4) Any recommended legislation and any administrative action that is necessary for transferring the functions in accordance with the plan.

(5) A discussion of the costs or savings associated with the transfers provided for in the plan.

(b) EXTENSION OF REQUIREMENT FOR COMPETITIVE PROCUREMENT OF SERVICES.—Section 351(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 266), as amended by section 351(a) of Public Law 104–201 (110 Stat. 2490) and section 387(a)(1) of Public Law 105–85 (111 Stat. 1713), is further amended by striking out "1998" and inserting in lieu thereof "1999".

THURMOND AMENDMENT NO. 2848

(Ordered to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. AUTHORITY FOR WAIVER OF MORATORIUM ON ARMED FORCES USE OF ANTIPERSONNEL LANDMINES.

Section 580 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104–107; 110 Stat. 751) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) WAIVER AUTHORITY.—(1) The President may waive the moratorium set forth in subsection (a) if the President determines that the waiver is necessary in the national security interests of the United States.

"(2) The President shall notify the President pro tempore of the Senate and the Speaker of the House of Representatives of the exercise of the authority provided by paragraph (1).".

SANTORUM AMENDMENT NO. 2849

(Ordered to lie on the table.)

Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 14, line 23, increase the amount by $17,000,000.

On page 42, line 23, reduce the amount by $17,000,000.

THURMOND AMENDMENTS NOS. 2850–2851

(Ordered to lie on the table.)

Mr. THURMOND submitted two amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2850

On page 64, line 7, strike out "(d)", and insert in lieu thereof the following:

(3) The waiver authority under paragraph (1) does not apply to the limitation in subsection (d) or the limitation in section 2208(*l*)(3) of title 10, United States Code (as added by subsection (e)).

(d) FISCAL YEAR 1999 LIMITATION ON ADVANCE BILLINGS.—(1) The total amount of the advance billings rendered or imposed for the working-capital funds of the Department of Defense and the Defense Business Operations Fund in fiscal year 1999—

(A) for the Department of the Navy, may not exceed $500,000,000; and

(B) for the Department of the Air Force, may not exceed $500,000,000.

(2) In paragraph (1), the term "advance billing" has the meaning given such term in section 2208(*l*) of title 10, United States Code.

(e) PERMANENT LIMITATION ON ADVANCE BILLINGS.—(1) Section 2208(*l*) of title 10, United States Code, is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph (3):

"(3) The total amount of the advance billings rendered or imposed for all working-capital funds of the Department of Defense in a fiscal year may not exceed $1,000,000,000.".

(2) Section 2208(*l*)(3) of such title, as added by paragraph (1), applies to fiscal years after fiscal year 1999.

(f)

AMENDMENT NO. 2851

Beginning on page 400, line 10, strike out "$100,000,000" and all that follows through page 401, line 12, and insert in lieu thereof the following:

$103,000,000 by the end of fiscal year 1999 and $377,000,000 by the end of fiscal year 2003.

(b) LIMITATION ON DISPOSAL QUANTITY.—The total quantities of materials authorized for disposal by the President under subsection (a) may not exceed the amounts set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Beryllium Metal, vacuum cast	227 short tons
Chromium Metal—EL	8,511 short tons
Columbium Carbide Powder	21,372 pounds contained
Columbium Ferro	249,395 pounds contained
Columbium Concentrates	1,733,454 pounds contained
Chromium Ferroalloy	92,000 short tons
Diamond, Stones	3,000,000 carats
Germanium Metal	28,198 kilograms
Indium	14,248 troy ounces
Palladium	1,227,831 troy ounces
Platinum	439,887 troy ounces
Tantalum Carbide Powder	22,681 pounds contained
Tantalum Metal Powder	50,000 pounds contained
Tantalum Minerals	1,751,364 pounds contained
Tantalum Oxide	122,730 pounds contained
Tungsten Ferro	2,024,143 pounds
Tungsten Carbide Powder	2,032,954 pounds
Tungsten Metal Powder	1,898,009 pounds
Tungsten Ores & Concentrates	76,358,230 pounds.

(c) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of materials under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

(d) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection.

(e) AUTHORIZATION OF SALE.—The authority provided by this section to dispose of materials contained in the National Defense Stockpile so as to result in receipts of $100,000,000 of the amount specified for fiscal

year 1999 in subsection (a) by the end of that fiscal year shall be effective only to the extent provided in advance in appropriation Acts.

SEC. 3304. USE OF STOCKPILE FUNDS FOR CERTAIN ENVIRONMENTAL REMEDIATION, RESTORATION, WASTE MANAGEMENT, AND COMPLIANCE ACTIVITIES.

Section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)) is amended—

(1) by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L), respectively; and

(2) by inserting after subparagraph (I) the following new subparagraph (J):

"(J) Performance of environmental remediation, restoration, waste management, or compliance activities at locations of the stockpile that are required under a Federal law or are undertaken by the Government under an administrative decision or negotiated agreement.".

LOTT AMENDMENT NO. 2852

(Ordered to lie on the table.)

Mr. LOTT submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. APPOINTMENT OF DIRECTOR AND DEPUTY DIRECTOR OF THE NAVAL HOME.

(a) APPOINTMENT AND QUALIFICATIONS OF DIRECTOR AND DEPUTY DIRECTOR.—Subsection (a) of section 1517 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 417) is amended—

(1) in paragraph (2)—

(A) by striking out "Each Director" and inserting in lieu thereof "The Director of the United States Soldiers' and Airmen's Home"; and

(B) by striking out subparagraph (B) and inserting in lieu thereof the following:

"(B) meet the requirements of paragraph (4).";

(2) by redesignating paragraph (3) as paragraph (5); and

(3) by inserting after paragraph (2) the following new paragraphs (3) and (4):

"(3) The Director, and any Deputy Director, of the Naval Home shall be appointed by the Secretary of Defense from among persons recommended by the Secretaries of the military departments who—

"(A) in the case of the position of Director, are commissioned officers of the Armed Forces serving on active duty in a pay grade above 0–5;

"(B) in the case of the position of Deputy Director, are commissioned officers of the Armed Forces serving on active duty in a pay grade above 0–4; and

"(C) meet the requirements of paragraph (4).

"(4) Each Director shall have appropriate leadership and management skills, an appreciation and understanding of the culture and norms associated with military service, and significant military background.".

(b) TERM OF DIRECTOR AND DEPUTY DIRECTOR.—Subsection (c) of such section is amended—

(1) by striking out "(c) TERM OF DIRECTOR.—" and all that follows through "A Director" in the second sentence and inserting in lieu thereof "(c) TERMS OF DIRECTORS.—(1) The term of office of the Director of the United States Soldiers' and Airmen's Home shall be five years. The Director"; and

(2) by adding at the end the following new paragraph:

"(2) The Director and the Deputy Director of the Naval Home shall serve at the pleasure of the Secretary of Defense.".

(c) DEFINITIONS.—Such section is further amended by adding at the end the following:

"(g) DEFINITIONS.—In this section:

"(1) The term 'United States Soldiers' and Airmen's Home' means the separate facility of the Retirement Home that is known as the United States Soldiers' and Airmen's Home.

"(2) The term 'Naval Home' means the separate facility of the Retirement Home that is known as the Naval Home.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998.

D'AMATO AMENDMENT NO. 2853

(Ordered to lie on the table.)

Mr. D'AMATO submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 342, below line 22, add the following:

SEC. 2827. LAND CONVEYANCE, SKANEATELES, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Town of Skaneateles, New York (in this section referred to as the "Town"), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 147.10 acres in Skaneateles, New York, and commonly known as the "Federal Farm". The purpose of the conveyance is to permit the Town to develop the parcel for public benefit, including for recreational purposes.

(b) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used by the Town in accordance with that subsection, all right, title, and interest in and to the real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Town.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

BOND AMENDMENT NO. 2854

(Ordered to lie on the table.)

Mr. BOND submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 323, in the third table following line 9, insert after the item relating to Camp Shelby, Mississippi, the following new item:

Missouri	National Guard Training Site, Jefferson City	Multi-Purpose Range	$2,236,000

GRAMS AMENDMENT NO. 2855

(Ordered to lie on the table.)

Mr. GRAMS submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 342, below line 22, add the following:

SEC. 2827. LAND CONVEYANCE, NAVAL AIR RESERVE CENTER, MINNEAPOLIS, MINNESOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without any consideration other than the consideration provided for under subsection (c), to the Minneapolis-St. Paul Metropolitan Airports Commission, Minnesota (in this section referred to as the "Commission"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 32 acres located in Minneapolis, Minnesota, and comprising the Naval Air Reserve Center, Minneapolis, Minnesota. The purpose of the conveyance is to facilitate expansion of the Minneapolis-St. Paul International Airport.

(b) ALTERNATIVE LEASE AUTHORITY.—(1) The Secretary may, in lieu of the conveyance authorized by subsection (a), elect to lease the property referred to in that subsection to the Commission if the Secretary determines that a lease of the property would better serve the interests of the United States.

(2) Notwithstanding any other provision of law, the term of the lease under this subsection may not exceed 99 years.

(3) The Secretary may not require any consideration as part of the lease under this subsection other than the consideration provided for under subsection (c).

(c) CONSIDERATION.—As consideration for the conveyance under subsection (a), or the lease under subsection (b), the Commission shall—

(1) provide for such facilities as the Secretary considers appropriate for the Naval Reserve to replace the facilities conveyed or leased under this section—

(A) by—

(i) conveying to the United States, without any consideration other than the consideration provided for under subsection (a), all right, title, and interest in and to a parcel of real property determined by the Secretary to be an appropriate location for such facilities, if the Secretary elects to make the conveyance authorized by subsection (a); or

(ii) leasing to the United States, for a term of 99 years and without any consideration other than the consideration provided for under subsection (b), a parcel of real property determined by the Secretary to be an appropriate location for such facilities, if the Secretary elects to make the lease authorized by subsection (b); and

(B) assuming the costs of designing and constructing such facilities on the parcel conveyed or leased under subparagraph (A); and

(2) assume any reasonable costs incurred by the Secretary in relocating the operations of the Naval Air Reserve Center to the facilities constructed under paragraph (1)(B).

(d) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not make the conveyance authorized by subsection (a), or enter into the lease authorized by subsection (b), until the facilities to be constructed under subsection (c) are available for the relocation of the operations of the Naval Air Reserve Center.

(e) AGREEMENT RELATING TO CONVEYANCE.—If the Secretary determines to proceed with the conveyance authorized by subsection (a), or the lease authorized by subsection (b), the Secretary and the Commission shall enter into an agreement specifying the terms and conditions under which the conveyance or lease will occur.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a), or leased under subsection (b), and to be conveyed or leased under subsection (c)(1)(A), shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Commission.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), or the lease under subsection (b), as the Secretary considers appropriate to protect the interests of the United States.

THOMAS (AND ENZI) AMENDMENT NO. 2856

(Ordered to lie on the table.)

Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. PROHIBITION ON RETURN OF VETERANS MEMORIAL OBJECTS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) PROHIBITION.—Notwithstanding section 2572 of title 10, United States Code, or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to a person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term "entity controlled by a foreign government" has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term "veterans memorial object" means any object, including a physical structure or portion thereof, that—

(A) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad.

JEFFORDS (AND LEAHY) AMENDMENT NO. 2857

(Ordered to lie on the table.)

Mr. JEFFORDS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

Strike out section 413, and insert in lieu thereof the following:

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

(a) MINIMUM STRENGTHS.—The number of military technicians (dual status) of each of the reserve components of the Army and the Air Force as of September 30, 1999, shall be at least the following:

(1) For the Army Reserve, 5,395.

(2) For the Army National Guard of the United States, 23,125.

(3) For the Air Force Reserve, 9,761.

(4) For the Air National Guard of the United States, 22,408.

(b) NON-DUAL STATUS MILITARY TECHNICIANS NOT INCLUDED.—In this section, the term "military technician (dual status)" has the meaning given the term in section 10216(a) of title 10, United State Code, and does not include a non-dual status technician (within the meaning of section 10217 of such title).

At the end of subtitle C of title X, add the following:

SEC. 1031. REVIEW AND REPORT REGARDING THE DISTRIBUTION OF NATIONAL GUARD RESOURCES AMONG STATES.

(a) REQUIREMENT FOR REVIEW.—The Chief of the National Guard Bureau shall review the process used for planning for an appropriate distribution of resources among the States for the National Guard of the States.

(b) PURPOSE OF REVIEW.—The purpose of the review is to determine whether the process provides for adequately funding the National Guard of the States that have within the National Guard no unit or few units categorized in readiness tiers I, II, and III.

(c) MATTERS REVIEWED.—The matters reviewed shall include the following:

(1) The factors considered for the process of determining the distribution of resources, including the weights assigned to the factors.

(2) The extent to which the process results in planning for the units of the States described in subsection (b) to be funded at the levels necessary to optimize the preparedness of the units to meet the mission requirements applicable to the units.

(3) The effects that funding at levels determined under the process will have on the National Guard of those States in the future, including the effects on unit readiness, recruitment, and continued use of existing National Guard armories and other facilities.

(d) REPORT.—Not later than March 15, 1999, the Chief of the National Guard Bureau shall submit a report on the results of the review to the congressional defense committees.

BINGAMAN (AND OTHERS) AMENDMENT NO. 2858

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. SANTORUM, Mr. LIEBERMAN, Mr. LOTT, and Mr. FRIST) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

"SEC. 1064. DEFENSE SCIENCE AND TECHNOLOGY PROGRAM

"(a) FUNDING REQUIREMENTS FOR THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM BUDGET.—For each of the fiscal years 2000 through 2008, it shall be an objective of the Secretary of Defense to increase the budget for the Defense Science and Technology Program for the fiscal year over the budget for that program for the preceding fiscal year by a percent that is at least two percent above the rate of inflation as determined by the Office of Management and Budget.

"(b) GUIDELINES FOR THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM

"(1) RELATIONSHIP OF DEFENSE SCIENCE AND TECHNOLOGY PROGRAM TO UNIVERSITY RESEARCH—The following shall be key objectives of the Defense Science and Technology Program—

"(A) the sustainment of research capabilities in scientific and engineering disciplines critical to the Department of Defense;

"(B) the education and training of the next generation of scientists and engineers in disciplines that are relevant to future Defense systems, particularly through the conduct of basic research; and

"(C) the continued support of the Defense Experimental Program to Stimulate Competitive Research and research programs at historically black colleges and universities and minority institutions.

"(2) RELATIONSHIP OF THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM TO COMMERCIAL RESEARCH AND TECHNOLOGY.

"(A) In supporting projects within the Defense Science and Technology Program, the Secretary of Defense shall attempt to leverage commercial research, technology, products, and processes for the benefit of the Department of Defense.

"(B) Funds made available for projects and programs of the Defense Science and Technology Program may be used only for the benefit of the Department of Defense, which includes—

"(i) the development of technology that has only military applications;

"(ii) the development of militarily useful, commercially viable technology; or

"(iii) the adaption of commercial technology, products, or processes for military purposes.

"(3) SYNERGISTIC MANAGEMENT OF RESEARCH AND DEVELOPMENT.—The Secretary of Defense may allocate a combination of funds available for the Department of Defense for basic and applied research and for advanced development to support any individual project or program within the Defense Science and Technology Program. This flexibility is not intended to change the allocation of funds in any fiscal year among basic and applied research and advanced development.

"(c) DEFINITIONS.—In this section:

"(1) The term "Defense Science and Technology Program" means basic and applied research and advanced development.

"(2) The term "basic and applied research" means work funded in program elements for defense research and development under the Department of Defense category 6.1 or 6.2.

"(3) The term "advanced development" means work funded in program elements for defense research and development under Department of Defense category 6.3.".

On page 398, between lines 9 and 10, insert the following:

"SEC. 3144. FUNDING REQUIREMENTS FOR THE NONPROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES OF THE DEPARTMENT OF ENERGY

"(a) FUNDING REQUIREMENTS FOR THE NONPROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES BUDGET.—For each of the fiscal years 2000 through 2008, it shall be an objective of the Secretary of Energy to increase the budget for the nonproliferation science and technology activities for the fiscal year

over the budget for those activities for the preceding fiscal year by a percent that is at least two percent above the rate of inflation as determined by the Office of Management and Budget.

"(b) NONPROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES DEFINED.—In this section, the term "nonproliferation science and technology activities" means activities (including program direction activities) relating to preventing and countering the proliferation of weapons of mass destruction that are funded by the Department of Energy under the following programs and projects:

"(1) The Verification and Control Technology program within the Office of Nonproliferation and National Security;

"(2) Projects under the "Technology and Systems Development" element of the Nuclear Safeguards and Security program within the Office of Nonproliferation and National Security.

"(3) Projects relating to a national capability to assess the credibility of radiological and extortion threats, or to combat nuclear materials trafficking or terrorism, under the Emergency Management program within the Office of Nonproliferation and National Security.

"(4) Projects relating to the development or integration of new technology to respond to emergencies and threats involving the presence, or possible presence, of weapons of mass destruction, radiological emergencies, and related terrorist threats, under the Office of Defense Programs.".

BYRD AMENDMENTS NOS. 2859–2860

(Ordered to lie on the table.)

Mr. BYRD submitted two amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2859

At the end of title VII, add the following:

SEC. 708. WAIVER OF INFORMED CONSENT REQUIREMENT FOR ADMINISTRATION OF CERTAIN DRUGS TO MEMBERS OF ARMED FORCES.

(a) REQUIREMENT FOR CONCURRENCE OF PRESIDENT IN WAIVER DETERMINATION.—Section 1107 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) WAIVER OF CONSENT REQUIREMENT.—The Secretary of Defense may waive the requirement for prior consent imposed under the regulations required under section 505(i)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)(4)) if the Secretary determines that obtaining consent is not feasible or is contrary to the best interests of the members involved and the President provides to the Secretary a written statement that the President concurs in the determination.".

(b) TIME AND FORM OF NOTICE.—(1) Subsection (b) of such section is amended by striking out ", if practicable" and all that follows through "first administered to the member".

(2) Subsection (c) of such section is amended by striking out "unless the Secretary of Defense determines" and all that follows through "alternative method".

(c) CLARIFICATION OF AUTHORITY.—Subsection (a)(1) of such section is amended by inserting after "Whenever" the following: ", under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)),".

AMENDMENT NO. 2860

At the end of subtitle E of title III, add the following:

SEC. 349. PROHIBITIONS REGARDING EVALUATION OF MERIT OF SELLING MALT BEVERAGES AND WINE IN COMMISSARY STORES AS EXCHANGE SYSTEM MERCHANDISE.

Neither the Secretary of Defense nor any other official of the Department of Defense may—

(1) by contract or otherwise, conduct a survey of eligible patrons of the commissary store system to determine patron interest in having commissary stores sell malt beverages and wine as exchange store merchandise; or

(2) conduct a demonstration project to evaluate the merit of selling malt beverages and wine in commissary stores as exchange store merchandise.

GRAHAM AMENDMENT NO. 2861

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 213, between lines 21 and 22, insert the following:

(a) FINDINGS.—Congress makes the following findings:

(1) Because of the way computers store and process dates, most computers will not function properly, or at all, after January 1, 2000, a problem that is commonly referred to as the year 2000 problem.

(2) The United States Government is currently conducting a massive program to identify and correct computer systems that suffer from the year 2000 problem.

(3) The cost to the Department of Defense of correcting this problem in its computer systems has been estimated to be more than $1,000,000,000.

(4) Other nations have failed to initiate aggressive action to identify and correct the year 2000 problem within their own computers.

(5) Unless other nations initiate aggressive actions to ensure the reliability and stability of certain communications and strategic systems, United States nationally security may be jeopardized.

On page 213, line 22, strike out "(a)" and insert in lieu thereof "(b)".

On page 214, line 7, strike out "(b)" and insert in lieu thereof "(c)".

On page 215, between lines 20 and 21, insert the following:

(9) The countries that have critical computer-based systems any disruption of which, due to not being year 2000 compliant, would cause a significant potential national security risk to the United States.

(10) A discussion of the cooperative agreements between the United States and other nations to assist those nations in identifying and correcting (to the extent necessary to meet national security interests of the United States) any problems in their communications and strategic systems, or other systems identified by the Secretary of Defense, that make the systems not year 2000 compliant.

(11) A discussion of the threat posed to the national security interests of the United States from any potential failure of strategic systems of foreign countries that are not year 2000 compliant.

On page 215, line 21, strike out "(c)" and insert in lieu thereof "(d)".

On page 215, between lines 23 and 24, insert the following:

(e) INTERNATIONAL COOPERATIVE AGREEMENTS.—(1) The Secretary of Defense may enter into a cooperative agreement with a representative of any foreign government to provide for the United States to assist the foreign government in identifying and correcting (to the extent necessary to meet national security interests of the United States) any problems in communications, strategic, or other systems of that foreign government that make the systems not year 2000 compliant; and

(2) Funds authorized to be appropriated under section 301(24) shall be available for carrying out any such agreement for fiscal year 1999.

On page 215, line 24, strike out "(d)" and insert in lieu thereof "(f)".

DODD AMENDMENTS NOS. 2862–2863

(Ordered to lie on the table.)

Mr. DODD submitted two amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2862

On page 157, between lines 13 and 14, insert the following:

SEC. 708. PUBLIC HEALTH GOALS REGARDING LYME DISEASE; FIVE-YEAR PLAN.

(a) IN GENERAL.—

(1) GOALS.—After consultation with the Secretary of Health and Human Services, the Secretary of Defense (in this section referred to as the "Secretary") shall—

(A) establish the goals described in paragraphs (3) through (5);

(B) through the medical and health care components of the Department of Defense, carry out activities toward achieving the goals, which may include activities carried out directly by the Secretary and activities carried out through awards of grants or contracts to public or nonprofit private entities; and

(C) in carrying out subparagraph (B), give priority—

(i) first, to achieving the goal under paragraph (3);

(ii) second, to achieving the goal under paragraph (4); and

(iii) third, to achieving the goal under paragraph (5).

(2) FIVE-YEAR PLAN.—In carrying out paragraph (1), the Secretary shall establish a plan that, for the five fiscal years following the date of enactment of this Act, provides for the activities that are to be carried out during such fiscal years toward achieving the goals under paragraphs (3) through (5). The plan shall, as appropriate to such goals, provide for the coordination of programs and activities regarding Lyme disease and related tick-borne infections that are conducted or supported by the Federal Government.

(3) FIRST GOAL: DIRECT DETECTION TEST.—For purposes of paragraph (1), the goal described in this paragraph is the development of—

(A) a test for accurately determining whether an individual who has been bitten by a tick has Lyme disease; and

(B) a test for accurately determining whether a patient with such disease has been cured of the disease, thereby eliminating the bacterial infection.

(4) SECOND GOAL: INDICATOR REGARDING ACCURATE DIAGNOSIS.—For purposes of paragraph (1), the goal described in this paragraph is to determine the average number of visits to physicians that, under medical and health care programs of the Department of

Defense, are made by patients with Lyme disease or related tick-borne infections before a diagnosis of the infection involved is made. In carrying out activities toward such goal, the Secretary shall conduct a study of patients and physicians in two or more geographic areas in which there is a significant incidence or prevalence of cases of Lyme disease and related tick-borne infections.

(5) THIRD GOAL: PHYSICIAN KNOWLEDGE.—For purposes of paragraph (1), the goals described in this paragraph are, with respect to physicians in medical and health care programs of the Department of Defense, to make a significant increase in the number of such physicians who have an appropriate level of knowledge regarding Lyme disease and related tick-borne infections, and to develop and apply an objective method of determining the number of such physicians who have such knowledge.

(b) LYME DISEASE TASK FORCE.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, there shall be established in accordance with this subsection an advisory committee to be known as the Lyme Disease Task force (in this section referred to as the "Task Force").

(2) DUTIES.—The Task Force shall provide advice to the Secretary with respect to achieving the goals under subsection (a), including advice on the plan under paragraph (2) of such subsection.

(3) COMPOSITION.—The Task Force shall be composed of 11 members with appropriate knowledge or experience regarding Lyme disease and related tick-borne infections. Of such members—

(A) two shall be appointed by the Secretary of Defense;

(B) three shall be appointed by the Secretary of Health and Human Services, after consultation with the Director of the Centers for Disease Control and Prevention and the Director of the National Institutes of Health;

(C) three shall be appointed by the Speaker of the House of Representatives, after consultation with the Minority Leader of the House; and

(D) three shall be appointed by the President Pro Tempore of the Senate, after consultation with the Minority Leader of the Senate.

(4) CHAIR.—The Task Force shall, from among the members of the Task Force, designate an individual to serve as the chair of the Task Force.

(5) MEETINGS.—The Task Force shall meet at the call of the Chair or a majority of the members.

(6) TERM OF SERVICE.—The term of service of a member of the Task Force is the duration of the Task Force.

(7) VACANCIES.—Any vacancy in the membership of the Task Force shall be filled in the manner in which the original appointment was made and does not affect the power of the remaining members to carry out the duties of the Task Force.

(8) COMPENSATION; REIMBURSEMENT OF EXPENSES.—Members of the Task Force may not receive compensation for service on the Task Force. Such members may, in accordance with chapter 57 of title 5, United States Code, be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Task Force.

(9) STAFF; ADMINISTRATIVE SUPPORT.—The Secretary shall, on a reimbursable basis, provide to the Task Force such staff, administrative support, and other assistance as may be necessary for the Task Force to carry out the duties under paragraph (2) effectively.

(10) TERMINATION.—The Task Force shall terminate 90 days after the end of the fifth fiscal year that begins after the date of enactment of this Act.

(c) ANNUAL REPORTS.—The Secretary shall submit to Congress periodic reports on the activities carried out under this section and the extent of progress being made toward the goals established under subsection (a). The first such report shall be submitted not later than 18 months after the date of enactment of this Act, and subsequent reports shall be submitted annually thereafter until the goals are met.

(d) AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated by this Act for Defense Health Programs, $3,000,000 shall be available for carrying out this section.

AMENDMENT NO. 2863

At the end of subtitle D of title X, add the following:

SEC. 1064. COMPUTER SECURITY AND INFORMATION MANAGEMENT COORDINATOR.

(a) IN GENERAL.—Section 5131 of the Information Technology Management Reform Act of 1996 (40 U.S.C. 1441) is amended by adding at the end the following:

"(f) COMPUTER SECURITY AND INFORMATION MANAGEMENT COORDINATOR.—

"(1) IN GENERAL.—In carrying out the functions under section 3504(g) of title 44, United States Code, the Director, acting through the Administrator of the Office of Information and Regulatory Affairs and the Computer Security and Information Management Coordinator appointed under paragraph (3), shall serve as the primary coordinator for computer security policies and practices of agencies listed in section 901(b) of title 31, United States Code (referred to in this subsection as 'covered agencies').

"(2) DUTIES.—In carrying out paragraph (1), the Director, acting through the Administrator of the Office of Information and Regulatory Affairs and the Computer Security and Information Management Coordinator appointed under paragraph (3), shall—

"(A) ensure that the each Chief Information Officer appointed under section 3506 of title 44, United States Code, for a covered agency, has—

"(i) primary responsibility for ensuring that the agency is carrying out an effective computer security policy that meets the requirements of this section; and

"(ii) authority to assist the agency head in the enforcement of such an effective computer security policy;

"(B) coordinate the computer security activities of all covered agencies;

"(C) as necessary, cooperate with appropriate Federal officials to ensure that the Federal Government is capable of protecting the security of Federal computer systems, including detecting intrusions, and prosecuting persons who gain unauthorized access to computer systems of covered agencies;

"(D) ensure the coordination of budget requests for computer security programs of covered agencies;

"(E) with the assistance of the Secretary of Commerce, advise chief information officers or the heads of covered agencies concerning improvements that may be made to computer security;

"(F) with the cooperation of the Attorney General, assist the heads of covered agencies in initiating enforcement actions to address violations of computer security; and

"(G) serve as a liaison with representatives of private industry with respect to the coordination of computer security matters between the Federal Government and private industry.

"(3) INFORMATION MANAGEMENT AND COMPUTER SECURITY COORDINATOR.—Not later than 60 days after the date of enactment of this subsection, the Director shall appoint a Computer Security and Information Management Coordinator.

"(4) REPORTS.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Director, in cooperation with the Chief Information Officers Council established under Executive Order No. 13011, shall prepare, and submit to Congress, a report that contains—

"(A) a summary of the activities of the Office of Management and Budget in carrying out paragraph (2); and

"(B) for each covered agency, an evaluation of the effectiveness of computer security of that agency.".

(b) CONFORMING AMENDMENT.—Section 5141(b)(1) of the Information Technology Management Reform Act of 1996 (40 U.S.C. 1451(b)(1)) is amended by inserting "5131(f)," after "5125,".

HOLLINGS AMENDMENTS NOS. 2864–2866

(Ordered to lie on the table.)

Mr. HOLLINGS submitted three amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2864

On page 397, between lines 6 and 7, insert the following:

SEC. 3137. PROHIBITION ON USE OF FUNDS FOR COMMERCIAL LIGHT WATER REACTORS FOR PRODUCTION OF TRITIUM.

(a) PROHIBITION.—Notwithstanding any other provision of law, no funds appropriated or otherwise made available for the Department of Energy for any fiscal year after fiscal year 1998 may be obligated or expended for the design, construction, or acquisition of facilities or services related to the use of a commercial light water reactor for the production of tritium.

(b) EXCEPTION.—Subsection (a) shall not apply to the use of funds for the completion of the current demonstration project at the Watts Bar Nuclear Plant.

AMENDMENT NO. 2865

On page 398, between lines 9 and 10, insert the following:

SEC. 3144. PROHIBITION ON USE OF TRITIUM PRODUCED IN FACILITIES LICENSED UNDER THE ATOMIC ENERGY ACT FOR NUCLEAR EXPLOSIVE PURPOSES.

Section 57(e) of the Atomic Energy Act of 1954 (42 U.S.C. 2077(e)) is amended by inserting "or tritium" after "section 11,".

AMENDMENT NO. 2866

On page 397, between lines 6 and 7, insert the following:

SEC. 3137. PROHIBITION ON USE OF FUNDS FOR USE OF TRITIUM PRODUCED IN FACILITIES LICENSED UNDER ATOMIC ENERGY ACT FOR NUCLEAR EXPLOSIVE PURPOSES.

Notwithstanding any other provision of law, no funds authorized to be appropriated by this Act, or otherwise available under any other Act, may be used by any instrumentality of the United States or any other person to transfer, reprocess, use, or otherwise

make available any tritium produced in a facility licensed under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) for nuclear explosives purposes.

BIDEN AMENDMENTS NOS. 2867–2869

(Ordered to lie on the table.)

Mr. BIDEN submittted three amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2867

On page 397, between lines 6 and 7, insert the following:

SEC. 3137. NONPROLIFERATION ACTIVITIES.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 3103(1)(B) is hereby increased by $45,000,000.

(b) OFFSET.—The amount authorized to be appropriated by section 103(2) is hereby decreased by $45,000,000.

(c) INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.—Of the amount authorized to be appropriated by section 3103(1)(B), as increased by subsection (a), $30,000,000 shall be available for the Initiatives for Proliferation Prevention program.

(d) NUCLEAR CITIES INITIATIVE.—Of the amount authorized to be appropriated by section 3103(1)(B), as increased by subsection (a), $30,000,000 shall be available for the purpose of implementing the initiative arising pursuant to the March 1998 discussions between the Vice President of the United States and the Prime Minister of the Russian Federation and between the Secretary of Energy of the United States and the Minister of Atomic Energy of the Russian Federation (the so-called "nuclear cities" initiative).

AMENDMENT NO. 2868

At the end of subtitle B of title III, add the following:

SEC. 314. COOPERATIVE THREAT REDUCTION PROGRAMS TO PROVIDE RESEARCH OPPORTUNITIES FOR FORMER SOVIET EXPERTS.

(a) TREATMENT OF ASSISTANCE.—Assistance described in subsection (b) shall not be considered assistance to promote defense conversion for the purposes of section 1403(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1960) and any other provision of law that limits authority to provide assistance to Russia or any other former state of the Soviet Union to promote defense conversion.

(b) ASSISTANCE COVERED.—Subsection (a) applies to assistance that is provided under any of the Cooperative Threat Reduction programs in order to enable former Soviet personnel with expertise on weapons of mass destruction to pursue full-time research activities that do not involve—

(1) nuclear weapons or components of nuclear weapons;

(2) chemical weapons or precursors of chemical weapons; or

(3) biological weapons or dangerous pathogens that have been used in biological weapons programs.

AMENDMENT NO. 2869

On page 76, between lines 7 and 8, insert the following:

SEC. 349. SAFEGUARDING OF CHEMICAL AND BIOLOGICAL WEAPONS MATERIALS OF THE FORMER SOVIET UNION.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 301(24) is hereby increased by $10,000,000.

(b) OFFSET.—The amount authorized to be appropriated by section 103(2) is hereby reduced by $10,000,000.

(c) SAFEGUARDING OF CHEMICAL AND BIOLOGICAL WEAPONS MATERIALS OF FORMER SOVIET UNION.—Of the amount authorized to be appropriated by section 301(24), as increased by subsection (a), $10,000,000 shall be available for the purpose of programs to safeguard chemical and biological weapons materials in the former Soviet Union that would otherwise be at risk of diversion to other countries or to terrorist or criminal groups.

BIDEN (AND LEVIN) AMENDMENT NO. 2870

(Ordered to lie on the table.)

Mr. BIDEN (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra, as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. REPORT ON THE PEACEFUL EMPLOYMENT OF FORMER SOVIET EXPERTS ON WEAPONS OF MASS DESTRUCTION.

(a) REPORT REQUIRED.—Not later than January 31, 1999, the Secretary of Defense shall submit to the congressional defense committees a report on the need for and the feasibility of programs, other than those involving the development or promotion of commercially viable proposals, to further United States nonproliferation objectives regarding former Soviet experts in ballistic missiles or weapons of mass destruction. The report shall contain an analysis of the following:

(1) The number of such former Soviet experts who are, or are likely to become within the coming decade, unemployed, underemployed, or unpaid and, therefore, at risk of accepting export orders, contracts, or job offers from countries developing weapons of mass destruction.

(2) The extent to which the development of nonthreatening, commercially viable products and services, with or without United States assistance, can reasonably be expected to employ such former experts.

(3) The extent to which noncommercial research and development or environmental remediation projects could usefully employ additional such former experts.

(4) The likely cost and benefits of a 10-year program of United States or international assistance to such noncommercial projects.

(b) CONSULTATION REQUIREMENT.—The report shall be prepared in consultation with the Secretary of State, the Secretary of Energy, and such other officials as the Secretary of Defense considers appropriate.

ASHCROFT AMENDMENT NO. 2871

(Ordered to lie on the table.)

Mr. ASHCROFT submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. ___. NUCLEAR COOPERATION AMENDMENT.

(a)(1) No goods or services may be transferred to China under the 1985 United States-China nuclear cooperation agreement, unless the President certifies to the Majority Leader of the Senate, the Speaker of the House of Representatives, and the appropriate congressional committees that China is not assisting, attempting to assist, or encouraging any other country in the development of a nuclear explosive device and has not engaged in such activity for a period of two years prior to the date of the certification.

(2) Each certification under paragraph (1) shall be effective only through April 30 of the following year.

(b)(1) For each year after the year of initial certification under subsection (a), no goods or services may be transferred to China under the 1985 United States-China nuclear cooperation agreement on or after May 1 of that year unless before that date the President has certified to the Majority Leader of the Senate, the Speaker of the House of Representatives, and the appropriate congressional committees that—

(A) China is not and has not engaged in any effort, since the President's last certification, to assist, attempt to assist, or encourage any other country in the development of a nuclear explosive device (as defined in section 830 of the Nuclear Proliferation Prevention Act of 1994); and

(B) China has not diverted nuclear equipment or technology of United States origin for use in its nuclear weapons program and that China is fully cooperating with United States efforts to verify China's peaceful use of nuclear equipment and technology of United States origin.

(2) The President's certification under paragraph (1)(B) shall include a report in classified form with an unclassified summary documenting the procedures and processes of United States verification of China's peaceful use of nuclear equipment and technology of United States origin and the degree of China's cooperation with such verification efforts, particularly China's allowance or refusal of post-shipment verification inspections.

(3) A certification under this subsection shall be effective only through April 30 of the year following the year in which the certification is made.

(c) As used in this section, the term "appropriate congressional committees" means the Foreign Relations Committee, the Select Committee on Intelligence, the Armed Services Committee of the Senate, the International Relations Committee, the National Security Committee, and the Intelligence Committee of the House of Representatives.

SNOWE AMENDMENT NO. 2872

(Ordered to lie on the table.)

Ms. SNOWE submitted an amendment intended to be proposed by her to the bill, S. 2057, supra; as follows:

At the appropriate place, insert:

SEC. . FEDERAL TASK FORCE ON REGIONAL THREATS TO INTERNATIONAL SECURITY.

(a) FINDINGS.—Congress makes the following findings:

(1) On May 11, 1998 and May 13, 1998, the Government of India broke a 24-year voluntary moratorium by conducting five underground nuclear tests.

(2) The Secretary of Defense predicted thereafter that these tests by the Government of India could induce other nations to obtain nuclear weapons technologies.

(3) On May 28, 1998, the Government of Pakistan announced that for the first time, it had conducted five underground nuclear tests and acknowledged ongoing efforts to place nuclear warheads on missiles capable of striking any target in India.

(4) The Director of Central Intelligence has accepted the June 2, 1998 findings of an independent investigation revealing that the Central Intelligence Agency lacked adequate

analytical capabilities to detect the explosions in India despite satellite-generated evidence to the contrary and repeated declarations by Indian government representatives of an intent to improve the country's nuclear arsenal.

(5) 1997 assessments by the United States Air Force and the Central Intelligence Agency conflicted on the issue of whether the May 10, 1996 transmission to the Government of China of a private industry report exploring the potential causes of an earlier rocket crash contained information that may advance Chinese nuclear launch capabilities.

(6) The president did not receive or review the Air Force assessment prior to his February 18, 1998 approval of a license for the export of a commercial satellite to China.

(7) A March 11, 1998 report by the National Air Intelligence Center concluded that Chinese strategic missiles with nuclear warheads pose a threat to the United States.

(b) CREATION OF THE FEDERAL TASK FORCE ON REGIONAL THREATS TO INTERNATIONAL SECURITY.

The president shall create from among all appropriate federal agencies, including the Departments of State, Defense, and Commerce, as well as military and foreign intelligence organizations, a standing Task Force on Regional Threats to International Security. The Task Force, with the approval of the president, shall develop and execute plans, in cooperation with foreign allied governments when appropriate, for;

(1) the active mediation of the United States to foster negotiations between or among foreign governments engaged in civil, ethnic, or geographic conflicts that increase the risk of the acquisition, testing, or the deployment of Weapons of Mass Destruction.

(2) trade, economic reform, and investment programs to promote the market-based development of nations to reduce incentives for the pursuit or use of such weapons.

(3) a revised and integrated intelligence network that gathers, analyzes, and transmit all vital data to the president in advance of policy decisions related to such weapons.

(c) REPORTING REQUIREMENTS.—The Task Force shall issue bi-annual reports to Congress on the progress made in executing its responsibilities pursuant to Subsections (1), (2), and (3) of Section (b).

(d) EFFECTIVE DATE OF THE TASK FORCE.—The president must establish the Task Force no later than 60 days after the effective date of this act.

(e) RENEWAL OF TASK FORCE AUTHORITY.—Unless extended by an act of Congress or an executive order of the president, the statutory authority of the Task Force shall expire on October 1, 2000.

DOMENICI (AND BINGAMAN) AMENDMENT NO. 2873

(Ordered to lie on the table.)

Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

On page 397, between lines 6 and 7, insert the following:

SEC. 3137. ACTIVITIES OF THE CONTRACTOR-OPERATED FACILITIES OF THE DEPARTMENT OF ENERGY.

(a) RESEARCH AND ACTIVITIES ON BEHALF OF NON-DEPARTMENT PERSONS AND ENTITIES.—(1) The Secretary of Energy may conduct research and other activities referred to in paragraph (2) through contractor-operated facilities of the Department of Energy on behalf of other departments and agencies of the Government, agencies of State and local governments, and private persons and entities.

(2) The research and other activities that may be conducted under paragraph (1) are those which the Secretary is authorized to conduct by law, and include, but are not limited to, research and activities authorized under the following:

(A) Section 33 of the Atomic Energy Act of 1954 (42 U.S.C. 2053).

(B) Section 107 of the Energy Reorganization Act of 1974 (42 U.S.C. 5817).

(C) The Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.).

(b) CHARGES.—(1) The Secretary shall impose on the department, agency, or person or entity for whom research and other activities are carried out under subsection (a) a charge for such research and activities equal to not more than the full cost incurred by the contractor concerned in carrying out such research and activities, which cost shall include—

(A) the direct cost incurred by the contractor in carrying out such research and activities; and

(B) the overhead cost associated with such research and activities.

(2)(A) Subject to subparagraph (B), the Secretary shall also impose on the department, agency, or person or entity concerned a Federal administrative charge (which includes any depreciation and imputed interest charges) in an amount not to exceed 3 percent of the full cost incurred by the contractor concerned in carrying out the research and activities concerned.

(B) The Secretary shall waive the imposition of the Federal administrative charge required by subparagraph (A) in the case of research and other activities conducted on behalf of small business concerns, institutions of higher education, non-profit entities, and State and local governments.

(3) Not later than 2 years after the date of enactment of this Act, the Secretary shall terminate any waiver of charges under section 33 of the Atomic Energy Act of 1954 (42 U.S.C. 2053) that were made before such date, unless the Secretary determines that such waiver should be continued.

(c) PILOT PROGRAM OF REDUCED FACILITY OVERHEAD CHARGES.—(1) The Secretary may, with the cooperation of participating contractors of the contractor-operated facilities of the Department, carry out a pilot program under which the Secretary and such contractors reduce the facility overhead charges imposed under this section for research and other activities conducted under this section.

(2) The Secretary shall carry out the pilot program at contractor-operated facilities selected by the Secretary in consultation with the contractors concerned.

(3) The Secretary and the contractor concerned shall determine the facility overhead charges to be imposed under the pilot program based on their joint review of all items included in the overhead costs of the facility concerned in order to determine which items are appropriately incurred as facility overhead charges by the contractor in carrying out research and other activities at such facility under this section.

(4) The Secretary shall commence carrying out the pilot program not later than October 1, 1999, and shall terminate the pilot program on September 30, 2003.

(5) Not later than January 31, 2003, the Secretary shall submit to the congressional defense committees, the Committee on Energy and Natural Resources of the Senate, and other appropriate committees of the House of Representatives an interim report on the results of the pilot program under this subsection. The report shall include any recommendations for the extension or expansion of the pilot program, including the establishment of multiple rates of overhead charges for various categories of persons and entities seeking research and other activities in contractor-operated facilities of the Department.

(d) PARTNERSHIPS AND INTERACTIONS.—(1) The Secretary of Energy shall encourage partnerships and interactions between each contractor-operated facility of the Department of Energy and universities and private businesses.

(2) The Secretary may take into account the progress of each contractor-operated facility of the Department in developing and expanding partnerships and interactions under paragraph (1) in evaluating the annual performance of such contractor-operated facility.

(e) SMALL BUSINESS TECHNOLOGY PARTNERSHIP PROGRAM.—(1) The Secretary may require that each contractor operating a facility of the Department establish a program at such facility under which the contractor shall enter into partnerships with small businesses at such facility relating to technology.

(2) The amount of funds expended by a contractor under a program under paragraph (1) at a particular facility may not exceed an amount equal to 0.25 percent of the total operating budget of the facility.

(3) Amounts expended by a contractor under a program—

(A) shall be used to cover the costs (including research and development costs and technical assistance costs) incurred by the contractor in connection with activities under the program; and

(B) may not be used for direct grants to small businesses.

(4) The Secretary shall submit to the congressional defense committees, the Committee on Energy and Natural Resources of the Senate, and the appropriate committee of the House of Representatives, together with the budget of the President for each fiscal year that is submitted to Congress under section 1105 of title 31, United States Code, an assessment of the program under this subsection during the preceding year, including the effectiveness of the program in providing opportunities for small businesses to interact with and use the resources of the contractor-operated facilities of the Department.

WYDEN AMENDMENT NO. 2874

(Ordered to lie on the table.)

Mr. WYDEN submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 398, between lines 9 and 10, insert the following:

SEC. 3144. REVIEW OF CALCULATION OF OVERHEAD COSTS OF CLEANUP AT DEPARTMENT OF ENERGY SITES.

(a) REVIEW.—(1) The Comptroller General shall—

(A) carry out a review of the methods currently used by the Department of Energy for calculating overhead costs (including direct overhead costs and indirect overhead costs) associated with the cleanup of Department sites; and

(B) pursuant to the review, identify how such costs are allocated among different program and budget accounts of the Department.

(2) The review shall include the following:

(A) All activities whose costs are spread across other accounts of a Department site or of any contractor performing work at a site.

(B) Support service overhead costs, including activities or services which are paid for on a per-unit-used basis.

(C) All fees, awards, and other profit on indirect and support service overhead costs or fees that are not attributed to performance on a single project.

(D) Any portion of contractor costs for which there is no competitive bid.

(E) All computer service and information management costs that have been previously reported as overhead costs.

(F) Any other costs that the Comptroller General considers appropriate to categorize as direct or indirect overhead costs.

(b) REPORT.—Not later than January 31, 1999, the Comptroller General shall submit to Congress a report setting forth the findings of the Comptroller as a result of the review under subsection (a). The report shall include the recommendations of the Comptroller regarding means of standardizing the methods used by the Department for allocating and reporting overhead costs associated with the cleanup of Department sites.

THOMAS AMENDMENT NO. 2875

(Ordered to lie on the table.)

Mr. THOMAS submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 320, line 25, strike out "$95,395,000" and insert in lieu thereof "$108,979,000".

KERRY (AND McCAIN) AMENDMENTS NOS. 2876–2878

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. MCCAIN) submitted three amendments intended to be proposed by them to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2876

At the end of subtitle D of title X, add the following:

SEC. 1064. SENSE OF CONGRESS REGARDING THE HEROISM, SACRIFICE, AND SERVICE OF FORMER SOUTH VIETNAMESE COMMANDOS IN CONNECTION WITH UNITED STATES ARMED FORCES DURING THE VIETNAM CONFLICT.

(a) FINDINGS.—Congress makes the following findings:

(1) South Vietnamese commandos were recruited by the United States as part of OPLAN 34A or its predecessor or OPLAN 35 from 1961 to 1970.

(2) The commandos conducted covert operations in North Vietnam during the Vietnam conflict.

(3) Many of the commandos were captured and imprisoned by North Vietnamese forces, some for as long as 20 years.

(4) The commandos served and fought proudly during the Vietnam conflict.

(5) Many of the commandos lost their lives serving in operations conducted by the United States during the Vietnam conflict.

(6) Many of the Vietnamese commandos now reside in the United States.

(b) SENSE OF CONGRESS—Congress recognizes and honors the former South Vietnamese commandos for their heroism, sacrifice, and service in connection with United States armed forces during the Vietnam conflict.

AMENDMENT NO. 2877

On page 127, between lines 12 and 13, insert the following:

SEC. 634. CLARIFICATION OF RECIPIENT OF PAYMENTS TO PERSONS CAPTURED OR INTERNED BY NORTH VIETNAM.

Section 657(f)(1) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2585) is amended by striking out "The actual disbursement" and inserting in lieu thereof "Notwithstanding any agreement (including a power of attorney) to the contrary, the actual disbursement".

AMENDMENT NO. 2878

On page 127, between lines 12 and 13, insert the following:

SEC. 634. ELIGIBILITY FOR PAYMENTS OF CERTAIN SURVIVORS OF CAPTURED AND INTERNED VIETNAMESE OPERATIVES WHO WERE UNMARRIED AND CHILDLESS AT DEATH.

Section 657(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2585) is amended by adding at the end the following:

"(3) In the case of a decedent who had not been married at the time of death—

"(A) to the surviving parents; or

"(B) if there are no surviving parents, to the surviving siblings by blood of the decedent, in equal shares.".

ROCKEFELLER AMENDMENTS NOS. 2879–2880

(Ordered to lie on the table.)

Mr. ROCKEFELLER submitted two amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2879

On page 412, below line 2, add the following:

DIVISION D—TRANSPORTATION PROGRAM TECHNICAL CORRECTIONS

SEC. 4001. SHORT TITLE.

This division may be cited as the "TEA 21 Restoration Act".

SEC. 702. AUTHORIZATION AND PROGRAM SUBTITLE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1101(a) of the Transportation Equity Act for the 21st Century is amended—

(1) in paragraph (13)—

(A) by striking "$1,025,695,000" and inserting "$1,029,473,500";

(B) by striking "$1,398,675,000" and inserting "$1,403,827,500";

(C) by striking "$1,678,410,000" the first place it appears and inserting "$1,684,593,000";

(D) by striking "$1,678,410,000" the second place it appears and inserting "$1,684,593,000";

(E) by striking "$1,771,655,000" the first place it appears and inserting "$1,778,181,500"; and

(F) by striking "$1,771,655,000" the second place it appears and inserting "$1,778,181,500"; and

(2) in paragraph (14)—

(A) by striking "1998" and inserting "1999"; and

(B) by inserting before "$5,000,000" the following: "$10,000,000 for fiscal year 1998".

(b) OBLIGATION LIMITATIONS.—

(1) GENERAL LIMITATION.—Section 1102(a) of such Act is amended—

(A) in paragraph (2) by striking "$25,431,000,000" and inserting "$25,511,000,000";

(B) in paragraph (3) by striking "$26,155,000,000" and inserting "$26,245,000,000";

(C) in paragraph (4) by striking "$26,651,000,000" and inserting "$26,761,000,000";

(D) in paragraph (5) by striking "$27,235,000,000" and inserting "$27,355,000,000"; and

(E) in paragraph (6) by striking "$27,681,000,000" and inserting "$27,811,000,000".

(2) TRANSPORTATION RESEARCH PROGRAMS.—Section 1102(e) of such Act is amended—

(A) by striking "3" and inserting "5";

(B) by striking "VI" and inserting "V"; and

(C) by inserting before the period at the end the following: "; except that obligation authority made available for such programs under such limitations shall remain available for a period of 3 fiscal years".

(3) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Section 1102(f) of such Act is amended by striking "(other than the program under section 160 of title 23, United States Code)".

(c) APPORTIONMENTS.—Section 1103 of such Act is amended—

(1) in subsection (l) by adding at the end the following:

"(5) Section 150 of such title, and the item relating to such section in the analysis for chapter 1 of such title, are repealed.";

(2) in subsection (n) by inserting "of title 23, United States Code" after "206"; and

(3) by adding at the end the following:

"(o) TECHNICAL ADJUSTMENTS.—Section 104 of title 23, United States Code, is amended—

"(1) in subsection (a)(1) (as amended by subsection (a) of this section) by striking 'under section 103';

"(2) in subsection (b) (as amended by subsection (b) of this section)—

"(A) in paragraph (1)(A) by striking '1999 through 2003' and inserting '1998 through 2002'; and

"(B) in paragraph (4)(B)(i) by striking 'on lanes on Interstate System' and all that follows through 'in each State' and inserting 'on Interstate System routes open to traffic in each State'; and

"(3) in subsection (e)(2) (as added by subsection (d)(6) of this section) by striking '104, 144, or 157' and inserting '104, 105, or 144'.".

(d) MINIMUM GUARANTEE.—Section 1104 of such Act is amended by adding at the end the following:

"(c) TECHNICAL ADJUSTMENTS.—Section 105 of title 23, United States Code (as amended by subsection (a) of this section), is amended—

"(1) in subsection (a) by adding at the end the following: 'The minimum amount allocated to a State under this section for a fiscal year shall be $1,000,000.';

"(2) in subsection (c)(1) by striking '50 percent of';

"(3) in subsection (c)(1)(A) by inserting '(other than metropolitan planning, minimum guarantee, high priority projects, Appalachian development highway system, and recreational trails programs)' after 'subsection (a)';

"(4) in subsection (c)(1)(B) by striking 'all States' and inserting 'each State';

"(5) in subsection (c)(2)—

"(A) by striking 'apportion' and inserting 'administer'; and

"(B) by striking 'apportioned' and inserting 'administered'; and

"(6) in subsection (f)—

"(A) by inserting 'percentage' before 'return' each place it appears;

"(B) in paragraph (2) by striking 'for the preceding fiscal year was equal to or less than' and inserting 'in the table in subsection (b) was equal to'; and

"(C) in paragraph (3)—

"(i) by inserting 'proportionately' before 'adjust';

"(ii) by striking 'set forth'; and

"(iii) by striking 'do not exceed' and inserting 'is equal to'.".

(e) REVENUE ALIGNED BUDGET AUTHORITY.—Section 1105 of such Act is amended by adding at the end the following:

"(c) TECHNICAL CORRECTIONS.—Section 110 of such title (as amended by subsection (a)) is amended—

"(1) by striking subsection (a) and inserting the following:

'(a) IN GENERAL.—

'(1) ALLOCATION.—On October 15 of fiscal year 2000 and each fiscal year thereafter, the Secretary shall allocate for such fiscal year an amount of funds equal to the amount determined pursuant to section 251(b)(1)(B)(ii)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)(2)(B)(ii)(I)(cc)) if the amount determined pursuant to such section for such fiscal year is greater than zero.

'(2) REDUCTION.—If the amount determined pursuant to section 251(b)(1)(B)(ii)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)(2)(B)(ii)(I)(cc)) for fiscal year 2000 or any fiscal year thereafter is less than zero, the Secretary on October 1 of the succeeding fiscal year shall reduce proportionately the amount of sums authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out each of the Federal-aid highway and highway safety construction programs (other than emergency relief) by an aggregate amount equal to the amount determined pursuant to such section.';

"(2) in subsections (b)(2) and (b)(4) by striking 'subsection (a)' and inserting 'subsection (a)(1)'; and

"(3) in subsection (c) by striking 'Maintenance program, the' and inserting 'and'.".

(f) INTERSTATE MAINTENANCE PROGRAM.—Section 1107 of such Act is amended by adding at the end the following:

"(d) TECHNICAL AMENDMENTS.—Section 119 of such title (as amended by subsection (a)) is amended—

"(1) in subsection (b)—

"(A) by striking '104(b)(5)(B)' and inserting '104(b)(4)'; and

"(B) by striking '104(b)(5)(A)' each place it appears and inserting '104(b)(5)(A) (as in effect on the date before the date of enactment of the Transportation Equity Act for the 21st Century)'; and

"(2) in subsection (c) by striking '104(b)(5)(B)' each place it appears and inserting '104(b)(4)'.".

(g) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—Section 1110(d)(2) of such Act is amended—

(1) by striking "149(c)" and inserting "149(e)"; and

(2) by striking "that reduce" and inserting "reduce".

(h) HIGHWAY USE TAX EVASION PROJECTS.—Section 1114 of such Act is amended by adding at the end the following:

"(c) TECHNICAL ADJUSTMENTS.—Section 143 of title 23, United States Code (as amended by subsection (a) of this section), is amended—

"(1) in subsection (c)(1) by striking 'April 1' and inserting 'August 1';

"(2) in subsection (c)(3) by inserting 'PRIORITY' after 'FUNDING'; and

"(3) in subsection (c)(3) by inserting 'and prior to funding any other activity under this section,' after '2003,'.".

(i) FEDERAL LANDS HIGHWAYS PROGRAM.—Section 1115 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

"(f) CONFORMING AMENDMENTS.—

"(1) FEDERAL SHARE.—Subsections (j) and (k) of section 120 of title 23, United States Code (as added by subsection (a) of this section), are redesignated as subsections (k) and (l), respectively.

"(2) RESERVATION OF FUNDS.—Section 202(d)(4)(B) of such title (as added by subsection (b)(4) of this section) is amended by striking 'to, apply sodium acetate/formate de-icer to,' and inserting ', sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions'.

"(3) ELIMINATION OF DUPLICATIVE PROVISION.—Section 144(g) of such title is amended by striking paragraph (4).".

(j) WOODROW WILSON MEMORIAL BRIDGE CORRECTION.—Section 1116 of such Act is amended by adding at the end the following:

"(e) TECHNICAL CORRECTION.—Sections 404(5) and 407(c)(2)(C)(iii) of such Act (as amended by subsections (a)(2) and (b)(2), respectively) are amended by striking 'the record of decision' each place it appears and inserting 'a record of decision'.".

(k) TECHNICAL CORRECTION.—Section 1117 of such Act is amended in subsections (a) and (b) by striking "section 102" each place it appears and inserting "section 1101(a)(6)".

SEC. 703. RESTORATIONS TO GENERAL PROVISIONS SUBTITLE.

(a) IN GENERAL.—Subtitle B of title I of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

"SEC. 1224. NATIONAL HISTORIC COVERED BRIDGE PRESERVATION.

"(a) HISTORIC COVERED BRIDGE DEFINED.—In this section, the term 'historic covered bridge' means a covered bridge that is listed or eligible for listing on the National Register of Historic Places.

"(b) HISTORIC COVERED BRIDGE PRESERVATION.—Subject to the availability of appropriations under subsection (d), the Secretary shall—

"(1) collect and disseminate information concerning historic covered bridges;

"(2) foster educational programs relating to the history and construction techniques of historic covered bridges;

"(3) conduct research on the history of historic covered bridges; and

"(4) conduct research, and study techniques, on protecting historic covered bridges from rot, fire, natural disasters, or weight-related damage.

"(c) DIRECT FEDERAL ASSISTANCE.—

"(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to a State that submits an application to the Secretary that demonstrates a need for assistance in carrying out 1 or more historic covered bridge projects described in paragraph (2).

"(2) TYPES OF PROJECT.—A grant under paragraph (1) may be made for a project—

"(A) to rehabilitate or repair a historic covered bridge; and

"(B) to preserve a historic covered bridge, including through—

"(i) installation of a fire protection system, including a fireproofing or fire detection system and sprinklers;

"(ii) installation of a system to prevent vandalism and arson; or

"(iii) relocation of a bridge to a preservation site.

"(3) AUTHENTICITY.—A grant under paragraph (1) may be made for a project only if—

"(A) to the maximum extent practicable, the project—

"(i) is carried out in the most historically appropriate manner; and

"(ii) preserves the existing structure of the historic covered bridge; and

"(B) the project provides for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.

"(4) FEDERAL SHARE.—The Federal share of the cost of a project carried out with a grant under this subsection shall be 80 percent.

"(d) FUNDING.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1999 through 2003. Such funds shall remain available until expended.

"SEC. 1225. SUBSTITUTE PROJECT.

"(a) APPROVAL OF PROJECT.—Notwithstanding any other provision of law, upon the request of the Mayor of the District of Columbia, the Secretary may approve substitute highway and transit projects under section 103(e)(4) of title 23, United States Code (as in effect on the day before the date of enactment of this Act), in lieu of construction of the Barney Circle Freeway project in the District of Columbia, as identified in the 1991 Interstate Cost Estimate.

"(b) ELIGIBILITY FOR FEDERAL ASSISTANCE.—Upon approval of any substitute project or projects under subsection (a)—

"(1) the cost of construction of the Barney Circle Freeway Modification project shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956; and

"(2) substitute projects approved pursuant to this section shall be funded from interstate construction funds apportioned or allocated to the District of Columbia that are not expended and not subject to lapse on the date of enactment of this Act.

"(c) FEDERAL SHARE.—The Federal share payable on account of a project or activity approved under this section shall be 85 percent of the cost thereof; except that the exception set forth in section 120(b)(2) of title 23, United States Code, shall apply.

"(d) LIMITATION ON ELIGIBILITY.—Any substitute project approved pursuant to subsection (a) (for which the Secretary finds that sufficient Federal funds are available) must be under contract for construction, or construction must have commenced, before the last day of the 4-year period beginning on the date of enactment of this Act. If the substitute project is not under contract for construction, or construction has not commenced, by such last day, the Secretary shall withdraw approval of the substitute project.

"SEC. 1226. FISCAL, ADMINISTRATIVE, AND OTHER AMENDMENTS.

"(a) ADVANCED CONSTRUCTION.—Section 115 of title 23, United States Code, is amended—

"(1) in subsection (b)—

"(A) by moving the text of paragraph (1) (including subparagraphs (A) and (B)) 2 ems to the left;

"(B) by striking 'PROJECTS' and all that follows through 'When a State' and inserting 'PROJECTS.—When a State';

"(C) by striking paragraphs (2) and (3);

"(D) by striking '(A) prior' and inserting '(1) prior'; and

"(E) by striking '(B) the project' and inserting '(2) the project';

"(2) by striking subsection (c); and

"(3) by redesignating subsection (d) as subsection (c).

"(b) AVAILABILITY OF FUNDS.—Section 118 of such title is amended—

"(1) in the subsection heading of subsection (b) by striking '; DISCRETIONARY PROJECTS'; and

"(2) by striking subsection (e) and inserting the following:

'(e) EFFECT OF RELEASE OF FUNDS.—Any Federal-aid highway funds released by the final payment on a project, or by the modification of the project agreement, shall be credited to the same program funding category previously apportioned to the State and shall be immediately available for expenditure.'.".

"(c) ADVANCES TO STATES.—Section 124 of such title is amended—

"(1) by striking '(a)' the first place it appears; and

"(2) by striking subsection (b).

"(d) DIVERSION.—Section 126 of such title, and the item relating to such section in the analysis for chapter 1 of such title, are repealed.".

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of such Act is amended by inserting after the item relating to section 1222 the following:

"Sec. 1223. Transportation assistance for Olympic cities.
"Sec. 1224. National historic covered bridge preservation.
"Sec. 1225. Substitute project.
"Sec. 1226. Fiscal, administrative, and other amendments.".

(c) METROPOLITAN PLANNING TECHNICAL ADJUSTMENT.—Section 1203 of such Act is amended by adding at the end the following:

"(o) TECHNICAL ADJUSTMENT.—Section 134(h)(5)(A) of title 23, United States Code (as amended by subsection (h) of this section), is amended by striking 'for implementation'.".

(d) AMENDMENTS TO PRIOR SURFACE TRANSPORTATION LAWS.—Section 1211 of such Act is amended—

(1) in subsection (i)(3)(E) by striking "subparagraph (D)" and inserting "subparagraph (C)";

(2) in subsection (i) by adding at the end the following:

"(4) TECHNICAL AMENDMENTS.—Section 1105(e)(5)(B)(i) of such Act (as amended by paragraph (3) of this subsection) is amended—

"(A) by striking 'subsection (c)(18)(B)(i)' and inserting 'subsection (c)(18)(D)(i)';

"(B) by striking 'subsection (c)(18)(B)(ii)' and inserting 'subsection (c)(18)(D)(ii)'; and

"(C) by adding at the end the following: 'The portion of the route referred to in subsection (c)(36) is designated as Interstate Route I-86.'.";

(3) by striking subsection (j);

(4) in subsection (k)—

(A) by striking "along" in paragraph (1) and inserting "from"; and

(B) by adding at the end the following:

"(4) TEXAS STATE HIGHWAY 99.—Texas State Highway 99 (also known as 'Grand Parkway') shall be considered as 1 option in the I-69 route studies performed by the Texas Department of Transportation for the designation of I-69 Bypass in Houston, Texas."; and

(5) by redesignating subsections (g) through (i) and (k) through (n) as subsections (f) through (h) and (i) through (l), respectively.

(e) MISCELLANEOUS.—Section 1212 of such Act is amended—

(1) in the second sentence of subsection (q)(1) by striking "advance curriculum" and inserting "advanced curriculum";

(2) in subsection (r)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following:

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out paragraph (1) $2,000,000 for fiscal year 1999 and $2,500,000 for fiscal year 2000.";

(3) in subsection (s)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following:

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out paragraph (1) $23,000,000 for fiscal year 1999.";

(4) in subsection (u)—

(A) by inserting "the Secretary shall approve, and" before "the Commonwealth";

(B) by inserting a comma after "with"; and

(C) by inserting "(as redefined by this Act)" after "80"; and

(5) by redesignating subsections (k) through (z) as subsections (e) through (t), respectively.

(f) PUERTO RICO HIGHWAY PROGRAM.—Section 1214(r) of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

"(3) TREATMENT OF FUNDS.—Amounts made available to carry out this subsection for a fiscal year shall be administered as follows:

"(A) For purposes of this subsection, such amounts shall be treated as being apportioned to Puerto Rico under sections 104(b), 144, and 206 of title 23, United States Code, for each program funded under such sections in an amount determined by multiplying—

"(i) the aggregate of such amounts for the fiscal year; by

"(ii) the ratio that—

"(I) the amount of funds apportioned to Puerto Rico for each such program for fiscal year 1997; bears to

"(II) the total amount of funds apportioned to Puerto Rico for all such programs for fiscal year 1997.

"(B) The amounts treated as being apportioned to Puerto Rico under each section referred to in subparagraph (A) shall be deemed to be required to be apportioned to Puerto Rico under such section for purposes of the imposition of any penalty provisions in titles 23 and 49, United States Code.

"(C) Subject to subparagraph (B), nothing in this subsection shall be construed as affecting any allocation under section 105 of title 23, United States Code, and any apportionment under sections 104 and 144 of such title.".

(g) DESIGNATED TRANSPORTATION ENHANCEMENT ACTIVITIES.—Section 1215 of such Act—

(1) is amended in each of subsections (d), (e), (f), and (g)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following:

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out paragraph (1) the amounts specified in such paragraph for the fiscal years specified in such paragraph."; and

(2) in subsection (d)(1) by inserting "on Route 50" after "measures".

(h) ELIGIBILITY.—Section 1217 of such Act is amended—

(1) in subsection (d) by striking "104(b)(4)" and inserting "104(b)(5)(A)";

(2) in subsection (i) by striking "120(l)(1)" and inserting "120(j)(1)"; and

(3) in subsection (j) by adding at the end the following: "$3,000,000 of the amounts made available for item 164 of the table contained in section 1602 shall be made available on October 1, 1998, to the Pennsylvania Turnpike Commission to carry out this subsection.".

(i) MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM.—Section 1218 of such Act is amended by adding at the end the following:

"(c) TECHNICAL AMENDMENTS.—Section 322 of title 23, United States Code (as added by subsection (a) of this section), is amended—

"(1) in subsection (a)(3) by striking 'or under 50 miles per hour';

"(2) in subsection (d)—

"(A) in paragraph (1) by striking 'or low-speed'; and

"(B) in paragraph (2)—

"(i) in subparagraph (A) by striking '(h)(1)(A)' and inserting '(h)(1)'; and

"(ii) in subparagraph (B) by striking '(h)(4)' and inserting '(h)(3)';

"(3) in subsection (h)(1)(B)(i) by inserting '(other than subsection (i))' after 'this section'; and

"(4) by adding at the end the following:

'(i) LOW-SPEED PROJECT.—

'(1) IN GENERAL.—Notwithstanding any other provision of this section, of the funds made available by subsection (h)(1)(A) to carry out this section, $5,000,000 shall be made available to the Secretary to make grants for the research and development of low-speed superconductivity magnetic levitation technology for public transportation purposes in urban areas to demonstrate energy efficiency, congestion mitigation, and safety benefits.

'(2) NONCONTRACT AUTHORITY AUTHORIZATION OF APPROPRIATIONS.—

'(A) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection such sums as are necessary for each of fiscal years 2000 through 2003.

'(B) AVAILABILITY.—Notwithstanding section 118(a), funds made available under subparagraph (A)—

'(i) shall not be available in advance of an annual appropriation; and

'(ii) shall remain available until expended.'.".

(j) TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.—Section 1223(f) of such Act is amended by inserting before the period at the end the following: "or Special Olympics International".

SEC. 704. RESTORATIONS TO PROGRAM STREAMLINING AND FLEXIBILITY SUBTITLE.

(a) IN GENERAL.—Subtitle C of title I of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

"SEC. 1311. DISCRETIONARY GRANT SELECTION CRITERIA AND PROCESS.

"(a) ESTABLISHMENT OF CRITERIA.—The Secretary shall establish criteria for all discretionary programs funded from the Highway Trust Fund (other than the Mass Transit Account). To the extent practicable, such criteria shall conform to the Executive Order No. 12893 (relating to infrastructure investment).

"(b) SELECTION PROCESS.—

"(1) LIMITATION ON ACCEPTANCE OF APPLICATIONS.—Before accepting applications for grants under any discretionary program for

which funds are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) by this Act (including the amendments made by this Act), the Secretary shall publish the criteria established under subsection (a). Such publication shall identify all statutory criteria and any criteria established by regulation that will apply to the program.

"(2) EXPLANATION.—Not less often than quarterly, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a list of the projects selected under discretionary programs funded from the Highway Trust Fund (other than the Mass Transit Account) and an explanation of how the projects were selected based on the criteria established under subsection (a).

"(c) MINIMUM COVERED PROGRAMS.—At a minimum, the criteria established under subsection (a) and the selection process established by subsection (b) shall apply to the following programs:

"(1) The intelligent transportation system deployment program under title V.

"(2) The national corridor planning and development program.

"(3) The coordinated border infrastructure and safety program.

"(4) The construction of ferry boats and ferry terminal facilities.

"(5) The national scenic byways program.

"(6) The Interstate discretionary program.

"(7) The discretionary bridge program.".

(b) CONFORMING AMENDMENTS.—The table of contents contained in section 1(b) of such Act is amended—

(1) by striking the following:

"Sec. 1309. Major investment study integration.".

and inserting the following:

"Sec. 1308. Major investment study integration.";

and

(2) by inserting after the item relating to section 1310 the following:

"Sec. 1311. Discretionary grant selection criteria and process.".

(c) REVIEW PROCESS.—Section 1309 of the Transportation Equity Act for the 21st Century is amended—

(1) in subsection (a)(1) by inserting after "highway construction" the following: "and mass transit";

(2) in subsection (d) by inserting after "Code," the following: "or chapter 53 of title 49, United States Code,"; and

(3) in subsection (e)(1)—

(A) by inserting "or recipient" after "a State";

(B) by inserting after "provide funds" the following: "for a highway project"; and

(C) by inserting after "Code," the following: "or for a mass transit project made available under chapter 53 of title 49, United States Code,".

SEC. 705. RESTORATIONS TO SAFETY SUBTITLE.

(a) IN GENERAL.—Subtitle D of title I of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

"SEC. 1405. OPEN CONTAINER LAWS.

"(a) ESTABLISHMENT.—Chapter 1 of title 23, United States Code, is amended by inserting after section 153 the following:

'§ 154. Open container requirements

'(a) DEFINITIONS.—In this section, the following definitions apply:

'(1) ALCOHOLIC BEVERAGE.—The term "alcoholic beverage" has the meaning given the term in section 158(c).

'(2) MOTOR VEHICLE.—The term "motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated exclusively on a rail or rails.

'(3) OPEN ALCOHOLIC BEVERAGE CONTAINER.—The term "open alcoholic beverage container" means any bottle, can, or other receptacle—

'(A) that contains any amount of alcoholic beverage; and

'(B)(i) that is open or has a broken seal; or

'(ii) the contents of which are partially removed.

'(4) PASSENGER AREA.—The term "passenger area" shall have the meaning given the term by the Secretary by regulation.

'(b) OPEN CONTAINER LAWS.—

'(1) IN GENERAL.—For the purposes of this section, each State shall have in effect a law that prohibits the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle (including possession or consumption by the driver of the vehicle) located on a public highway, or the right-of-way of a public highway, in the State.

'(2) MOTOR VEHICLES DESIGNED TO TRANSPORT MANY PASSENGERS.—For the purposes of this section, if a State has in effect a law that makes unlawful the possession of any open alcoholic beverage container by the driver (but not by a passenger)—

'(A) in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation, or

'(B) in the living quarters of a house coach or house trailer,

the State shall be deemed to have in effect a law described in this subsection with respect to such a motor vehicle for each fiscal year during which the law is in effect.

'(c) TRANSFER OF FUNDS.—

'(1) FISCAL YEARS 2001 AND 2002.—On October 1, 2000, and October 1, 2001, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall transfer an amount equal to 1½ percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402—

'(A) to be used for alcohol-impaired driving countermeasures; or

'(B) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

'(2) FISCAL YEAR 2003 AND FISCAL YEARS THEREAFTER.—On October 1, 2002, and each October 1 thereafter, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall transfer an amount equal to 3 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 to be used or directed as described in subparagraph (A) or (B) of paragraph (1).

'(3) USE FOR HAZARD ELIMINATION PROGRAM.—A State may elect to use all or a portion of the funds transferred under paragraph (1) or (2) for activities eligible under section 152.

'(4) FEDERAL SHARE.—The Federal share of the cost of a project carried out with funds transferred under paragraph (1) or (2), or used under paragraph (3), shall be 100 percent.

'(5) DERIVATION OF AMOUNT TO BE TRANSFERRED.—The amount to be transferred under paragraph (1) or (2) may be derived from 1 or more of the following:

'(A) The apportionment of the State under section 104(b)(1).

'(B) The apportionment of the State under section 104(b)(3).

'(C) The apportionment of the State under section 104(b)(4).

'(6) TRANSFER OF OBLIGATION AUTHORITY.—

'(A) IN GENERAL.—If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall transfer an amount, determined under subparagraph (B), of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out projects under section 402.

'(B) AMOUNT.—The amount of obligation authority referred to in subparagraph (A) shall be determined by multiplying—

'(i) the amount of funds transferred under subparagraph (A) to the apportionment of the State under section 402 for the fiscal year; by

'(ii) the ratio that—

'(I) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs; bears to

'(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

'(7) LIMITATION ON APPLICABILITY OF OBLIGATION LIMITATION.—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under this subsection to the apportionment of a State under such section.'.

"(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by inserting after the item relating to section 153 the following:

'154. Open container requirements.'.

"SEC. 1406. MINIMUM PENALTIES FOR REPEAT OFFENDERS FOR DRIVING WHILE INTOXICATED OR DRIVING UNDER THE INFLUENCE.

"(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

'§ 164. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence

'(a) DEFINITIONS.—In this section, the following definitions apply:

'(1) ALCOHOL CONCENTRATION.—The term "alcohol concentration" means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

'(2) DRIVING WHILE INTOXICATED; DRIVING UNDER THE INFLUENCE.—The terms "driving while intoxicated" and "driving under the influence" mean driving or being in actual physical control of a motor vehicle while having an alcohol concentration above the permitted limit as established by each State.

'(3) LICENSE SUSPENSION.—The term "license suspension" means the suspension of all driving privileges.

'(4) MOTOR VEHICLE.—The term "motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated solely on a rail line or a commercial vehicle.

'(5) REPEAT INTOXICATED DRIVER LAW.—The term "repeat intoxicated driver law" means a State law that provides, as a minimum penalty, that an individual convicted of a second or subsequent offense for driving while intoxicated or driving under the influence after a previous conviction for that offense shall—

'(A) receive a driver's license suspension for not less than 1 year;

'(B) be subject to the impoundment or immobilization of each of the individual's motor vehicles or the installation of an ignition interlock system on each of the motor vehicles;

'(C) receive an assessment of the individual's degree of abuse of alcohol and treatment as appropriate; and

'(D) receive—

'(i) in the case of the second offense—

'(I) an assignment of not less than 30 days of community service; or

'(II) not less than 5 days of imprisonment; and

'(ii) in the case of the third or subsequent offense—

'(I) an assignment of not less than 60 days of community service; or

'(II) not less than 10 days of imprisonment.

'(b) TRANSFER OF FUNDS.—

'(1) FISCAL YEARS 2001 AND 2002.—On October 1, 2000, and October 1, 2001, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer an amount equal to 1½ percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402—

'(A) to be used for alcohol-impaired driving countermeasures; or

'(B) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

'(2) FISCAL YEAR 2003 AND FISCAL YEARS THEREAFTER.—On October 1, 2002, and each October 1 thereafter, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer an amount equal to 3 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 to be used or directed as described in subparagraph (A) or (B) of paragraph (1).

'(3) USE FOR HAZARD ELIMINATION PROGRAM.—A State may elect to use all or a portion of the funds transferred under paragraph (1) or (2) for activities eligible under section 152.

'(4) FEDERAL SHARE.—The Federal share of the cost of a project carried out with funds transferred under paragraph (1) or (2), or used under paragraph (3), shall be 100 percent.

'(5) DERIVATION OF AMOUNT TO BE TRANSFERRED.—The amount to be transferred under paragraph (1) or (2) may be derived from 1 or more of the following:

'(A) The apportionment of the State under section 104(b)(1).

'(B) The apportionment of the State under section 104(b)(3).

'(C) The apportionment of the State under section 104(b)(4).

'(6) TRANSFER OF OBLIGATION AUTHORITY.—

'(A) IN GENERAL.—If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall transfer an amount, determined under subparagraph (B), of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out projects under section 402.

'(B) AMOUNT.—The amount of obligation authority referred to in subparagraph (A) shall be determined by multiplying—

'(i) the amount of funds transferred under subparagraph (A) to the apportionment of the State under section 402 for the fiscal year; by

'(ii) the ratio that—

'(I) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs; bears to

'(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

'(7) LIMITATION ON APPLICABILITY OF OBLIGATION LIMITATION.—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under this subsection to the apportionment of a State under such section.'.

"(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by adding at the end the following:

'164. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.'.".

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of such Act is amended by inserting after the item relating to section 1403 the following:

"Sec. 1404. Safety incentives to prevent operation of motor vehicles by intoxicated persons.

"Sec. 1405. Open container laws.

"Sec. 1406. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.".

(c) ROADSIDE SAFETY TECHNOLOGIES.—Section 1402(a)(2) of such Act is amended by striking "directive" and inserting "redirective".

SEC. 706. ELIMINATION OF DUPLICATE PROVISIONS.

(a) SAN MATEO COUNTY, CALIFORNIA.—Section 1113 of the Transportation Equity Act for the 21st Century is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (c) as subsection (d).

(b) VALUE PRICING PILOT PROGRAM.—Section 1216(a) of such Act is amended by adding at the end the following:

"(8) CONFORMING AMENDMENTS.—

"(A) Section 1012(b)(6) of such Act (as amended by paragraph (5) of this subsection) is amended by striking '146(c)' and inserting '102(a)'.

"(B) Section 1012(b)(8) of such Act (as added by paragraph (7) of this subsection) is amended—

"(i) in subparagraph (C) by striking 'under this subsection' and inserting 'to carry out this subsection';

"(ii) in subparagraph (D)—

"(I) by striking 'under this paragraph' and inserting 'to carry out this subsection'; and

"(II) by striking 'by this paragraph' and inserting 'to carry out this subsection';

"(iii) by striking subparagraph (A); and

"(iv) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.".

(c) NATIONAL DEFENSE HIGHWAYS OUTSIDE THE UNITED STATES.—Section 1214(e) of such Act is amended to read as follows:

"(e) MINNESOTA TRANSPORTATION HISTORY NETWORK.—

"(1) IN GENERAL.—The Secretary shall award a grant to the Minnesota Historical Society for the establishment of the Minnesota Transportation History Network to include major exhibits, interpretive programs at national historic landmark sites, and outreach programs with county and local historical organizations.

"(2) COORDINATION.—In carrying out subsection (a), the Secretary shall coordinate with officials of the Minnesota Historical Society.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $1,000,000 for each of fiscal years 1999 through 2003 to carry out this subsection.

"(4) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.".

(d) ENTRANCE PAVING AT NINIGRET NATIONAL WILDLIFE REFUGE.—Section 1214(i) of such Act is amended by striking "$750,000" each place it appears and inserting "$75,000".

SEC. 707. HIGHWAY FINANCE.

(a) IN GENERAL.—Section 1503 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

"(c) TECHNICAL AMENDMENTS.—Section 188 of title 23, United States Code (as added by subsection (a) of this section), is amended—

"(1) in subsection (a)(2) by striking '1998' and inserting '1999'; and

"(2) in subsection (c)—

"(A) by striking '1998' and inserting '1999'; and

"(B) by striking the table and inserting the following:

'Fiscal year:	Maximum amount of credit:
1999	$1,600,000,000
2000	$1,800,000,000
2001	$2,200,000,000
2002	$2,400,000,000
2003	$2,600,000,000.'.".

(b) CONFORMING AMENDMENTS.—The table of contents contained in section 1(b) of the Transportation Equity Act for the 21st Century is amended—

(1) in the item relating to section 1119 by striking "and safety"; and

(2) by striking the items relating to subtitle E of title I and inserting the following:

"Subtitle E—Finance

"CHAPTER 1—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION

"Sec. 1501. Short title.

"Sec. 1502. Findings.

"Sec. 1503. Establishment of program.

"Sec. 1504. Duties of the Secretary.

"CHAPTER 2—STATE INFRASTRUCTURE BANK PILOT PROGRAM

"Sec. 1511. State infrastructure bank pilot program.".

SEC. 708. HIGH PRIORITY PROJECTS TECHNICAL CORRECTIONS.

The table contained in section 1602 of the Transportation Equity Act for the 21st Century is amended—

(1) in item 1 by striking "1.275" and inserting "1.7";

(2) in item 82 by striking "30.675" and inserting "32.4";

(3) in item 107 by striking "1.125" and inserting "1.44";

(4) in item 121 by striking "10.5" and inserting "5.0";

(5) in item 140 by inserting "-VFHS Center" after "Park";

(6) in item 151 by striking "5.666" and inserting "8.666";

(7) in item 164—

(A) by inserting ", and $3,000,000 for the period of fiscal years 1998 and 1999 shall be made available to carry out section 1217(j)" after "Pennsylvania"; and

(B) by striking "25" and inserting "24.78";

(8) by striking item 166 and inserting the following:

"166.	Michigan	Improve Tenth Street, Port Huron	1.8";

(9) by striking item 242 and inserting the following:

"242.	Minnesota	Construct Third Street North, CSAH 81, Waite Park and St. Cloud	1.0";

(10) by striking item 250 and inserting the following:

"250.	Indiana	Reconstruct Old Merridan Corridor from Pennsylvania Avenue to Gilford Road	1.35";

(11) in item 255 by striking "2.25" and inserting "3.0";

(12) in item 263 by striking "Upgrade Highway 99 between State Highway 70 and Lincoln Road, Sutter County" and inserting "Upgrade Highway 99, Sutter County";

(13) in item 288 by striking "3.75" and inserting "5.0";

(14) in item 290 by striking "3.5" and inserting "3.0";

(15) in item 345 by striking "8" and inserting "19.4";

(16) in item 418 by striking "2" and inserting "2.5";

(17) in item 421 by striking "11" and inserting "6";

(18) in item 508 by striking "1.8" and inserting "2.4";

(19) by striking item 525 and inserting the following:

"525.	Alaska	Construct Bradfield Canal Road	1";

(20) in item 540 by striking "1.5" and inserting "2.0";

(21) in item 576 by striking "0.52275" and inserting "0.69275";

(22) in item 588 by striking "2.5" and inserting "3.0";

(23) in item 591 by striking "10" and inserting "5";

(24) in item 635 by striking "1.875" and inserting "2.15";

(25) in item 669 by striking "3" and inserting "3.5";

(26) in item 702 by striking "10.5" and inserting "10";

(27) in item 746 by inserting ", and for the purchase of the Block House in Scott County, Virginia" after "Forest";

(28) in item 755 by striking "1.125" and inserting "1.5";

(29) in item 769 by striking "Construct new I-95 interchange with Highway 99W, Tehama County" and inserting "Construct new I-5 interchange with Highway 99W, Tehama County";

(30) in item 770 by striking "1.35" and inserting "1.0";

(31) in item 789 by striking "2.0625" and inserting "1.0";

(32) in item 803 by striking "Tomahark" and inserting "Tomahawk";

(33) in item 836 by striking "Construct" and all that follows through "for" and inserting "To the National Park Service for construction of the";

(34) in item 854 by striking "0.75" and inserting "1";

(35) in item 863 by striking "9" and inserting "4.75";

(36) in item 887 by striking "0.75" and inserting "3.21";

(37) in item 891 by striking "19.5" and inserting "25.0";

(38) in item 902 by striking "10.5" and inserting "14.0";

(39) by striking item 1065 and inserting the following:

"1065.	Texas	Construct a 4-lane divided highway on Artcraft Road from I-10 to Route 375 in El Paso	5";

(40) in item 1192 by striking "24.97725" and inserting "24.55725";

(41) in item 1200 by striking "Upgrade (all weather) on U.S. 2, U.S. 41, and M 35" and inserting "Upgrade (all weather) on Delta County's reroute of U.S. 2, U.S. 41, and M 35";

(42) in item 1245 by striking "3" and inserting "3.5";

(43) in item 1271 by striking "Spur" and all that follows through "U.S. 59" and inserting "rail-grade separations (Rosenberg Bypass) at U.S. 59(S)";

(44) in item 1278 by striking "28.18" and inserting "22.0";

(45) in item 1288 by inserting "30" after "U.S.";

(46) in item 1338 by striking "5.5" and inserting "3.5";

(47) in item 1383 by striking "0.525" and inserting "0.35";

(48) in item 1395 by striking "Construct" and all that follows through "Road" and inserting "Upgrade Route 219 between Meyersdale and Somerset";

(49) in item 1468 by striking "Reconstruct" and all that follows through "U.S. 23" and inserting "Conduct engineering and design and improve I-94 in Calhoun and Jackson Counties";

(50) in item 1474—

(A) by striking "in Euclid" and inserting "and London Road in Cleveland"; and

(B) by striking "3.75" and inserting "8.0";

(51) in item 1535 by striking "Stanford" and inserting "Stamford";

(52) in item 1538 by striking "and Winchester" and inserting ", Winchester, and Torrington";

(53) by striking item 1546 and inserting the following:

"1546.	Michigan	Construct Bridge-to-Bay bike path, St. Clair County	0.450";

(54) by striking item 1549 and inserting the following:

"1549.	New York	Center for Advanced Simulation and Technology, at Dowling College	0.6";

(55) in item 1663 by striking "26.5" and inserting "27.5";

(56) in item 1703 by striking "I–80" and inserting "I–180";

(57) in item 1726 by striking "I–179" and inserting "I–79";

(58) by striking item 1770 and inserting the following:

"1770.	Virginia	Operate and conduct research on the 'Smart Road' in Blacksburg	6.025";

(59) in item 1810 by striking "Construct Rio Rancho Highway" and inserting "Northwest Albuquerque/Rio Rancho high priority roads";

(60) in item 1815 by striking "High" and all that follows through "projects" and inserting "Highway and bridge projects that Delaware provides for by law";

(61) in item 1844 by striking "Prepare" and inserting "Repair";

(62) by striking item 1850 and inserting the following:

"1850.	Missouri	Resurface and maintain roads located in Missouri State parks	5";

(63) in item 661 by striking "SR 800" and inserting "SR 78";

(64) in item 1704 by inserting ", Pittsburgh," after "Road"; and

(65) in item 1710 by inserting ", Bethlehem" after "site".

SEC. 709. FEDERAL TRANSIT ADMINISTRATION PROGRAMS.

(a) DEFINITIONS.—Section 3003 of the Federal Transit Act of 1998 is amended—

(1) by inserting "(a) IN GENERAL.—" before "Section 5302"; and

(2) by adding at the end the following:

"(b) CONFORMING AMENDMENTS.—Section 5302 (as amended by subsection (a) of this section) is amended in subsection (a)(1)(G)(i) by striking 'daycare and' and inserting 'daycare or'.".

(b) METROPOLITAN PLANNING.—Section 3004 of the Federal Transit Act of 1998 is amended—

(1) in subsection (b)—

(A) in paragraph (1) by striking subparagraph (A) and inserting the following:

"(A) by striking 'general local government representing' and inserting 'general purpose local government that together represent'; and";

(B) in paragraph (3) by striking "and" at the end;

(C) in paragraph (4) by striking subparagraph (A) and inserting the following:

"(A) by striking 'general local government representing' and inserting 'general purpose local government that together represent'; and";

(D) by redesignating paragraph (4) as paragraph (5); and

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

"(3) in paragraph (4)(A) by striking '(3)' and inserting '(5)'; and";

(2) in subsection (d) by striking the closing quotation marks and the final period at the end and inserting the following:

'(5) COORDINATION.—If a project is located within the boundaries of more than 1 metropolitan planning organization, the metropolitan planning organizations shall coordinate plans regarding the project.

'(6) LAKE TAHOE REGION.—

'(A) DEFINITION.—In this paragraph, the term "Lake Tahoe region" has the meaning given the term "region" in subdivision (a) of article II of the Tahoe Regional Planning Compact, as set forth in the first section of Public Law 96–551 (94 Stat. 3234).

'(B) TRANSPORTATION PLANNING PROCESS.—The Secretary shall—

'(i) establish with the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region a transportation planning process for the region; and

'(ii) coordinate the transportation planning process with the planning process required of State and local governments under this chapter and sections 134 and 135 of title 23.

'(C) INTERSTATE COMPACT.—

'(i) IN GENERAL.—Subject to clause (ii) and notwithstanding subsection (b), to carry out the transportation planning process required by this section, the consent of Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities (as defined by the Bureau of the Census)), or in accordance with procedures established by applicable State or local law.

'(ii) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—

'(I) REPRESENTATION.—The policy board of a metropolitan planning organization designated under clause (i) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

'(II) FUNDING.—In addition to funds made available to the metropolitan planning organization under other provisions of this chapter and under title 23, not more than 1 percent of the funds allocated under section 202 of title 23 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

'(D) ACTIVITIES.—Highway projects included in transportation plans developed under this paragraph—

'(i) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

'(ii) may, in accordance with chapter 2 of title 23, be funded using funds allocated under section 202 of title 23.'."; and

(3) by adding at the end the following:

"(f) TECHNICAL ADJUSTMENTS.—Section 5303(f) is amended—

"(1) in paragraph (1) (as amended by subsection (e)(1) of this subsection)—

"(A) in subparagraph (C) by striking 'and' at the end;

"(B) in subparagraph (D) by striking the period at the end and inserting '; and';

"(C) by adding at the end the following:

'(E) the financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range plan if reasonable additional resources beyond those identified in the financial plan were available, except that, for the purpose of developing the long-range plan, the metropolitan planning organization and the State shall cooperatively develop estimates of funds that will be available to support plan implementation.'; and

"(2) by adding at the end the following:

'(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (1)(E), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (1)(B).'.".

(c) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—Section 3005 of the Federal Transit Act of 1998 is amended—

(1) in the section heading by inserting "**metropolitan**" before "**transportation**"; and

(2) by adding at the end the following:

"(d) TECHNICAL ADJUSTMENTS.—Section 5304 is amended—

"(1) in subsection (a) (as amended by subsection (a) of this section)—

"(A) by striking 'In cooperation with' and inserting the following:

'(1) IN GENERAL.—In cooperation with'; and

"(B) by adding at the end the following:

'(2) FUNDING ESTIMATE.—For the purpose of developing the transportation improvement program, the metropolitan planning organization, public transit agency, and the State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.';

"(2) in subsection (b)(2)—

"(A) in subparagraph (B) by striking 'and' at the end; and

"(B) in subparagraph (C) (as added by subsection (b) of this section) by striking 'strategies which may include' and inserting the following: 'strategies; and

'(D) may include'; and

"(3) in subsection (c) by striking paragraph (4) (as amended by subsection (c) of this section) and inserting the following:

'(4) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

'(A) IN GENERAL.—Notwithstanding subsection (b)(2)(D), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under subsection (b)(2)(D).

'(B) ACTION BY SECRETARY.—Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the plan under subsection (b)(2) for inclusion in an approved transportation improvement plan.'.".

(d) TRANSPORTATION MANAGEMENT AREAS.—Section 3006(d) of the Federal Transit Act of 1998 is amended to read as follows:

"(d) PROJECT SELECTION.—Section 5305(d)(1) is amended to read as follows: '(1)(A) All federally funded projects carried out within the boundaries of a transportation management area under title 23 (excluding projects carried out on the National Highway System and projects carried out under the bridge and interstate maintenance program) or under this chapter shall be selected from the approved transportation improvement program by the metropolitan planning organization designated for the area in consultation with the State and any affected public transit operator.

'(B) Projects carried out within the boundaries of a transportation management area on the National Highway System and projects carried out within such boundaries under the bridge program or the interstate maintenance program shall be selected from the approved transportation improvement program by the State in cooperation with the metropolitan planning organization designated for the area.'.".

(e) URBANIZED AREA FORMULA GRANTS.—Section 3007 of the Federal Transit Act of 1998 is amended by adding at the end the following:

"(h) TECHNICAL ADJUSTMENTS.—

"(1) GENERAL AUTHORITY.—Section 5307(b) (as amended by subsection (c)(1)(B) of this section) is amended by adding at the end the following: 'The Secretary may make grants under this section from funds made available for fiscal year 1998 to finance the operating costs of equipment and facilities for use in mass transportation in an urbanized area with a population of at least 200,000.'.

"(2) REPORT.—Section 5307(k)(3) (as amended by subsection (f) of this section) is amended by inserting 'preceding' before 'fiscal year'.".

(f) CLEAN FUELS FORMULA GRANT PROGRAM.—Section 3008 of the Federal Transit Act of 1998 is amended by adding at the end the following:

"(c) TECHNICAL ADJUSTMENTS.—Section 5308(e)(2) (as added by subsection (a) of this section) is amended by striking '$50,000,000' and inserting '35 percent'.".

(g) CAPITAL INVESTMENT GRANTS AND LOANS.—Section 3009 of the Federal Transit Act of 1998 is amended by adding at the end the following:

"(k) TECHNICAL ADJUSTMENTS.—

"(1) CRITERIA.—Section 5309(e) (as amended by subsection (e) of this section) is amended—

"(A) in paragraph (3)(C) by striking 'urban' and inserting 'suburban';

"(B) in the second sentence of paragraph (6) by striking 'or not' and all that follows through ', based' and inserting 'or "not recommended", based'; and

"(C) in the last sentence of paragraph (6) by inserting 'of the' before 'criteria established'.

"(2) LETTERS OF INTENT AND FULL FUNDING GRANT AGREEMENTS.—Section 5309(g) (as amended by subsection (f) of this section) is amended in paragraph (4) by striking '5338(a)' and all that follows through '2003' and inserting '5338(b) of this title for new fixed guideway systems and extensions to existing fixed guideway systems and the amount appropriated under section 5338(h)(5) or an amount equivalent to the last 2 fiscal years of funding authorized under section 5338(b) for new fixed guideway systems and extensions to existing fixed guideway systems'.

"(3) ALLOCATING AMOUNTS.—Section 5309(m) (as amended by subsection (g) of this section) is amended—

"(A) in paragraph (1) by inserting '(b)' after '5338';

"(B) by striking paragraph (2) and inserting the following:

'(2) NEW FIXED GUIDEWAY GRANTS.—

'(A) LIMITATION ON AMOUNTS AVAILABLE FOR ACTIVITIES OTHER THAN FINAL DESIGN AND CONSTRUCTION.—Not more than 8 percent of the amounts made available in each fiscal year by paragraph (1)(B) shall be available for activities other than final design and construction.

'(B) FUNDING FOR FERRY BOAT SYSTEMS.—

'(i) AMOUNTS UNDER (1)(B).—Of the amounts made available under paragraph (1)(B), $10,400,000 shall be available in each of fiscal years 1999 through 2003 for capital projects in Alaska or Hawaii, for new fixed guideway systems and extensions to existing fixed guideway systems that are ferry boats or ferry terminal facilities, or that are approaches to ferry terminal facilities.

'(ii) AMOUNTS UNDER 5338(H)(5).—Of the amounts appropriated under section 5338(h)(5), $3,600,000 shall be available in each of fiscal years 1999 through 2003 for capital projects in Alaska or Hawaii, for new fixed guideway systems and extensions to existing fixed guideway systems that are ferry boats or ferry terminal facilities, or that are approaches to ferry terminal facilities.';

"(C) by redesignating paragraph (4) as paragraph (3)(C);

"(D) in paragraph (3) by adding at the end the following:

'(D) OTHER THAN URBANIZED AREAS.—Of amounts made available by paragraph (1)(C), not less than 5.5 percent shall be available in each fiscal year for other than urbanized areas.';

"(E) by striking paragraph (5); and

"(F) by inserting after paragraph (3) the following:

'(4) ELIGIBILITY FOR ASSISTANCE FOR MULTIPLE PROJECTS.—A person applying for or receiving assistance for a project described in subparagraph (A), (B), or (C) of paragraph (1) may receive assistance for a project described in any other of such subparagraphs.'.".

(h) REFERENCES TO FULL FUNDING GRANT AGREEMENTS.—Section 3009(h)(3) of the Federal Transit Act of 1998 is amended—

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

(2) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(3) by adding at the end the following:

"(C) in section 5328(a)(4) by striking 'section 5309(m)(2) of this title' and inserting '5309(o)(1)'; and

"(D) in section 5309(n)(2) by striking 'in a way' and inserting 'in a manner'.".

(i) DOLLAR VALUE OF MOBILITY IMPROVEMENTS.—Section 3010(b)(2) of the Federal Transit Act of 1998 is amended by striking "Secretary" and inserting "Comptroller General".

(j) INTELLIGENT TRANSPORTATION SYSTEM APPLICATIONS.—Section 3012 of the Federal Transit Act of 1998 is amended by moving paragraph (3) of subsection (a) to the end of subsection (b) and by redesignating such paragraph (3) as paragraph (4).

(k) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015 of the Federal Transit Act of 1998 is amended—

(1) in subsection (c)(2) by adding at the end the following: "Financial assistance made available under this subsection and projects assisted with the assistance shall be subject to section 5333(a) of title 49, United States Code."; and

(2) by adding at the end the following:

"(d) TRAINING AND CURRICULUM DEVELOPMENT.—

"(1) IN GENERAL.—Any funds made available by section 5338(e)(2)(C)(iii) of title 49, United States Code, shall be available in equal amounts for transportation research, training, and curriculum development at institutions identified in subparagraphs (E) and (F) of section 5505(j)(3) of such title.

"(2) SPECIAL RULE.—If the institutions identified in paragraph (1) are selected pursuant to 5505(i)(3)(B) of such title in fiscal year 2002 or 2003, the funds made available to carry out this subsection shall be available to those institutions to carry out the activities required pursuant to section 5505(i)(3)(B) of such title for that fiscal year.".

(l) NATIONAL TRANSIT INSTITUTE.—Section 3017(a) of the Federal Transit Act of 1998 is amended to read as follows:

"(a) IN GENERAL.—Section 5315 is amended—

"(1) in the section heading by striking '**mass transportation** and inserting '**transit**';

"(2) in subsection (a)—

"(A) by striking 'mass transportation' in the first sentence and inserting 'transit';

"(B) in paragraph (5) by inserting 'and architectural design' before the semicolon at the end;

"(C) in paragraph (7) by striking 'carrying out' and inserting 'delivering';

"(D) in paragraph (11) by inserting ', construction management, insurance, and risk management' before the semicolon at the end;

"(E) in paragraph (13) by striking 'and' at the end;

"(F) in paragraph (14) by striking the period at the end and inserting a semicolon; and

"(G) by adding at the end the following:

'(15) innovative finance; and

'(16) workplace safety.'.".

(m) PILOT PROGRAM.—Section 3021(a) of the Federal Transit Act of 1998 is amended by inserting "single-State" before "pilot program".

(n) ARCHITECTURAL, ENGINEERING, AND DESIGN CONTRACTS.—Section 3022 of the Federal Transit Act of 1998 is amended by adding at the end the following:

"(b) CONFORMING AMENDMENT.—Section 5325(b) (as redesignated by subsection (a)(2) of this section) is amended—

"(1) by inserting 'or requirement' after 'A contract'; and

"(2) by inserting before the last sentence the following: 'When awarding such contracts, recipients of assistance under this chapter shall maximize efficiencies of administration by accepting nondisputed audits conducted by other governmental agencies, as provided in subparagraphs (C) through (F) of section 112(b)(2) of title 23.'.".

(o) CONFORMING AMENDMENT.—Section 3027 of the Federal Transit Act of 1998 is amended—

(1) in subsection (c) by striking "600,000" each place it appears and inserting "900,000"; and

(2) by adding at the end the following:

"(d) CONFORMING AMENDMENT.—The item relating to section 5336 in the table of sections for chapter 53 is amended by striking 'block grants' and inserting 'formula grants'.".

(p) APPORTIONMENT FOR FIXED GUIDEWAY MODERNIZATION.—Section 3028 of the Federal Transit Act of 1998 is amended by adding at the end the following:

"(c) CONFORMING AMENDMENTS.—Section 5337(a) (as amended by subsection (a) of this section) is amended—

"(1) in paragraph (2)(B) by striking '(e)' and inserting '(e)(1)';

"(2) in paragraph (3)(D)—

"(A) by striking '(ii)'; and

"(B) by striking '(e)' and inserting '(e)(1)';

"(3) in paragraph (4) by striking '(e)' and inserting '(e)(1)';

"(4) in paragraph (5)(A) by striking '(e)' and inserting '(e)(2)';

"(5) in paragraph (5)(B) by striking '(e)' and inserting '(e)(2)';

"(6) in paragraph (6) by striking '(e)' each place it appears and inserting '(e)(2)'; and

"(7) in paragraph (7) by striking '(e)' each place it appears and inserting '(e)(2)'.".

(q) AUTHORIZATIONS.—Section 3029 of the Federal Transit Act of 1998 is amended by adding at the end the following:

"(c) TECHNICAL ADJUSTMENTS.—Section 5338 (as amended by subsection (a) of this section) is amended—

"(1) in subsection (c)(2)(A)(i) by striking '$43,200,000' and inserting '$42,200,000';

"(2) in subsection (c)(2)(A)(ii) by striking '$46,400,000' and inserting '$48,400,000';

"(3) in subsection (c)(2)(A)(iii) by striking '$51,200,000' and inserting '$50,200,000';

"(4) in subsection (c)(2)(A)(iv) by striking '$52,800,000' and inserting '$53,800,000';

"(5) in subsection (c)(2)(A)(v) by striking '$57,600,000' and inserting '$58,600,000';

"(6) in subsection (d)(2)(C)(iii) by inserting before the semicolon ', including not more than $1,000,000 shall be available to carry out section 5315(a)(16)';

"(7) in subsection (e)—

"(A) by striking '5317(b)' each place it appears and inserting '5505';

"(B) in paragraph (1) by striking 'There are' and inserting 'Subject to paragraph (2)(C), there are';

"(C) in paragraph (2)—

"(i) in subparagraph (A) by striking 'There shall' and inserting 'Subject to subparagraph (C), there shall';

"(ii) in subparagraph (B) by striking 'In addition' and inserting 'Subject to subparagraph (C), in addition'; and

"(iii) by adding at the end the following:

'(C) FUNDING OF CENTERS.—

'(i) Of the amounts made available under subparagraph (A) and paragraph (1) for each fiscal year—

'(I) $2,000,000 shall be available for the center identified in section 5505(j)(4)(A); and

'(II) $2,000,000 shall be available for the center identified in section 5505(j)(4)(F).

'(ii) For each of fiscal years 1998 through 2001, of the amounts made available under this paragraph and paragraph (1)—

'(I) $400,000 shall be available from amounts made available under subparagraph (A) of this paragraph and under paragraph (1) for each of the centers identified in subparagraphs (E) and (F) of section 5505(j)(3); and

'(II) $350,000 shall be available from amounts made available under subparagraph (B) of this paragraph and under paragraph (1) for each of the centers identified in subparagraphs (E) and (F) of section 5505(j)(3).

'(iii) Any amounts made available under this paragraph or paragraph (1) for any fiscal year that remain after distribution under clauses (i) and (ii), shall be available for the purposes identified in section 3015(d) of the Federal Transit Act of 1998.'; and

"(D) by adding at the end the following:

'(3) SPECIAL RULE.—Nothing in this subsection shall be construed to limit the transportation research conducted by the centers funded by this section.';

"(8) in subsection (g)(2) by striking '(c)(2)(B),' and all that follows through '(f)(2)(B),' and inserting '(c)(1), (c)(2)(B), (d)(1), (d)(2)(B), (e)(1), (e)(2)(B), (f)(1), (f)(2)(B),';

"(9) in subsection (h) by inserting 'under the Transportation Discretionary Spending Guarantee for the Mass Transit Category' after 'through (f)'; and

"(10) in subsection (h)(5) by striking subparagraphs (A) through (E) and inserting the following:

'(A) for fiscal year 1999 $400,000,000;

'(B) for fiscal year 2000 $410,000,000;

'(C) for fiscal year 2001 $420,000,000;

'(D) for fiscal year 2002 $430,000,000; and

'(E) for fiscal year 2003 $430,000,000;'.".

(r) PROJECTS FOR FIXED GUIDEWAY SYSTEMS.—Section 3030 of the Federal Transit Act of 1998 is amended—

(1) in subsection (a)—

(A) in paragraph (8) by inserting "North-" before "South";

(B) in paragraph (42) by striking "Maryland" and inserting "Baltimore";

(C) in paragraph (103) by striking "busway" and inserting "Boulevard transitway";

(D) in paragraph (106) by inserting "CTA" before "Douglas";

(E) by striking paragraph (108) and inserting the following:

"(108) Greater Albuquerque Mass Transit Project."; and

(F) by adding at the end the following:

"(109) Hartford City Light Rail Connection to Central Business District.

"(110) Providence–Boston Commuter Rail.

"(111) New York–St. George's Ferry Intermodal Terminal.

"(112) New York–Midtown West Ferry Terminal.

"(113) Pinellas County–Mobility Initiative Project.

"(114) Atlanta–MARTA Extension (S. De Kalb-Lindbergh).";

(2) in subsection (b)—

(A) by striking paragraph (2) and inserting the following:

"(2) Sioux City–Light Rail.";

(B) by striking paragraph (40) and inserting the following:

"(40) Santa Fe–El Dorado Rail Link.";

(C) by striking paragraph (44) and inserting the following:

"(44) Albuquerque–High Capacity Corridor.";

(D) by striking paragraph (53) and inserting the following:

"(53) San Jacinto–Branch Line (Riverside County).''; and

(E) by adding at the end the following:

"(69) Chicago–Northwest Rail Transit Corridor.

"(70) Vermont–Burlington-Essex Commuter Rail."; and

(3) in subsection (c)—

(A) in paragraph (1)(A)—

(i) in the matter preceding clause (i) by inserting "(even if the project is not listed in subsection (a) or (b))" before the colon;

(ii) by striking clause (ii) and inserting the following:

"(ii) San Diego Mission Valley and Mid-Coast Corridor, $325,000,000.";

(iii) by striking clause (v) and inserting the following:

"(v) Hartford City Light Rail Connection to Central Business District, $33,000,000.";

(iv) by striking clause (xxiii) and inserting the following:

"(xxiii) Kansas City–I-35 Commuter Rail, $30,000,000.";

(v) in clause (xxxii) by striking "Whitehall Ferry Terminal" and inserting "Staten Island Ferry-Whitehall Intermodal Terminal";

(vi) by striking clause (xxxv) and inserting the following:

"(xxxv) New York–Midtown West Ferry Terminal, $16,300,000.";

(vii) in clause (xxxix) by striking "Allegheny County" and inserting "Pittsburgh";

(viii) by striking clause (xvi) and inserting the following:

"(xvi) Northeast Indianapolis Corridor, $10,000,000.";

(ix) by striking clause (xxix) and inserting the following:

"(xxix) Greater Albuquerque Mass Transit Project, $90,000,000.";

(x) by striking clause (xliii) and inserting the following:

"(xliii) Providence–Boston Commuter Rail, $10,000,000.";

(xi) by striking clause (xlix) and inserting the following:

"(xlix) Seattle Sound Move Corridor, $40,000,000."; and

(xii) by striking clause (li) and inserting the following:

"(li) Dallas-Ft. Worth RAILTRAN (Phase-II), $12,000,000.";

(B) by striking the heading for subsection (c)(2) and inserting "ADDITIONAL AMOUNTS"; and

(C) in paragraph (3) by inserting after the first sentence the following: "The project shall also be exempted from all requirements relating to criteria for grants and loans for fixed guideway systems under section 5309(e) of such title and from regulations required under that section.".

(s) NEW JERSEY URBAN CORE PROJECT.—Section 3030(e) of the Federal Transit Act of 1998 is amended by adding at the end the following:

"(4) TECHNICAL ADJUSTMENT.—Section 3031(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (as amended by paragraph (3)(B) of this subsection) is amended—

"(A) by striking 'of the West Shore Line' and inserting 'or the West Shore Line'; and

"(B) by striking 'directly connected to' and all that follows through 'Newark International Airport' the first place it appears.".

(t) BALTIMORE-WASHINGTON TRANSPORTATION IMPROVEMENTS.—Section 3030 of the Federal Transit Act of 1998 is amended by adding at the end the following:

"(h) TECHNICAL ADJUSTMENT.—Section 3035(nn) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2134) (as amended by subsection (g)(1)(C) of this section) is amended by inserting after 'expenditure of' the following: 'section 5309 funds to the aggregate expenditure of'.".

(u) BUS PROJECTS.—Section 3031 of the Federal Transit Act of 1998 is amended—

(1) in the table contained in subsection (a)—

(A) by striking item 64;

(B) in item 69 by striking "Rensslear" each place it appears and inserting "Rensselaer";

(C) in item 103 by striking "facilities and"; and

(D) by striking item 150;

(2) by striking the heading for subsection (b) and inserting "ADDITIONAL AMOUNTS";

(3) in subsection (b) by inserting after "2000" the first place it appears "with funds made available under section 5338(h)(6) of such title"; and

(4) in item 2 of the table contained in subsection (b) by striking "Rensslear" each place it appears and inserting "Rensselaer".

(v) CONTRACTING OUT STUDY.—Section 3032 of the Federal Transit Act of 1998 is amended—

(1) in subsection (a) by striking "3" and inserting "6";

(2) in subsection (d) by striking "the Mass Transit Account of the Highway Trust Fund" and inserting "funds made available under section 5338(f)(2) of title 49, United States Code,";

(3) in subsection (d) by striking "1998" and inserting "1999"; and

(4) in subsection (e) by striking "subsection (c)" and inserting "subsection (d)".

(w) JOB ACCESS AND REVERSE COMMUTE GRANTS.—Section 3037 of the Federal Transit Act of 1998 is amended—

(1) in subsection (b)(4)(A)—

(A) by inserting "designated recipients under section 5307(a)(2) of title 49, United States Code," after "from among"; and

(B) by inserting a comma after "and agencies";

(2) in subsection (b)(4)(B)—

(A) by striking "at least" and inserting "less than";

(B) by inserting "designated recipients under section 5307(a)(2) of title 49, United States Code," after "from among"; and

(C) by inserting "and agencies," after "authorities";

(3) in subsection (f)(2)—

(A) by striking "(including bicycling)"; and

(B) by inserting "(including bicycling)" after "additional services";

(4) in subsection (h)(2)(B) by striking "403(a)(5)(C)(ii)" and inserting "403(a)(5)(C)(vi)";

(5) in the heading for subsection (l)(1)(C) by striking "FROM THE GENERAL FUND";

(6) in subsection (l)(1)(C) by inserting "under the Transportation Discretionary Spending Guarantee for the Mass Transit Category" after "(B)"; and

(7) in subsection (l)(3)(B) by striking "at least" and inserting "less than".

(x) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038 of the Federal Transit Act of 1998 is amended—

(1) in subsection (a)(1)(A) by inserting before the semicolon "or connecting 1 or more rural communities with an urban area not in close proximity";

(2) in subsection (g)(1)—

(A) by inserting "over-the-road buses used substantially or exclusively in" after "operators of"; and

(B) by inserting at the end the following: "Such sums shall remain available until expended."; and

(3) in subsection (g)(2)—

(A) by striking "each of"; and

(B) by adding at the end the following: "Such sums shall remain available until expended.".

(y) STUDY OF TRANSIT NEEDS IN NATIONAL PARKS AND RELATED PUBLIC LANDS.—Section 3039(b) of the Federal Transit Act of 1998 is amended—

(1) in paragraph (1) by striking "in order to carry" and inserting "assist in carrying"; and

(2) by adding at the end the following:

"(3) DEFINITION.—For purposes of this subsection, the term 'Federal land management agencies' means the National Park Service, the United States Fish and Wildlife Service, and the Bureau of Land Management.".

(z) OBLIGATION CEILING.—Section 3040 of the Federal Transit Act of 1998 is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) $5,797,000,000 in fiscal year 2000;"; and

(2) in paragraph (4) by striking "$6,746,000,000" and inserting "$6,747,000,000".

SEC. 710. MOTOR CARRIER SAFETY TECHNICAL CORRECTION.

Section 4011 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

"(h) TECHNICAL AMENDMENTS.—Section 31314 (as amended by subsection (g) of this section) is amended—

"(1) in subsections (a) and (b) by striking '(3), and (5)' each place it appears and inserting '(3), and (4)'; and

"(2) by striking subsection (d).".

SEC. 711. RESTORATIONS TO RESEARCH TITLE.

(a) UNIVERSITY TRANSPORTATION RESEARCH FUNDING.—Section 5001(a)(7) of the Transportation Equity Act for the 21st Century is amended—

(1) by striking "$31,150,000" each place it appears and inserting "$25,650,000";

(2) by striking "$32,750,000" each place it appears and inserting "$27,250,000"; and

(3) by striking "$32,000,000" each place it appears and inserting "$26,500,000".

(b) OBLIGATION CEILING.—Section 5002 of such Act is amended by striking "$403,150,000" and all that follows through "$468,000,000" and inserting "$397,650,000 for fiscal year 1998, $403,650,000 for fiscal year 1999, $422,450,000 for fiscal year 2000, $437,250,000 for fiscal year 2001, $447,500,000 for fiscal year 2002, and $462,500,000".

(c) USE OF FUNDS FOR ITS.—Section 5210 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

"(d) USE OF INNOVATIVE FINANCING.—

"(1) IN GENERAL.—The Secretary may use up to 25 percent of the funds made available to carry out this subtitle to make available loans, lines of credit, and loan guarantees for projects that are eligible for assistance under this subtitle and that have significant intelligent transportation system elements.

"(2) CONSISTENCY WITH OTHER LAW.—Credit assistance described in paragraph (1) shall be made available in a manner consistent with the Transportation Infrastructure Finance and Innovation Act of 1998.".

(d) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5110 of such Act is amended by adding at the end the following:

"(d) TECHNICAL ADJUSTMENTS.—Section 5505 of title 49, United States Code (as added by subsection (a) of this section), is amended—

"(1) in subsection (g)(2) by striking 'section 5506,' and inserting 'section 508 of title 23, United States Code,';

"(2) in subsection (i)—

"(A) by inserting 'Subject to section 5338(e):' after '(i) NUMBER AND AMOUNT OF GRANTS.—'; and

"(B) by striking 'institutions' each place it appears and inserting 'institutions or groups of institutions'; and

"(3) in subsection (j)(4)(B) by striking 'on behalf of' and all that follows before the period and inserting 'on behalf of a consortium which may also include West Virginia University Institute of Technology, the College of West Virginia, and Bluefield State College'.".

(e) TECHNICAL CORRECTIONS.—Section 5115 of such Act is amended—

(1) in subsection (a) by striking "Director" and inserting "Director of the Bureau of Transportation Statistics";

(2) in subsection (b) by striking "Bureau" and inserting "Bureau of Transportation Statistics,"; and

(3) in subsection (c) by striking "paragraph (1)" and inserting "subsection (a)".

(f) CORRECTIONS TO CERTAIN OKLAHOMA PROJECTS.—Section 5116 of such Act is amended—

(1) in subsection (e)(2) by striking "$1,000,000 for fiscal year 1999, $1,000,000 for fiscal year 2000, and $500,000 for fiscal year 2001" and inserting "$1,000,000 for fiscal year 1999, $1,000,000 for fiscal year 2000, $1,000,000 for fiscal year 2001, and $500,000 for fiscal year 2002"; and

(2) in subsection (f)(2) by striking "$1,000,000 for fiscal year 1999, $1,000,000 for fiscal year 2000, $1,000,000 for fiscal year 2001, and $500,000 for fiscal year 2002" and inserting "$1,000,000 for fiscal year 1999, $1,000,000 for fiscal year 2000, and $500,000 for fiscal year 2001".

(g) INTELLIGENT TRANSPORTATION INFRASTRUCTURE REFERENCE.—Section 5117(b)(3)(B)(ii) of such Act is amended by striking "local departments of transportation" and inserting "the Department of Transportation".

(h) FUNDAMENTAL PROPERTIES OF ASPHALTS AND MODIFIED ASPHALTS.—Section 5117(b)(5)(B) of such Act is amended—

(1) by striking "1999" and inserting "1998"; and

(2) by striking "$3,000,000 per fiscal year" and inserting "$1,000,000 for fiscal year 1998 and $3,000,000 for each of fiscal years 1999 through 2003".

SEC. 712. AUTOMOBILE SAFETY AND INFORMATION.

(a) REFERENCE.—Section 7104 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

"(c) CONFORMING AMENDMENT.—Section 30105(a) of title 49, United States Code (as amended by subsection (a) of this section), is amended by inserting after 'Secretary' the following: 'for the National Highway Traffic Safety Administration'.".

(b) CLEAN VESSEL ACT FUNDING.—Section 7403 of such Act is amended—

(1) by inserting "(a) IN GENERAL.—" before "Section 4(b)"; and

(2) by adding at the end the following:

"(b) TECHNICAL AMENDMENT.—Section 4(b)(3)(B) of the 1950 Act (as amended by subsection (a) of this section) is amended by striking '6404(d)' and inserting '7404(d)'.".

(c) BOATING INFRASTRUCTURE.—Section 7404(b) of such Act is amended by striking "6402" and inserting "7402".

SEC. 713. TECHNICAL CORRECTIONS REGARDING SUBTITLE A OF TITLE VIII.

(a) AMENDMENT TO OFFSETTING ADJUSTMENT FOR DISCRETIONARY SPENDING LIMIT.—Section 8101(b) of the Transportation Equity Act for the 21st Century is amended—

(1) in paragraph (1) by striking "$25,173,000,000" and inserting "$25,144,000,000"; and

(2) in paragraph (2) by striking "$26,045,000,000" and inserting "$26,009,000,000".

(b) AMENDMENTS FOR HIGHWAY CATEGORY.—Section 8101 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

"(f) TECHNICAL AMENDMENTS.—Section 250(c)(4)(C) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by subsection (c) of this Act) is amended—

"(1) by striking 'Century and' and inserting 'Century or';

"(2) by striking 'as amended by this section,' and inserting 'as amended by the Transportation Equity Act for the 21st Century,'; and

"(3) by adding at the end the following new flush sentence:

'Such term also refers to the Washington Metropolitan Transit Authority account (69-1128-0-1-401) only for fiscal year 1999 only for appropriations provided pursuant to authorizations contained in section 14 of Public Law 96–184 and Public Law 101–551.'.".

(c) TECHNICAL AMENDMENT.—Section 8102 of the Transportation Equity Act for the 21st Century is amended by inserting before the period at the end the following: "or from section 1102 of this Act".

SEC. 714. REPEAL OF PROVISIONS RELATING TO VETERANS BENEFITS.

The Veterans Benefits Act of 1998 (subtitle B of title VIII of the Transportation Equity Act for 21st Century) is repealed and shall be treated as if not enacted.

SEC. 715. TECHNICAL CORRECTIONS REGARDING TITLE IX.

(a) HIGHWAY TRUST FUND.—Subsection (f) of section 9002 of the Transportation Equity

Act for the 21st Century is amended by adding at the end the following new paragraphs:

"(4) The last sentence of section 9503(c)(1), as amended by subsection (d), is amended by striking 'the date of enactment of the Transportation Equity Act for the 21st Century' and inserting 'the date of the enactment of the TEA 21 Restoration Act'.

"(5) Paragraph (3) of section 9503(e), as amended by subsection (d), is amended by striking 'the date of enactment of the Transportation Equity Act for the 21st Century' and inserting 'the date of the enactment of the TEA 21 Restoration Act'.".

(b) BOAT SAFETY ACCOUNT AND SPORT FISH RESTORATION ACCOUNT.—Section 9005 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following new subsection:

"(f) CLERICAL AMENDMENTS.—

"(1) Subparagraph (A) of section 9504(b)(2), as amended by subsection (b)(1), is amended by striking 'the date of the enactment of the Transportation Equity Act for the 21st Century' and inserting 'the date of the enactment of the TEA 21 Restoration Act'.

"(2) Subparagraph (B) of section 9504(b)(2), as added by subsection (b)(3), is amended by striking 'such Act' and inserting 'the TEA 21 Restoration Act'.

"(3) Subparagraph (C) of section 9504(b)(2), as amended by subsection (b)(2) and redesignated by subsection (b)(3), is amended by striking 'the date of the enactment of the Transportation Equity Act for the 21st Century' and inserting 'the date of the enactment of the TEA 21 Restoration Act'.

"(4) Subsection (c) of section 9504, as amended by subsection (c)(2), is amended by striking 'the date of enactment of the Transportation Equity Act for the 21st Century' and inserting 'the date of the enactment of the TEA 21 Restoration Act'.".

SEC. 716. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect simultaneously with the enactment of the Transportation Equity Act for the 21st Century. For purposes of all Federal laws, the amendments made by this title shall be treated as being included in the Transportation Equity Act for the 21st Century at the time of the enactment of such Act, and the provisions of such Act (including the amendments made by such Act) (as in effect on the day before the date of enactment of this Act) that are amended by this title shall be treated as not being enacted.

AMENDMENT NO. 2880

On page 412, below line 2, add the following:

DIVISION D—TRANSPORTATION PROGRAM TECHNICAL CORRECTIONS

SEC. 4001. SHORT TITLE.

This division may be cited as the "TEA 21 Restoration Act".

SEC. 702. AUTHORIZATION AND PROGRAM SUBTITLE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1101(a) of the Transportation Equity Act for the 21st Century is amended—

(1) in paragraph (13)—

(A) by striking "$1,025,695,000" and inserting "$1,029,473,500";

(B) by striking "$1,398,675,000" and inserting "$1,403,827,500";

(C) by striking "$1,678,410,000" the first place it appears and inserting "$1,684,593,000";

(D) by striking "$1,678,410,000" the second place it appears and inserting "$1,684,593,000";

(E) by striking "$1,771,655,000" the first place it appears and inserting "$1,778,181,500"; and

(F) by striking "$1,771,655,000" the second place it appears and inserting "$1,778,181,500"; and

(2) in paragraph (14)—

(A) by striking "1998" and inserting "1999"; and

(B) by inserting before "$5,000,000" the following: "$10,000,000 for fiscal year 1998".

(b) OBLIGATION LIMITATIONS.—

(1) GENERAL LIMITATION.—Section 1102(a) of such Act is amended—

(A) in paragraph (2) by striking "$25,431,000,000" and inserting "$25,511,000,000";

(B) in paragraph (3) by striking "$26,155,000,000" and inserting "$26,245,000,000";

(C) in paragraph (4) by striking "$26,651,000,000" and inserting "$26,761,000,000";

(D) in paragraph (5) by striking "$27,235,000,000" and inserting "$27,355,000,000"; and

(E) in paragraph (6) by striking "$27,681,000,000" and inserting "$27,811,000,000".

(2) TRANSPORTATION RESEARCH PROGRAMS.—Section 1102(e) of such Act is amended—

(A) by striking "3" and inserting "5";

(B) by striking "VI" and inserting "V"; and

(C) by inserting before the period at the end the following: "; except that obligation authority made available for such programs under such limitations shall remain available for a period of 3 fiscal years".

(3) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Section 1102(f) of such Act is amended by striking "(other than the program under section 160 of title 23, United States Code)".

(c) APPORTIONMENTS.—Section 1103 of such Act is amended—

(1) in subsection (l) by adding at the end the following:

"(5) Section 150 of such title, and the item relating to such section in the analysis for chapter 1 of such title, are repealed.";

(2) in subsection (n) by inserting "of title 23, United States Code" after "206"; and

(3) by adding at the end the following:

"(o) TECHNICAL ADJUSTMENTS.—Section 104 of title 23, United States Code, is amended—

"(1) in subsection (a)(1) (as amended by subsection (a) of this section) by striking 'under section 103';

"(2) in subsection (b) (as amended by subsection (b) of this section)—

"(A) in paragraph (1)(A) by striking '1999 through 2003' and inserting '1998 through 2002'; and

"(B) in paragraph (4)(B)(i) by striking 'on lanes on Interstate System' and all that follows through 'in each State' and inserting 'on Interstate System routes open to traffic in each State'; and

"(3) in subsection (e)(2) (as added by subsection (d)(6) of this section) by striking '104, 144, or 157' and inserting '104, 105, or 144'.".

(d) MINIMUM GUARANTEE.—Section 1104 of such Act is amended by adding at the end the following:

"(c) TECHNICAL ADJUSTMENTS.—Section 105 of title 23, United States Code (as amended by subsection (a) of this section), is amended—

"(1) in subsection (a) by adding at the end the following: 'The minimum amount allocated to a State under this section for a fiscal year shall be $1,000,000.';

"(2) in subsection (c)(1) by striking '50 percent of';

"(3) in subsection (c)(1)(A) by inserting '(other than metropolitan planning, minimum guarantee, high priority projects, Appalachian development highway system, and recreational trails programs)' after 'subsection (a)';

"(4) in subsection (c)(1)(B) by striking 'all States' and inserting 'each State';

"(5) in subsection (c)(2)—

"(A) by striking 'apportion' and inserting 'administer'; and

"(B) by striking 'apportioned' and inserting 'administered'; and

"(6) in subsection (f)—

"(A) by inserting 'percentage' before 'return' each place it appears;

"(B) in paragraph (2) by striking 'for the preceding fiscal year was equal to or less than' and inserting 'in the table in subsection (b) was equal to'; and

"(C) in paragraph (3)—

"(i) by inserting 'proportionately' before 'adjust';

"(ii) by striking 'set forth'; and

"(iii) by striking 'do not exceed' and inserting 'is equal to'.".

(e) REVENUE ALIGNED BUDGET AUTHORITY.—Section 1105 of such Act is amended by adding at the end the following:

"(c) TECHNICAL CORRECTIONS.—Section 110 of such title (as amended by subsection (a)) is amended—

"(1) by striking subsection (a) and inserting the following:

'(a) IN GENERAL.—

'(1) ALLOCATION.—On October 15 of fiscal year 2000 and each fiscal year thereafter, the Secretary shall allocate for such fiscal year an amount of funds equal to the amount determined pursuant to section 251(b)(1)(B)(ii)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)(2)(B)(ii)(I)(cc)) if the amount determined pursuant to such section for such fiscal year is greater than zero.

'(2) REDUCTION.—If the amount determined pursuant to section 251(b)(1)(B)(ii)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)(2)(B)(ii)(I)(cc)) for fiscal year 2000 or any fiscal year thereafter is less than zero, the Secretary on October 1 of the succeeding fiscal year shall reduce proportionately the amount of sums authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out each of the Federal-aid highway and highway safety construction programs (other than emergency relief) by an aggregate amount equal to the amount determined pursuant to such section.';

"(2) in subsections (b)(2) and (b)(4) by striking 'subsection (a)' and inserting 'subsection (a)(1)'; and

"(3) in subsection (c) by striking 'Maintenance program, the' and inserting 'and'.".

(f) INTERSTATE MAINTENANCE PROGRAM.—Section 1107 of such Act is amended by adding at the end the following:

"(d) TECHNICAL AMENDMENTS.—Section 119 of such title (as amended by subsection (a)) is amended—

"(1) in subsection (b)—

"(A) by striking '104(b)(5)(B)' and inserting '104(b)(4)'; and

"(B) by striking '104(b)(5)(A)' each place it appears and inserting '104(b)(5)(A) (as in effect on the date before the date of enactment of the Transportation Equity Act for the 21st Century)'; and

"(2) in subsection (c) by striking '104(b)(5)(B)' each place it appears and inserting '104(b)(4)'.".

(g) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—Section 1110(d)(2) of such Act is amended—

(1) by striking "149(c)" and inserting "149(e)"; and

(2) by striking "that reduce" and inserting "reduce".

(h) HIGHWAY USE TAX EVASION PROJECTS.—Section 1114 of such Act is amended by adding at the end the following:

"(c) TECHNICAL ADJUSTMENTS.—Section 143 of title 23, United States Code (as amended by subsection (a) of this section), is amended—

"(1) in subsection (c)(1) by striking 'April 1' and inserting 'August 1';

"(2) in subsection (c)(3) by inserting 'PRIORITY' after 'FUNDING'; and

"(3) in subsection (c)(3) by inserting 'and prior to funding any other activity under this section,' after '2003,'.".

(i) FEDERAL LANDS HIGHWAYS PROGRAM.—Section 1115 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

"(f) CONFORMING AMENDMENTS.—

"(1) FEDERAL SHARE.—Subsections (j) and (k) of section 120 of title 23, United States Code (as added by subsection (a) of this section), are redesignated as subsections (k) and (l), respectively.

"(2) RESERVATION OF FUNDS.—Section 202(d)(4)(B) of such title (as added by subsection (b)(4) of this section) is amended by striking 'to, apply sodium acetate/formate de-icer to,' and inserting ', sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions'.

"(3) ELIMINATION OF DUPLICATIVE PROVISION.—Section 144(g) of such title is amended by striking paragraph (4).".

(j) WOODROW WILSON MEMORIAL BRIDGE CORRECTION.—Section 1116 of such Act is amended by adding at the end the following:

"(e) TECHNICAL CORRECTION.—Sections 404(5) and 407(c)(2)(C)(iii) of such Act (as amended by subsections (a)(2) and (b)(2), respectively) are amended by striking 'the record of decision' each place it appears and inserting 'a record of decision'.".

(k) TECHNICAL CORRECTION.—Section 1117 of such Act is amended in subsections (a) and (b) by striking "section 102" each place it appears and inserting "section 1101(a)(6)".

SEC. 703. RESTORATIONS TO GENERAL PROVISIONS SUBTITLE.

(a) IN GENERAL.—Subtitle B of title I of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

"SEC. 1224. NATIONAL HISTORIC COVERED BRIDGE PRESERVATION.

"(a) HISTORIC COVERED BRIDGE DEFINED.—In this section, the term 'historic covered bridge' means a covered bridge that is listed or eligible for listing on the National Register of Historic Places.

"(b) HISTORIC COVERED BRIDGE PRESERVATION.—Subject to the availability of appropriations under subsection (d), the Secretary shall—

"(1) collect and disseminate information concerning historic covered bridges;

"(2) foster educational programs relating to the history and construction techniques of historic covered bridges;

"(3) conduct research on the history of historic covered bridges; and

"(4) conduct research, and study techniques, on protecting historic covered bridges from rot, fire, natural disasters, or weight-related damage.

"(c) DIRECT FEDERAL ASSISTANCE.—

"(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to a State that submits an application to the Secretary that demonstrates a need for assistance in carrying out 1 or more historic covered bridge projects described in paragraph (2).

"(2) TYPES OF PROJECT.—A grant under paragraph (1) may be made for a project—

"(A) to rehabilitate or repair a historic covered bridge; and

"(B) to preserve a historic covered bridge, including through—

"(i) installation of a fire protection system, including a fireproofing or fire detection system and sprinklers;

"(ii) installation of a system to prevent vandalism and arson; or

"(iii) relocation of a bridge to a preservation site.

"(3) AUTHENTICITY.—A grant under paragraph (1) may be made for a project only if—

"(A) to the maximum extent practicable, the project—

"(i) is carried out in the most historically appropriate manner; and

"(ii) preserves the existing structure of the historic covered bridge; and

"(B) the project provides for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.

"(4) FEDERAL SHARE.—The Federal share of the cost of a project carried out with a grant under this subsection shall be 80 percent.

"(d) FUNDING.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1999 through 2003. Such funds shall remain available until expended.

"SEC. 1225. SUBSTITUTE PROJECT.

"(a) APPROVAL OF PROJECT.—Notwithstanding any other provision of law, upon the request of the Mayor of the District of Columbia, the Secretary may approve substitute highway and transit projects under section 103(e)(4) of title 23, United States Code (as in effect on the day before the date of enactment of this Act), in lieu of construction of the Barney Circle Freeway project in the District of Columbia, as identified in the 1991 Interstate Cost Estimate.

"(b) ELIGIBILITY FOR FEDERAL ASSISTANCE.—Upon approval of any substitute project or projects under subsection (a)—

"(1) the cost of construction of the Barney Circle Freeway Modification project shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956; and

"(2) substitute projects approved pursuant to this section shall be funded from interstate construction funds apportioned or allocated to the District of Columbia that are not expended and not subject to lapse on the date of enactment of this Act.

"(c) FEDERAL SHARE.—The Federal share payable on account of a project or activity approved under this section shall be 85 percent of the cost thereof; except that the exception set forth in section 120(b)(2) of title 23, United States Code, shall apply.

"(d) LIMITATION ON ELIGIBILITY.—Any substitute project approved pursuant to subsection (a) (for which the Secretary finds that sufficient Federal funds are available) must be under contract for construction, or construction must have commenced, before the last day of the 4-year period beginning on the date of enactment of this Act. If the substitute project is not under contract for construction, or construction has not commenced, by such last day, the Secretary shall withdraw approval of the substitute project.

"SEC. 1226. FISCAL, ADMINISTRATIVE, AND OTHER AMENDMENTS.

"(a) ADVANCED CONSTRUCTION.—Section 115 of title 23, United States Code, is amended—

"(1) in subsection (b)—

"(A) by moving the text of paragraph (1) (including subparagraphs (A) and (B)) 2 ems to the left;

"(B) by striking 'PROJECTS' and all that follows through 'When a State' and inserting 'PROJECTS.—When a State';

"(C) by striking paragraphs (2) and (3);

"(D) by striking '(A) prior' and inserting '(1) prior'; and

"(E) by striking '(B) the project' and inserting '(2) the project';

"(2) by striking subsection (c); and

"(3) by redesignating subsection (d) as subsection (c).

"(b) AVAILABILITY OF FUNDS.—Section 118 of such title is amended—

"(1) in the subsection heading of subsection (b) by striking '; DISCRETIONARY PROJECTS'; and

"(2) by striking subsection (e) and inserting the following:

'(e) EFFECT OF RELEASE OF FUNDS.—Any Federal-aid highway funds released by the final payment on a project, or by the modification of the project agreement, shall be credited to the same program funding category previously apportioned to the State and shall be immediately available for expenditure.'.".

"(c) ADVANCES TO STATES.—Section 124 of such title is amended—

"(1) by striking '(a)' the first place it appears; and

"(2) by striking subsection (b).

"(d) DIVERSION.—Section 126 of such title, and the item relating to such section in the analysis for chapter 1 of such title, are repealed.".

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of such Act is amended by inserting after the item relating to section 1222 the following:

"Sec. 1223. Transportation assistance for Olympic cities.
"Sec. 1224. National historic covered bridge preservation.
"Sec. 1225. Substitute project.
"Sec. 1226. Fiscal, administrative, and other amendments.".

(c) METROPOLITAN PLANNING TECHNICAL ADJUSTMENT.—Section 1203 of such Act is amended by adding at the end the following:

"(o) TECHNICAL ADJUSTMENT.—Section 134(h)(5)(A) of title 23, United States Code (as amended by subsection (h) of this section), is amended by striking 'for implementation'.".

(d) AMENDMENTS TO PRIOR SURFACE TRANSPORTATION LAWS.—Section 1211 of such Act is amended—

(1) in subsection (i)(3)(E) by striking "subparagraph (D)" and inserting "subparagraph (C)";

(2) in subsection (i) by adding at the end the following:

"(4) TECHNICAL AMENDMENTS.—Section 1105(e)(5)(B)(i) of such Act (as amended by paragraph (3) of this subsection) is amended—

"(A) by striking 'subsection (c)(18)(B)(i)' and inserting 'subsection (c)(18)(D)(i)';

"(B) by striking 'subsection (c)(18)(B)(ii)' and inserting 'subsection (c)(18)(D)(ii)'; and

"(C) by adding at the end the following: 'The portion of the route referred to in subsection (c)(36) is designated as Interstate Route I–86.'.";

(3) by striking subsection (j);

(4) in subsection (k)—

(A) by striking "along" in paragraph (1) and inserting "from"; and

(B) by adding at the end the following:

"(4) TEXAS STATE HIGHWAY 99.—Texas State Highway 99 (also known as 'Grand Parkway') shall be considered as 1 option in the I-69 route studies performed by the Texas Department of Transportation for the designation of I-69 Bypass in Houston, Texas."; and

(5) by redesignating subsections (g) through (i) and (k) through (n) as subsections (f) through (h) and (i) through (l), respectively.

(e) MISCELLANEOUS.—Section 1212 of such Act is amended—

(1) in the second sentence of subsection (q)(1) by striking "advance curriculum" and inserting "advanced curriculum";

(2) in subsection (r)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following:

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out paragraph (1) $2,000,000 for fiscal year 1999 and $2,500,000 for fiscal year 2000.";

(3) in subsection (s)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following:

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out paragraph (1) $23,000,000 for fiscal year 1999.";

(4) in subsection (u)—

(A) by inserting "the Secretary shall approve, and" before "the Commonwealth";

(B) by inserting a comma after "with"; and

(C) by inserting "(as redefined by this Act)" after "80"; and

(5) by redesignating subsections (k) through (z) as subsections (e) through (t), respectively.

(f) PUERTO RICO HIGHWAY PROGRAM.—Section 1214(r) of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

"(3) TREATMENT OF FUNDS.—Amounts made available to carry out this subsection for a fiscal year shall be administered as follows:

"(A) For purposes of this subsection, such amounts shall be treated as being apportioned to Puerto Rico under sections 104(b), 144, and 206 of title 23, United States Code, for each program funded under such sections in an amount determined by multiplying—

"(i) the aggregate of such amounts for the fiscal year; by

"(ii) the ratio that—

"(I) the amount of funds apportioned to Puerto Rico for each such program for fiscal year 1997; bears to

"(II) the total amount of funds apportioned to Puerto Rico for all such programs for fiscal year 1997.

"(B) The amounts treated as being apportioned to Puerto Rico under each section referred to in subparagraph (A) shall be deemed to be required to be apportioned to Puerto Rico under such section for purposes of the imposition of any penalty provisions in titles 23 and 49, United States Code.

"(C) Subject to subparagraph (B), nothing in this subsection shall be construed as affecting any allocation under section 105 of title 23, United States Code, and any apportionment under sections 104 and 144 of such title.".

(g) DESIGNATED TRANSPORTATION ENHANCEMENT ACTIVITIES.—Section 1215 of such Act—

(1) is amended in each of subsections (d), (e), (f), and (g)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following:

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out paragraph (1) the amounts specified in such paragraph for the fiscal years specified in such paragraph."; and

(2) in subsection (d)(1) by inserting "on Route 50" after "measures".

(h) ELIGIBILITY.—Section 1217 of such Act is amended—

(1) in subsection (d) by striking "104(b)(4)" and inserting "104(b)(5)(A)";

(2) in subsection (i) by striking "120(1)(1)" and inserting "120(j)(1)"; and

(3) in subsection (j) by adding at the end the following: "$3,000,000 of the amounts made available for item 164 of the table contained in section 1602 shall be made available on October 1, 1998, to the Pennsylvania Turnpike Commission to carry out this subsection.".

(i) MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM.—Section 1218 of such Act is amended by adding at the end the following:

"(c) TECHNICAL AMENDMENTS.—Section 322 of title 23, United States Code (as added by subsection (a) of this section), is amended—

"(1) in subsection (a)(3) by striking 'or under 50 miles per hour';

"(2) in subsection (d)—

"(A) in paragraph (1) by striking 'or low-speed'; and

"(B) in paragraph (2)—

"(i) in subparagraph (A) by striking '(h)(1)(A)' and inserting '(h)(1)'; and

"(ii) in subparagraph (B) by striking '(h)(4)' and inserting '(h)(3)';

"(3) in subsection (h)(1)(B)(i) by inserting '(other than subsection (i))' after 'this section'; and

"(4) by adding at the end the following:

'(i) LOW-SPEED PROJECT.—

'(1) IN GENERAL.—Notwithstanding any other provision of this section, of the funds made available by subsection (h)(1)(A) to carry out this section, $5,000,000 shall be made available to the Secretary to make grants for the research and development of low-speed superconductivity magnetic levitation technology for public transportation purposes in urban areas to demonstrate energy efficiency, congestion mitigation, and safety benefits.

'(2) NONCONTRACT AUTHORITY AUTHORIZATION OF APPROPRIATIONS.—

'(A) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection such sums as are necessary for each of fiscal years 2000 through 2003.

'(B) AVAILABILITY.—Notwithstanding section 118(a), funds made available under subparagraph (A)—

'(i) shall not be available in advance of an annual appropriation; and

'(ii) shall remain available until expended.'.".

(j) TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.—Section 1223(f) of such Act is amended by inserting before the period at the end the following: "or Special Olympics International".

SEC. 704. RESTORATIONS TO PROGRAM STREAMLINING AND FLEXIBILITY SUBTITLE.

(a) IN GENERAL.—Subtitle C of title I of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

"SEC. 1311. DISCRETIONARY GRANT SELECTION CRITERIA AND PROCESS.

"(a) ESTABLISHMENT OF CRITERIA.—The Secretary shall establish criteria for all discretionary programs funded from the Highway Trust Fund (other than the Mass Transit Account). To the extent practicable, such criteria shall conform to the Executive Order No. 12893 (relating to infrastructure investment).

"(b) SELECTION PROCESS.—

"(1) LIMITATION ON ACCEPTANCE OF APPLICATIONS.—Before accepting applications for grants under any discretionary program for which funds are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) by this Act (including the amendments made by this Act), the Secretary shall publish the criteria established under subsection (a). Such publication shall identify all statutory criteria and any criteria established by regulation that will apply to the program.

"(2) EXPLANATION.—Not less often than quarterly, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a list of the projects selected under discretionary programs funded from the Highway Trust Fund (other than the Mass Transit Account) and an explanation of how the projects were selected based on the criteria established under subsection (a).

"(c) MINIMUM COVERED PROGRAMS.—At a minimum, the criteria established under subsection (a) and the selection process established by subsection (b) shall apply to the following programs:

"(1) The intelligent transportation system deployment program under title V.

"(2) The national corridor planning and development program.

"(3) The coordinated border infrastructure and safety program.

"(4) The construction of ferry boats and ferry terminal facilities.

"(5) The national scenic byways program.

"(6) The Interstate discretionary program.

"(7) The discretionary bridge program.".

(b) CONFORMING AMENDMENTS.—The table of contents contained in section 1(b) of such Act is amended—

(1) by striking the following:

"Sec. 1309. Major investment study integration.".

and inserting the following:

"Sec. 1308. Major investment study integration.";

and

(2) by inserting after the item relating to section 1310 the following:

"Sec. 1311. Discretionary grant selection criteria and process.".

(c) REVIEW PROCESS.—Section 1309 of the Transportation Equity Act for the 21st Century is amended—

(1) in subsection (a)(1) by inserting after "highway construction" the following: "and mass transit";

(2) in subsection (d) by inserting after "Code," the following: "or chapter 53 of title 49, United States Code,"; and

(3) in subsection (e)(1)—

(A) by inserting "or recipient" after "a State";

(B) by inserting after "provide funds" the following: "for a highway project"; and

(C) by inserting after "Code," the following: "or for a mass transit project made available under chapter 53 of title 49, United States Code,".

SEC. 705. RESTORATIONS TO SAFETY SUBTITLE.

(a) IN GENERAL.—Subtitle D of title I of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

"SEC. 1405. OPEN CONTAINER LAWS.

"(a) ESTABLISHMENT.—Chapter 1 of title 23, United States Code, is amended by inserting after section 153 the following:

'§ 154. Open container requirements

'(a) DEFINITIONS.—In this section, the following definitions apply:

'(1) ALCOHOLIC BEVERAGE.—The term "alcoholic beverage" has the meaning given the term in section 158(c).

'(2) MOTOR VEHICLE.—The term "motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated exclusively on a rail or rails.

'(3) OPEN ALCOHOLIC BEVERAGE CONTAINER.—The term "open alcoholic beverage container" means any bottle, can, or other receptacle—

'(A) that contains any amount of alcoholic beverage; and

'(B)(i) that is open or has a broken seal; or

'(ii) the contents of which are partially removed.

'(4) PASSENGER AREA.—The term "passenger area" shall have the meaning given the term by the Secretary by regulation.

'(b) OPEN CONTAINER LAWS.—

'(1) IN GENERAL.—For the purposes of this section, each State shall have in effect a law that prohibits the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle (including possession or consumption by the driver of the vehicle) located on a public highway, or the right-of-way of a public highway, in the State.

'(2) MOTOR VEHICLES DESIGNED TO TRANSPORT MANY PASSENGERS.—For the purposes of this section, if a State has in effect a law that makes unlawful the possession of any open alcoholic beverage container by the driver (but not by a passenger)—

'(A) in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation, or

'(B) in the living quarters of a house coach or house trailer,

the State shall be deemed to have in effect a law described in this subsection with respect to such a motor vehicle for each fiscal year during which the law is in effect.

'(c) TRANSFER OF FUNDS.—

'(1) FISCAL YEARS 2001 AND 2002.—On October 1, 2000, and October 1, 2001, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall transfer an amount equal to 1½ percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402—

'(A) to be used for alcohol-impaired driving countermeasures; or

'(B) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

'(2) FISCAL YEAR 2003 AND FISCAL YEARS THEREAFTER.—On October 1, 2002, and each October 1 thereafter, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall transfer an amount equal to 3 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 to be used or directed as described in subparagraph (A) or (B) of paragraph (1).

'(3) USE FOR HAZARD ELIMINATION PROGRAM.—A State may elect to use all or a portion of the funds transferred under paragraph (1) or (2) for activities eligible under section 152.

'(4) FEDERAL SHARE.—The Federal share of the cost of a project carried out with funds transferred under paragraph (1) or (2), or used under paragraph (3), shall be 100 percent.

'(5) DERIVATION OF AMOUNT TO BE TRANSFERRED.—The amount to be transferred under paragraph (1) or (2) may be derived from 1 or more of the following:

'(A) The apportionment of the State under section 104(b)(1).

'(B) The apportionment of the State under section 104(b)(3).

'(C) The apportionment of the State under section 104(b)(4).

'(6) TRANSFER OF OBLIGATION AUTHORITY.—

'(A) IN GENERAL.—If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall transfer an amount, determined under subparagraph (B), of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out projects under section 402.

'(B) AMOUNT.—The amount of obligation authority referred to in subparagraph (A) shall be determined by multiplying—

'(i) the amount of funds transferred under subparagraph (A) to the apportionment of the State under section 402 for the fiscal year; by

'(ii) the ratio that—

'(I) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs; bears to

'(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

'(7) LIMITATION ON APPLICABILITY OF OBLIGATION LIMITATION.—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under this subsection to the apportionment of a State under such section.'.

"(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by inserting after the item relating to section 153 the following:

'154. Open container requirements.'.

"SEC. 1406. MINIMUM PENALTIES FOR REPEAT OFFENDERS FOR DRIVING WHILE INTOXICATED OR DRIVING UNDER THE INFLUENCE.

"(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

'§ 164. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence

'(a) DEFINITIONS.—In this section, the following definitions apply:

'(1) ALCOHOL CONCENTRATION.—The term "alcohol concentration" means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

'(2) DRIVING WHILE INTOXICATED; DRIVING UNDER THE INFLUENCE.—The terms "driving while intoxicated" and "driving under the influence" mean driving or being in actual physical control of a motor vehicle while having an alcohol concentration above the permitted limit as established by each State.

'(3) LICENSE SUSPENSION.—The term "license suspension" means the suspension of all driving privileges.

'(4) MOTOR VEHICLE.—The term "motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated solely on a rail line or a commercial vehicle.

'(5) REPEAT INTOXICATED DRIVER LAW.—The term "repeat intoxicated driver law" means a State law that provides, as a minimum penalty, that an individual convicted of a second or subsequent offense for driving while intoxicated or driving under the influence after a previous conviction for that offense shall—

'(A) receive a driver's license suspension for not less than 1 year;

'(B) be subject to the impoundment or immobilization of each of the individual's motor vehicles or the installation of an ignition interlock system on each of the motor vehicles;

'(C) receive an assessment of the individual's degree of abuse of alcohol and treatment as appropriate; and

'(D) receive—

'(i) in the case of the second offense—

'(I) an assignment of not less than 30 days of community service; or

'(II) not less than 5 days of imprisonment; and

'(ii) in the case of the third or subsequent offense—

'(I) an assignment of not less than 60 days of community service; or

'(II) not less than 10 days of imprisonment.

'(b) TRANSFER OF FUNDS.—

'(1) FISCAL YEARS 2001 AND 2002.—On October 1, 2000, and October 1, 2001, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer an amount equal to 1½ percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402—

'(A) to be used for alcohol-impaired driving countermeasures; or

'(B) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

'(2) FISCAL YEAR 2003 AND FISCAL YEARS THEREAFTER.—On October 1, 2002, and each October 1 thereafter, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer an amount equal to 3 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 to be used or directed as described in subparagraph (A) or (B) of paragraph (1).

'(3) USE FOR HAZARD ELIMINATION PROGRAM.—A State may elect to use all or a portion of the funds transferred under paragraph (1) or (2) for activities eligible under section 152.

'(4) FEDERAL SHARE.—The Federal share of the cost of a project carried out with funds transferred under paragraph (1) or (2), or used under paragraph (3), shall be 100 percent.

'(5) DERIVATION OF AMOUNT TO BE TRANSFERRED.—The amount to be transferred under paragraph (1) or (2) may be derived from 1 or more of the following:

'(A) The apportionment of the State under section 104(b)(1).

'(B) The apportionment of the State under section 104(b)(3).

'(C) The apportionment of the State under section 104(b)(4).

'(6) TRANSFER OF OBLIGATION AUTHORITY.—

'(A) IN GENERAL.—If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall transfer an amount, determined under subparagraph (B), of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out projects under section 402.

'(B) AMOUNT.—The amount of obligation authority referred to in subparagraph (A) shall be determined by multiplying—

'(i) the amount of funds transferred under subparagraph (A) to the apportionment of the State under section 402 for the fiscal year; by

'(ii) the ratio that—

'(I) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs; bears to

'(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

'(7) LIMITATION ON APPLICABILITY OF OBLIGATION LIMITATION.—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under this subsection to the apportionment of a State under such section.'.

"(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by adding at the end the following:

'164. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.'.".

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of such Act is amended by inserting after the item relating to section 1403 the following:

"Sec. 1404. Safety incentives to prevent operation of motor vehicles by intoxicated persons.

"Sec. 1405. Open container laws.

"Sec. 1406. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.".

(c) ROADSIDE SAFETY TECHNOLOGIES.—Section 1402(a)(2) of such Act is amended by striking "directive" and inserting "redirective".

SEC. 706. ELIMINATION OF DUPLICATE PROVISIONS.

(a) SAN MATEO COUNTY, CALIFORNIA.—Section 1113 of the Transportation Equity Act for the 21st Century is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (c) as subsection (d).

(b) VALUE PRICING PILOT PROGRAM.—Section 1216(a) of such Act is amended by adding at the end the following:

"(8) CONFORMING AMENDMENTS.—

"(A) Section 1012(b)(6) of such Act (as amended by paragraph (5) of this subsection) is amended by striking '146(c)' and inserting '102(a)'.

"(B) Section 1012(b)(8) of such Act (as added by paragraph (7) of this subsection) is amended—

"(i) in subparagraph (C) by striking 'under this subsection' and inserting 'to carry out this subsection';

"(ii) in subparagraph (D)—

"(I) by striking 'under this paragraph' and inserting 'to carry out this subsection'; and

"(II) by striking 'by this paragraph' and inserting 'to carry out this subsection';

"(iii) by striking subparagraph (A); and

"(iv) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.".

(c) NATIONAL DEFENSE HIGHWAYS OUTSIDE THE UNITED STATES.—Section 1214(e) of such Act is amended to read as follows:

"(e) MINNESOTA TRANSPORTATION HISTORY NETWORK.—

"(1) IN GENERAL.—The Secretary shall award a grant to the Minnesota Historical Society for the establishment of the Minnesota Transportation History Network to include major exhibits, interpretive programs at national historic landmark sites, and outreach programs with county and local historical organizations.

"(2) COORDINATION.—In carrying out subsection (a), the Secretary shall coordinate with officials of the Minnesota Historical Society.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $1,000,000 for each of fiscal years 1999 through 2003 to carry out this subsection.

"(4) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.".

(d) ENTRANCE PAVING AT NINIGRET NATIONAL WILDLIFE REFUGE.—Section 1214(i) of such Act is amended by striking "$750,000" each place it appears and inserting "$75,000".

SEC. 707. HIGHWAY FINANCE.

(a) IN GENERAL.—Section 1503 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

"(c) TECHNICAL AMENDMENTS.—Section 188 of title 23, United States Code (as added by subsection (a) of this section), is amended—

"(1) in subsection (a)(2) by striking '1998' and inserting '1999'; and

"(2) in subsection (c)—

"(A) by striking '1998' and inserting '1999'; and

"(B) by striking the table and inserting the following:

'Fiscal year:	Maximum amount of credit:
1999	$1,600,000,000
2000	$1,800,000,000
2001	$2,200,000,000
2002	$2,400,000,000
2003	$2,600,000,000.'.".

(b) CONFORMING AMENDMENTS.—The table of contents contained in section 1(b) of the Transportation Equity Act for the 21st Century is amended—

(1) in the item relating to section 1119 by striking "and safety"; and

(2) by striking the items relating to subtitle E of title I and inserting the following:

"Subtitle E—Finance

"CHAPTER 1—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION

"Sec. 1501. Short title.

"Sec. 1502. Findings.

"Sec. 1503. Establishment of program.

"Sec. 1504. Duties of the Secretary.

"CHAPTER 2—STATE INFRASTRUCTURE BANK PILOT PROGRAM

"Sec. 1511. State infrastructure bank pilot program.".

SEC. 708. HIGH PRIORITY PROJECTS TECHNICAL CORRECTIONS.

The table contained in section 1602 of the Transportation Equity Act for the 21st Century is amended—

(1) in item 1 by striking "1.275" and inserting "1.7";

(2) in item 82 by striking "30.675" and inserting "32.4";

(3) in item 107 by striking "1.125" and inserting "1.44";

(4) in item 121 by striking "10.5" and inserting "5.0";

(5) in item 140 by inserting "-VFHS Center" after "Park";

(6) in item 151 by striking "5.666" and inserting "8.666";

(7) in item 164—

(A) by inserting ", and $3,000,000 for the period of fiscal years 1998 and 1999 shall be made available to carry out section 1217(j)" after "Pennsylvania"; and

(B) by striking "25" and inserting "24.78";

(8) by striking item 166 and inserting the following:

"166.	Michigan	Improve Tenth Street, Port Huron	1.8";

(9) by striking item 242 and inserting the following:

"242.	Minnesota	Construct Third Street North, CSAH 81, Waite Park and St. Cloud	1.0";

(10) by striking item 250 and inserting the following:

"250.	Indiana	Reconstruct Old Merridan Corridor from Pennsylvania Avenue to Gilford Road	1.35";

(11) in item 255 by striking "2.25" and inserting "3.0";

(12) in item 263 by striking "Upgrade Highway 99 between State Highway 70 and Lincoln Road, Sutter County" and inserting "Upgrade Highway 99, Sutter County";

(13) in item 288 by striking "3.75" and inserting "5.0";

(14) in item 290 by striking "3.5" and inserting "3.0";

(15) in item 345 by striking "8" and inserting "19.4";

(16) in item 418 by striking "2" and inserting "2.5";

(17) in item 421 by striking "11" and inserting "6";

(18) in item 508 by striking "1.8" and inserting "2.4";

(19) by striking item 525 and inserting the following:

"525.	Alaska	Construct Bradfield Canal Road	1";

(20) in item 540 by striking "1.5" and inserting "2.0";

(21) in item 576 by striking "0.52275" and inserting "0.69275";

(22) in item 588 by striking "2.5" and inserting "3.0";

(23) in item 591 by striking "10" and inserting "5";

(24) in item 635 by striking "1.875" and inserting "2.15";

(25) in item 669 by striking "3" and inserting "3.5";

(26) in item 702 by striking "10.5" and inserting "10";

(27) in item 746 by inserting ", and for the purchase of the Block House in Scott County, Virginia" after "Forest";

(28) in item 755 by striking "1.125" and inserting "1.5";

(29) in item 769 by striking "Construct new I-95 interchange with Highway 99W, Tehama County" and inserting "Construct new I-5 interchange with Highway 99W, Tehama County";

(30) in item 770 by striking "1.35" and inserting "1.0";

(31) in item 789 by striking "2.0625" and inserting "1.0";

(32) in item 803 by striking "Tomahark" and inserting "Tomahawk";

(33) in item 836 by striking "Construct" and all that follows through "for" and inserting "To the National Park Service for construction of the";

(34) in item 854 by striking "0.75" and inserting "1";

(35) in item 863 by striking "9" and inserting "4.75";

(36) in item 887 by striking "0.75" and inserting "3.21";

(37) in item 891 by striking "19.5" and inserting "25.0";

(38) in item 902 by striking "10.5" and inserting "14.0";

(39) by striking item 1065 and inserting the following:

"1065.	Texas	Construct a 4-lane divided highway on Artcraft Road from I-10 to Route 375 in El Paso	5";

(40) in item 1192 by striking "24.97725" and inserting "24.55725";

(41) in item 1200 by striking "Upgrade (all weather) on U.S. 2, U.S. 41, and M 35" and inserting "Upgrade (all weather) on Delta County's reroute of U.S. 2, U.S. 41, and M 35";

(42) in item 1245 by striking "3" and inserting "3.5";

(43) in item 1271 by striking "Spur" and all that follows through "U.S. 59" and inserting "rail-grade separations (Rosenberg Bypass) at U.S. 59(S)";

(44) in item 1278 by striking "28.18" and inserting "22.0";

(45) in item 1288 by inserting "30" after "U.S.";

(46) in item 1338 by striking "5.5" and inserting "3.5";

(47) in item 1383 by striking "0.525" and inserting "0.35";

(48) in item 1395 by striking "Construct" and all that follows through "Road" and inserting "Upgrade Route 219 between Meyersdale and Somerset";

(49) in item 1468 by striking "Reconstruct" and all that follows through "U.S. 23" and inserting "Conduct engineering and design and improve I-94 in Calhoun and Jackson Counties";

(50) in item 1474—

(A) by striking "in Euclid" and inserting "and London Road in Cleveland"; and

(B) by striking "3.75" and inserting "8.0";

(51) in item 1535 by striking "Stanford" and inserting "Stamford";

(52) in item 1538 by striking "and Winchester" and inserting ", Winchester, and Torrington";

(53) by striking item 1546 and inserting the following:

"1546.	Michigan	Construct Bridge-to-Bay bike path, St. Clair County	0.450";

(54) by striking item 1549 and inserting the following:

"1549.	New York	Center for Advanced Simulation and Technology, at Dowling College	0.6";

(55) in item 1663 by striking "26.5" and inserting "27.5";

(56) in item 1703 by striking "I-80" and inserting "I-180";

(57) in item 1726 by striking "I-179" and inserting "I-79";

(58) by striking item 1770 and inserting the following:

"1770.	Virginia	Operate and conduct research on the 'Smart Road' in Blacksburg	6.025";

(59) in item 1810 by striking "Construct Rio Rancho Highway" and inserting "Northwest Albuquerque/Rio Rancho high priority roads";

(60) in item 1815 by striking "High" and all that follows through "projects" and inserting "Highway and bridge projects that Delaware provides for by law";

(61) in item 1844 by striking "Prepare" and inserting "Repair";

(62) by striking item 1850 and inserting the following:

"1850.	Missouri	Resurface and maintain roads located in Missouri State parks	5";

(63) in item 661 by striking "SR 800" and inserting "SR 78";

(64) in item 1704 by inserting ", Pittsburgh," after "Road"; and

(65) in item 1710 by inserting ", Bethlehem" after "site".

SEC. 709. FEDERAL TRANSIT ADMINISTRATION PROGRAMS.

(a) DEFINITIONS.—Section 3003 of the Federal Transit Act of 1998 is amended—

(1) by inserting "(a) IN GENERAL.—" before "Section 5302"; and

(2) by adding at the end the following:

"(b) CONFORMING AMENDMENTS.—Section 5302 (as amended by subsection (a) of this section) is amended in subsection (a)(1)(G)(i) by striking 'daycare and' and inserting 'daycare or'.".

(b) METROPOLITAN PLANNING.—Section 3004 of the Federal Transit Act of 1998 is amended—

(1) in subsection (b)—

(A) in paragraph (1) by striking subparagraph (A) and inserting the following:

"(A) by striking 'general local government representing' and inserting 'general purpose local government that together represent'; and";

(B) in paragraph (3) by striking "and" at the end;

(C) in paragraph (4) by striking subparagraph (A) and inserting the following:

"(A) by striking 'general local government representing' and inserting 'general purpose local government that together represent'; and";

(D) by redesignating paragraph (4) as paragraph (5); and

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

"(3) in paragraph (4)(A) by striking '(3)' and inserting '(5)'; and";

(2) in subsection (d) by striking the closing quotation marks and the final period at the end and inserting the following:

'(5) COORDINATION.—If a project is located within the boundaries of more than 1 metropolitan planning organization, the metropolitan planning organizations shall coordinate plans regarding the project.

'(6) LAKE TAHOE REGION.—

'(A) DEFINITION.—In this paragraph, the term "Lake Tahoe region" has the meaning given the term "region" in subdivision (a) of article II of the Tahoe Regional Planning Compact, as set forth in the first section of Public Law 96–551 (94 Stat. 3234).

'(B) TRANSPORTATION PLANNING PROCESS.—The Secretary shall—

'(i) establish with the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region a transportation planning process for the region; and

'(ii) coordinate the transportation planning process with the planning process required of State and local governments under this chapter and sections 134 and 135 of title 23.

'(C) INTERSTATE COMPACT.—

'(i) IN GENERAL.—Subject to clause (ii) and notwithstanding subsection (b), to carry out the transportation planning process required by this section, the consent of Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities (as defined by the Bureau of the Census)), or in accordance with procedures established by applicable State or local law.

'(ii) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—

'(I) REPRESENTATION.—The policy board of a metropolitan planning organization designated under clause (i) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

'(II) FUNDING.—In addition to funds made available to the metropolitan planning organization under other provisions of this chapter and under title 23, not more than 1 percent of the funds allocated under section 202 of title 23 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

'(D) ACTIVITIES.—Highway projects included in transportation plans developed under this paragraph—

'(i) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

'(ii) may, in accordance with chapter 2 of title 23, be funded using funds allocated under section 202 of title 23.'."; and

(3) by adding at the end the following:

"(f) TECHNICAL ADJUSTMENTS.—Section 5303(f) is amended—

"(1) in paragraph (1) (as amended by subsection (e)(1) of this subsection)—

"(A) in subparagraph (C) by striking 'and' at the end;

"(B) in subparagraph (D) by striking the period at the end and inserting '; and';

"(C) by adding at the end the following:

'(E) the financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range plan if reasonable additional resources beyond those identified in the financial plan were available, except that, for the purpose of developing the long-range plan, the metropolitan planning organization and the State shall cooperatively develop estimates of funds that will be available to support plan implementation.'; and

"(2) by adding at the end the following:

'(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (1)(E), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (1)(B).'.".

(c) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—Section 3005 of the Federal Transit Act of 1998 is amended—

(1) in the section heading by inserting "**metropolitan**" before "**transportation**"; and

(2) by adding at the end the following:

"(d) TECHNICAL ADJUSTMENTS.—Section 5304 is amended—

"(1) in subsection (a) (as amended by subsection (a) of this section)—

"(A) by striking 'In cooperation with' and inserting the following:

'(1) IN GENERAL.—In cooperation with'; and

"(B) by adding at the end the following:

'(2) FUNDING ESTIMATE.—For the purpose of developing the transportation improvement program, the metropolitan planning organization, public transit agency, and the State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.';

"(2) in subsection (b)(2)—

"(A) in subparagraph (B) by striking 'and' at the end; and

"(B) in subparagraph (C) (as added by subsection (b) of this section) by striking 'strategies which may include' and inserting the following: 'strategies; and

'(D) may include'; and

"(3) in subsection (c) by striking paragraph (4) (as amended by subsection (c) of this section) and inserting the following:

'(4) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

'(A) IN GENERAL.—Notwithstanding subsection (b)(2)(D), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under subsection (b)(2)(D).

'(B) ACTION BY SECRETARY.—Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the plan under subsection (b)(2) for inclusion in an approved transportation improvement plan.'.".

(d) TRANSPORTATION MANAGEMENT AREAS.—Section 3006(d) of the Federal Transit Act of 1998 is amended to read as follows:

"(d) PROJECT SELECTION.—Section 5305(d)(1) is amended to read as follows: '(1)(A) All federally funded projects carried out within the boundaries of a transportation management area under title 23 (excluding projects carried out on the National Highway System and projects carried out under the bridge and interstate maintenance program) or under this chapter shall be selected from the approved transportation improvement program by the metropolitan planning organization designated for the area in consultation with the State and any affected public transit operator.

'(B) Projects carried out within the boundaries of a transportation management area on the National Highway System and projects carried out within such boundaries under the bridge program or the interstate maintenance program shall be selected from the approved transportation improvement program by the State in cooperation with the metropolitan planning organization designated for the area.'.".

(e) URBANIZED AREA FORMULA GRANTS.—Section 3007 of the Federal Transit Act of 1998 is amended by adding at the end the following:

"(h) TECHNICAL ADJUSTMENTS.—

"(1) GENERAL AUTHORITY.—Section 5307(b) (as amended by subsection (c)(1)(B) of this section) is amended by adding at the end the following: 'The Secretary may make grants under this section from funds made available for fiscal year 1998 to finance the operating costs of equipment and facilities for use in mass transportation in an urbanized area with a population of at least 200,000.'.

"(2) REPORT.—Section 5307(k)(3) (as amended by subsection (f) of this section) is amended by inserting 'preceding' before 'fiscal year'.".

(f) CLEAN FUELS FORMULA GRANT PROGRAM.—Section 3008 of the Federal Transit Act of 1998 is amended by adding at the end the following:

"(c) TECHNICAL ADJUSTMENTS.—Section 5308(e)(2) (as added by subsection (a) of this section) is amended by striking '$50,000,000' and inserting '35 percent'.".

(g) CAPITAL INVESTMENT GRANTS AND LOANS.—Section 3009 of the Federal Transit Act of 1998 is amended by adding at the end the following:

"(k) TECHNICAL ADJUSTMENTS.—

"(1) CRITERIA.—Section 5309(e) (as amended by subsection (e) of this section) is amended—

"(A) in paragraph (3)(C) by striking 'urban' and inserting 'suburban';

"(B) in the second sentence of paragraph (6) by striking 'or not' and all that follows through ', based' and inserting 'or "not recommended", based'; and

"(C) in the last sentence of paragraph (6) by inserting 'of the' before 'criteria established'.

"(2) LETTERS OF INTENT AND FULL FUNDING GRANT AGREEMENTS.—Section 5309(g) (as amended by subsection (f) of this section) is amended in paragraph (4) by striking '5338(a)' and all that follows through '2003' and inserting '5338(b) of this title for new fixed guideway systems and extensions to existing fixed guideway systems and the amount appropriated under section 5338(h)(5) or an amount equivalent to the last 2 fiscal years of funding authorized under section 5338(b) for new fixed guideway systems and extensions to existing fixed guideway systems'.

"(3) ALLOCATING AMOUNTS.—Section 5309(m) (as amended by subsection (g) of this section) is amended—

"(A) in paragraph (1) by inserting '(b)' after '5338';

"(B) by striking paragraph (2) and inserting the following:

'(2) NEW FIXED GUIDEWAY GRANTS.—

'(A) LIMITATION ON AMOUNTS AVAILABLE FOR ACTIVITIES OTHER THAN FINAL DESIGN AND CONSTRUCTION.—Not more than 8 percent of the amounts made available in each fiscal year by paragraph (1)(B) shall be available for activities other than final design and construction.

'(B) FUNDING FOR FERRY BOAT SYSTEMS.—

'(i) AMOUNTS UNDER (1)(B).—Of the amounts made available under paragraph (1)(B), $10,400,000 shall be available in each of fiscal years 1999 through 2003 for capital projects in Alaska or Hawaii, for new fixed guideway systems and extensions to existing fixed guideway systems that are ferry boats or ferry terminal facilities, or that are approaches to ferry terminal facilities.

'(ii) AMOUNTS UNDER 5338(H)(5).—Of the amounts appropriated under section 5338(h)(5), $3,600,000 shall be available in each of fiscal years 1999 through 2003 for capital projects in Alaska or Hawaii, for new fixed guideway systems and extensions to existing fixed guideway systems that are ferry boats or ferry terminal facilities, or that are approaches to ferry terminal facilities.';

"(C) by redesignating paragraph (4) as paragraph (3)(C);

"(D) in paragraph (3) by adding at the end the following:

'(D) OTHER THAN URBANIZED AREAS.—Of amounts made available by paragraph (1)(C), not less than 5.5 percent shall be available in each fiscal year for other than urbanized areas.';

"(E) by striking paragraph (5); and

"(F) by inserting after paragraph (3) the following:

'(4) ELIGIBILITY FOR ASSISTANCE FOR MULTIPLE PROJECTS.—A person applying for or receiving assistance for a project described in subparagraph (A), (B), or (C) of paragraph (1) may receive assistance for a project described in any other of such subparagraphs.'.".

(h) REFERENCES TO FULL FUNDING GRANT AGREEMENTS.—Section 3009(h)(3) of the Federal Transit Act of 1998 is amended—

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

(2) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(3) by adding at the end the following:

"(C) in section 5328(a)(4) by striking 'section 5309(m)(2) of this title' and inserting '5309(o)(1)'; and

"(D) in section 5309(n)(2) by striking 'in a way' and inserting 'in a manner'.".

(i) DOLLAR VALUE OF MOBILITY IMPROVEMENTS.—Section 3010(b)(2) of the Federal Transit Act of 1998 is amended by striking "Secretary" and inserting "Comptroller General".

(j) INTELLIGENT TRANSPORTATION SYSTEM APPLICATIONS.—Section 3012 of the Federal Transit Act of 1998 is amended by moving paragraph (3) of subsection (a) to the end of subsection (b) and by redesignating such paragraph (3) as paragraph (4).

(k) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015 of the Federal Transit Act of 1998 is amended—

(1) in subsection (c)(2) by adding at the end the following: "Financial assistance made available under this subsection and projects assisted with the assistance shall be subject to section 5333(a) of title 49, United States Code."; and

(2) by adding at the end the following:

"(d) TRAINING AND CURRICULUM DEVELOPMENT.—

"(1) IN GENERAL.—Any funds made available by section 5338(e)(2)(C)(iii) of title 49, United States Code, shall be available in equal amounts for transportation research, training, and curriculum development at institutions identified in subparagraphs (E) and (F) of section 5505(j)(3) of such title.

"(2) SPECIAL RULE.—If the institutions identified in paragraph (1) are selected pursuant to 5505(i)(3)(B) of such title in fiscal year 2002 or 2003, the funds made available to carry out this subsection shall be available to those institutions to carry out the activities required pursuant to section 5505(i)(3)(B) of such title for that fiscal year.".

(l) NATIONAL TRANSIT INSTITUTE.—Section 3017(a) of the Federal Transit Act of 1998 is amended to read as follows:

"(a) IN GENERAL.—Section 5315 is amended—

"(1) in the section heading by striking '**MASS TRANSPORTATION** and inserting '**TRANSIT**';

"(2) in subsection (a)—

"(A) by striking 'mass transportation' in the first sentence and inserting 'transit';

"(B) in paragraph (5) by inserting 'and architectural design' before the semicolon at the end;

"(C) in paragraph (7) by striking 'carrying out' and inserting 'delivering';

"(D) in paragraph (11) by inserting ', construction management, insurance, and risk management' before the semicolon at the end;

"(E) in paragraph (13) by striking 'and' at the end;

"(F) in paragraph (14) by striking the period at the end and inserting a semicolon; and

"(G) by adding at the end the following:

'(15) innovative finance; and

'(16) workplace safety.'.".

(m) PILOT PROGRAM.—Section 3021(a) of the Federal Transit Act of 1998 is amended by inserting "single-State" before "pilot program".

(n) ARCHITECTURAL, ENGINEERING, AND DESIGN CONTRACTS.—Section 3022 of the Federal Transit Act of 1998 is amended by adding at the end the following:

"(b) CONFORMING AMENDMENT.—Section 5325(b) (as redesignated by subsection (a)(2) of this section) is amended—

"(1) by inserting 'or requirement' after 'A contract'; and

"(2) by inserting before the last sentence the following: 'When awarding such contracts, recipients of assistance under this chapter shall maximize efficiencies of administration by accepting nondisputed audits conducted by other governmental agencies, as provided in subparagraphs (C) through (F) of section 112(b)(2) of title 23.'.".

(o) CONFORMING AMENDMENT.—Section 3027 of the Federal Transit Act of 1998 is amended—

(1) in subsection (c) by striking "600,000" each place it appears and inserting "900,000"; and

(2) by adding at the end the following:

"(d) CONFORMING AMENDMENT.—The item relating to section 5336 in the table of sections for chapter 53 is amended by striking 'block grants' and inserting 'formula grants'.".

(p) APPORTIONMENT FOR FIXED GUIDEWAY MODERNIZATION.—Section 3028 of the Federal Transit Act of 1998 is amended by adding at the end the following:

"(c) CONFORMING AMENDMENTS.—Section 5337(a) (as amended by subsection (a) of this section) is amended—

"(1) in paragraph (2)(B) by striking '(e)' and inserting '(e)(1)';

"(2) in paragraph (3)(D)—

"(A) by striking '(ii)'; and

"(B) by striking '(e)' and inserting '(e)(1)';

"(3) in paragraph (4) by striking '(e)' and inserting '(e)(1)';

"(4) in paragraph (5)(A) by striking '(e)' and inserting '(e)(2)';

"(5) in paragraph (5)(B) by striking '(e)' and inserting '(e)(2)';

"(6) in paragraph (6) by striking '(e)' each place it appears and inserting '(e)(2)'; and

"(7) in paragraph (7) by striking '(e)' each place it appears and inserting '(e)(2)'.".

(q) AUTHORIZATIONS.—Section 3029 of the Federal Transit Act of 1998 is amended by adding at the end the following:

"(c) TECHNICAL ADJUSTMENTS.—Section 5338 (as amended by subsection (a) of this section) is amended—

"(1) in subsection (c)(2)(A)(i) by striking '$43,200,000' and inserting '$42,200,000';

"(2) in subsection (c)(2)(A)(ii) by striking '$46,400,000' and inserting '$48,400,000';

"(3) in subsection (c)(2)(A)(iii) by striking '$51,200,000' and inserting '$50,200,000';

"(4) in subsection (c)(2)(A)(iv) by striking '$52,800,000' and inserting '$53,800,000';

"(5) in subsection (c)(2)(A)(v) by striking '$57,600,000' and inserting '$58,600,000';

"(6) in subsection (d)(2)(C)(iii) by inserting before the semicolon ', including not more than $1,000,000 shall be available to carry out section 5315(a)(16)';

"(7) in subsection (e)—

"(A) by striking '5317(b)' each place it appears and inserting '5505';

"(B) in paragraph (1) by striking 'There are' and inserting 'Subject to paragraph (2)(C), there are';

"(C) in paragraph (2)—

"(i) in subparagraph (A) by striking 'There shall' and inserting 'Subject to subparagraph (C), there shall';

"(ii) in subparagraph (B) by striking 'In addition' and inserting 'Subject to subparagraph (C), in addition'; and

"(iii) by adding at the end the following:

'(C) FUNDING OF CENTERS.—

'(i) Of the amounts made available under subparagraph (A) and paragraph (1) for each fiscal year—

'(I) $2,000,000 shall be available for the center identified in section 5505(j)(4)(A); and

'(II) $2,000,000 shall be available for the center identified in section 5505(j)(4)(F).

'(ii) For each of fiscal years 1998 through 2001, of the amounts made available under this paragraph and paragraph (1)—

'(I) $400,000 shall be available from amounts made available under subparagraph (A) of this paragraph and under paragraph (1) for each of the centers identified in subparagraphs (E) and (F) of section 5505(j)(3); and

'(II) $350,000 shall be available from amounts made available under subparagraph (B) of this paragraph and under paragraph (1) for each of the centers identified in subparagraphs (E) and (F) of section 5505(j)(3).

'(iii) Any amounts made available under this paragraph or paragraph (1) for any fiscal year that remain after distribution under clauses (i) and (ii), shall be available for the purposes identified in section 3015(d) of the Federal Transit Act of 1998.'; and

"(D) by adding at the end the following:

'(3) SPECIAL RULE.—Nothing in this subsection shall be construed to limit the transportation research conducted by the centers funded by this section.';

"(8) in subsection (g)(2) by striking '(c)(2)(B),' and all that follows through '(f)(2)(B),' and inserting '(c)(1), (c)(2)(B),

(d)(1), (d)(2)(B), (e)(1), (e)(2)(B), (f)(1), (f)(2)(B),';

"(9) in subsection (h) by inserting 'under the Transportation Discretionary Spending Guarantee for the Mass Transit Category' after 'through (f)'; and

"(10) in subsection (h)(5) by striking subparagraphs (A) through (E) and inserting the following:

'(A) for fiscal year 1999 $400,000,000;

'(B) for fiscal year 2000 $410,000,000;

'(C) for fiscal year 2001 $420,000,000;

'(D) for fiscal year 2002 $430,000,000; and

'(E) for fiscal year 2003 $430,000,000;'.".

(r) PROJECTS FOR FIXED GUIDEWAY SYSTEMS.—Section 3030 of the Federal Transit Act of 1998 is amended—

(1) in subsection (a)—

(A) in paragraph (8) by inserting "North-" before "South";

(B) in paragraph (42) by striking "Maryland" and inserting "Baltimore";

(C) in paragraph (103) by striking "busway" and inserting "Boulevard transitway";

(D) in paragraph (106) by inserting "CTA" before "Douglas";

(E) by striking paragraph (108) and inserting the following:

"(108) Greater Albuquerque Mass Transit Project."; and

(F) by adding at the end the following:

"(109) Hartford City Light Rail Connection to Central Business District.

"(110) Providence–Boston Commuter Rail.

"(111) New York–St. George's Ferry Intermodal Terminal.

"(112) New York–Midtown West Ferry Terminal.

"(113) Pinellas County–Mobility Initiative Project.

"(114) Atlanta–MARTA Extension (S. De Kalb-Lindbergh).";

(2) in subsection (b)—

(A) by striking paragraph (2) and inserting the following:

"(2) Sioux City–Light Rail.";

(B) by striking paragraph (40) and inserting the following:

"(40) Santa Fe–El Dorado Rail Link.";

(C) by striking paragraph (44) and inserting the following:

"(44) Albuquerque–High Capacity Corridor.";

(D) by striking paragraph (53) and inserting the following:

"(53) San Jacinto–Branch Line (Riverside County).''; and

(E) by adding at the end the following:

"(69) Chicago–Northwest Rail Transit Corridor.

"(70) Vermont–Burlington-Essex Commuter Rail."; and

(3) in subsection (c)—

(A) in paragraph (1)(A)—

(i) in the matter preceding clause (i) by inserting "(even if the project is not listed in subsection (a) or (b))" before the colon;

(ii) by striking clause (ii) and inserting the following:

"(ii) San Diego Mission Valley and Mid-Coast Corridor, $325,000,000.";

(iii) by striking clause (v) and inserting the following:

"(v) Hartford City Light Rail Connection to Central Business District, $33,000,000.";

(iv) by striking clause (xxiii) and inserting the following:

"(xxiii) Kansas City–I-35 Commuter Rail, $30,000,000.";

(v) in clause (xxxii) by striking "Whitehall Ferry Terminal" and inserting "Staten Island Ferry-Whitehall Intermodal Terminal";

(vi) by striking clause (xxxv) and inserting the following:

"(xxxv) New York–Midtown West Ferry Terminal, $16,300,000.";

(vii) in clause (xxxix) by striking "Allegheny County" and inserting "Pittsburgh";

(viii) by striking clause (xvi) and inserting the following:

"(xvi) Northeast Indianapolis Corridor, $10,000,000.";

(ix) by striking clause (xxix) and inserting the following:

"(xxix) Greater Albuquerque Mass Transit Project, $90,000,000.";

(x) by striking clause (xliii) and inserting the following:

"(xliii) Providence–Boston Commuter Rail, $10,000,000.";

(xi) by striking clause (xlix) and inserting the following:

"(xlix) SEATAC–Personal Rapid Transit, $40,000,000."; and

(xii) by striking clause (li) and inserting the following:

"(li) Dallas-Ft. Worth RAILTRAN (Phase-II), $12,000,000.";

(B) by striking the heading for subsection (c)(2) and inserting "ADDITIONAL AMOUNTS"; and

(C) in paragraph (3) by inserting after the first sentence the following: "The project shall also be exempted from all requirements relating to criteria for grants and loans for fixed guideway systems under section 5309(e) of such title and from regulations required under that section.".

(s) NEW JERSEY URBAN CORE PROJECT.—Section 3030(e) of the Federal Transit Act of 1998 is amended by adding at the end the following:

"(4) TECHNICAL ADJUSTMENT.—Section 3031(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (as amended by paragraph (3)(B) of this subsection) is amended—

"(A) by striking 'of the West Shore Line' and inserting 'or the West Shore Line'; and

"(B) by striking 'directly connected to' and all that follows through 'Newark International Airport' the first place it appears.".

(t) BALTIMORE-WASHINGTON TRANSPORTATION IMPROVEMENTS.—Section 3030 of the Federal Transit Act of 1998 is amended by adding at the end the following:

"(h) TECHNICAL ADJUSTMENT.—Section 3035(nn) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2134) (as amended by subsection (g)(1)(C) of this section) is amended by inserting after 'expenditure of' the following: 'section 5309 funds to the aggregate expenditure of'.".

(u) BUS PROJECTS.—Section 3031 of the Federal Transit Act of 1998 is amended—

(1) in the table contained in subsection (a)—

(A) by striking item 64;

(B) in item 69 by striking "Rensslear" each place it appears and inserting "Rensselaer";

(C) in item 103 by striking "facilities and"; and

(D) by striking item 150;

(2) by striking the heading for subsection (b) and inserting "ADDITIONAL AMOUNTS";

(3) in subsection (b) by inserting after "2000" the first place it appears "with funds made available under section 5338(h)(6) of such title"; and

(4) in item 2 of the table contained in subsection (b) by striking "Rensslear" each place it appears and inserting "Rensselaer".

(v) CONTRACTING OUT STUDY.—Section 3032 of the Federal Transit Act of 1998 is amended—

(1) in subsection (a) by striking "3" and inserting "6";

(2) in subsection (d) by striking "the Mass Transit Account of the Highway Trust Fund" and inserting "funds made available under section 5338(f)(2) of title 49, United States Code,";

(3) in subsection (d) by striking "1998" and inserting "1999"; and

(4) in subsection (e) by striking "subsection (c)" and inserting "subsection (d)".

(w) JOB ACCESS AND REVERSE COMMUTE GRANTS.—Section 3037 of the Federal Transit Act of 1998 is amended—

(1) in subsection (b)(4)(A)—

(A) by inserting "designated recipients under section 5307(a)(2) of title 49, United States Code," after "from among"; and

(B) by inserting a comma after "and agencies";

(2) in subsection (b)(4)(B)—

(A) by striking "at least" and inserting "less than";

(B) by inserting "designated recipients under section 5307(a)(2) of title 49, United States Code," after "from among"; and

(C) by inserting "and agencies," after "authorities";

(3) in subsection (f)(2)—

(A) by striking "(including bicycling)"; and

(B) by inserting "(including bicycling)" after "additional services";

(4) in subsection (h)(2)(B) by striking "403(a)(5)(C)(ii)" and inserting "403(a)(5)(C)(vi)";

(5) in the heading for subsection (l)(1)(C) by striking "FROM THE GENERAL FUND";

(6) in subsection (l)(1)(C) by inserting "under the Transportation Discretionary Spending Guarantee for the Mass Transit Category" after "(B)"; and

(7) in subsection (l)(3)(B) by striking "at least" and inserting "less than".

(x) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038 of the Federal Transit Act of 1998 is amended—

(1) in subsection (a)(1)(A) by inserting before the semicolon "or connecting 1 or more rural communities with an urban area not in close proximity";

(2) in subsection (g)(1)—

(A) by inserting "over-the-road buses used substantially or exclusively in" after "operators of"; and

(B) by inserting at the end the following: "Such sums shall remain available until expended."; and

(3) in subsection (g)(2)—

(A) by striking "each of"; and

(B) by adding at the end the following: "Such sums shall remain available until expended.".

(y) STUDY OF TRANSIT NEEDS IN NATIONAL PARKS AND RELATED PUBLIC LANDS.—Section 3039(b) of the Federal Transit Act of 1998 is amended—

(1) in paragraph (1) by striking "in order to carry" and inserting "assist in carrying"; and

(2) by adding at the end the following:

"(3) DEFINITION.—For purposes of this subsection, the term 'Federal land management agencies' means the National Park Service, the United States Fish and Wildlife Service, and the Bureau of Land Management.".

(z) OBLIGATION CEILING.—Section 3040 of the Federal Transit Act of 1998 is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) $5,797,000,000 in fiscal year 2000;"; and

(2) in paragraph (4) by striking "$6,746,000,000" and inserting "$6,747,000,000".

SEC. 710. MOTOR CARRIER SAFETY TECHNICAL CORRECTION.

Section 4011 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

"(h) TECHNICAL AMENDMENTS.—Section 31314 (as amended by subsection (g) of this section) is amended—

"(1) in subsections (a) and (b) by striking '(3), and (5)' each place it appears and inserting '(3), and (4)'; and

"(2) by striking subsection (d).".

SEC. 711. RESTORATIONS TO RESEARCH TITLE.

(a) UNIVERSITY TRANSPORTATION RESEARCH FUNDING.—Section 5001(a)(7) of the Transportation Equity Act for the 21st Century is amended—

(1) by striking "$31,150,000" each place it appears and inserting "$25,650,000";

(2) by striking "$32,750,000" each place it appears and inserting "$27,250,000"; and

(3) by striking "$32,000,000" each place it appears and inserting "$26,500,000".

(b) OBLIGATION CEILING.—Section 5002 of such Act is amended by striking "$403,150,000" and all that follows through "$468,000,000" and inserting "$397,650,000 for fiscal year 1998, $403,650,000 for fiscal year 1999, $422,450,000 for fiscal year 2000, $437,250,000 for fiscal year 2001, $447,500,000 for fiscal year 2002, and $462,500,000".

(c) USE OF FUNDS FOR ITS.—Section 5210 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

"(d) USE OF INNOVATIVE FINANCING.—

"(1) IN GENERAL.—The Secretary may use up to 25 percent of the funds made available to carry out this subtitle to make available loans, lines of credit, and loan guarantees for projects that are eligible for assistance under this subtitle and that have significant intelligent transportation system elements.

"(2) CONSISTENCY WITH OTHER LAW.—Credit assistance described in paragraph (1) shall be made available in a manner consistent with the Transportation Infrastructure Finance and Innovation Act of 1998.".

(d) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5110 of such Act is amended by adding at the end the following:

"(d) TECHNICAL ADJUSTMENTS.—Section 5505 of title 49, United States Code (as added by subsection (a) of this section), is amended—

"(1) in subsection (g)(2) by striking 'section 5506,' and inserting 'section 508 of title 23, United States Code,';

"(2) in subsection (i)—

"(A) by inserting 'Subject to section 5338(e):' after '(i) NUMBER AND AMOUNT OF GRANTS.—'; and

"(B) by striking 'institutions' each place it appears and inserting 'institutions or groups of institutions'; and

"(3) in subsection (j)(4)(B) by striking 'on behalf of' and all that follows before the period and inserting 'on behalf of a consortium which may also include West Virginia University Institute of Technology, the College of West Virginia, and Bluefield State College'.".

(e) TECHNICAL CORRECTIONS.—Section 5115 of such Act is amended—

(1) in subsection (a) by striking "Director" and inserting "Director of the Bureau of Transportation Statistics";

(2) in subsection (b) by striking "Bureau" and inserting "Bureau of Transportation Statistics,"; and

(3) in subsection (c) by striking "paragraph (1)" and inserting "subsection (a)".

(f) CORRECTIONS TO CERTAIN OKLAHOMA PROJECTS.—Section 5116 of such Act is amended—

(1) in subsection (e)(2) by striking "$1,000,000 for fiscal year 1999, $1,000,000 for fiscal year 2000, and $500,000 for fiscal year 2001" and inserting "$1,000,000 for fiscal year 1999, $1,000,000 for fiscal year 2000, $1,000,000 for fiscal year 2001, and $500,000 for fiscal year 2002"; and

(2) in subsection (f)(2) by striking "$1,000,000 for fiscal year 1999, $1,000,000 for fiscal year 2000, $1,000,000 for fiscal year 2001, and $500,000 for fiscal year 2002" and inserting "$1,000,000 for fiscal year 1999, $1,000,000 for fiscal year 2000, and $500,000 for fiscal year 2001".

(g) INTELLIGENT TRANSPORTATION INFRASTRUCTURE REFERENCE.—Section 5117(b)(3)(B)(ii) of such Act is amended by striking "local departments of transportation" and inserting "the Department of Transportation".

(h) FUNDAMENTAL PROPERTIES OF ASPHALTS AND MODIFIED ASPHALTS.—Section 5117(b)(5)(B) of such Act is amended—

(1) by striking "1999" and inserting "1998"; and

(2) by striking "$3,000,000 per fiscal year" and inserting "$1,000,000 for fiscal year 1998 and $3,000,000 for each of fiscal years 1999 through 2003".

SEC. 712. AUTOMOBILE SAFETY AND INFORMATION.

(a) REFERENCE.—Section 7104 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

"(c) CONFORMING AMENDMENT.—Section 30105(a) of title 49, United States Code (as amended by subsection (a) of this section), is amended by inserting after 'Secretary' the following: 'for the National Highway Traffic Safety Administration'.".

(b) CLEAN VESSEL ACT FUNDING.—Section 7403 of such Act is amended—

(1) by inserting "(a) IN GENERAL.—" before "Section 4(b)"; and

(2) by adding at the end the following:

"(b) TECHNICAL AMENDMENT.—Section 4(b)(3)(B) of the 1950 Act (as amended by subsection (a) of this section) is amended by striking '6404(d)' and inserting '7404(d)'.".

(c) BOATING INFRASTRUCTURE.—Section 7404(b) of such Act is amended by striking "6402" and inserting "7402".

SEC. 713. TECHNICAL CORRECTIONS REGARDING SUBTITLE A OF TITLE VIII.

(a) AMENDMENT TO OFFSETTING ADJUSTMENT FOR DISCRETIONARY SPENDING LIMIT.—Section 8101(b) of the Transportation Equity Act for the 21st Century is amended—

(1) in paragraph (1) by striking "$25,173,000,000" and inserting "$25,144,000,000"; and

(2) in paragraph (2) by striking "$26,045,000,000" and inserting "$26,009,000,000".

(b) AMENDMENTS FOR HIGHWAY CATEGORY.—Section 8101 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

"(f) TECHNICAL AMENDMENTS.—Section 250(c)(4)(C) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by subsection (c) of this Act) is amended—

"(1) by striking 'Century and' and inserting 'Century or';

"(2) by striking 'as amended by this section,' and inserting 'as amended by the Transportation Equity Act for the 21st Century,'; and

"(3) by adding at the end the following new flush sentence:

'Such term also refers to the Washington Metropolitan Transit Authority account (69-1128-0-1-401) only for fiscal year 1999 only for appropriations provided pursuant to authorizations contained in section 14 of Public Law 96-184 and Public Law 101-551.'.".

(c) TECHNICAL AMENDMENT.—Section 8102 of the Transportation Equity Act for the 21st Century is amended by inserting before the period at the end the following: "or from section 1102 of this Act".

SEC. 714. REPEAL OF PROVISIONS RELATING TO VETERANS BENEFITS.

The Veterans Benefits Act of 1998 (subtitle B of title VIII of the Transportation Equity Act for 21st Century) is repealed and shall be treated as if not enacted.

SEC. 715. TECHNICAL CORRECTIONS REGARDING TITLE IX.

(a) HIGHWAY TRUST FUND.—Subsection (f) of section 9002 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following new paragraphs:

"(4) The last sentence of section 9503(c)(1), as amended by subsection (d), is amended by striking 'the date of enactment of the Transportation Equity Act for the 21st Century' and inserting 'the date of the enactment of the TEA 21 Restoration Act'.

"(5) Paragraph (3) of section 9503(e), as amended by subsection (d), is amended by striking 'the date of enactment of the Transportation Equity Act for the 21st Century' and inserting 'the date of the enactment of the TEA 21 Restoration Act'.".

(b) BOAT SAFETY ACCOUNT AND SPORT FISH RESTORATION ACCOUNT.—Section 9005 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following new subsection:

"(f) CLERICAL AMENDMENTS.—

"(1) Subparagraph (A) of section 9504(b)(2), as amended by subsection (b)(1), is amended by striking 'the date of the enactment of the Transportation Equity Act for the 21st Century' and inserting 'the date of the enactment of the TEA 21 Restoration Act'.

"(2) Subparagraph (B) of section 9504(b)(2), as added by subsection (b)(3), is amended by striking 'such Act' and inserting 'the TEA 21 Restoration Act'.

"(3) Subparagraph (C) of section 9504(b)(2), as amended by subsection (b)(2) and redesignated by subsection (b)(3), is amended by striking 'the date of the enactment of the Transportation Equity Act for the 21st Century' and inserting 'the date of the enactment of the TEA 21 Restoration Act'.

"(4) Subsection (c) of section 9504, as amended by subsection (c)(2), is amended by striking 'the date of enactment of the Transportation Equity Act for the 21st Century' and inserting 'the date of the enactment of the TEA 21 Restoration Act'.".

SEC. 716. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect simultaneously with the enactment of the Transportation Equity Act for the 21st Century. For purposes of all Federal laws, the amendments made by this title shall be treated as being included in the Transportation Equity Act for the 21st Century at the time of the enactment of such Act, and the provisions of such Act (including the amendments made by such Act) (as in effect on the day before the date of enactment of this Act) that are amended by this title shall be treated as not being enacted.

HUTCHISON (AND BYRD) AMENDMENTS NOS. 2881–2882

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mr. BYRD) submitted two amendments intended to be proposed by them to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2881

At the end of division A of the bill, insert the following new title:

TITLE XIII—REDUCTION IN UNITED STATES GROUND FORCES IN BOSNIA AND HERZEGOVINA.

SEC. 1301. FINDINGS.

Congress finds the following:

(1) The United States Armed Forces in Bosnia and Herzegovina have accomplished the military mission assigned to them as a component of the Implementation Force.

(2) The continuing and open-ended commitment of United States ground forces in Bosnia and Herzegovina is subject to the oversight authority of Congress.

(3) Congress may limit the use of appropriated funds to create the conditions for an orderly and honorable drawdown of the United States Armed Forces from Bosnia and Herzegovina.

(4) On November 27, 1995, the President affirmed that United States participation in the multinational military Implementation Force in Bosnia and Herzegovina would terminate in about one year.

(5) The President declared the expiration date of the mandate for the Implementation Force to be December 20, 1996.

(6) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff expressed confidence that the Implementation Force would complete its mission after approximately one year.

(7) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff expressed the critical importance of establishing a firm deadline for termination of the mission of the United States forces, without which there would be a potential for expansion of the mission.

(8) On October 3, 1996, the Chairman of the Joint Chiefs of Staff announced the intention of the President to delay the removal of United States forces from Bosnia and Herzegovina until March 1997.

(9) In November 1996, the President announced his intention to further extend the deployment of United States forces in Bosnia and Herzegovina until June 1998.

(10) The President did not request authorization by the Congress of a policy that would result in the further deployment of the United States forces in Bosnia and Herzegovina until June 1998.

(11) Notwithstanding the lapse of two previously established deadlines, the reaffirmation of those deadlines by senior national security officials, and the endorsement by those same national security officials of the importance of having a deadline as a hedge against an expanded mission, the President announced on December 17, 1997, that establishing a deadline had been a mistake and that United States ground combat forces were committed to the NATO-led mission in Bosnia and Herzegovina for the indefinite future.

(12) NATO military forces have increased their participation in law enforcement, particularly police, activities in Bosnia and Herzegovina.

(13) Successive United States commanders of NATO forces have stated on several occasions that, in accordance with the Dayton Peace Agreement, the principal responsibility for such law enforcement and police activities lies with the Bosnian parties themselves.

SEC. 1302. PRESIDENTIAL REPORT TO CONGRESS.

(a) PRESIDENTIAL PLAN.—

(1) IN GENERAL.—Not later than February 2, 1999, the President shall submit to Congress a report containing a plan to reduce, by not later than February 2, 2000, the number of personnel in the United States ground force in Bosnia and Herzegovina so that the total number of such personnel equals the average number of personnel in the ground forces of Great Britain, Germany, France, and Italy in Bosnia and Herzegovina.

(2) CONTENTS OF PLAN.—The plan shall contain—

(A) a timetable for the drawdown of military personnel from Bosnia and Herzegovina;

(B) the level of ground forces that will remain there after the reduction of forces is completed; and

(C) a statement of the budget authority necessary—

(i) to implement the plan; and

(ii) to sustain operations in Bosnia and Herzegovina at the reduced level after the plan takes effect.

(b) ADDITIONAL CONTENTS OF THE REPORT.—In addition to the requirements of subsection (a), the report shall contain the following:

(1) BUDGET AUTHORITY.—A description of the means by which the budget authority will be provided, whether out of unobligated balances of current defense appropriations or through a request for an additional authorization of appropriations.

(2) ANALYSIS OF FORCE LEVELS.—An analysis of the number of additional military personnel that would be necessary—

(A) for protection of the withdrawing forces as the drawdown proceeds;

(B) to protect United States diplomatic facilities in Bosnia and Herzegovina on the date of the enactment of this Act;

(C) in a noncombatant role, to advise the commanders of the North Atlantic Treaty Organization peacekeeping operations in Bosnia and Herzegovina; and

(D) as part of NATO containment operations in regions adjacent to Bosnia and Herzegovina.

SEC. 1303. LIMITATION ON FUNDING.

(a) LIMITATION.—Effective 30 days after the report described in section 1302(a) is submitted, or is required to be submitted, whichever occurs first, funds available to the Department of Defense for fiscal year 2000 may not be obligated or expended to support a number of military personnel in the ground elements of the United States Armed Forces in Bosnia and Herzegovina in excess of the level specified in the report required by section 1302(a), if within the 30-day period, there is enacted, in accordance with section 1306, a joint resolution approving the plan contained in the report.

(b) EXPEDITED RESOLUTION.—For the purposes of subsection (a), the term "joint resolution" means only a joint resolution that sets forth as the matter after the resolving clause only the following: "That the President's plan contained in the report transmitted pursuant to section 1302 of the National Defense Authorization Act for Fiscal Year 1999 is approved.".

SEC. 1304. SUSPENSION OF DEADLINES UNDER THE DRAWDOWN TIMETABLE.

(a) IN GENERAL.—Except as provided in subsection (b), the President may suspend compliance with a deadline under the drawdown timetable established in a plan approved by Congress pursuant to section 1303, if the President determines and certifies to the chairmen and ranking members of the Committee on National Security and the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations and the Committee on Armed Services of the Senate that such suspension is necessary—

(1) for the security of the forces of the United States Armed Forces in Bosnia and Herzegovina; or

(2) in response to a military emergency requiring the involvement of United States forces in operations in Bosnia and Herzegovina.

(b) LIMITATION.—

(1) IN GENERAL.—A suspension under subsection (a) may not exceed 90 days unless there is enacted a joint resolution, in accordance with section 1306, authorizing the extension of the suspension.

(2) EXPEDITED RESOLUTION.—For purposes of paragraph (1), the term "joint resolution" means only a joint resolution the matter after the resolving clause of which is as follows: "That Congress authorizes the further suspension of compliance with a deadline under the drawdown timetable under section 1304 of the National Defense Authorization Act for Fiscal Year 1999".

SEC. 1305. LIMITATION ON SUPPORT FOR LAW ENFORCEMENT ACTIVITIES.

None of the funds available to the Department of Defense for any fiscal year may be obligated or expended on or after the date of the enactment of this Act for the—

(1) conduct of, or direct support for, law enforcement and police activities in Bosnia and Herzegovina, except for the training of law enforcement personnel or to prevent imminent loss of life;

(2) conduct of, or support for, any activity in Bosnia and Herzegovina that may have the effect of jeopardizing the primary mission of the NATO-led force in preventing armed conflict between the Federation of Bosnia and Herzegovina and the Republika Srpska (hereinafter in this section referred to as the "Bosnian Entities");

(3) transfer of refugees within Bosnia and Herzegovina that, in the opinion of the commander of NATO forces involved in such transfer—

(A) has as one of its purposes the acquisition of control by one of the Bosnian Entities of territory allocated to the other of the Bosnian Entities under the Dayton Peace Agreement; or

(B) may expose forces of the United States Armed Forces to substantial risk of harm; and

(4) implementation of any decision to change the legal status of any territory within Bosnia and Herzegovina unless expressly agreed to by all signatories to the Dayton Peace Agreement.

SEC. 1306. PROCEDURES FOR JOINT RESOLUTION OF APPROVAL.

(a) REFERRAL OF RESOLUTIONS.—A resolution described in section 1303(b) or 1304(b) that is introduced in the Senate shall be referred to the Committee on Armed Services of the Senate. A resolution described in section 1303(b) or 1304(b) that is introduced in the House of Representatives shall be referred to the Committee on National Security of the House of Representatives.

(b) DISCHARGE OF COMMITTEES.—If the committee to which is referred a resolution described in section 1303(b) or 1304(b) has not reported such resolution (or an identical resolution) at the end of 7 calendar days after its introduction, the committee shall be deemed to be discharged from further consideration of the resolution and the resolution shall be placed on the appropriate calendar of the House involved.

(c) MOTIONS TO PROCEED TO THE CONSIDERATION OF THE RESOLUTIONS.—Whenever the committee to which a resolution is referred has reported, or has been deemed to be discharged from further consideration of, a resolution described in section 1303(b) or 1304(b), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any member of the respective House to move to proceed to the

consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain unfinished business of the respective House until disposed of.

(d) TIME FOR DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(e) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on a resolution described in section 1303(b) or 1304(b), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(f) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in section 1303(b) or 1304(b) shall be decided without debate.

(g) TREATMENT OF OTHER HOUSE'S RESOLUTION.—If, before the passage by one House of a resolution of that House described in section 1303(b) or 1304(b), that House receives from the other House a resolution described in section 1303(b) or 1304(b), then the following procedures shall apply:

(1) The resolution of the other House shall not be referred to a committee.

(2) With respect to a resolution described in section 1303(b) or 1304(b) of the House receiving the resolution—

(A) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(B) the vote on final passage shall be on the resolution of the other House.

(h) PRESIDENTIAL VETOES.—

(1) IN GENERAL.—Upon receipt of a message from the President returning the joint resolution unsigned to the House of origin and setting further his objections to the joint resolution, the House receiving the message shall immediately enter the objections at large on the journal of that House and the House shall proceed to the immediate reconsideration of the joint resolution the objections of the President to the contrary notwithstanding or of a motion to proceed to the immediate reconsideration of the joint resolution, or the joint resolution and objections shall lie on the table. Upon receipt of a message of a House transmitting the joint resolution and the objections of the President, the House receiving the message shall proceed to the immediate reconsideration of the joint resolution the objections of the President to the contrary notwithstanding or of a motion to proceed to the immediate reconsideration of the joint resolution, or the joint resolution and objections shall lie on the table. A motion to refer the joint resolution to a committee shall not be in order in either House.

(2) MOTION TO PROCEED.—After the receipt of a message by a House as described in paragraph (1), it is at any time in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the reconsideration of the joint resolution the objections of the President to the contrary notwithstanding. The motion is highly privileged in the House of Representatives and is a question of highest privilege in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the reconsideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(3) LIMIT ON DEBATE.—Debate on reconsideration of the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business is not in order. A motion to reconsider the vote by which the joint resolution is agreed to notwithstanding the objections of the President or disagreed is not in order.

(4) VOTE TO OVERRIDE VETO.—Immediately following the conclusion of the debate on reconsideration of the resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on the question of passage, the objections of the President to the contrary notwithstanding, shall occur.

(i) RULES OF THE SENATE AND THE HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such as it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in section 1303(b) or 1304(b), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

AMENDMENT NO. 2882

At the end of SEC. 1030(a), add the following subparagraph (7):

(7) A proposal that outlines the steps that would be necessary to reduce, by not later than February 2, 2000, the number of personnel in the United States ground force the Stabilization Force in Bosnia and Herzegovina so that the total number of such personnel equals the average number of personnel in the ground forces of Great Britain, Germany, France, and Italy in Bosnia and Herzegovina as of that date.

(A) The proposal shall contain—

(i) a timetable for the drawdown of military personnel from Bosnia and Herzegovina;

(ii) the level of ground forces that would remain there after the reduction of forces were completed; and

(iii) a statement of the budget authority that would be needed to implement the plan and sustain operations in Bosnia and Herzegovina at the reduced level.

(B) In addition, the proposal shall also contain a description of the means by which the budget authority would be provided, whether out of unobligated balances of current defense appropriations or through a request for an additional authorization of appropriations.

(C) Effective 30 days after this proposal is submitted, funds available to the Department of Defense for fiscal year 2000 may not be obligated or expended to support a number of military personnel in the ground elements of the United States Armed Forces in Bosnia and Herzegovina in excess of the level specified in the report.

SARBANES AMENDMENT NO. 2883

(Ordered to lie on the table.)

Mr. SARBANES submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 295, between lines 17 and 18, insert the following:

TITLE XIII—NATIONAL MILITARY MUSEUM FOUNDATION

SEC. 1301. ESTABLISHMENT OF NATIONAL MILITARY MUSEUM FOUNDATION.

There is established a nonprofit corporation to be known as the National Military Museum Foundation (in this title referred to as the "Foundation"). The Foundation is not an agency or instrumentality of the United States.

SEC. 1302. PURPOSES.

The Foundation shall have the following purposes:

(1) To encourage and facilitate the preservation of military artifacts having historical or technological significance.

(2) To promote innovative solutions to the problems associated with the preservation of such artifacts.

(3) To facilitate research on and educational activities relating to military history.

(4) To promote voluntary partnerships between the Federal Government and the private sector for the preservation of such artifacts and of military history.

(5) To facilitate the display of such artifacts for the education and benefit of the public.

(6) To develop publications and other interpretive materials pertinent to the historical collections of the Armed Forces that will supplement similar publications and materials available from public, private, and corporate sources.

(7) To provide financial support for educational, interpretive, and conservation programs of the Armed Forces relating to such artifacts.

(8) To broaden public understanding of the role of the military in United States history.

(9) To recognize and honor the individuals who have served in the Armed Forces of the United States.

SEC. 1303. BOARD OF DIRECTORS.

(a) BOARD OF DIRECTORS.—(1) The Foundation shall have a Board of Directors (in this title referred to as the "Board") composed of nine individuals appointed by the Secretary

of Defense from among individuals who are United States citizens.

(2) Of the individuals appointed under paragraph (1)—

(A) at least one shall have an expertise in historic preservation;

(B) at least one shall have an expertise in military history;

(C) at least one shall have an expertise in the administration of museums; and

(D) at least one shall have an expertise in military technology and materiel.

(b) CHAIRPERSON.—(1) The Secretary shall designate one of the individuals first appointed to the Board under subsection (a) as the chairperson of the Board. The individual so designated shall serve as chairperson for a term of 2 years.

(2) Upon the expiration of the term of chairperson of the individual designated as chairperson under paragraph (1), or of the term of a chairperson elected under this paragraph, the members of the Board shall elect a chairperson of the Board from among its members.

(c) TERM.—(1) Subject to paragraph (2), members appointed to the Board shall serve on the Board for a term of 4 years.

(2) If a member of the Board misses three consecutive meetings of the Board, the Board may remove the member from the Board for that reason.

(d) VACANCY.—Any vacancy in the Board shall not affect its powers but shall be filled, not later than 60 days after the vacancy, in the same manner in which the original appointment was made.

(e) QUORUM.—A majority of the members of the Board shall constitute a quorum.

(f) MEETINGS.—The Board shall meet at the call of the chairperson of the Board. The Board shall meet at least once a year.

SEC. 1304. ORGANIZATIONAL MATTERS.

The members of the Board first appointed under section 1303(a) shall—

(1) adopt a constitution and bylaws for the Foundation;

(2) serve as incorporators of the Foundation; and

(3) take whatever other actions the Board determines appropriate in order to establish the Foundation as a nonprofit corporation.

SEC. 1305. OFFICERS AND EMPLOYEES.

(a) EXECUTIVE DIRECTOR.—The Foundation shall have an executive director appointed by the Board and such other officers as the Board may appoint. The executive director and the other officers of the Foundation shall be compensated at rates fixed by the Board and shall serve at the pleasure of the Board.

(b) EMPLOYEES.—Subject to the approval of the Board, the Foundation may employ such individuals, and at such rates of compensation, as the executive director determines appropriate.

(c) VOLUNTEERS.—Subject to the approval of the Board, the Foundation may accept the services of volunteers in the performance of the functions of the Foundation.

(d) SERVICE OF FEDERAL EMPLOYEES.—A person who is a full-time or part-time employee of the Federal Government may not serve as a full-time or part-time employee of the Foundation and shall not be considered for any purpose an employee of the Foundation.

SEC. 1306. POWERS AND RESPONSIBILITIES.

In order to carry out the purposes of this title, the Foundation may—

(1) accept, hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation;

(2) enter into contracts with individuals, public or private organizations, professional societies, and government agencies for the purpose of carrying out the functions of the Foundation; and

(3) enter into such other contracts, leases, cooperative agreements, and other transactions at the executive director of the Foundation considers appropriate to carry out the activities of the Foundation.

SEC. 1307. AUDITS.

(a) AUDITS.—The first section of the Act entitled "An Act to provide for the audit of accounts of private corporations established under Federal law," approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end the following:

"(80) The National Military Museum Foundation.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that the chairperson of the Board notifies the Secretary of Defense of the incorporation of the Foundation under this title.

SEC. 1308. REPORTS.

As soon as practicable after the end of each fiscal year of the Foundation, the Board shall submit to Congress and to the Secretary of Defense a report on the activities of the Foundation during the preceding fiscal year, including a full and complete statement of the receipts, expenditures, investment activities, and other financial activities of the Foundation during such fiscal year.

SEC. 1309. INITIAL SUPPORT.

(a) AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated by section 301, $250,000 shall be available for the purpose of making a grant to the Foundation in order to assist the Foundation in defraying the costs of its activities. Such amount shall be available for such purpose until expended.

(b) ADDITIONAL SUPPORT.—In each of fiscal years 1999 through 2001, the Secretary of Defense may provide, without reimbursement, personnel, facilities, and other administrative services of the Department to the Foundation.

HARKIN AMENDMENTS NOS. 2884–2888

(Ordered to lie on the table.)

Mr. HARKIN submitted five amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2884

At the end of subtitle B of title II, add the following:

SEC. 219. PERSIAN GULF ILLNESSES.

(a) ADDITIONAL AMOUNT FOR PERSIAN GULF ILLNESSES.—The total amount authorized to be appropriated under this title for research and development relating to Persian Gulf illnesses is the total amount authorized to be appropriated for such purpose under the other provisions of this title plus $15,000,000.

(b) REDUCED AMOUNT FOR FOREIGN MILITARY COMPARATIVE TESTING PROGRAM.—Of the amount authorized to be appropriated under section 201(4), $17,684,000 shall be available for the Foreign Military Comparative Testing program.

AMENDMENT NO. 2885

At the end of subtitle B of title II, add the following:

SEC. 219. PERSIAN GULF ILLNESSES.

(a) ADDITIONAL AMOUNT FOR PERSIAN GULF ILLNESSES.—The total amount authorized to be appropriated under this title for research and development relating to Persian Gulf illnesses is the total amount authorized to be appropriated for such purpose under the other provisions of this title plus $15,000,000.

AMENDMENT NO. 2886

On page 25, line 16, increase the dollar figure by the sum $15,000,000.

AMENDMENT NO. 2887

On page 25, line 16, subtract from the dollar figure, the sum $1,000.

AMENDMENT NO. 2888

At the end of subtitle E of title III, add the following:

SEC. 349. INVENTORY MANAGEMENT OF IN-TRANSIT SECONDARY ITEMS.

(a) REQUIREMENT FOR PLAN.—Not later than March 1, 1999, the Secretary of Defense shall submit to Congress a plan to address problems with Department of Defense management of the department's inventories of in-transit secondary items as follows:

(1) The vulnerability of in-transit secondary items to loss through fraud, waste, and abuse.

(2) Loss of oversight of in-transit secondary items, including any loss of oversight when items are being transported by commercial carriers.

(3) Loss of accountability for in-transit secondary items due to either a delay of delivery of the items or a lack of notification of a delivery of the items.

(b) CONTENT OF PLAN.— The plan shall include, for each of the problems described in subsection (a), the following information:

(1) The actions to be taken to correct the problems.

(2) Statements of objectives.

(3) Performance measures and schedules.

(4) An identification of any resources that may be necessary for correcting the problem, together with an estimate of the annual costs.

(c) GAO REVIEWS.—(1) Not later than 60 days after the date on which the Secretary of Defense submits the plan to Congress, the Comptroller General shall review the plan and submit to Congress any comments that the Comptroller General considers appropriate regarding the plan.

(2) The Comptroller General shall monitor any implementation of the plan and, not later than one year after the date referred to in paragraph (1), submit to Congress an assessment of the extent to which the plan has been implemented.

HARKIN (AND OTHERS) AMENDMENT NO. 2889

(Ordered to lie on the table.)

Mr. HARKIN (for himself, Mr. BROWNBACK, Mr. TORRICELLI, and Mr. JOHNSON) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. ___. RESOLUTION OF JAMMU AND KASHMIR DISPUTE.

(a) FINDINGS.—Congress finds that—

(1) the detonation of nuclear explosive devices by India and Pakistan in May of 1998 has underscored the need to reexamine relations between India and Pakistan;

(2) a spiraling nuclear arms race in South Asia would threaten the national security of the United States, and international peace and security;

(3) for more than half a century, Pakistan and India have had a dispute involving the Jammu and Kashmir region and tensions remain high;

(4) three times in the past 50 years, the two nations fought wars against each other, two of these wars directly involving Jammu and Kashmir;

(5) it is in the interest of United States security and world peace for Pakistan and India to arrive at a peaceful and just settlement of the dispute through talks between the two nations, which takes into account the wishes of the affected population;

(6) the human rights situation in Jammu and Kashmir continues to deteriorate despite repeated efforts by international human rights groups;

(7) a resolution to the Jammu and Kashmir dispute would foster economic and social development in the region;

(8) the United States has a long and important history with both India and Pakistan, and bears a responsibility as a world leader to help facilitate a peaceful resolution to the Jammu and Kashmir dispute; and

(9) the United States and the United Nations can both play a critical role in helping to resolve the dispute over Jammu and Kashmir and in fostering better relations between Pakistan and India.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should make a high priority the promotion of peace and stability in South Asia, as well as normalization of relations between India and Pakistan;

(2) it is critical for the United States and the world community to give a greater priority to resolving the long-standing dispute between India and Pakistan over the Jammu and Kashmir region;

(3) the United States Permanent Representative to the United Nations should propose to the United Nations Security Council a meeting with the representatives to the United Nations from India and Pakistan for the purpose of discussions about the security situation in South Asia, including regional stability, nuclear disarmament and arms control, and trade;

(4) the United States Permanent Representative to the United Nations should raise the issue of the Jammu and Kashmir dispute within the Security Council and promote the establishment of a United Nations-sponsored mediator for the conflict; and

(5) the President should request India to allow United Nations human rights officials, including the Special Rapporteur on Torture, to visit the Jammu and Kashmir region and to have unrestricted access to meeting with people in that region, including those in detention.

HARKIN (AND WELLSTONE) AMENDMENTS NOS. 2890–2891

(Ordered to lie on the table.)

Mr. HARKIN (for himself and Mr. WELLSTONE) submitted two amendments intended to be proposed by them to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2890

At the end of subtitle A of title X, add the following:

SEC. . TRANSFER TO DEPARTMENT OF VETERANS AFFAIRS.

(a) TRANSFER REQUIRED.—The Secretary of Defense shall transfer to the Department of Veterans Affairs $329,000,000 of the amounts appropriated for the Department of Defense pursuant to the authorizations of appropriations in this Act. The Secretary shall select the funds for transfer, and shall transfer the funds, in a manner that causes the least significant harm to the readiness of the Armed Forces and the quality of life of military personnel and their families.

(b) USE OF TRANSFERRED FUNDS.—Funds transferred pursuant to subsection (a) shall be available for health care programs of the Department of Veterans Affairs.

AMENDMENT NO. 2891

At the end of subtitle A of title X, add the following:

SEC. . TRANSFER TO DEPARTMENT OF VETERANS AFFAIRS.

(a) TRANSFER REQUIRED.—The Secretary of Defense shall transfer to the Department of Veterans Affairs $329,000,000 of the amounts appropriated for the Department of Defense pursuant to the authorizations of appropriations in this Act. The Secretary shall select the funds for transfer, and shall transfer the funds, in a manner that causes the least significant harm to the readiness of the Armed Forces and the quality of life of military personnel and their families.

(b) USE OF TRANSFERRED FUNDS.—Funds transferred pursuant to subsection (a) shall be available for health care programs of the Department of Veterans Affairs.

KEMPTHORNE AMENDMENTS NOS. 2892–2893

(Ordered to lie on the table.)

Mr. KEMPTHORNE submitted two amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2892

On page 348, strike out line 1 and all that follows through page 366, line 13, and insert in lieu thereof the following:

TITLE XXIX—JUNIPER BUTTE RANGE WITHDRAWAL

SEC. 2901. SHORT TITLE.

This title may be cited as the "Juniper Butte Range Withdrawal Act".

SEC. 2902. WITHDRAWAL AND RESERVATION.

(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this title, the lands at the Juniper Butte Range, Idaho, referred to in subsection (c), are withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral and geothermal leasing laws, but not the Materials Act of 1947 (30 U.S.C. 601–604).

(b) RESERVED USES.—The land withdrawn under subsection (a) are reserved for use by the Secretary of the Air Force for—

(1) a high hazard training area;

(2) dropping non-explosive training ordnance with spotting charges;

(3) electronic warfare and tactical maneuvering and air support;

(4) other defense-related purposes consistent with the purposes specified in paragraphs (1), (2), and (3), including continued natural resource management and environmental remediation in accordance with section 2916;

(c) SITE DEVELOPMENT PLANS.—Site development plans shall be prepared prior to construction; site development plans shall be incorporated in the Integrated Natural Resource Management Plan identified in section 2909; and, except for any minimal improvements, development on the withdrawn lands of any facilities beyond those proposed and analyzed in the Air Force's Enhanced Training in Idaho Environmental Impact Statement, the Enhanced Training in Idaho Record of Decision dated March 10, 1998, and the site development plans shall be contingent upon review and approval of the Idaho State Director, Bureau of Land Management.

(d) GENERAL DESCRIPTION.—The public lands withdrawn and reserved by this section comprise approximately 11,300 acres of public land in Owhyee County, Idaho, as generally depicted on the map entitled "Juniper Butte Range Withdrawal-Proposed", dated June 1998, that will be filed in accordance with section 2903. The withdrawal is for an approximately 10,600-acre tactical training range, a 640-acre no-drop target site, four 5-acre no-drop target sites and nine 1-acre electronic threat emitter sites.

SEC. 2903. MAP AND LEGAL DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the effective date of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file a map or maps and the legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the Senate and with the Committee on Resources of the House of Representatives.

(b) INCORPORATION BY REFERENCE.—Such maps and legal description shall have the same force and effect as if included in this title.

(c) CORRECTION OF ERRORS.—The Secretary of the Interior may correct clerical and typographical errors in such map or maps and legal description.

(d) AVAILABILITY.—Copies of such map or maps and the legal description shall be available for public inspection in the office of the Idaho State Director of the Bureau of Land Management; the offices of the managers of the Lower Snake River District, Bureau Field Office and Jarbidge Field Office of the Bureau of Land Management; and the Office of the Commander, Mountain Home Air Force Base, Idaho. To the extent practicable, the Secretary of the Interior shall adopt the legal description and maps prepared by the Secretary of the Air Force in support of this Title.

(e) The Secretary of the Air Force shall reimburse the Secretary of the Interior for the costs incurred by the Department of the Interior in implementing this section.

SEC. 2904. AGENCY AGREEMENT

The Bureau of Land Management and the Air Force have agreed upon additional mitigation measures associated with this land withdrawal as specified in the "ENHANCED TRAINING IN IDAHO Memorandum of Understanding Between The Bureau of Land Management and The United States Air Force" that is dated June ——, 1998. This agreement specifies that these mitigation measures will be adopted as part of the Air Force's Record of Decision for Enhanced Training in Idaho. Congress endorses this collaborative effort between the agencies and directs that the agreement be implemented; provided, however, that the parties may, in accordance with the National Environmental Policy Act of 1969, as amended, mutually agree to modify the mitigation measures specified in the agreement in light of experience gained through the actions called for in the agreement or as a result of changed military circumstances; provided further, that neither the agreement, any modification thereof, nor this section creates any right, benefit, or trust responsibility, substantive or procedural, enforceable

at law or equity by a party against the United States, its agencies, its officers, or any person.

SEC. 2905. RIGHT-OF-WAY GRANTS.

In addition to the withdrawal under section 2902 and in accordance with all applicable laws, the Secretary of the Interior shall process and grant the Secretary of the Air Force rights-of-way using the Department of the Interior regulations and policies in effect at the time of filing applications for the one-quarter acre electronic warfare threat emitter sites, roads, powerlines, and other ancillary facilities as described and analyzed in the Enhanced Training in Idaho Final Environmental Impact Statement, dated January 1998.

SEC. 2906. INDIAN SACRED SITES.

(a) MANAGEMENT.—In the management of the Federal lands withdrawn and reserved by this title, the Air Force shall, to the extent practicable and not clearly inconsistent with essential agency functions, (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the integrity of such sacred sites. The Air Force shall maintain the confidentiality of such sites where appropriate. The term "sacred site" shall mean any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the Air Force of the existence of such a site. The term "Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to Public Law No. 103–454, 108 Stat. 4791, and "Indian" refers to a member of such an Indian tribe.

(b) CONSULTATION.—Air Force officials at Mountain Home Air Force Base shall regularly consult with the Tribal Chairman of the Shoshone-Paiute Tribes of the Duck Valley Reservation to assure that tribal government rights and concerns are fully considered during the development of the Juniper Butte Range.

SEC. 2907. ACTIONS CONCERNING RANCHING OPERATIONS IN WITHDRAWN AREA.

The Secretary of the Air Force is authorized and directed to, upon such terms and conditions as the Secretary of the Air Force considers just and in the national interest, conclude and implement agreements with the grazing permittees to provide appropriate consideration, including future grazing arrangements. Upon the conclusion of these agreements, the Assistant Secretary, Land and Minerals Management, shall grant rights-of-way and approvals and take such actions as are necessary to implement promptly this title and the agreements with the grazing permittees. The Secretary of the Air Force and the Secretary of the Interior shall allow the grazing permittees for lands withdrawn and reserved by this title to continue their activities on the lands in accordance with the permits and their applicable regulations until the Secretary of the Air Force has fully implemented the agreement with the grazing permittees under this section. Upon the implementation of these agreements, the Bureau of Land Management is authorized and directed, subject to the limitations included in this section, to terminate grazing on the lands withdrawn.

SEC. 2908. MANAGEMENT OF WITHDRAWN AND RESERVED LANDS.

(a) IN GENERAL.—Except as provided in section 2916(d), during the withdrawal and reservation of any lands under this title, the Secretary of the Air Force shall manage such lands for purposes relating to the uses set forth in section 2902(b).

(b) MANAGEMENT ACCORDING TO PLAN.—The lands withdrawn and reserved by this title shall be managed in accordance with the provisions of this title under the integrated natural resources management plan prepared under section 2909.

(c) AUTHORITY TO CLOSE LAND.—If the Secretary of the Air Force determines that military operations, public safety, or the interests of national security require the closure to public use of any road, trail or other portion of the lands withdrawn by this title that are commonly in public use, the Secretary of the Air Force may take such action; Provided, that such closures shall be limited to the minimum areas and periods required for the purposes specified in this subsection. During closures, the Secretary of the Air Force shall keep appropriate warning notices posted and take appropriate steps to notify the public about the closure.

(d) LEASE AUTHORITY.—The Secretary of the Air Force may enter into leases for State lands with the State of Idaho in support of the Juniper Butte Range and operations at the Juniper Butte Range.

(e) PREVENTION AND SUPPRESSION OF FIRE.—

(1) The Secretary of the Air Force shall take appropriate precautions to prevent and suppress brush fires and range fires that occur within the boundaries of the Juniper Butte Range, as well as brush and range fires occurring outside the boundaries of the Range resulting from military activities.

(2) Notwithstanding section 2465 of title 10, United States Code, the Secretary of the Air Force may obligate funds appropriated or otherwise available to the Secretary of the Air Force to enter into contracts for firefighting.

(3)(A) The memorandum of understanding under section 2910 shall provide for the Bureau of Land Management to assist the Secretary of the Air Force in the suppression of the fires described in paragraph (1).

(B) The memorandum of understanding shall provide that the Secretary of the Air Force reimburse the Bureau of Land Management for any costs incurred by the Bureau of Land Management under this paragraph.

(f) USE OF MINERAL MATERIALS.—Notwithstanding any other provision of this title or the Act of July 31, 1947 (commonly known as the "Materials Act of 1947") (30 U.S.C. 601 et seq.), the Secretary of the Air Force may use, from the lands withdrawn and reserved by this title, sand, gravel, or similar mineral material resources of the type subject to disposition under the Act of July 31, 1947, when the use of such resources is required for construction needs of the Juniper Butte Range.

SEC. 2909. INTEGRATED NATURAL RESOURCE MANAGEMENT PLAN.

(a) REQUIREMENT.—

(1) Not later than 2 years after the date of enactment of this title, the Secretary of the Air Force shall, in cooperation with the Secretary of the Interior, the State of Idaho and Owyhee County, develop an integrated natural resources management plan to address the management of the resources of the lands withdrawn and reserved by this title during their withdrawal and reservation under this title. Additionally, the Integrated Natural Resource Management Plan will address mitigation and monitoring activities by the Air Force for State and Federal lands affected by military training activities associated with the Juniper Butte Range. The foregoing will be done cooperatively between the Air Force and the Bureau of Land Management, the State of Idaho and Owyhee County.

(2) Except as otherwise provided under this title, the integrated natural resources management plan under this section shall be developed in accordance with, and meet the requirements of, section 101 of the Sikes Act (16 U.S.C. 670a).

(3) Site development plans shall be prepared prior to construction of facilities. These plans shall be reviewed by the Bureau of Land Management for Federal lands and the State of Idaho for State lands for consistency with the proposal assessed in the Enhanced Training in Idaho Environmental Impact Statement. The portion of the site development plans describing reconfigurable or replacement targets may be conceptual.

(b) ELEMENTS.—The integrated natural resources management plan under subsection (a) shall—

(1) include provisions for the proper management and protection of the natural, cultural, and other resources and values of the lands withdrawn and reserved by this title and for the use of such resources in a manner consistent with the uses set forth in section 2902(b);

(2) permit livestock grazing at the discretion of the Secretary of the Air Force in accordance with section 2907 or any other authorities relating to livestock grazing that are available to that Secretary;

(3) permit fencing, water pipeline modifications and extensions, and the construction of aboveground water reservoirs, and the maintenance and repair of these items on the lands withdrawn and reserved by this title, and on other lands under the jurisdiction of the Bureau of Land Management; and

(4) otherwise provide for the management by the Secretary of Air Force of any lands withdrawn and reserved by this title while retained under the jurisdiction of that Secretary under this title.

(c) PERIODIC REVIEW.—The Secretary of the Air Force shall, in cooperation with the Secretary of the Interior and the State of Idaho, review the adequacy of the provisions of the integrated natural resources management plan developed under this section at least once every 5 years after the effective date of the plan.

SEC. 2910. MEMORANDUM OF UNDERSTANDING.

(a) REQUIREMENT.—The Secretary of the Air Force, the Secretary of the Interior, and the Governor of the State of Idaho shall jointly enter into a memorandum of understanding to implement the integrated natural resources management plan required under section 2909.

(b) TERM.—The memorandum of understanding under subsection (a) shall apply to any lands withdrawn and reserved by this title until their relinquishment by the Secretary of the Air Force under this title.

(c) MODIFICATION.—The memorandum of understanding under subsection (a) may be modified by agreement of all the parties specified in that subsection.

SEC. 2911. MAINTENANCE OF ROADS.

The Secretary of the Air Force shall enter into agreements with the Owyhee County Highway District, Idaho, and the Three Creek Good Roads Highway District, Idaho, under which the Secretary of the Air Force shall pay the costs of road maintenance incurred by such districts that are attributable

to Air Force operations associated with the Juniper Butte Range.

SEC. 2912. MANAGEMENT OF WITHDRAWN AND ACQUIRED MINERAL RESOURCES.

Except as provided in subsection 2908(f), the Secretary of the Interior shall manage all withdrawn and acquired mineral resources within the boundaries of the Juniper Butte Range in accordance with the Act of February 28, 1958 (known as the Engle Act; 43 U.S.C. 155–158).

SEC. 2913. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn and reserved by this title shall be conducted in accordance with the provision of section 2671 of title 10, United States Code.

SEC. 2914. WATER RIGHTS.

(a) LIMITATION.—The Secretary of the Air Force shall not seek or obtain any water rights associated with any water pipeline modified or extended, or above ground water reservoir constructed, for purposes of consideration under section 2907.

(b) NEW RIGHTS.—

(1) Nothing in this title shall be construed to establish a reservation in favor of the United States with respect to any water or water right on the lands withdrawn and reserved by this title.

(2) Nothing in this title shall be construed to authorize the appropriation of water on the lands withdrawn and reserved by this title by the United States after the date of enactment of this title unless such appropriation is carried out in accordance with the laws of the State of Idaho.

(c) APPLICABILITY.—This section may not be construed to affect any water rights acquired by the United States before the date of enactment of this title.

SEC. 2915. DURATION OF WITHDRAWAL.

(a) TERMINATION.—

(1) Except as otherwise provided in this section and section 2916, the withdrawal and reservation of lands by this title shall, unless extended as provided herein, terminate at one minute before midnight on the 25th anniversary of the date of the enactment of this title.

(2) At the time of termination, the previously withdrawn lands shall not be open to the general land laws including the mining laws and the mineral and geothermal leasing laws until the Secretary of the Interior publishes in the Federal Register an appropriate order which shall state the date upon which such lands shall be opened.

(b) RELINQUISHMENT.—

(1) If the Secretary of the Air Force determines under subsection (c) of this section that the Air Force has no continuing military need for any lands withdrawn and reserved by this title, the Secretary of the Air Force shall submit to the Secretary of the Interior a notice of intent to relinquish jurisdiction over such lands back to the Secretary of the Interior.

(2) The Secretary of the Interior may accept jurisdiction over any lands covered by a notice of intent to relinquish jurisdiction under paragraph (1) if the Secretary of the Interior determines that the Secretary of the Air Force has completed the environmental review required under section 2916(a) and the conditions under section 2916(c) have been met.

(3) If the Secretary of the Interior decides to accept jurisdiction over lands under paragraph (2) before the date of termination, as provided for in subsection (a)(1) of this section, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(A) revoke the withdrawal and reservation of such lands under this title;

(B) constitute official acceptance of administrative jurisdiction over the lands by the Secretary of the Interior; and

(C) state the date upon which such lands shall be opened to the operation of the general land laws, including the mining laws and the mineral and geothermal leasing laws, if appropriate.

(4) The Secretary of the Interior shall manage any lands relinquished under this subsection as multiple use status lands.

(5) If the Secretary of the Interior declines pursuant to paragraph (b)(2) of this section to accept jurisdiction of any parcel of the land proposed for relinquishment that parcel shall remain under the continued administration of the Secretary of the Air Force pursuant to section 2916(d).

(c) EXTENSION.—

(1) In the case of any lands withdrawn and reserved by this title that the Air Force proposes to include in a notice of extension because of continued military need under paragraph (2) of this subsection, the Secretary of the Air Force shall prior to issuing the notice under paragraph (2)—

(A) evaluate the environmental effects of the extension of the withdrawal and reservation of such lands in accordance with all applicable laws and regulations; and

(B) hold at least one public meeting in the State of Idaho regarding that evaluation.

(2) Notice of need for extension of withdrawal—

(A) Not later than 2 years before the termination of the withdrawal and reservation of lands by this title under subsection (a), the Secretary of the Air Force shall notify Congress and the Secretary of the Interior as to whether or not the Air Force has a continuing military need for any of the lands withdrawn and reserved by this title, and not previously relinquished under this section, after the termination date as specified in subsection (a) of this section.

(B) The Secretary of the Air force shall specify in the notice under subparagraph (A) the duration of any extension or further extension of withdrawal and reservation of such lands under this title; Provided however, the duration of each extension or further extension shall not exceed 25 years.

(C) The notice under subparagraph (A) shall be published in the Federal Register and a newspaper of local distribution with the opportunity for comments, within a 60-day period, which shall be provided to the Secretary of the Air Force and the Secretary of the Interior.

(3) Effect of notification.—

(A) Subject to subparagraph (B), in the case of any lands withdrawn and reserved by this title that are covered by a notice of extension under subsection (c)(2), the withdrawal and reservation of such lands shall extend under the provisions of this title after the termination date otherwise provided for under subsection (a) for such period as is specified in the notice under subsection (c)(2).

(B) Subparagraph (A) shall not apply with respect to any lands covered by a notice referred to in that paragraph until 90 legislative days after the date on which the notice with respect to such lands is submitted to Congress under paragraph (2).

SEC. 2916. ENVIRONMENTAL REMEDIATION OF RELINQUISHED WITHDRAWN LANDS OR UPON TERMINATION OF WITHDRAWAL.

(a) ENVIRONMENTAL REVIEW.—

(1) Before submitting under section 2915 a notice of an intent to relinquish jurisdiction over lands withdrawn and reserved by this title, and in all cases not later than two years prior to the date of termination of withdrawal and reservation, the Secretary of the Air Force shall, in consultation with the Secretary of the Interior, complete a review that fully characterizes the environmental conditions of such lands (including any water and air associated with such lands) in order to identify any contamination on such lands.

(2) The Secretary of the Air Force shall submit to the Secretary of the Interior a copy of the review prepared with respect to any lands under paragraph (1). The Secretary of the Air Force shall also submit at the same time any notice of intent to relinquish jurisdiction over such lands under section 2915.

(3) The Secretary of the Air Force shall submit a copy of any such review to Congress.

(b) ENVIRONMENTAL REMEDIATION OF LANDS.—The Secretary of the Air Force shall, in accordance with applicable State and Federal law, carry out and complete environmental remediation—

(1) before relinquishing jurisdiction to the Secretary of the Interior over any lands identified in a notice of intent to relinquish under subsection 2915(b); or,

(2) prior to the date of termination of the withdrawal and reservation, except as provided under subsection (d) of this section.

(c) POSTPONEMENT OF RELINQUISHMENT.—The Secretary of the Interior shall not accept jurisdiction over any lands that are the subject of activities under subsection (b) of this section until the Secretary of the Interior determines that environmental conditions on the lands are such that—

(1) all necessary environmental remediation has been completed by the Secretary of the Air Force;

(2) the lands are safe for nonmilitary uses; and

(3) the lands could be opened consistent with the Secretary of the Interior's public land management responsibilities.

(d) JURISDICTION WHEN WITHDRAWAL TERMINATES.—If the determination required by section (c) cannot be achieved for any parcel of land subject to the withdrawal and reservation prior to the termination date of the withdrawal and reservation, the Secretary of the Air Force shall retain administrative jurisdiction over such parcels of land notwithstanding the termination date for the limited purposes of:

(1) environmental remediation activities under subsection (b); and,

(2) any activities relating to the management of such lands after the termination of the withdrawal reservation for military purposes that are provided for in the integrated natural resources management plan under section 2909.

(e) REQUEST FOR APPROPRIATIONS.—The Secretary of the Air Force shall request an appropriation pursuant to section 2919 sufficient to accomplish the remediation under this title.

SEC. 2917. DELEGATION OF AUTHORITY.

(a) AIR FORCE FUNCTIONS.—Except for executing the agreement referred to in section 2907, the Secretary of the Air Force may delegate that Secretary's functions under this title.

(b) INTERIOR FUNCTIONS.—

(1) Except as provided in paragraph (2), the Secretary of the Interior may delegate that Secretary's functions under this title.

(2) The order referred to in section 2915(b)(3) may be approved and signed only

by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Interior.

(3) The approvals granted by the Bureau of Land Management shall be pursuant to the decisions of the Secretary of the Interior, or the Assistant Secretary for Land and Minerals Management.

SEC. 2918. SENSE OF SENATE REGARDING MONITORING OF WITHDRAWN LANDS.

(a) FINDING.—The Senate finds that there is a need for the Department of the Air Force, the Bureau of Land Management, the State of Idaho, and Owyhee County to develop a cooperative effort to monitor the impact of military activities on the natural, cultural, and other resources and values of the lands withdrawn and reserved by this title as well as other Federal and State lands affected by military activities associated with the Juniper Butte Range.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of the Air Force should ensure that the budgetary planning of the Department of the Air Force makes available sufficient funds to assure Air Force participation in the cooperative effort developed by the Department of the Air Force, the Bureau of Land Management, and the State of Idaho to monitor the impact of military activities on the natural, cultural, and other resources and values of the lands withdrawn and reserved by this title as well as other Federal and State lands affected by military activities associated with the Juniper Butte Range.

SEC. 2919. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

AMENDMENT NO. 2893

On page 348, strike out line 1 and all that follows through page 366, line 13, and insert in lieu thereof the following:

TITLE XXIX—JUNIPER BUTTE RANGE WITHDRAWAL

SEC. 2901. SHORT TITLE.

This title may be cited as the "Juniper Butte Range Withdrawal Act".

SEC. 2902. WITHDRAWAL AND RESERVATION.

(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this title, the lands at the Juniper Butte Range, Idaho, referred to in subsection (c), are withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral and geothermal leasing laws, but not the Materials Act of 1947 (30 U.S.C. 601–604).

(b) RESERVED USES.—The land withdrawn under subsection (a) are reserved for use by the Secretary of the Air Force for—

(1) a high hazard training area;

(2) dropping non-explosive training ordnance with spotting charges;

(3) electronic warfare and tactical maneuvering and air support;

(4) other defense-related purposes consistent with the purposes specified in paragraphs (1), (2), and (3), including continued natural resource management and environmental remediation in accordance with section 2916;

(c) SITE DEVELOPMENT PLANS.—Site development plans shall be prepared prior to construction; site development plans shall be incorporated in the Integrated Natural Resource Management Plan identified in section 2909; and, except for any minimal improvements, development on the withdrawn lands of any facilities beyond those proposed and analyzed in the Air Force's Enhanced Training in Idaho Environmental Impact Statement, the Enhanced Training in Idaho Record of Decision dated March 10, 1998, and the site development plans shall be contingent upon review and approval of the Idaho State Director, Bureau of Land Management.

(d) GENERAL DESCRIPTION.—The public lands withdrawn and reserved by this section comprise approximately 11,300 acres of public land in Owhyee County, Idaho, as generally depicted on the map entitled "Juniper Butte Range Withdrawal-Proposed", dated June 1998, that will be filed in accordance with section 2903. The withdrawal is for an approximately 10,600-acre tactical training range, a 640-acre no-drop target site, four 5-acre no-drop target sites and nine 1-acre electronic threat emitter sites.

SEC. 2903. MAP AND LEGAL DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the effective date of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file a map or maps and the legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the Senate and with the Committee on Resources of the House of Representatives.

(b) INCORPORATION BY REFERENCE.—Such maps and legal description shall have the same force and effect as if included in this title.

(c) CORRECTION OF ERRORS.—The Secretary of the Interior may correct clerical and typographical errors in such map or maps and legal description.

(d) AVAILABILITY.—Copies of such map or maps and the legal description shall be available for public inspection in the office of the Idaho State Director of the Bureau of Land Management; the offices of the managers of the Lower Snake River District, Bureau Field Office and Jarbidge Field Office of the Bureau of Land Management; and the Office of the Commander, Mountain Home Air Force Base, Idaho. To the extent practicable, the Secretary of the Interior shall adopt the legal description and maps prepared by the Secretary of the Air Force in support of this Title.

(e) The Secretary of the Air Force shall reimburse the Secretary of the Interior for the costs incurred by the Department of the Interior in implementing this section.

SEC. 2905. RIGHT-OF-WAY GRANTS.

In addition to the withdrawal under section 2902 and in accordance with all applicable laws, the Secretary of the Interior shall process and grant the Secretary of the Air Force rights-of-way using the Department of the Interior regulations and policies in effect at the time of filing applications for the one-quarter acre electronic warfare threat emitter sites, roads, powerlines, and other ancillary facilities as described and analyzed in the Enhanced Training in Idaho Final Environmental Impact Statement, dated January 1998.

SEC. 2907. ACTIONS CONCERNING RANCHING OPERATIONS IN WITHDRAWN AREA.

The Secretary of the Air Force is authorized and directed to, upon such terms and conditions as the Secretary of the Air Force considers just and in the national interest, conclude and implement agreements with the grazing permittees to provide appropriate consideration, including future grazing arrangements. Upon the conclusion of these agreements, the Assistant Secretary, Land and Minerals Management, shall grant rights-of-way and approvals and take such actions as are necessary to implement promptly this title and the agreements with the grazing permittees. The Secretary of the Air Force and the Secretary of the Interior shall allow the grazing permittees for lands withdrawn and reserved by this title to continue their activities on the lands in accordance with the permits and their applicable regulations until the Secretary of the Air Force has fully implemented the agreement with the grazing permittees under this section. Upon the implementation of these agreements, the Bureau of Land Management is authorized and directed, subject to the limitations included in this section, to terminate grazing on the lands withdrawn.

SEC. 2908. MANAGEMENT OF WITHDRAWN AND RESERVED LANDS.

(a) IN GENERAL.—Except as provided in section 2916(d), during the withdrawal and reservation of any lands under this title, the Secretary of the Air Force shall manage such lands for purposes relating to the uses set forth in section 2902(b).

(b) MANAGEMENT ACCORDING TO PLAN.—The lands withdrawn and reserved by this title shall be managed in accordance with the provisions of this title under the integrated natural resources management plan prepared under section 2909.

(c) AUTHORITY TO CLOSE LAND.—If the Secretary of the Air Force determines that military operations, public safety, or the interests of national security require the closure to public use of any road, trail or other portion of the lands withdrawn by this title that are commonly in public use, the Secretary of the Air Force may take such action; Provided, that such closures shall be limited to the minimum areas and periods required for the purposes specified in this subsection. During closures, the Secretary of the Air Force shall keep appropriate warning notices posted and take appropriate steps to notify the public about the closure.

(d) LEASE AUTHORITY.—The Secretary of the Air Force may enter into leases for State lands with the State of Idaho in support of the Juniper Butte Range and operations at the Juniper Butte Range.

(e) PREVENTION AND SUPPRESSION OF FIRE.—

(1) The Secretary of the Air Force shall take appropriate precautions to prevent and suppress brush fires and range fires that occur within the boundaries of the Juniper Butte Range, as well as brush and range fires occurring outside the boundaries of the Range resulting from military activities.

(2) Notwithstanding section 2465 of title 10, United States Code, the Secretary of the Air Force may obligate funds appropriated or otherwise available to the Secretary of the Air Force to enter into contracts for firefighting.

(3)(A) The memorandum of understanding under section 2910 shall provide for the Bureau of Land Management to assist the Secretary of the Air Force in the suppression of the fires described in paragraph (1).

(B) The memorandum of understanding shall provide that the Secretary of the Air Force reimburse the Bureau of Land Management for any costs incurred by the Bureau of Land Management under this paragraph.

(f) USE OF MINERAL MATERIALS.—Notwithstanding any other provision of this title or the Act of July 31, 1947 (commonly known as the "Materials Act of 1947") (30 U.S.C. 601 et seq.), the Secretary of the Air Force may use, from the lands withdrawn and reserved by this title, sand, gravel, or similar mineral material resources of the type subject to disposition under the Act of July 31, 1947, when

the use of such resources is required for construction needs of the Juniper Butte Range.

SEC. 2909. INTEGRATED NATURAL RESOURCE MANAGEMENT PLAN.

(a) REQUIREMENT.—

(1) Not later than 2 years after the date of enactment of this title, the Secretary of the Air Force shall, in cooperation with the Secretary of the Interior, the State of Idaho and Owyhee County, develop an integrated natural resources management plan to address the management of the resources of the lands withdrawn and reserved by this title during their withdrawal and reservation under this title. Additionally, the Integrated Natural Resource Management Plan will address mitigation and monitoring activities by the Air Force for State and Federal lands affected by military training activities associated with the Juniper Butte Range. The foregoing will be done cooperatively between the Air Force and the Bureau of Land Management, the State of Idaho and Owyhee County.

(2) Except as otherwise provided under this title, the integrated natural resources management plan under this section shall be developed in accordance with, and meet the requirements of, section 101 of the Sikes Act (16 U.S.C. 670a).

(3) Site development plans shall be prepared prior to construction of facilities. These plans shall be reviewed by the Bureau of Land Management for Federal lands and the State of Idaho for State lands for consistency with the proposal assessed in the Enhanced Training in Idaho Environmental Impact Statement. The portion of the site development plans describing reconfigurable or replacement targets may be conceptual.

(b) ELEMENTS.—The integrated natural resources management plan under subsection (a) shall—

(1) include provisions for the proper management and protection of the natural, cultural, and other resources and values of the lands withdrawn and reserved by this title and for the use of such resources in a manner consistent with the uses set forth in section 2902(b);

(2) permit livestock grazing at the discretion of the Secretary of the Air Force in accordance with section 2907 or any other authorities relating to livestock grazing that are available to that Secretary;

(3) permit fencing, water pipeline modifications and extensions, and the construction of aboveground water reservoirs, and the maintenance and repair of these items on the lands withdrawn and reserved by this title, and on other lands under the jurisdiction of the Bureau of Land Management; and

(4) otherwise provide for the management by the Secretary of Air Force of any lands withdrawn and reserved by this title while retained under the jurisdiction of that Secretary under this title.

(c) PERIODIC REVIEW.—The Secretary of the Air Force shall, in cooperation with the Secretary of the Interior and the State of Idaho, review the adequacy of the provisions of the integrated natural resources management plan developed under this section at least once every 5 years after the effective date of the plan.

SEC. 2910. MEMORANDUM OF UNDERSTANDING.

(a) REQUIREMENT.—The Secretary of the Air Force, the Secretary of the Interior, and the Governor of the State of Idaho shall jointly enter into a memorandum of understanding to implement the integrated natural resources management plan required under section 2909.

(b) TERM.—The memorandum of understanding under subsection (a) shall apply to any lands withdrawn and reserved by this title until their relinquishment by the Secretary of the Air Force under this title.

(c) MODIFICATION.—The memorandum of understanding under subsection (a) may be modified by agreement of all the parties specified in that subsection.

SEC. 2911. MAINTENANCE OF ROADS.

The Secretary of the Air Force shall enter into agreements with the Owyhee County Highway District, Idaho, and the Three Creek Good Roads Highway District, Idaho, under which the Secretary of the Air Force shall pay the costs of road maintenance incurred by such districts that are attributable to Air Force operations associated with the Juniper Butte Range.

SEC. 2912. MANAGEMENT OF WITHDRAWN AND ACQUIRED MINERAL RESOURCES.

Except as provided in subsection 2908(f), the Secretary of the Interior shall manage all withdrawn and acquired mineral resources within the boundaries of the Juniper Butte Range in accordance with the Act of February 28, 1958 (known as the Engle Act; 43 U.S.C. 155–158).

SEC. 2913. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn and reserved by this title shall be conducted in accordance with the provision of section 2671 of title 10, United States Code.

SEC. 2914. WATER RIGHTS.

(a) LIMITATION.—The Secretary of the Air Force shall not seek or obtain any water rights associated with any water pipeline modified or extended, or above ground water reservoir constructed, for purposes of consideration under section 2907.

(b) NEW RIGHTS.—

(1) Nothing in this title shall be construed to establish a reservation in favor of the United States with respect to any water or water right on the lands withdrawn and reserved by this title.

(2) Nothing in this title shall be construed to authorize the appropriation of water on the lands withdrawn and reserved by this title by the United States after the date of enactment of this title unless such appropriation is carried out in accordance with the laws of the State of Idaho.

(c) APPLICABILITY.—This section may not be construed to affect any water rights acquired by the United States before the date of enactment of this title.

SEC. 2915. DURATION OF WITHDRAWAL.

(a) TERMINATION.—

(1) Except as otherwise provided in this section and section 2916, the withdrawal and reservation of lands by this title shall, unless extended as provided herein, terminate at one minute before midnight on the 25th anniversary of the date of the enactment of this title.

(2) At the time of termination, the previously withdrawn lands shall not be open to the general land laws including the mining laws and the mineral and geothermal leasing laws until the Secretary of the Interior publishes in the Federal Register an appropriate order which shall state the date upon which such lands shall be opened.

(b) RELINQUISHMENT.—

(1) If the Secretary of the Air Force determines under subsection (c) of this section that the Air Force has no continuing military need for any lands withdrawn and reserved by this title, the Secretary of the Air Force shall submit to the Secretary of the Interior a notice of intent to relinquish jurisdiction over such lands back to the Secretary of the Interior.

(2) The Secretary of the Interior may accept jurisdiction over any lands covered by a notice of intent to relinquish jurisdiction under paragraph (1) if the Secretary of the Interior determines that the Secretary of the Air Force has completed the environmental review required under section 2916(a) and the conditions under section 2916(c) have been met.

(3) If the Secretary of the Interior decides to accept jurisdiction over lands under paragraph (2) before the date of termination, as provided for in subsection (a)(1) of this section, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(A) revoke the withdrawal and reservation of such lands under this title;

(B) constitute official acceptance of administrative jurisdiction over the lands by the Secretary of the Interior; and

(C) state the date upon which such lands shall be opened to the operation of the general land laws, including the mining laws and the mineral and geothermal leasing laws, if appropriate.

(4) The Secretary of the Interior shall manage any lands relinquished under this subsection as multiple use status lands.

(5) If the Secretary of the Interior declines pursuant to paragraph (b)(2) of this section to accept jurisdiction of any parcel of the land proposed for relinquishment that parcel shall remain under the continued administration of the Secretary of the Air Force pursuant to section 2916(d).

(c) EXTENSION.—

(1) In the case of any lands withdrawn and reserved by this title that the Air Force proposes to include in a notice of extension because of continued military need under paragraph (2) of this subsection, the Secretary of the Air Force shall prior to issuing the notice under paragraph (2)—

(A) evaluate the environmental effects of the extension of the withdrawal and reservation of such lands in accordance with all applicable laws and regulations; and

(B) hold at least one public meeting in the State of Idaho regarding that evaluation.

(2) Notice of need for extension of withdrawal—

(A) Not later than 2 years before the termination of the withdrawal and reservation of lands by this title under subsection (a), the Secretary of the Air Force shall notify Congress and the Secretary of the Interior as to whether or not the Air Force has a continuing military need for any of the lands withdrawn and reserved by this title, and not previously relinquished under this section, after the termination date as specified in subsection (a) of this section.

(B) The Secretary of the Air force shall specify in the notice under subparagraph (A) the duration of any extension or further extension of withdrawal and reservation of such lands under this title; Provided however, the duration of each extension or further extension shall not exceed 25 years.

(C) The notice under subparagraph (A) shall be published in the Federal Register and a newspaper of local distribution with the opportunity for comments, within a 60-day period, which shall be provided to the Secretary of the Air Force and the Secretary of the Interior.

(3) Effect of notification.—

(A) Subject to subparagraph (B), in the case of any lands withdrawn and reserved by this title that are covered by a notice of extension under subsection (c)(2), the withdrawal and reservation of such lands shall extend under the provisions of this title after

the termination date otherwise provided for under subsection (a) for such period as is specified in the notice under subsection (c)(2).

(B) Subparagraph (A) shall not apply with respect to any lands covered by a notice referred to in that paragraph until 90 legislative days after the date on which the notice with respect to such lands is submitted to Congress under paragraph (2).

SEC. 2916. ENVIRONMENTAL REMEDIATION OF RELINQUISHED WITHDRAWN LANDS OR UPON TERMINATION OF WITHDRAWAL.

(a) ENVIRONMENTAL REVIEW.—

(1) Before submitting under section 2915 a notice of an intent to relinquish jurisdiction over lands withdrawn and reserved by this title, and in all cases not later than two years prior to the date of termination of withdrawal and reservation, the Secretary of the Air Force shall, in consultation with the Secretary of the Interior, complete a review that fully characterizes the environmental conditions of such lands (including any water and air associated with such lands) in order to identify any contamination on such lands.

(2) The Secretary of the Air Force shall submit to the Secretary of the Interior a copy of the review prepared with respect to any lands under paragraph (1). The Secretary of the Air Force shall also submit at the same time any notice of intent to relinquish jurisdiction over such lands under section 2915.

(3) The Secretary of the Air Force shall submit a copy of any such review to Congress.

(b) ENVIRONMENTAL REMEDIATION OF LANDS.—The Secretary of the Air Force shall, in accordance with applicable State and Federal law, carry out and complete environmental remediation—

(1) before relinquishing jurisdiction to the Secretary of the Interior over any lands identified in a notice of intent to relinquish under subsection 2915(b); or,

(2) prior to the date of termination of the withdrawal and reservation, except as provided under subsection (d) of this section.

(c) POSTPONEMENT OF RELINQUISHMENT.—The Secretary of the Interior shall not accept jurisdiction over any lands that are the subject of activities under subsection (b) of this section until the Secretary of the Interior determines that environmental conditions on the lands are such that—

(1) all necessary environmental remediation has been completed by the Secretary of the Air Force;

(2) the lands are safe for nonmilitary uses; and

(3) the lands could be opened consistent with the Secretary of the Interior's public land management responsibilities.

(d) JURISDICTION WHEN WITHDRAWAL TERMINATES.—If the determination required by section (c) cannot be achieved for any parcel of land subject to the withdrawal and reservation prior to the termination date of the withdrawal and reservation, the Secretary of the Air Force shall retain administrative jurisdiction over such parcels of land notwithstanding the termination date for the limited purposes of:

(1) environmental remediation activities under subsection (b); and,

(2) any activities relating to the management of such lands after the termination of the withdrawal reservation for military purposes that are provided for in the integrated natural resources management plan under section 2909.

(e) REQUEST FOR APPROPRIATIONS.—The Secretary of the Air Force shall request an appropriation pursuant to section 2919 sufficient to accomplish the remediation under this title.

SEC. 2917. DELEGATION OF AUTHORITY.

(a) AIR FORCE FUNCTIONS.—Except for executing the agreement referred to in section 2907, the Secretary of the Air Force may delegate that Secretary's functions under this title.

(b) INTERIOR FUNCTIONS.—

(1) Except as provided in paragraph (2), the Secretary of the Interior may delegate that Secretary's functions under this title.

(2) The order referred to in section 2915(b)(3) may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Interior.

(3) The approvals granted by the Bureau of Land Management shall be pursuant to the decisions of the Secretary of the Interior, or the Assistant Secretary for Land and Minerals Management.

SEC. 2918. SENSE OF SENATE REGARDING MONITORING OF WITHDRAWN LANDS.

(a) FINDING.—The Senate finds that there is a need for the Department of the Air Force, the Bureau of Land Management, the State of Idaho, and Owyhee County to develop a cooperative effort to monitor the impact of military activities on the natural, cultural, and other resources and values of the lands withdrawn and reserved by this title as well as other Federal and State lands affected by military activities associated with the Juniper Butte Range.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of the Air Force should ensure that the budgetary planning of the Department of the Air Force makes available sufficient funds to assure Air Force participation in the cooperative effort developed by the Department of the Air Force, the Bureau of Land Management, and the State of Idaho to monitor the impact of military activities on the natural, cultural, and other resources and values of the lands withdrawn and reserved by this title as well as other Federal and State lands affected by military activities associated with the Juniper Butte Range.

SEC. 2919. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

WELLSTONE AMENDMENT NO. 2894

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the appropriate place, add the following:

Paragraph (1) of section 1076(e) of Title 10, United States Code, is amended to read as follows:

(1) The administering Secretary shall furnish an abused dependent of a former member of a uniformed service described in paragraph (4), during that period that the abused dependent is in receipt of transitional compensation under section 1059 of this title, with medical and dental care, including mental health services, in facilities of the uniformed services in accordance with the same eligibility and benefits as were applicable for that abused dependent during the period of active service of the former member.

TORRICELLI (AND LAUTENBERG) AMENDMENT NO. 2895

(Ordered to lie on the table.)

Mr. TORRICELLI (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

At the end of subtitle E of title III, add the following:

SEC. 350. PERSONNEL REDUCTIONS IN ARMY MATERIEL COMMAND.

Not later than March 31, 1999, the Comptroller General shall submit to the congressional defense committees a report concerning—

(1) the effect that the proposed personnel reductions in the Army Materiel Command will have on workload and readiness if implemented; and

(2) the likelihood that the cost savings projected to occur from such reductions will actually be achieved.

ROBB AMENDMENT NO. 2896

(Ordered to lie on the table.)

Mr. ROBB submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. STANDARDIZATION OF AREAS OF RESPONSIBILITY FOR DEPARTMENTS AND AGENCIES HAVING MISSIONS ABROAD.

(a) STANDARDIZATION.—(1) The President shall submit to Congress a proposal for standardizing the geographic areas of responsibility of the departments and agencies of the Federal Government with respect to the responsibilities, if any, of those departments and agencies for matters abroad that involve the national security interests of the United States.

(2) The standardization of areas of responsibility of the departments and agencies under paragraph (1) shall conform the areas of responsibility of such departments and agencies to the geographic areas of responsibility assigned to the unified combatant commands.

(b) CONSULTATION.—In preparing the standardization of areas of responsibility under subsection (a), the President should consult with the Secretary of Defense, the Secretary of State, the Director of Central Intelligence, the National Security Advisor, the heads of the other departments and agencies to be covered by the standardization rules, and such other Federal officials as the President considers appropriate.

ROBB (AND COATS) AMENDMENT NO. 2897

(Ordered to lie on the table.)

Mr. ROBB (for himself, and Mr. COATS) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

On page 196, between lines 18 and 19, insert the following:

SEC. 908. PANEL ON INFRASTRUCTURE REFORM.

(a) ESTABLISHMENT.—Not later than December 1, 1998, the Secretary of Defense shall establish a nonpartisan, independent panel to be known as the Panel on Infrastructure Reform (in this section referred to as the "Panel"). The Panel shall have the duties set forth in this section.

(b) MEMBERSHIP.—The Panel shall be composed of a chairman and six other individuals appointed by the Secretary, in consultation with the Chairman and Ranking Member of the Committee on Armed Services of the

Senate and the Chairman and Ranking Member of the Committee on National Security of the House of Representatives, from among individuals in the private sector who are recognized experts in matters relating to defense and civilian infrastructure in the United States.

(c) DUTIES.—(1) The Panel shall—

(A) carry out an assessment of the current infrastructure and the projected infrastructure of the Department of Defense in order to identify the infrastructure required to sustain the proposed force structure of the Armed Forces through 2015;

(B) identify the infrastructure that is or will be excess to the infrastructure identified under paragraph (1); and

(C) develop a plan for restructuring the infrastructure in order to reduce unnecessary costs and inefficiencies associated with the infrastructure and to improve the effectiveness of the infrastructure in supporting the warfighting missions of the Armed Forces.

(2) In carrying out its duties under this subsection, the Panel shall, to the maximum extent practicable take into account the results and findings of the following:

(A) The Report of the Department of Defense on Base Realignment and Closure, dated April 1998.

(B) The Report of the National Defense Panel, dated December 1997.

(C) The Defense Reform Initiative, dated November 1997.

(D) The Report of the Quadrennial Defense Review, dated May 1997.

(E) The Report of the Commission on Roles and Missions of the Armed Forces, dated May 1995.

(d) REPORT.—(1) Not later than October 31, 1999, the Panel shall submit to the Secretary a report on its activities under subsection (c) the report shall—

(A) review the concept for future warfighting described in the document entitled "Joint Vision 2010" and assess how the infrastructure of the Department of Defense can be restructured to better support the operational concepts outlined in that document;

(B) assume the authorization of a base closure round in 2001;

(C) assess other restructuring options for the infrastructure that may be required to sustain the proposed force structure of the Armed Forces through 2015;

(D) assess the benefits, risks, and feasibility of new concepts for the infrastructure, including joint bases and facilities, so-called "superbases", offshore bases, and the so-called "new base concept" outlined in the report of the National Defense Panel;

(E) assess opportunities for further regionalization of administrative and other functions shared across many installations;

(F) assess the need for excess installation capacity in light of future remobilization requirements and prospects for further reductions in overseas basing options;

(G) assess the need for construction of new installations in the United States;

(H) assess the future role of overseas installations in supporting the proposed force structure of the Armed Forces;

(I) compare the infrastructure design of the United States with the defense infrastructure designs of other nations;

(J) recommend such modifications in the 1990 base closure law as the Panel considers appropriate to improve the efficiency and objectivity of the base closure process;

(K) compare the merits of requiring one additional round of base closures under that law with the merits of requiring more than one additional round of base closures under that law;

(L) recommend such alternative methods of eliminating excess infrastructure capacity as the Panel considers appropriate;

(M) develop methods and measures to further improve the ability of the Department of Defense to compare categories of infrastructure across the military departments;

(N) to the extent practicable, estimate the funding required to implement the changes proposed by the Panel, as well as the savings to be anticipated from such changes; and

(O) propose any recommendations for legislation that the Panel considers appropriate.

(2) Not later than November 30, 1999, the Secretary shall, after consultation with the Chairman of the Joint Chiefs of Staff, submit to the committees referred to in subsection (b) a copy of the report under paragraph (1), together with the Secretary's comments on the report.

(e) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from the Department of Defense and any of its components and from any other Federal department and agency such information as the Panel considers necessary to carry out its duties under this section. The head of the department or agency concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

(f) PERSONNEL MATTERS.—(1) Each member of the Panel shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Panel.

(2) The members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Panel.

(3)(A) The chairman of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director, and a staff of not more than four additional individuals, if the Panel determines that an executive director and staff are necessary in order for the Panel to perform its duties effectively. The employment of an executive director shall be subject to confirmation by the Panel.

(B) The chairman may fix the compensation of the executive director without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege. The Secretary shall ensure that sufficient personnel are detailed to the Panel to enable the Panel to carry out its duties effectively.

(5) To the maximum extent practicable, the members and employees of the Panel shall travel on military aircraft, military ships, military vehicles, or other military conveyances when travel is necessary in the performance of a duty of the Panel, except that no such aircraft, ship, vehicle, or other conveyance may be scheduled primarily for the transportation of any such member or employee when the cost of commercial transportation is less expensive.

(g) ADMINISTRATIVE PROVISIONS.—(1) The Panel may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(2) The Secretary shall furnish the Panel any administrative and support services requested by the Panel.

(3) The Panel may accept, use, and dispose of gifts or donations of services or property.

(h) PAYMENT OF PANEL EXPENSES.—The compensation, travel expenses, and per diem allowances of members and employees of the Panel shall be paid out of funds available to the Department of Defense for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department. The other expenses of the Panel shall be paid out of funds available to the Department for the payment of similar expenses incurred by the Department.

(i) TERMINATION.—The Panel shall terminate 30 days after the date on which the Panel submits its report to the Secretary under subsection (d)(1).

(j) DEFINITIONS.—In this section:

(1) The term "infrastructure" means the facilities, equipment, personnel, and other programs and activities of the Department of Defense that provide support to combat mission programs of the Department, including programs and activities relating to acquisition, installation support, central command, control, and communications, force management, central logistics, central medical, central personnel, and central training.

(2) The term "1990 base closure law" means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

BINGAMAN AMENDMENTS NOS. 2898–2901

(Ordered to lie on the table.)

Mr. BINGAMAN submitted four amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2898

On page 16, line 8, strike "$780,150,000", and insert in lieu thereof "$855,150,000".

On page 14, line 1, strike "$1,466,508,000", and insert in lieu thereof "$1,402,508,000".

On page 14, line 5, strike "$1,010,155,000", and insert in lieu thereof "$999,150,000".

AMENDMENT NO. 2899

On page 16, line 8, strike "$780,150,000", and insert in lieu thereof "$855,150,000".

AMENDMENT NO. 2900

On page 14, line 1, strike "$1,466,508,000", and insert in lieu thereof "$1,402,508,000".

AMENDMENT NO. 2901

On page 14, line 5, strike "$1,010,155,000", and insert in lieu thereof "$999,150,000".

WELLSTONE AMENDMENT NO. 2902

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 200, between lines 14 and 15, insert the following:

SEC. 1005. CHILD DEVELOPMENT PROGRAM.

(a) ADDITIONAL FUNDING.—The amount authorized to be appropriated by this Act for the Child Development Program of the Department of Defense is hereby increased by $270,000,000.

(b) OFFSET.—(1) Notwithstanding any other provision of this Act, the total amount authorized to be appropriated by this Act (other than the amount authorized to be appropriated for the Child Development Program) is reduced by $270,000,000.

(2) The Secretary of Defense shall allocate the amount of the reduction made by paragraph (1) equitably across each budget activity, budget activity group, budget subactivity group, program, project, or activity for which funds are authorized to be appropriated by this Act.

(c) USE OF FUNDS.—(1) The amount made available by subsection (a) shall be available for obligation and expenditure as follows:

(A) $41,000,000 shall be available in fiscal year 1999.

(B) $46,000,000 shall be available in fiscal year 2000.

(C) $53,000,000 shall be available in fiscal year 2001.

(D) $61,000,000 shall be available in fiscal year 2002.

(E) $70,000,000 shall be available in fiscal year 2003.

(2) Amounts available under this section shall be available for any programs under the Child Development Program, including programs for school-age care.

KENNEDY AMENDMENT NO. 2903

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 76, between lines 7 and 8, insert the following:

SEC. . JOINT DEPARTMENT OF DEFENSE—DEPARTMENT OF HEALTH AND HUMAN SERVICES PROGRAM TO PROMOTE KEY ELEMENTS OF THE MILITARY CHILDCARE SYSTEM.

(a) $10 million shall be reduced from line 44, Other Procurement Army for the ACUS Modification Program and made available for the program described under paragraph (B).

(b) The Secretary of Defense in cooperation with the Secretary of Health and Human Services shall design and implement a national program of technical assistance to states and communities to promote the key elements of the military child care model (including family child care networks, salary scales, accreditation, and monitoring.) At least 75 percent of funds shall be provided in the form of initiative matching grants to states and local communities interested in demonstrating key elements of the DOD childcare model.

BROWNBACK AMENDMENT NO. 2904

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. ___. SENSE OF SENATE REGARDING THE AUGUST 1995 ASSASSINATION ATTEMPT AGAINST PRESIDENT SHEVARDNADZE OF GEORGIA.

(a) FINDINGS.—Congress makes the following findings:

(1) On Tuesday, August 29, 1995, President Eduard Shevardnadze of Georgia narrowly survived a car bomb attack as he departed his offices in the Georgian Parliament building to attend the signing ceremony for the new constitution of Georgia.

(2) The former Chief of the Georgian National Security Service, Lieutenant General Igor Giorgadze, after being implicated in organizing the August 29, 1995, assassination attempt on President Shevardnadze, fled Georgia from the Russian-controlled Varziani airbase on a Russian military aircraft.

(3) Lieutenant General Giorgadze has been seen openly in Moscow and is believed to have been given residence at a Russian government facility despite the fact that Interpol is conducting a search for Lieutenant General Giorgadze for his role in the assassination attempt against President Shervardnadze.

(4) The Russian Interior Ministry claims that it is unable to locate Lieutenant General Giorgadze in Moscow.

(5) The Georgian Security and Interior Ministries presented information to the Russian Interior Ministry on November 13, 1996; January 17, 1997; March 7, 1997; March 24, 1997 and August 12, 1997, which included the exact location in Moscow of where Lieutenant General Giorgadze's family lived, the exact location where Lieutenant General Giorgadze lived outside of Moscow in a dacha of the Russian Ministry of Defense; as well as the changing official Russian government license tag numbers and description of the automobile that Lieutenant General Giorgadze uses; the people he associates with; the apartments he visits, and the places including restaurants, markets, and companies, that he frequents.

(6) On May 12, 1998, the Moscow-based Russian newspaper Zavtra carried an interview with Lieutenant General Giorgadze in which Lieutenant General Giorgadze calls for the overthrow of the Government of Georgia.

(7) Title II of the Foreign Operations Appropriations, Export Financing, and Related Programs Appropriations Act, 1998 (Public Law 105-118) prohibits assistance to any government of the new independent states of the former Soviet Union if that government directs any action in violation of the national sovereignty of any other new independent state.

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

(1) urge the Government of the Russian Federation to extradite the former Chief of the Georgian National Security Service, Lieutenant General Igor Giorgadze, to Georgia for the purpose of standing trial for his role in the attempted assassination of Georgian President Eduard Shevardnadze on August 29, 1995;

(2) request cooperation from the Minister of Defense of the Russian Federation in ensuring that Russian military bases on Georgian territory are no longer used to facilitate the escape of assassins seeking to kill the freely elected President of Georgia;

(3) make any joint United States-Russian programs funded under the authority of the National Defense Authorization Act for Fiscal Year 1999 contingent upon Russian respect for the national sovereignty of its neighbors; and

(4) use all authorities available to the Department of Defense to provide urgent and immediate assistance to bolster the training of personnel, and the delivery of equipment such as weapons, vehicles, vehicle armor, body armor, secure communications, surveillance and counter surveillance equipment, and bomb detection equipment, to ensure to the maximum extent practicable the personal security of President Shevardnadze.

SESSIONS AMENDMENTS NOS. 2905–2907

(Ordered to lie on the table.)

Mr. SESSIONS submitted three amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2905

On page 398, between lines 9 and 10, insert the following:

SEC. 3144. DEADLINE FOR SELECTION OF TECHNOLOGY FOR TRITIUM PRODUCTION.

(a) DEADLINE.—The Secretary of Energy shall select a technology for the production of tritium not later than December 31, 1998.

(b) OPTIONS AVAILABLE FOR SELECTION.—Notwithstanding any provision of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the Secretary shall make the selection under subsection (a) from between the following:

(1) The light-water reactor facility (Bellefonte Plant) in Hollywood, Alabama.

(2) Accelerator production of tritium.

AMENDMENT NO. 2906

On page 398, between lines 9 and 10, insert the following:

SEC. 3144. DEADLINE FOR SELECTION OF TECHNOLOGY FOR TRITIUM PRODUCTION.

(a) DEADLINE.—The Secretary of Energy shall select a technology for the production of tritium not later than December 31, 1998.

(b) OPTIONS AVAILABLE FOR SELECTION.—Notwithstanding any provision of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the Secretary shall make the selection under subsection (a) from between the following:

(1) A United States Government owned and operated commercial light water reactor.

(2) Accelerator production of tritium.

AMENDMENT NO. 2907

On page 398, between lines 9 and 10, insert the following:

SEC. 3144. DEADLINE FOR SELECTION OF TECHNOLOGY FOR TRITIUM PRODUCTION.

(a) DEADLINE.—The Secretary of Energy shall select a technology for the production of tritium not later than December 31, 1998.

(b) OPTIONS AVAILABLE FOR SELECTION.—Notwithstanding any provision of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), after the completion of the Department of Energy's evaluation of their Interagency Review on the production of Tritium, the Secretary shall make the selection for tritium production consistent with the laws, regulations and procedures of the Department of Energy as stated in subsection (a).

BROWNBACK AMENDMENT NO. 2908

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the end of subtitle A of title XXVII, add the following:

SEC. 2705. LIMITATION RELATING TO HOUSING OF RECRUITS DURING BASIC TRAINING.

(a) LIMITATION.—None of the funds authorized to be appropriated by this division may

be used for military construction unless the Secretary of the military department having jurisdiction of that armed force—

(1) requires by October 1, 2001 that during basic training, male and female recruits of that armed force be housed in separate barracks or other troop housing facilities; and

(2) if the Secretary of the military department concerned determines that facilities at that installation are insufficient for the purposes of compliance with the requirement for separate housing, the Secretary shall require that male and female recruits not be housed on the same floor of a barracks or other troop housing facility; and

(3) restricts the access by drill sergeants and other training personnel to a barracks floor on which recruits are housed during basic training, after the end of the training day, to drill sergeants and other training personnel who are of the same sex as the recruits housed on that floor, other than in case of an emergency or other exigent circumstance.

(b) SECTION 527 NOT TO TAKE EFFECT.—Section 527 shall not take effect.

STEVENS AMENDMENTS NOS. 2909–2911

(Ordered to lie on the table.)

Mr. STEVENS submitted three amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2909

At the end of subtitle B of title VI, add the following:

SEC. 620. RETENTION INCENTIVES INITIATIVE FOR CRITICALLY SHORT MILITARY OCCUPATIONAL SPECIALTIES.

(a) REQUIREMENT FOR NEW INCENTIVES.—The Secretary of Defense shall establish and provide for members of the Armed Forces qualified in critically short military occupational specialties a series of new incentives that the Secretary considers potentially effective for increasing the rates at which those members are retained in the Armed Forces for service in such specialties.

(b) CRITICALLY SHORT MILITARY OCCUPATIONAL SPECIALTIES.—For the purposes of this section, a military occupational specialty is a critically short military occupational specialty for an armed force if the number of members retained in that armed force in fiscal year 1998 for service in that specialty is less than 50 percent of the number of members of that armed force that were projected to be retained in that armed force for service in the specialty by the Secretary of the military department concerned as of October 1, 1997.

(c) INCENTIVES.—It is the sense of Congress that, among the new incentives established and provided under this section, the Secretary of Defense should include the following incentives:

(1) Family support and leave allowances.

(2) Increased special reenlistment or retention bonuses.

(3) Repayment of educational loans.

(4) Priority of selection for assignment to preferred permanent duty station or for extension at permanent duty station.

(5) Modified leave policies.

(6) Special consideration for Government housing or additional housing allowances.

(d) RELATIONSHIP TO OTHER INCENTIVES.—Incentives provided under this section are in addition to any special pay or other benefit that is authorized under any other provision of law.

(e) REPORTS.—(1) Not later than July 1, 1998, the Secretary of Defense shall submit to the congressional defense committees a report that identifies, for each of the Armed Forces, the critically short military occupational specialties to which incentives under this section are to apply.

(2) Not later than October 15, 1998, the Secretary of Defense shall submit to the congressional defense committees a report that specifies, for each of the Armed Forces, the incentives that are to be provided under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Defense for fiscal year 1999, in addition amounts authorized under the other provisions of this Act, such amount as may be necessary to carry out this section.

AMENDMENT NO. 2910

On page 199 of the bill, delete Subsection (c) of Sec. 1002.

AMENDMENT NO. 2911

In lieu of subsection (c) of Sec. 1002 in the bill insert the following:

"Senate Resolution 209, as agreed to by the Senate on April 2, 1998, is modified by striking the following text:

(1) $266,635,000,000 in total budget outlays, and

(2) $271,570,000,000 in total new budget authority; and inserting in lieu thereof the following:

(1) $268,169,000,000 in total budget outlays, and

(2) $273,428,600,000 in total new budget authority;"

SMITH AMENDMENT NO. 2912

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. POLICY ON DEPLOYMENT OF UNITED STATES FORCES IN BOSNIA AND HERZEGOVINA.

(a) LIMITATION.—None of the funds authorized to be appropriated under this Act may be expended after March 31, 1999, to support the continued deployment of ground combat forces of the Armed Forces of the United States in Bosnia and Herzegovina unless, on or before such date, each House of Congress votes on passage of legislation that, if adopted, would specifically authorize the continued deployment of ground combat forces of the Armed Forces of the United States in Bosnia and Herzegovina.

(b) PLAN FOR WITHDRAWAL OF FORCES.—If legislation referred to in subsection (a) is not presented to the President on or before March 31, 1999, the President shall submit to Congress, not later than September 30, 1999, a plan that provides for the ground combat forces of the Armed Forces of the United States in Bosnia and Herzegovina to be withdrawn from Bosnia and Herzegovina in an orderly and safe manner.

(c) PROHIBITION.—

(1) USE OF FUNDS AFTER MARCH 31, 1999.—After March 31, 1999, none of the funds authorized to be appropriated by this or any other Act may be obligated or expended to support the continued deployment of United States ground combat forces in Bosnia and Herzegovina, except for the purpose of implementing the withdrawal plan.

(2) CONDITION.—The prohibition on use of funds in paragraph (1) shall not take effect if a joint resolution described in subsection (d)(1) is enacted on or before March 31, 1999.

(d) PROCEDURES FOR JOINT RESOLUTION OF APPROVAL.—

(1) CONTENT OF JOINT RESOLUTION.—For the purposes of subsection (c)(2), "joint resolution" means only a joint resolution that sets forth as the matter after the resolving clause only the following: "That the continued deployment of ground combat forces of the Armed Forces of the United States in Bosnia and Herzegovina is authorized.".

(2) REFERRAL TO COMMITTEE.—A resolution described in paragraph (1) that is introduced in the Senate shall be referred to the Committee on Armed Services of the Senate. A resolution described in paragraph (1) that is introduced in the House of Representatives shall be referred to the Committee on National Security of the House of Representatives.

(3) DISCHARGE OF COMMITTEE.—If the committee to which is referred a resolution described in paragraph (1) has not reported such resolution (or an identical resolution) at the end of 7 calendar days after its introduction, the committee shall be deemed to be discharged from further consideration of the resolution and the resolution shall be placed on the appropriate calendar of the House involved.

(4) FLOOR CONSIDERATION.—

(A) IN GENERAL.—When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under paragraph (3)) from further consideration of, a resolution described in paragraph (1), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(B) DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(C) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on a resolution described in paragraph (1), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(D) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to

a resolution described in paragraph (1) shall be decided without debate.

(5) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by one House of a resolution of that House described in paragraph (1), that House receives from the other House a resolution described in paragraph (1), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee.

(B) With respect to a resolution described in paragraph (1) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(6) CONSIDERATION OF VETO.—

(A) ACTION UPON RECEIPT OF MESSAGE.—Upon receipt of a message from the President returning the joint resolution unsigned to the House of origin and setting forth his objections to the joint resolution, the House receiving the message shall immediately enter the objections at large on the journal of that House and the House shall proceed to the immediate reconsideration of the joint resolution the objections of the President to the contrary notwithstanding or of a motion to proceed to the immediate reconsideration of the joint resolution, or the joint resolution and objections shall lie on the table. Upon receipt of a message of a House transmitting the joint resolution and the objections of the President, the House receiving the message shall proceed to the immediate reconsideration of the joint resolution the objections of the President to the contrary notwithstanding or of a motion to proceed to the immediate reconsideration of the joint resolution, or the joint resolution and objections shall lie on the table. A motion to refer the joint resolution to a committee shall not be in order in either House.

(B) MOTION TO PROCEED.—After the receipt of a message by a House as described in subparagraph (A), it is at any time in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the reconsideration of the joint resolution the objections of the President to the contrary notwithstanding. The motion is highly privileged in the House of Representatives and is a question of highest privilege in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the reconsideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(C) DEBATE.—Debate on reconsideration of the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business is not in order. A motion to reconsider the vote by which the joint resolution is agreed to notwithstanding the objections of the President or disagreed to is not in order.

(D) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on reconsideration of the resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on the question of passage, the objections of the President to the contrary notwithstanding, shall occur.

(7) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

DOMENICI (AND BINGAMAN) AMENDMENT NO. 2913

(Ordered to lie on the table.)

Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 397, between lines 6 and 7, insert the following:

SEC. 3137. ACTIVITIES OF THE CONTRACTOR-OPERATED FACILITIES OF THE DEPARTMENT OF ENERGY.

(a) RESEARCH AND ACTIVITIES ON BEHALF OF NON-DEPARTMENT PERSONS AND ENTITIES.—(1) The Secretary of Energy may conduct research and other activities referred to in paragraph (2) through contractor-operated facilities of the Department of Energy on behalf of other departments and agencies of the Government, agencies of State and local governments, and private persons and entities.

(2) The research and other activities that may be conducted under paragraph (1) are those which the Secretary is authorized to conduct by law, and include, but are not limited to, research and activities authorized under the following:

(A) Section 33 of the Atomic Energy Act of 1954 (42 U.S.C. 2053).

(B) Section 107 of the Energy Reorganization Act of 1974 (42 U.S.C. 5817).

(C) The Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.).

(b) CHARGES.—(1) The Secretary shall impose on the department, agency, or person or entity for whom research and other activities are carried out under subsection (a) a charge for such research and activities equal to not more than the full cost incurred by the contractor concerned in carrying out such research and activities, which cost shall include—

(A) the direct cost incurred by the contractor in carrying out such research and activities; and

(B) the overhead cost associated with such research and activities.

(2)(A) Subject to subparagraph (B), the Secretary shall also impose on the department, agency, or person or entity concerned a Federal administrative charge (which includes any depreciation and imputed interest charges) in an amount not to exceed 3 percent of the full cost incurred by the contractor concerned in carrying out the research and activities concerned.

(B) The Secretary shall waive the imposition of the Federal administrative charge required by subparagraph (A) in the case of research and other activities conducted on behalf of small business concerns, institutions of higher education, non-profit entities, and State and local governments.

(3) Not later than 2 years after the date of enactment of this Act, the Secretary shall terminate any waiver of charges under section 33 of the Atomic Energy Act of 1954 (42 U.S.C. 2053) that were made before such date, unless the Secretary determines that such waiver should be continued.

(c) PILOT PROGRAM OF REDUCED FACILITY OVERHEAD CHARGES.—(1) The Secretary may, with the cooperation of participating contractors of the contractor-operated facilities of the Department, carry out a pilot program under which the Secretary and such contractors reduce the facility overhead charges imposed under this section for research and other activities conducted under this section.

(2) The Secretary shall carry out the pilot program at contractor-operated facilities selected by the Secretary in consultation with the contractors concerned.

(3) The Secretary and the contractor concerned shall determine the facility overhead charges to be imposed under the pilot program based on their joint review of all items included in the overhead costs of the facility concerned in order to determine which items are appropriately incurred as facility overhead charges by the contractor in carrying out research and other activities at such facility under this section.

(4) The Secretary shall commence carrying out the pilot program not later than October 1, 1999, and shall terminate the pilot program on September 30, 2003.

(5) Not later than January 31, 2003, the Secretary shall submit to the congressional defense committees, the Committee on Energy and Natural Resources of the Senate, and other appropriate committees of the House of Representatives an interim report on the results of the pilot program under this subsection. The report shall include any recommendations for the extension or expansion of the pilot program, including the establishment of multiple rates of overhead charges for various categories of persons and entities seeking research and other activities in contractor-operated facilities of the Department.

(d) PARTNERSHIPS AND INTERACTIONS.—(1) The Secretary of Energy shall encourage partnerships and interactions between each contractor-operated facility of the Department of Energy and universities and private businesses.

(2) The Secretary may take into account the progress of each contractor-operated facility of the Department in developing and expanding partnerships and interactions under paragraph (1) in evaluating the annual performance of such contractor-operated facility.

(e) SMALL BUSINESS TECHNOLOGY PARTNERSHIP PROGRAM.—(1) The Secretary may require that each contractor operating a facility of the Department establish a program at such facility under which the contractor shall enter into partnerships with small businesses at such facility relating to technology.

(2) The amount of funds expended by a contractor under a program under paragraph (1) at a particular facility may not exceed an amount equal to 0.25 percent of the total operating budget of the facility.

(3) Amounts expended by a contractor under a program—

(A) shall be used to cover the costs (including research and development costs and technical assistance costs) incurred by the contractor in connection with activities under the program; and

(B) may not be used for direct grants to small businesses.

(4) The Secretary shall submit to the congressional defense committees, the Committee on Energy and Natural Resources of the Senate, and the appropriate committee of the House of Representatives, together with the budget of the President for each fiscal year that is submitted to Congress under section 1105 of title 31, United States Code, an assessment of the program under this subsection during the preceding year, including the effectiveness of the program in providing opportunities for small businesses to interact with and use the resources of the contractor-operated facilities of the Department.

• Mr. DOMENICI. Mr. President, partnerships among our federal laboratories, universities, and industry provide important benefits to our nation. They help to create innovative new products and services that drive our economy and improve our quality of life. Today I submit the DOE Partnership Amendment to the National Defense Authorization Bill for Fiscal Year 1999. This Amendment improves the capabilities at the DOE sites for effective partnerships and interactions with other federal agencies, with the private sector, and with universities.

I have personally observed the positive impacts of well crafted partnerships. These partnerships enhance the ability of the laboratories and other contractor-operated facilities of the Department of Energy to accomplish their federal missions at the same time that the companies benefit though enhanced competitiveness from the technical resources available at these sites.

I have also seen important successes achieved by other federal agencies and companies that utilized the resources of the national laboratories and other Department sites through contract research mechanisms. Contract research enables these sites to contribute their technical expertise in cases where the private sector can not supply a customer's needs. Partnerships and other interactions enable companies and other agencies to accomplish their own missions better, faster, and cheaper.

I've seen spectacular examples where small businesses have been created around breakthrough technologies from the national laboratories and other contractor-operated sites of the DOE. But, at present, only the Department's Defense Programs has a specific program for small business partnerships and assistance.

All programs of the Department have expertise that can be driving small business successes. Historically, in the United States, small businesses have often been the most innovative and the fastest to exploit new technical opportunities—all of the Department's programs should be open to the small business interactions that Defense Programs has so effectively utilized.

I have been concerned that barriers to these partnerships and interactions continue to exist within the Department of Energy. In addition, the Department's laboratories and other sites need continuing encouragement to be fully receptive to partnership opportunities that meet both their own mission objectives and industry's goals. And finally, small business interactions should be encouraged across the Department of Energy, not only in Defense Programs.

For these reasons, I introduced S. 1874 on March 27, 1998, the Department of Energy Small Business and Industry Partnership Enhancement Act of 1998, which was co-sponsored by Senators Thompson, Craig, Kempthorne, Bingaman, Reid, and Lieberman. The National Coalition for Advanced Manufacturing, or NACFAM, endorsed our actions with S. 1874, describing it as "a crucial step in reducing barriers to cooperation between the national laboratories and private industry, higher education institutions, non-profit entities, and state and local governments." NACFAM also noted that this "bill supports our shared conviction that collaborative R&D will further strengthen America's productivity growth and national security."

Today I submit, with Senator BINGAMAN as a co-sponsor, language for amendment of the National Defense Authorization Bill for Fiscal Year 1999 that accomplishes almost the same goals as S. 1874. This Amendment was developed through consultation with several of the co-sponsors, the Senate Energy and Natural Resources Committee, the Senate Committee on Armed Services, and the Department of Energy.

This Amendment removes barriers to more effective utilization of all of the Department's contractor-operated facilities by industry, other federal agencies, and universities. The Amendment covers all the Department's contractor-operated facilities—national laboratories and their other sites like Kansas City, Pantex, Hanford, Savannah River, or the Nevada Test Site.

This Amendment also provides important encouragement to the contractor-operated sites to increase their partnerships and other interactions with universities and companies. And finally, it creates opportunities for small businesses to benefit from the technical resources available at all of the Department's contractor-operated facilities.

This Amendment supplements the authority of the Atomic Energy Act, which limited the areas wherein the Department's facilities could provide research and other services, not in competition with the private sector, to only those mission areas undertaken in the earliest days of the AEC. My Amendment recognizes that the Department's responsibilities are far broader than the original AEC, and that all parts of the Department should be available to help on a contract basis wherever capabilities are not available from private industry.

One barrier at the Department to contract research involves charges added by the Department to the cost of work accomplished by a site. At some laboratories, these charges now range up to 25%. This Amendment requires that charges to customers for research and other services at these facilities be fully recovered, and sharply limits addition of extra charges by the Department to only 3%. The Amendment further requires waiver of these extra charges for small business and nonprofit entities and provides a process for the Secretary of Energy to continue any pre-existing waivers.

The Amendment creates a five-year pilot program for external customers that enables facilities to examine their overhead rates and determine if an alternative lower rate serves to cover services actually used by these customers. For example, where companies or universities do not require secure facilities or do not utilize the extensive special nuclear material capabilities of the laboratories, then the customer will be charged an overhead rate that excludes security costs and environmental legacy costs. This pilot program will enable the Department and facilities to evaluate the impact of these lower overhead rates for one important class of external customers. The Department is required to report in 2003 on the interim results of this Pilot and to provide recommendations on possibly continuing this Pilot and even extending it to include other federal customers.

The Amendment provides direct encouragement for expansion of partnerships and interactions with companies and universities by requiring that each facility be annually judged for success in expanding these interactions in ways that support each facility's missions. The Amendment requires that the external partnership and interaction program be considered in evaluating the annual contract performance at each site.

And finally, the Amendment sets up a new Small Business Partnership Program in which all of the Department sites participate. This action will enable small businesses across the United States to better access and partner with any of the Department's contractor-owned facilities. A fund for such interactions up to 0.25 percent of the total site budget is available for these small business interactions.

With these changes, Mr. President, the Department of Energy facilities will be better able to meet their critical national missions, while at the same time assisting other federal agencies, large and small businesses, and

universities in better meeting their goals and missions.●

THURMOND (AND DOMENICI) AMENDMENT NO. 2914

(Ordered to lie on the table.)

Mr. THURMOND (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

At the appropriate place add the following:

Section 3307 of title 5, United States Code, is amended as follows:

(1) by striking in subsection (a) "and (d)" and inserting in its place "(d), (e), and (f)"; and

(2) by adding the following new subsection (f) after subsection (e); "(f) The Secretary of Energy may determine and fix the maximum age limit for an original appointment to a position as a Department of Energy nuclear materials courier, so defined by section 8331(27) of this title.

SEC. 2. Section 8331 of Title 5, United States Code, is amended as follows:

By adding the following new paragraph (27) after paragraph (26):

"(27) Department of Energy nuclear materials courier means an employee of the Department of Energy or its predecessor agencies, the duties of whose position are primarily to transport, and provide armed escort and protection during transit of, nuclear weapons, nuclear weapon components, strategic quantities of special nuclear materials or other materials related to national security, including an employee who remains fully certified to engage in this activity who is transferred to a supervisory, training, or administrative position".

SEC. 3 (a) The first sentence of Section 8334(a)(1) of Title 5. United States Code, is amended by striking "and a firefighter," and inserting in its place "a firefighter, and a Department of Energy nuclear materials courier,".

(b) Section 8334(c) of Title 5, United States Code, is amended by adding the following new schedule after the schedule for a Member of the Capitol Police:

"Department of Energy nuclear materials courier for courier service (while employed by DOE and its predecessor agencies):

5: July 1, 1942 to June 30, 1948.

6: July 1, 1948 to October 31, 1956.

6½: November 1, 1956 to December 31, 1969.

7: January 1, 1970 to December 31, 1974.

7½: After December 31, 1974.".

SEC. 4. Section 8336(c)(1) of Title 5, United States Code, is amended by striking "or firefighter" and inserting in its place, "a firefighter, or a Department of Energy nuclear materials courier,".

SEC. 5. Section 8401 of title 5, United States Code, is amended as follows:

By adding the following new paragraph (33) after paragraph (32): "(33) Department of Energy nuclear materials courier means an employee of the Department of Energy or its predecessor agencies, the duties of whose position are primarily to transport, and provide armed escort and protection during transit of, nuclear weapons, nuclear weapons components, strategic quantities of special nuclear materials, or other materials related to national security, including an employee who remains fully certified to engage in this activity who is transferred to a supervisory, training, or administrative position.".

SEC. 6. Section 8412(d) of Title 5, United States Code, is amended by striking "or firefighter" in paragraphs (1) and (2) and inserting in its place, "a firefighter, or a Department of Energy nuclear materials courier.".

SEC. 7. Section 8415(g) of Title 5, United States Code, is amended by striking "firefighter" and inserting in its place "firefighter, Department of Energy nuclear materials courier,".

SEC. 8. Section 8422(a)(3) of Title 5, United States Code, is amended by striking "firefighter" in the schedule and inserting in its place "firefighter, Department of Energy nuclear materials courier,".

SEC. 9. Sections 8423(a)(1)(B)(i) and 8423(a)(3)(A) of Title 5, United States Code, are amended by striking "Firefighters" and inserting in its place "firefighters, Department of Energy nuclear materials couriers,".

SEC. 10. Section 8335(b) of title 5, United States Code, is amended by adding the words "or Department of Energy Nuclear Materials Couriers" after the word "officer" in the second sentence.

SEC. 11. These amendments are effective at the beginning of the first pay period after the date of enactment of this Act.

CONRAD (AND OTHERS) AMENDMENT NO. 2915

(Ordered to lie on the table.)

Mr. CONRAD (for himself, Mr. KEMPTHORNE, Mr. KENNEDY, and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

At the appropriate place in subtitle D of title X, insert the following:

SEC. RUSSIAN NON-STRATEGIC NUCLEAR WEAPONS.

(a) SENSE OF THE SENATE.—It is the Sense of the Senate that

(1) the 7,000 to 12,000 or more non-strategic (or "tactical") nuclear weapons estimated by the United States Strategic Command to be in the Russian arsenal may present the greatest threat of sale or theft of a nuclear warhead in the world today;

(2) as the number of deployed strategic warheads in the Russian and United States arsenals declines to just a few thousand under the START accords, Russia's vast superiority in tactical nuclear warheads—many of which have yields equivalent to strategic nuclear weapons—could become strategically destabilizing;

(3) while the United States has unilaterally reduced its inventory of tactical nuclear warheads by nearly ninety percent since the end of the Cold War, Russia is behind schedule in implementing the steep tactical nuclear arms reductions pledged by former Soviet President Gorbachev in 1991 and Russian President Yeltsin in 1992, perpetuating the dangers from Russia's tactical nuclear stockpile;

(4) the President of the United States should call on the Russian Federation to expedite reduction of its tactical nuclear arsenal in accordance with the promises made in 1991 and 1992, and pledge continued cooperation from the United States in reducing Russia's tactical nuclear stockpile; and

(5) it is a top foreign policy priority of the United States to work aggressively to reduce the threats from the non-strategic nuclear arsenal of the Russian Federation, through continued cooperation on accounting for, security, and reducing Russia's stockpile of tactical nuclear warheads and associated fissile material.

(b) REPORT.—Not later than March 15, 1999, the Secretary of Defense shall submit to the Congress a report on Russia's non-strategic nuclear weapons, including

(1) estimates regarding the current numbers, types, yields, viability, and locations of such warheads;

(2) an assessment of the strategic implications of the Russian Federation's non-strategic arsenal, including the potential use of such warheads in a strategic role or the use of their components in strategic nuclear systems;

(3) an assessment of the extent of the current threat of theft, sale, or unauthorized use of such warheads, including an analysis of Russian command and control as it concerns the use of tactical nuclear warheads;

(4) a summary of past, current, and planned efforts to work cooperatively with the Russian Federation to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material; and

(5) options for additional threat reduction initiatives concerning Russia's tactical nuclear stockpile.

This report shall include the views of the Director of Central Intelligence and the Commander in Chief of the United States Strategic Command.

BYRD AMENDMENT NO. 2916

(Ordered to lie on the table.)

Mr. BYRD submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

Strike out section 527, and insert in lieu thereof the following:

SEC. 527. REQUIREMENTS RELATING TO RECRUIT BASIC TRAINING.

(a) ARMY.—(1) Chapter 401 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4319. Recruit basic training: separate platoons and separate housing for male and female recruits

"(a) SEPARATE PLATOONS.—The Secretary of the Army shall require that during basic training—

"(1) male recruits shall be assigned to platoons consisting only of male recruits; and

"(2) female recruits shall be assigned to platoons consisting only of female recruits.

"(b) SEPARATE HOUSING FACILITIES.—The Secretary of the Army shall require that during basic training male and female recruits be housed in separate barracks or other troop housing facilities.

"(c) INTERIM AUTHORITY FOR HOUSING RECRUITS ON SEPARATE FLOORS.—(1) If the Secretary of the Army determines that it is not feasible, during some or all of the period beginning on April 15, 1999, and ending on October 1, 2001, to comply with subsection (b) at any particular installation at which basic training is conducted because facilities at that installation are insufficient for such purpose, the Secretary may grant a waiver of subsection (b) with respect to that installation. Any such waiver may not be in effect after October 1, 2001, and may only be in effect while the facilities at that installation are insufficient for the purposes of compliance with subsection (b).

"(2) If the Secretary grants a waiver under paragraph (1) with respect to an installation, the Secretary shall require that male and female recruits in basic training at that installation during any period that the waiver is in effect not be housed on the same floor of a barracks or other troop housing facility.

"(d) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training program of the Army that

constitutes the basic training of new recruits.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4319. Recruit basic training: separate platoons and separate housing for male and female recruits.".

(3) The Secretary of the Army shall implement section 4319 of title 10, United States Code, as added by paragraph (1), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 15, 1999.

(b) NAVY AND MARINE CORPS.—(1) Part III of subtitle C of title 10, United States Code, is amended by inserting after chapter 601 the following new chapter:

"CHAPTER 602—TRAINING GENERALLY

"Sec.

"6931. Recruit basic training: separate small units and separate housing for male and female recruits.

"§ 6931. Recruit basic training: separate small units and separate housing for male and female recruits

"(a) SEPARATE SMALL UNIT ORGANIZATION.—The Secretary of the Navy shall require that during basic training—

"(1) male recruits in the Navy shall be assigned to divisions, and male recruits in the Marine Corps shall be assigned to platoons, consisting only of male recruits; and

"(2) female recruits in the Navy shall be assigned to divisions, and female recruits in the Marine Corps shall be assigned to platoons, consisting only of female recruits.

"(b) SEPARATE HOUSING.—The Secretary of the Navy shall require that during basic training male and female recruits be housed in separate barracks or other troop housing facilities.

"(c) INTERIM AUTHORITY FOR HOUSING RECRUITS ON SEPARATE FLOORS.—(1) If the Secretary of the Navy determines that it is not feasible, during some or all of the period beginning on April 15, 1999, and ending on October 1, 2001, to comply with subsection (b) at any particular installation at which basic training is conducted because facilities at that installation are insufficient for that purpose, the Secretary may grant a waiver of subsection (b) with respect to that installation. Any such waiver may not be in effect after October 1, 2001, and may only be in effect while the facilities at that installation are insufficient for the purposes of compliance with subsection (b).

"(2) If the Secretary grants a waiver under paragraph (1) with respect to an installation, the Secretary shall require that male and female recruits in basic training at that installation during any period that the waiver is in effect not be housed on the same floor of a barracks or other troop housing facility.

"(d) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training programs of the Navy and Marine Corps that constitute the basic training of new recruits.".

(2) The tables of chapters at the beginning of subtitle C, and at the beginning of part III of subtitle C, of such title are amended by inserting after the item relating to chapter 601 the following new item:

"602. Training Generally ..... 6931".

(3) The Secretary of the Navy shall implement section 6931 of title 10, United States Code, as added by paragraph (1), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 15, 1999.

(c) AIR FORCE.—(1) Chapter 901 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 9319. Recruit basic training: separate flights and separate housing for male and female recruits

"(a) SEPARATE FLIGHTS.—The Secretary of the Air Force shall require that during basic training—

"(1) male recruits shall be assigned to flights consisting only of male recruits; and

"(2) female recruits shall be assigned to flights consisting only of female recruits.

"(b) SEPARATE HOUSING.—The Secretary of the Air Force shall require that during basic training male and female recruits be housed in separate dormitories or other troop housing facilities.

"(c) INTERIM AUTHORITY FOR HOUSING RECRUITS ON SEPARATE FLOORS.—(1) If the Secretary of the Air Force determines that it is not feasible, during some or all of the period beginning on April 15, 1999, and ending on October 1, 2001, to comply with subsection (b) at any particular installation at which basic training is conducted because facilities at that installation are insufficient for such purpose, the Secretary may grant a waiver of subsection (b) with respect to that installation. Any such waiver may not be in effect after October 1, 2001, and may only be in effect while the facilities at that installation are insufficient for the purposes of compliance with subsection (b).

"(2) If the Secretary grants a waiver under paragraph (1) with respect to an installation, the Secretary shall require that male and female recruits in basic training at that installation during any period that the waiver is in effect not be housed on the same floor of a dormitory or other troop housing facility.

"(d) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training program of the Air Force that constitutes the basic training of new recruits.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"9319. Recruit basic training: separate flights and separate housing for male and female recruits.".

(3) The Secretary of the Air Force shall implement section 9319 of title 10, United States Code, as added by paragraph (1), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 15, 1999.

SANTORUM AMENDMENTS NOS. 2917–2918

(Ordered to lie on the table.)

Mr. SANTORUM submitted two amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2917

On page 157, between lines 13 and 14, insert the following:

(i) REQUIREMENT RELATING TO PHARMACY BENEFIT.—In carrying out the demonstration projects under this section, the Secretary shall ensure that the copayments, deductibles, or other financial incentives or disincentives applicable to participating eligible individuals with respect to prescription drugs apply uniformly regardless of the delivery method of the prescription drugs concerned.

AMENDMENT NO. 2918

At the appropriate place, insert the following new section:

SEC. . The Committee directs the Secretary of Defense to complete a review of the Defense Automated Printing Service (DAPS), utilizing a private sector source, and provide a report by March 31, 1999. The report shall include:

(1) A list of each inherently national security-oriented and non-inherently national security-oriented functions performed by DAPS;

(2) A description of the management structure of DAPS, including the location of all DAPS sites;

(3) The total number of personnel employed by DAPS and their location;

(4) A description of the functions performed by DAPS and the number of DAPS employees performing each of the DAPS functions;

(5) A site assessment of the type of equipment at each DAPS site;

(6) The type and explanation of the networking and technology integration linking all DAPS sites;

(7) Identify current and future customer requirements;

(8) Assess the effectiveness of DAPS current structure in supporting current and future customer needs and plans to address any shortcomings;

(9) Identify and discuss best business practices that are utilized by DAPS, and such practices that could be utilized by DAPS; and

(10) Provide options on maximizing the DAPS structure and services to provide the most cost effective service to its customers.

BAUCUS AMENDMENT NO. 2919

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the appropriate place add the following:

In Title III—Operation and Maintenance, Sec. 301. Operation and Maintenance Finding, (17) Environmental Restoration Defense-wide, there is authorized to be appropriated under this heading, $10,500,000 for a curatorial collections and processing facility at the Museum of the Rockies, a division of Montana State University-Bozeman.

D'AMATO AMENDMENT NO. 2920

(Ordered to lie on the table.)

Mr. D'AMATO submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

CHAPTER 45. THE UNIFORM

SEC. 772. WHEN WEARING BY PERSONS NOT ON ACTIVE DUTY AUTHORIZED.

"Chapter 45 of title 10, United States Code, is amended by adding at the end of section 772, the following new subsection:

"(k) A member of a state militia force (other than the Army National Guard or the Air National Guard) or a state defense force that is authorized and administered pursuant to state law may wear the uniform prescribed for that state militia force or that state defense force by competent state authority."

KYL AMENDMENT NO. 2921

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

Section 3155 of National Defense Authorization Act for Fiscal Year 1996 (P.L. 104–106) is amended by inserting the following:

"(c) Agencies, including the National Archives and Records Administration, shall conduct a visual inspection of all permanent records of historical value which are 25 years old of older prior to declassification to ascertain that they contain no pages with Restricted Data or Formerly Restricted Data (FRD) markings (as defined by the Atomic Energy Act or 1954, as amended). Record collection in which marked RD or FRD is found shall be set aside pending the completion of a review by the Department of Energy."

BAUCUS AMENDMENT NO. 2922

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

Strike page 51, line 3—page 52 line 9 and replace with the following:

"(a) AUTHORITY TO TRANSPORT.—(1) Subject to paragraphs (2) and (3), the Secretary of the Defense and the Secretaries of the military departments may provide for the transportation into the customs territory of the United States of polychlorinated biphenyls generated by or under the control of the Department of Defense for purposes of their disposal, treatment, or storage in the customs territory of the United States.

"(2) Polychlorinated biphenyls may be transported into the customs territory of the United States under paragraph (1) only if the Administrator of the Environmental Protection Agency determines that: (A) the transportation and disposal, treatment or storage will not result in an unreasonable risk of injury to health or the environment; and (B) there is no reasonably available alternative location for disposition in an environmentally sound manner.

"(3) Not later than 60 days after enactment of this Act, the Department shall submit to the Administrator of EPA a plan that provides for the transportation and disposition of foreign manufactured PCBs that the Department seeks to transport to the United States from abroad. The plan shall include information that specifies the type, volume, concentration and source of all PCBs that the Department seeks to transport to the United States, the identification of the receiving facility, and information required under subparagraph (2)(B). If, after public notice and comment, the Administrator of EPA determines that the plan meets the criteria under paragraph (2), the Department may transport PCBs in accordance with the plan.

"(b) DISPOSAL.—(1) The disposal, treatment, and storage of polychlorinated biphenyls transported into the customs territory of the United States under subsection (a) shall be governed by the provisions of the Toxic Substances Control Act (15 U.S.C. 2601 et seq.).

"(2) A chemical waste landfill may not be used for the disposal, treatment, or storage of polychlorinated biphenyls transported into the customs territory of the United States under subsection (a) unless the landfill meets all of the technical requirements specified in section 761.75(b)(8) of title 40. Code of Federal Regulations, as in effect on the date that was one year before the date of enactment of the National Defense Authorization Act for Fiscal Year 1999.

"(c) CUSTOMS TERRITORY OF THE UNITED STATES DEFINED.—In this section, the term 'customs territory of the United States' has the meaning given that term in General Note 2 of the Harmonized Tariff Schedule of the United States.".

"(d) The Department shall submit to Congress an annual report on the transport and disposal of PCBs under this section.

DURBIN AMENDMENT NO. 2923

(Ordered to lie on the table.)

Mr. DURBIN submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the appropriate place add the following:

SEC. 708. AVAILABILITY OF REHABILITATIVE SERVICES UNDER TRICARE FOR HEAD INJURIES.

The Assistant Secretary of Defense for Health Affairs shall revise the TRICARE policy manual to clarify that rehabilitative services are available to a patient for a head injury when the treating physician certifies that such services would be beneficial for the patient and there is potential for the patient to recover from the injury.

The Assistant Secretary of Defense for Health Affairs shall review whether each regional TRICARE PRIME health plan has a sufficient number, distribution, and variety of qualified participating health care providers to ensure that all covered health care services, including specialty services, will be available and accessible in a timely manner to all participants, beneficiaries, and enrollees under the plan or coverage.

If a plan does not have an adequate network of providers in proximity to the location where the enrollee or their family is stationed, then the plan will refer the individual to another appropriate health care provider, specialist, facility, or center, at no additional cost to the individual beyond what the individual would otherwise pay for services received by such a specialist or facility that is a participating provider.

DODD AMENDMENTS NOS. 2924–2925

(Ordered to lie on the table.)

Mr. DODD submitted two amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2924

At the appropriate place, insert the following:

SEC. 634. ARMY PENSION PROGRAM.

(a) $750,000 will be authorized to be appropriated from existing Department of the Army funds to alleviate the backlog of pension packages for Army, Army Reserve and National Guard retirees.

(b) The Secretary of the Army shall alleviate such backlog by December 31, 1998 and report to Congress no later than January 31, 1999 regarding the current status of the backlog and what, if any, additional measures are needed to ensure that pension packages are processed in a timely fashion.

AMENDMENT NO. 2925

At the appropriate place, insert the following:

SEC. 634. ARMY PENSION PROGRAM.

(a) $750,000 will be authorized to be appropriated from existing Department of the Army funds to alleviate the backlog of pension packages for Army, Army Reserve and National Guard retirees.

(b) The Secretary of the Army shall alleviate such backlog by December 31, 1998 and report to Congress no later than January 31, 1999 regarding the current status of the backlog and what, if any, additional measures are needed to ensure that pension packages are processed in a timely fashion.

LEAHY AMENDMENT NO. 2926

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 42, between lines 9 and 10, insert the following:

SEC. 232. LANDMINES.

(a) AVAILABILITY OF FUNDS.—(1) Of the amounts authorized to be appropriated in section 201, $17,200,000 shall be available for activities relating to the identification, adaptation, modification, research, and development of existing and new tactics, technologies, and operational concepts that—

(A) would provide a combat capability that is comparable to the combat capability provided by anti-personnel landmines, including anti-personnel landmines used in mixed mine systems; and

(B) comply with the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

(2) The amount available under paragraph (1) shall be derived as follows:

(A) $12,500,000 shall be available from amounts authorized to be appropriated by section 201(1).

(B) $4,700,000 shall be available from amounts authorized to be appropriated by section 201(4).

(b) STUDIES.—(1) Not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall enter into a contract with each of two appropriate scientific organizations for purposes of identifying existing and new tactics, technologies, and concepts referred to in subsection (a).

(2) Each contract shall require the organization concerned to submit a report to the Secretary and to Congress, not later than one year after the execution of such contract, describing the activities under such contract and including recommendations with respect to the adaptation, modification, and research and development of existing and new tactics, technologies, and concepts identified under such contract.

(3) Amounts available under subsection (a) shall be available for purposes of the contracts under this subsection.

(c) REPORTS.—Not later than April 1 of each of 1999 through 2001, the Secretary shall submit to the congressional defense committees a report describing the progress made in identifying and deploying tactics, technologies, and concepts referred to in subsection (a).

(d) DEFINITIONS.—In this section:

(1) ANTI-PERSONNEL LANDMINE.—The term "anti-personnel landmine" has the meaning given the term "anti-personnel mine" in Article 2 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

(2) MIXED MINE SYSTEM.—The term "mixed mine system" includes any system in which an anti-vehicle landmine or other munition is constructed with or used with one or more anti-personnel landmines, but does not include an anti-handling device as that term is defined in Article 2 of the Convention on the

Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

GRAMM AMENDMENTS NOS. 2927–2928

(Ordered to lie on the table.)

Mr. GRAMM submitted two amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2927

At the appropriate place, add the following:

SEC. . INCREASED NUMBER OF NAVAL RESERVE OFFICERS' TRAINING CORPS SCHOLARSHIPS AUTHORIZED AT EACH SENIOR MILITARY COLLEGE.

Section 2107(h) of title 10, United States Code, is amended by adding at the end the following:

"(3)(A) Subject to subparagraph (B), up to 40 entering freshmen midshipmen of the Naval Reserve Officers' Training Corps at each senior military college shall receive financial assistance under this section. Midshipmen must be qualified by the Navy and must choose to attend the senior military college.

"(B) In the case of a senior military college with more than 1,000 members of its total Corps of Cadets at the college, the number under subparagraph (A) shall be increased by one for each 100 members of its total Corps of Cadets at such college in excess of 1,000 members. The Corps of Cadets' size shall be based on the enrollment at the beginning of the academic year.

"(C) In this paragraph, the term 'senior military college' means an institution of higher education listed in section 2111a(d) of this title.".

"(D) Nothing in this section shall prevent the Navy from allowing a larger number of midshipmen to attend a given senior military college.

AMENDMENT NO. 2928

SEC. 644. INCREASED NUMBER OF NAVAL RESERVE OFFICERS' TRAINING CORPS SCHOLARSHIPS AUTHORIZED AT EACH SENIOR MILITARY COLLEGE.

Section 2107(h) of title 10, United States Code, is amended by adding at the end the following:

"(3)(A) Subject to subparagraph (B), up to 40 entering freshmen midshipmen of the Naval Reserve Officers' Training Corps at each senior military college shall received financial assistance under this section. Midshipmen must be qualified by the Navy and must choose to attend the senior military college.

"(B) In the case of a senior military college with more than 1,000 members of its total Corps of Cadets at the college, the number under subparagraph (A) shall be increased by one for each 100 members of its total Corps of Cadets at such college in excess of 1,000 members. The Corps of Cadets' size shall be based on the enrollment at the beginning of the academic year.

"(C) In this paragraph, the term 'senior military college' means an institution of higher education listed in section 2111a(d) of this title.".

"(D) Nothing in this section shall prevent the Navy from allowing a larger number of midshipmen to attend a given senior military college.

KENNEDY AMENDMENT NO. 2929

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the appropriate place add the following:

Subtitle E—Other Programs

SEC. 141. ASSISTANCE AND GRANTS TO STATE AND LOCAL GOVERNMENTS FOR IMPLEMENTATION OF KEY ELEMENTS OF THE MILITARY CHILD CARE MODEL.

(a) PROGRAM.—The Secretary of Defense shall, in consultation with the Secretary of Health and Human Services, develop and implement a program of assistance to State and local governments nationwide in order to promote the implementation by such governments of the key elements of the military child care model (including family child care networks, salary scales, accreditation, and monitoring, and other programs and requirements associated with that model).

(b) PROGRAM ELEMENTS.—(1) Under the program, the Secretary shall—

(A) provide technical assistance to State and local governments nationwide in the implementation of the key elements of the military child care model; and

(B) make grants to States interested in demonstrating key elements of the model for purposes of the implementation of such elements by such States and localities within such States.

(2) The Secretary may make a grant to a State under paragraph (1)(B) only if the State commits an amount equal to the amount of the grant for purposes of the implementation by the State and localities within the State of the key elements of the military child care model.

(c) USES OF FUNDS.—Of the amounts available under subsection (d) for the program under this section—

(1) not less than 75 percent shall be available for grants under subparagraph (B) of subsection (b)(1); and

(2) the remainder shall be available for the provision of technical assistance under subparagraph (A) of subsection (b)(1).

(d) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 101(5), $10,000,000 shall be available for purposes of the program under this section.

WARNER AMENDMENT NO. 2930

(Ordered to lie on the table.)

Mr. WARNER submitted an amendment intended to be proposed by him to amendment No. 2791 submitted by Ms. MIKULSKI to the bill, S. 2057, supra; as follows:

Beginning on page 2, strike out line 12 and all that follows through page 4, line 5.

WARNER AMENDMENT NO. 2931

(Ordered to lie on the table.)

Mr. WARNER submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

Beginning on page 2, strike out line 12 and all that follows through page 4, line 5.

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that an Executive Session of the Senate Committee on Labor and Human Resources, will be held on Wednesday, June 24, 1998, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The Committee will consider Human Services Reauthorization Amendments of 1998.

For further information, please call the committee, 202/224–5375.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, June 24, 1998 at 2:30 p.m. to conduct a business meeting to mark up S. 1925, to make technical corrections to laws relating to Native Americans and; S. 1998, to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, to be followed immediately by a joint hearing with the Subcommittee on Water and Power of the Committee on Energy and Natural Resources on S. 1771, to amend the Colorado Ute Indian Water Rights Settlement Act; and S. 1899, the Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reservation Water Rights Settlement Act of 1998. The meeting/hearing will be held in room 628 of the Dirksen Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 202/224–2251.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Thursday, June 25, 1998, 10:00 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is "Health Insurance and Older Workers." For further information, please call the committee, 202/224–5375.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Committee on Energy and Natural Resources of the Senate.

The hearing will take place in Kenai, Alaska at the Kenai Visitor and Convention Bureau on Friday, August 21, 1998, at 9:00 a.m. The Kenai visitor and Convention Bureau is located at 11471 Kenai Spur Highway, Kenai, Alaska.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Amie Brown or Mark Rey at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent on behalf of the

Government Affairs Committee to meet on Monday, June 22, 1998, at 2:00 p.m. for a hearing on the nomination of Jacob J. Lew to be Director of the Office of Management and Budget

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

CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Caucus on International Narcotics Control be authorized to meet in Miami, Florida, during the session of the Senate on Monday, June 22 at 9:00 a.m. to receive testimony on drug trafficking and the flow of illegal drugs into Florida.

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

ADDITIONAL STATEMENTS

NOMINATION OF LOUIS CALDERA TO BE SECRETARY OF THE ARMY

• Mr. WARNER. Mr. President, in considering the nomination of Louis Caldera before the Senate Armed Services Committee to be the Secretary of the Army, I raised the issue of the Washington Aqueduct—the public water system for the Metropolitan Washington area that is owned by the Federal government and administered by the Corps of Engineers.

As my colleagues may recall, the conditions at the Washington Aqueduct gained national attention when the Environmental Protection Agency issued a "boil-water" order in December, 1993 for the metropolitan Washington region. There was significant concern that the water supply for the nation's capital was contaminated. This incident brought to light the significant capital improvements that are needed at the facility to meet current federal drinking water standards.

In order to address the tremendous water quality issues that are facing the District, Arlington County, and the city of Falls Church, I included in the Safe Drinking Water Act Amendments of 1996, Section 306 entitled the Washington Aqueduct. I wrote this section so that the customers of the Washington Aqueduct would have a reliable and safe source of drinkable water. The Aqueduct is in need of many capital improvements to insure that the water remains safe and drinkable. Improvements to the Aqueduct are self-financed by the users. It is estimated that significant costs remain, between $250 and $400 million.

To allow for these crucial improvements, Section 306 directs the Army Corps of Engineers to transfer the Washington Aqueduct, with the consent of a majority of the three customers, to a non-federal, public or private entity. Since this effort would be a significant undertaking, the Safe Drinking Water Act gave the customers and the Corps three years, until August 6, 1999, to gain consensus. Congress authorized the Corps to borrow funds from the Treasury during an interim three year period to begin the necessary infrastructure improvements. This borrowing authority totaled $75 million and would be repaid by the ratepayers.

Recently, I learned that the Corps has signed a Memorandum of Understanding with the three customers for the Corps to retain ownership of the Aqueduct.

There are problems with the Corps remaining the owner of the Washington Aqueduct, besides that this seems inconsistent with existing law. First and foremost, the Corps does not have the means to finance the capital improvements that are needed. Once the three year borrowing expires, the Corps only has means to finance daily operations at the Corps. Given the current condition at the Aqueduct, this is hardly the way to insure that the ratepayers have drinkable water. In addition, in the event of another boil water scare, the Corps would have no means to address the immediate problem. If the Corps does not have funding to perform needed upgrades to the Aqueduct nor have the financing to address an emergency situation, it seems to me that, consistent with current law, they should not retain ownership of the Corps.

In questioning Mr. Caldera about this situation, I have received assurances that the Army will fully implement the provisions of the Safe Drinking Water Act. This Wednesday a meeting will be held with all the relevant parties to develop a course of action on this matter. I am encouraged by Mr. Caldera's attention to this important regional issue. He has pledged to work with me to resolve this impasse so that the region can afford to proceed with the necessary modernization plan for the Aqueduct. Without proceeding with privatization or the development of a new regional entity, I remain concerned that the schedule for improvements will be delayed or that the citizens of this region will experience severe water rate hikes.•

TRIBUTE TO HUGH McINTOSH

• Mr. HOLLINGS. Mr. President, today I call this body's attention to Hugh M. McIntosh's special contribution to the performing arts in the nation's Capital. Hugh has worked long and hard to foster the growth and appreciation of the arts, particularly through his service as a Trustee of the Ford's Theatre Society.

The Society is the not-for-profit organization that brings new musicals, American classics, and other live entertainment to that historic stage. After the assassination of President Lincoln, Ford's Theatre was used as an office and warehouse until an act of Congress initiated the Theatre's restoration, which was completed in 1968. This year's Gala for the President celebrated these 30 years of memorable performances illuminating the character and vibrancy of American life.

As a partner in the law firm of Vinson & Elkins, L.L.P., Hugh McIntosh has guided Ford's governing board and staff through legal thickets, including contract negotiations with playwrights and agents, strategic planning, development of ethical guidelines, and day-to-day legal questions. Hugh has worked closely with Frankie Hewitt, the Ford Theatre Society's founder and producing artistic director, and with the National Park Service, which administers the Theatre as a public museum.

Hugh is a discerning theater-goer, and his love of "a good show" has fueled his enthusiasm for contributing backstage at Ford's. He is a strong supporter of education and outreach programs that invites a diverse audience to Ford's and aim to foster a greater appreciation of the performing arts in the Washington area.

But as valuable as Hugh's legal expertise has been to Ford's Theatre, his greatest contribution has been to bring wisdom, a sense of perspective, and quiet humor to the complex issues facing the Theatre's performing artists and playwrights.

It is these special qualities, in fact, which will assure Hugh's success in the new direction his life is about to take. This fall, Hugh will begin studying theology at the Harvard School of Divinity. If Hugh is called to pastoral service, he may find many friends from Ford's Theatre in his pews.

At its June meeting, the Ford Theatre Society's Board of Trustees honored Hugh McIntosh with a resolution thanking him for his invaluable service to the Theatre. Mr. President, I ask that the text of this resolution be printed in the RECORD.

The text of the resolution follows:

A RESOLUTION OF THE FORD'S THEATRE SOCIETY

Whereas Hugh M. McIntosh, Esq. has faithfully pursued the interests of the Ford's Theatre Society as a Trustee; and

Whereas Mr. McIntosh has diligently rendered complex issues comprehensible to the Board of Trustees and its Executive Committee; and

Whereas Mr. McIntosh's gentle humor and patience have been invaluable in many situations and occasions; and

Whereas Mr. McIntosh has energetically marshaled the resources of many talented colleagues in serving Ford's Theatre; and

Whereas Mr. McIntosh has determined that he must now pursue another field of study, work and service;

Therefore be it Resolved, that the Trustees of the Ford's Theatre Society offer Mr. McIntosh their profound appreciation for his work; and

The Trustees express their gratitude to the firm of Vinson & Elkins, L.L.P., for its dedication to the interests of Ford's Theatre, and furthermore

The Trustees wish Mr. McIntosh all success in his new endeavors.

(signed)

SAMUEL D. CHILCOTE, JR.,
Chairman of the Board of Trustees.
MRS. FRITZ HOLLINGS,
Vice Chairman.
MRS. PAUL LAXALT,
Secretary.
RONALD H. WALKER,
Treasurer.
FRANKIE HEWITT,
Executive Producer.

June 16, 1998.•

MONTANA TECH FOUNDATION 1998 DISTINGUISHED LEADERSHIP AWARD—MR. DON PEOPLES, SR.

• Mr. BURNS. Mr. President, it is my great pleasure to congratulate Mr. Don Peoples, Sr. of Butte, Montana for being recognized as the 1998 recipient of the Distinguished Leadership Award by the Montana Tech Foundation.

I have known Don for many years and his commitment to the city of Butte is certainly a reflection of his love for the All-America City! While serving as Butte's Chief Executive, Don lead a team of dedicated folks that revived Butte's economy after the loss of a major mining company in 1982.

After serving ten years in that role, Don left local government to become a leading voice for the private sector. Today, he is President and Chief Executive Officer of MSE, Inc. MSE is now one of Butte's top employers.

His company is currently working with the National Aeronautics and Space Administration (NASA) on a variety of projects that will help launch the next generation space shuttle and other research projects. The United States Defense Department is also working with MSE to develop technologies for use in pollution control and cleanup. The company is also researching new methods for heavy metal and mine waste remediation projects.

I believe that because of Don's tenacity, this kind of cutting edge technology is being tested in Butte, Montana.

I also applaud Don's commitment to many other organizations and committees in the mining city. He continues to make a difference through his affiliations with the United Way, Carroll College, St. James Community Hospital, Butte Central Schools, and so many other worthwhile causes.

I must also acknowledge Don's wife Cathy and their four grown children—Don, Jr., Tracey, Doug, and Kevin—as they celebrate this honor. I am convinced that their love and support have helped Don achieve so many goals throughout the years.

I always say Montanans have very special qualities. Mr. Don Peoples, Sr. is truly a special Montanan and for that I congratulate him.•

COMMEMORATION OF THE NATIONAL MUSEUM OF CIVIL WAR MEDICINE

• Mr. KEMPTHORNE. Mr. President, I would to take a moment to speak about the National Museum of Civil War Medicine, in Frederick, Maryland, which I recently had the great honor of once again visiting.

On September 17, 1862, the Union and Confederacy engaged in a massive engagement at Sharpsburg, Maryland, which was also known as the Battle of Antietam, so named after the small creek around which Union troops were consolidated. Confederate General Robert E. Lee and his 40,000 Southern troops were pitted against Federal General George B. McClellan and 87,000 Union soldiers. Quotations researched by the Antietam National Battlefield staff and volunteers help us visualize the battle and its toll.

On the forenoon of the 15th, the blue uniforms of the Federals appeared among the trees that crowned the heights on the eastern bank of the Antietam. The number increased, and larger and larger grew the field of the blue until it seemed to stretch as the eye could see, and from the tops of the mountains down to the edges of the stream gathered the great army of McClellan.—Lt. Gen. James Longstreet, CSA, Commander, Longstreet's Corps, Army of Northern Virginia.

We were massed 'in column by company' in a cornfield; the night was close, air heavy . . . some rainfall . . . The air was perfumed with a mixture of crushed green corn stalks, ragweed, and clover. We made our beds between rows of corn and would not remove our accouterments.—Private Miles C. Huyette, Company B, 125th Pennsylvania Infantry.

Suddenly a stir beginning far up on the right, and running like a wave along the line, brought the regiment to its feet. A silence fell on everyone at once, for each felt that the momentous 'now' had come.—Pvt. David L. Thompson, Company G, 9th New York Volunteers.

In the time that I am writing every stalk of corn in the northern and greater part of the field was cut as closely as could have been done with a knife, and the slain lay in rows precisely as they had stood in their ranks a few moments before. It was never my fortune to witness a more bloody, dismal battlefield.—Maj. General Joseph Hooker, USA, Commander, I Corps, Army of the Potomac.

Antietam became the bloodiest day in American history. At the close of the day, more men were wounded or killed at Antietam than on any other single day of the Civil War: 12,410 Union troops, and 10,700 Confederates.

Whether Union or Confederate, when a soldier fell on the battlefield, he was an American. Frederick, Maryland, was the recipient of the thousands of fallen soldiers.

The National Museum of Civil War Medicine, in Frederick, seeks to highlight the sacrifice made by countless American soldiers in their quest to advance the values of this great nation that was, as Abraham Lincoln explained, "conceived in liberty." In fact, those slain on the battlefield at Antietam were prepared for burial in the very building that now houses the National Museum of Civil War Medicine.

The force of a mini ball or piece of shell striking any solid portion of a person is astonishing; it comes like a blow from a sledge hammer, and the recipient finds himself sprawling on the ground before he is conscious of being hit; then he feels about for the wound, the benumbing blow deadening sensation for a few moments. Unless struck in the head or about the heart, men mortally wounded live some time, often in great pain, and toss about upon the ground.—History of the 35th Massachusetts Volunteers.

Under the dark shade of a towering oak near the Dunker Church lay the lifeless form of a drummer boy, apparently not more than seventeen years of age, flaxen hair and eyes of blue and form of delicate mould. As I approached him I stooped down and as I did so I perceived a bloody mark upon his forehead . . . It showed where the leaden messenger of death had produced the wound that caused his death. His lips were compressed, his eyes half open, a bright smile played upon his countenance. By his side lay his tenor drum, never to be tapped again.—Pvt. J.D. Hicks, Company K, 125th Pennsylvania Volunteers.

"It is well war is so frightful," General Lee wrote, "otherwise we should become too fond of it." Indeed, this museum allows the visitor to get a feel for the ravages of war. Located in the museum are numerous exhibits detailing how Civil War-era doctors and nurses dealt with the wounded and near-dead who were brought off the battlefield to be cared for.

Comrades with wounds of all conceivable shapes were brought in and placed side by side as thick as they could lay, and the bloody work of amputation commenced.—George Allen, Company A, 6th New York Volunteers.

The former Surgeon General of the United States, C. Everett Koop, has remarked that the Civil War represented a "watershed in American medical history." The visitor to this museum becomes keenly aware of this, and learns of Civil War-era medical advances in the fields of anesthesia, surgery, sanitation, and the introduction of mobile medical corps to the armed forces.

Mr. President, I find that I have a personal bond to the town of Frederick, this museum, and what it represents. My great-grandfather, Charles Kempthorne, was a member of Company Three of the Third Regiment of the Wisconsin Infantry Volunteers. He, like many other brave soldiers, was wounded on September 17, 1862, at the Battle of Antietam. It was in the town of Frederick that his wounds were treated and he began his convalescence. In time he was transferred to Washington, D.C., where he served until he was honorably discharged on June 29, 1864.

Commemoration is indeed an important duty, not only to honor the dead, but also to keep alive the ideals that they died for. Mr. President, I am

pleased to see that the National Museum for Civil War Medicine has undertaken the important task of remembering a crucial component of Civil War history.

I would like to commend those people who have made the National Museum of Civil War Medicine a reality. Dr. Gordon E. Dammann, Dr. F. Terry Hambrecht, JaNeen Smith, Debbie Moone, and volunteers Dianne Marvinney, Rebecca Coffey, Bill Witt, among many others, are doing an excellent job with the museum.

On behalf of my great-grandfather, Charles Kempthorne, I say thank you to the community of Frederick for its compassion so many years ago, and as a citizen I commend the National Museum of Civil War Medicine for helping those of us today realize that the cost of freedom did not come easy, but was often achieved with the loss of blood and life by brave Americans on both sides.

Both before and after a battle, sad and solemn thoughts come to the soldier. Before the conflict they were of apprehension; after the strife there is a sense of relief; but the thinned ranks, the knowledge that the comrade who stood by your side in the morning never will stand there again, bring inexpressible sadness—Charles Carleton Coffin, Army Correspondent, Boston Journal.•

REMEMBERING RICK JAMESON

• Mr. ABRAHAM. Mr. President, I rise today to recognize the passing of one of the great leaders of Michigan's conservation community. On Saturday, my friend Richard Jameson, the executive director of the Michigan United Conservation Clubs, succumbed to liver cancer. Rick was 48 years old.

Rick was an environmentalist and an avid outdoorsman whose roots extended beyond our state. A native of Oklahoma, he received his bachelor's and master's degrees in natural resources management from Michigan State University and began working for the Michigan United Conservation Clubs in 1976. Rick's expertise and hard work were quickly recognized and in 1980 he headed back to his home state to serve as executive director of the Oklahoma Wildlife Federation. He continued in that capacity for eight years until 1988, when MUCC was fortunate enough to lure him back to serve as assistant executive director.

Rick was a strong and dedicated environmentalist. Among his accomplishments was the passage of Michigan's beverage container deposit law; a law which has been widely acknowledged as greatly reducing litter in our state. Rick also played a vital role in providing Michigan voters the opportunity to pass a constitutional amendment that will ensure a constant source of funds for Michigan's state parks.

Rick was also an avid outdoorsman. Here, too, he achieved important successes. He was instrumental in securing the overwhelming approval of a campaign which will guarantee that Michigan game animals are managed on the basis of sound biological science. He also helped defeat another initiative which would have virtually eliminated bear hunting in the state of Michigan.

In short, Mr. President, I believe that Rick Jameson was one of the few individuals who truly understood the importance of both conservation and sportsman's rights. He spent his life's work protecting both as few others could.

And Rick was a fighter. Despite suffering the effects of both his illness and the chemotherapy he was undergoing, Rick continued to work as long as possible. My office consulted with him as recently as last month, soliciting his input on legislation I have drafted and on other bills pending in the Senate. When it came to conservation, hunting and fishing, there was no one in the state whose opinion I trusted more than Rick's.

Rick is survived by his wife of 18 years, Robbie, his daughter, Christine, and two brothers. My thoughts and prayers go out to them.•

TRIBUTE TO ROBERT V. OGLE

• Mr. WARNER. Mr. President, I rise today to pay special tribute to the retirement of Robert V. Ogle, an extraordinary individual who has rendered thirty-five years of federal service not only to the Commonwealth of Virginia, but also to the nation.

Mr. Ogle, who resides in Virginia Beach, Virginia, will soon enter into retirement after a lifetime of service in the Norfolk District of the United States Army Corps of Engineers. With the exception of a year of study in Washington and six months in the Naval Air Reserve, his entire career has been spent in the Planning Division of the Norfolk District Corps of Engineers.

During his time in the Norfolk District, Mr. Ogle's expertise and professionalism facilitated his ascendance to the Chief of the Planning Division. His responsibilities included Reconnaissance Studies, Feasibility Studies, Limited Reevaluation Reports, and General Reevaluation Reports associated with the General Investigation Program. In addition to these responsibilities, Mr. Ogle's innovation was illustrated by his incorporation and development of a Technical Review process that serves to ensure sound decision-making practices. Preceding his duties as the Chief of the Planning Division, Mr. Ogle served within the Norfolk District as the Chief of the Plan Formulation Branch, the Director of Planning, and the Chief of the Hydraulics and Hydrology branch.

Throughout his thirty-five year career as a professional engineer, Mr. Ogle has received numerous awards and distinctions in recognition of his exceptional career. Among them, Mr. Ogle has twice received the Commander's Award for excellent work within the Norfolk District. Mr. Ogle is also a member of the Virginia Society of Professional Engineers and the American Society of Civil Engineers. In addition, he has received the Exceptional Performance Rating eight times during his career, a distinction that exemplifies his commitment and service to our nation.

Mr. President, Mr. Ogle's thirty-five years of federal service and his exceptional performance ratings serve as a testament of his dedication to the environmental improvement of the Commonwealth of Virginia and our country. I urge my colleagues to stand and join me in paying tribute to Robert V. Ogle, and in wishing him happiness and contentment in his well-deserved retirement.•

PRINTED CIRCUIT INVESTMENT ACT

• Mr. ABRAHAM. Mr. President, I rise to join my colleagues, Senator MACK and Senator GRAMS, in sponsoring the "Printed Circuit Investment Act." This legislation will remove a significant barrier to technological investment and innovation in this country by updating the tax code's treatment of the electronic interconnection industry.

Mr. President, manufacturers of printed wiring boards and printed wiring assemblies currently must depreciate their production equipment over a 5 years period. Given the speed with which technological advances continue to come in our high-tech industry, 5 years is an unreasonable amount of time for depreciation. In effect, the tax code is penalizing these companies for keeping up with their competition in the global marketplace. This not fair, nor is it in accordance with our national interests. In the fast-paced information age in which we live, we cannot afford to hobble our high-tech companies with outdated tax policies.

This is why I am pleased to support legislation reducing to 3 years the time over which companies in the electronic interconnection industry must depreciate their production equipment. Through this measure we can encourage greater investment among electronic interconnection manufacturers and keep our high-tech industry competitive in the global marketplace.

I urge my colleagues to join in supporting this legislation.•

ORDERS FOR TUESDAY, JUNE 23, 1998

Mr. CAMPBELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it

stand in adjournment until 9:30 a.m., Tuesday, June 23. I further ask that on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted and that the Senate then resume consideration of S. 2057, the Department of Defense authorization bill.

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

Mr. CAMPBELL. I further ask unanimous consent that the Senate stand in recess from 12:30 until 2:15 p.m. to allow the weekly party caucuses to meet; further, that following the party caucuses, at 2:15 p.m., the Senate proceed to vote on the motion to invoke cloture on S. 2057, the Department of Defense authorization bill.

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

Mr. CAMPBELL. I further ask unanimous consent that, following the cloture vote, Senator HATCH be recognized to speak for up to 20 minutes, followed by Senator FEINSTEIN for up to 20 minutes, as if in morning business.

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

PROGRAM

Mr. CAMPBELL. Madam President, for the information of all Senators, the Senate will reconvene on Tuesday, at 9:30 a.m., and resume consideration of the defense authorization bill. It is hoped that Members will come to the floor to offer and debate amendments to the defense bill under short time agreements. It is expected that a motion to table the pending Hutchinson amendment will be made at approximately 10:15 a.m. Therefore, Members should expect the first rollcall vote of Tuesday's session at approximately 10:15 a.m. Further votes may occur Tuesday morning with respect to the Department of Defense bill prior to the weekly party luncheon recess. When the Senate reconvenes at 2:15 p.m. following the party luncheons, the Senate will immediately vote on cloture on the defense bill.

The majority leader would like to remind Members that the Independence Day recess is fast approaching. The cooperation of all Members is requested for the Senate to complete action on many important bills, including appropriations bills, the Higher Education Act, the Department of Defense authorization bill, conference reports on the Coverdell education bill, the IRS reform bill, and any other legislative or executive items that may be cleared for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CAMPBELL. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:21 p.m., adjourned until Tuesday, June 23, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 22, 1998:

The Judiciary

LYNN JEANNE BUSH, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE WILKES C. ROBINSON, RETIRED.

CONFIRMATION

Executive Nomination Confirmed by the Senate June 22, 1998:

The Judiciary

SUSAN OKI MOLLWAY, OF HAWAII, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII.

HOUSE OF REPRESENTATIVES—*Monday, June 22, 1998*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 22, 1998.

I hereby designate the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate passed a bill and a concurrent resolution of the following titles, in which concurrence of the House is requested:

S. 1379. An act to amend section 552 of title 5, United States Code, and the National Security Act of 1947 to require disclosure under the Freedom of Information Act regarding certain persons, disclose Nazi war criminal records without impairing any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

S. Con. Res. 104. Concurrent resolution commemorating the 50th anniversary of the integration of the Armed Forces.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. WISE) for 5 minutes.

HAZARDOUS MATERIALS TRANSPORTATION ON RAILROADS

Mr. WISE. Mr. Speaker, this weekend was quite an eventful one in West Virginia in the Cabell County area where we had another hazardous materials derailment. This is the second one in a little over a year in that area.

Happily there were no fatalities. A limited number of people were hospitalized briefly. A hundred families will have to be evacuated and most of them will be back today.

Beginning yesterday, I was in personal contact with the National Transportation Safety Board team in the area, as well as the FRA. I have just spoken personally this morning with the National Transportation Safety Board team. At this point, the cause of this accident is still unknown. Of the roughly 150 railcars, 34 of them derailed, a couple of chemical tanker cars punctured, and formaldehyde and chlorine were released.

Their focus is presently looking at one hopper car to see whether it could have had some problems, and the track is yet to be inspected in that area. The mechanical problems, to the extent there might have been some, are still to be examined.

The good news is that the emergency response teams that arrived did exactly the right things. They made the decisions that needed to be made and evacuated the families that needed to be evacuated. Of course, we will continue to dig out from this for a period of time. The immediate concern is what happens to the groundwater. Most of the homes in that area are on wells and that will have to be evaluated closely.

Mr. Speaker, it is important that this Congress deal with the problem of hazardous materials transportation on railroads. Indeed, legislation that I have introduced and that we have been trying to move I believe will do that, particularly in setting up regional response teams.

Mr. Speaker, in light of the fact that this is the second hazardous materials accident in almost a year, I have today requested the Federal Railroad Administrator to perform a comprehensive review of hazardous materials transportation in this particular area of West Virginia.

Mr. Speaker, we are a hazardous materials transportation corridor. We have a large concentration of our own chemical industry and also we are transporting large amounts of hazardous materials from other States and other regions through this area. So, it is important that we undertake every possible action to make sure that these railway lines are as safe as possible.

There was one fatality last year in Scary, which was not anywhere near the same cause that caused this one. But the fact of the matter is that when transporting hazardous materials, we have to make sure that these rail lines are absolutely as safe as possible and that the emergency responders are as well trained as possible.

In my request today to the Federal Railroad Administrator, I have asked several things. I have asked that there be a comprehensive review, working with CSX and the others involved. A comprehensive review of the safety of hazardous materials transportation in this area of West Virginia.

Second, I have asked some specific questions. Is there adequate inspection of the cars, the tank cars, at the plant when they are being loaded and before they roll out, versus being transported into the yards and being inspected there?

Is there adequate inspection of the track? Because if hazardous materials are rolling over these tracks on a regular basis, we have to make sure that the safest standards are maintained.

Are the personnel adequate and are they trained that need to do these inspections? Are we taking extra effort when we are dealing with hazardous materials?

Mr. Speaker, I have also asked the FRA and the National Transportation Safety Board to look at the adequacy of emergency response. The emergency responders did an excellent job this weekend. There is no doubt about it. But do they need more resources? Do they need more training? Do they need more equipment? Did Operation Respond function as we hoped that it would when we had it installed just last year?

It seems clear that whenever there is hazardous materials transportation along the rails that we must work together, the FRA, the National Transportation Safety Board, the railroad companies themselves, the emergency responders themselves, all work together to make sure that the emergency responders have the resources they need along that railroad right of way.

They are the ones that get called out at noon on Saturday when nobody else is around to handle 34 cars that have just derailed.

Mr. Speaker, we have made progress. Last year following the Scary tragedy, CSX working with FRA undertook a comprehensive wall-to-wall safety audit. I met in April, along with Jolene Molitoris the administrator of the FRA, with CSX personnel and we came away feeling good about some of the improvements that clearly have been made. But clearly we must all continue working even more, because hazardous materials transportation challenges us

all to the highest possible safety standards.

So today I have written a letter to the administrator of the FRA. I have been in personal contact with the NTSB teams on the ground in West Virginia. We are going to request that there be a comprehensive review of safety measures in place along this hazardous materials corridor, and we want to make sure that this cleanup is undertaken in as quick a manner and safe a manner as possible.

CARDIAC ARREST SURVIVAL ACT

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

Mr. STEARNS. Mr. Speaker, last week, Senator SLADE GORTON joined with me in sponsoring the Cardiac Arrest Survival Act. This legislation was developed with the assistance of the American Heart Association and the American Red Cross. I will be introducing this bill this week and I urge my colleagues to join me as original cosponsors.

What is the purpose of this bill? I think that could best be told by retelling a personal experience that I heard last week during our press conference on this legislation.

A Mr. Bob Adams provides us with one of the most compelling reasons to pass the Cardiac Arrest Survival Act. Mr. Speaker, he is still alive today because of an automatic external defibrillator, an AED. Let me explain.

On July 3, 1997, Bob Adams, who was 42 years old at the time, was walking through Grand Central Station in New York City when his heart stopped and he collapsed. He is a lawyer in a firm with 450 people, a husband, a father of three children.

He was in perfect health and in fact he had always experienced good health. In fact, Bob would tell that he was the least likely person in his firm of 450 employees to have an experience such as this. He was captain of his college basketball team, played professional basketball in Europe, and today is a nationally known college basketball referee.

Despite being in perfect health with no history of heart disease, this young man went into cardiac arrest the day before a holiday weekend in a place where half a million people pass through every day.

Mr. Speaker, timing was everything for Bob Adams. On July 2, the day before he collapsed, the automatic external defibrillator that the Metro North Commuter Railroad had ordered for use in Grand Central Station had just arrived. Luckily, the staff had also been well trained, not knowing they would have to test their skills so soon.

Bob's heart was stopped for approximately 5 minutes before the AED was unpacked from its shipping box and everyone hoped that it came with charged batteries. Thanks to the trained staff at the station, and an emergency medical technician who happened to be present, Bob's life was saved.

Doctors have never determined why Bob suffered a cardiac arrest. It simply stopped. Bob and his wife and three children are grateful that there was an AED in Grand Central Station on that particular day.

While Mr. Adams' story is more dramatic than most, my colleagues might be surprised to learn that more than 350,000 Americans suffer a sudden cardiac arrest every year. Fewer than 10 percent will be discharged from a hospital alive. The key to survival is timely initiation of a series of events, easily communicated as the "chain of survival."

The chain includes early activation of the emergency medical service, CPR, rapid defibrillation, and early advanced cardiac life support. Weakness in any link lessens the chance of survival and condemns the efforts of an emergency medical system to poor results. After as little as 10 minutes, very few resuscitation attempts are successful.

Mr. Speaker, the Cardiac Arrest Survival Act would require the development of: One, a model State training program for first responders and bystanders in lifesaving interventions.

Two, model State legislation to ensure access to emergency medical services, including consideration of the very necessary training for use of lifesaving equipment.

Three, directs the coordination of a national database in conjunction with existing databases relating to the incidents of cardiac arrest and whether interventions, including bystanders or first responders, improved the rate of survival.

Mr. Speaker, we need to pass this type of bill. It is not expensive. It encourages joint partnership between the commercial and the private industry. This bill will ensure that all Americans will have the same protection available to them should they ever be caught in such a life-threatening position as Bob Adams.

PLIGHT OF ALEXANDER NIKITIN HAS BROAD INTERNATIONAL IMPLICATIONS

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

Mr. SKAGGS. Mr. Speaker, I rise today to bring to my colleagues' attention the case of Alexander Nikitin, a case that has broad implications for the future of democracy, free speech, and the rule of law in Russia.

Nikitin is a retired Russian Navy captain who coauthored this report, "The Russian Northern Fleet: Sources of Radioactive Contamination," published by the environmental group Bellona. The report outlines a potential Chernobyl in slow motion from the release of radioactivity in the Russian northern fleet's nuclear submarines and storage facilities for nuclear waste.

The report describes an environmental disaster waiting to happen with retired and rusting nuclear-powered submarines still containing highly radioactive fuel docked at the Kola Peninsula in the Arctic Circle. Unprotected nuclear waste reportedly is also stored at bases and shipyards near Murmansk.

Mr. Speaker, if such a report were released about the U.S. fleet, it would be a national scandal. Clearly, this report, if published during the Communist rule of the Soviet Union, would have been repressed and its author charged with treason.

Unfortunately, that is exactly what has happened in Russia today. The report is banned and Nikitin has been charged with treason and releasing State secrets. This despite the fact that all the information in the report was taken from open, documented sources.

The saga of Nikitin's legal trouble is a sorry one. He was arrested and jailed for almost a year. Then he was released as the various investigations proceeded, but not allowed to travel outside of St. Petersburg. He was charged incredibly on six separation occasions for violating six different sets of secret decrees.

Most recently on May 8, Russia's General Prosecutor charged Nikitin with treason, for the first time, and for releasing state secrets for the seventh time, but is no longer basing the charges on secret decrees. Rather than a victory for the rule of law, however, this new development is an even more egregious abuse because the charges are now based on exactly nothing. There were no public decrees defining secrets at time Nikitin allegedly revealed them, so the prosecutor has now violated the most fundamental principle of the rule of law: that one cannot be charged for a crime that was not defined at the time it happened.

□ 1245

These charges represent a very disturbing return to the old Soviet ways of prosecuting someone to repress and intimidate them.

One might ask, why should we care about this? There are many reasons. The world's environment belongs to all of us and a Chernobyl in slow motion should be of grave concern to the whole world. More specifically, for the U.S. Congress, we should be concerned because the United States is assisting Russia in building a facility in Murmansk for processing nuclear waste.

But it is what this case says about Russia today that should be of equal

concern. Will Russian citizens really have the right to free speech? Will they be able to publish reports critical of the government without being arrested and prosecuted? Can Russia possibly face up to its massive environmental problems if it does not even want to hear about them? Will the rule of law emerge in Russia?

I ask my colleagues to join me in speaking out about this case, as many already have, sending letters to President Yeltsin as well as to Vice President GORE and Secretary of State Albright. I will be seeking an appointment with Russia's Ambassador to the United States to discuss the case, and I hope some colleagues will join me there as well.

There is too much at stake here—Russia's continuing progress as a free market, democratic country with the rule of law as its basis—too much at stake to ignore this critical case.

NATIONAL DEFENSE

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

Mr. JONES. Mr. Speaker, over the last recess, while attending several Memorial Day services, I spent time focusing on the state of our dwindling national defense. By failing to maintain a strong military, we are dishonoring those who have served and died for our freedom. Unfortunately, the next century will not be as peaceful as once envisioned.

Surprising the U.S. intelligence community, India and Pakistan have conducted nuclear weapons tests. It has been reported that Iraq has enough deadly biological weapons to kill every human being on earth. Just last week North Korea threatened the United States that they would not cease the production of nuclear weapons unless they were compensated. Despite administration claims that no nuclear missiles are aimed at American children, a CIA report reveals that 13 of China's 18 long-range strategic missiles have nuclear warheads aimed at U.S. cities.

Mr. Speaker, we do not live in a safe world. America faces new threats and dangers each and every day, and yet we continue to take risks with our military capabilities that would have been unthinkable a generation ago.

Our forces today are 32 percent smaller than they were just 10 years ago. In 1992 we had 18 Army divisions; we now have 10. In 1992 we had 24 fighter wings; we now have 13. In 1992 we had 546 Navy ships; we now have less than 300. In the last year the Navy has cut the Arsenal Ship, delayed the development of the next generation aircraft carrier, and cut its near term purchase of tactical aircraft by 45 percent.

This month the Army announced that it would downsize 6 divisions, cutting troop level 13 percent. Today I just read that the Marine Corps' entire procurement budget is now less than 1 week's worth of sales at Wal-Mart.

Mr. Speaker, I want to repeat that. The Marine Corps' entire procurement budget is now less than 1 week's worth of sales at Wal-Mart.

Our forces are dwindling and yet new threats to our freedoms are ever increasing. Quite frankly, we are taking our freedom for granted. The American family feels protected and safe. Mom and dad tell their children that they live in a peaceful world. They rest easy, hoping their government is adequately defending America.

But what they do not know is that right now, while nuclear missiles are aimed at U.S. cities, our troops do not even have the basic ammunition they need. The Army is $1.7 billion short of basic ammunition, and the Marine Corps has a shortfall in ammunition of over $193 million.

Mr. Speaker, I want to repeat that also. The Army is $1.7 billion short of basic ammunition, and the Marine Corps has a shortfall in ammunition of over $193 million. What they do not know is that in May, a Navy fighter squadron commander informed his superiors that only two of his squadron's 14 Tomcat fighter jets are mission capable because of a lack of spare parts.

He said in his official report, and I quote, I strongly believe that it is my duty to protect my aircrews. Living at the end of the parts food chain can present difficult challenges and obstacles that may be unmanageable. We no longer have the tools to do our job. We must provide aircrews with the necessary flights to get them combat ready for the safety of this Nation.

We are not telling the American people about the state of our military, Mr. Speaker. I and many of my colleagues in Congress have called upon the administration, senior military and the press to tell the hard truth to the American people.

While the President has cut defense nearly in half, he has deployed our troops 25 times during his tenure. In fact, the President has deployed U.S. troops more often than any other President in peacetime since World War II. These peacekeeping deployments have cost the taxpayers over $13 billion and have bled our forces. The reality is our troops are learning peacekeeping and forgetting war fighting.

These peacekeeping deployments have also kept our men and women in uniform away from their homes and families for lengthy periods of time and have thereby decreased their morale.

We cannot continue to ask our military to do more with less. In the name of those who have fought and who have died for this country, we must continue to maintain our military readiness. I urge my colleagues to help preserve our freedom and security. We must support our armed forces.

May God bless America.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 51 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. NETHERCUTT) at 2 p.m.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We pray with the Psalmist who said, "We give thanks to Thee, O God; we give thanks. We call on Thy name and recount Thy wondrous deeds."

We remember Your marvelous deeds, O God, and we celebrate the wonders of Your creation, for You have created this place where we live and learn, where there is work and play, where there is laughter and there are tears. You have given us a free will to choose the right over the wrong, the good over evil, and the honorable over the shameful.

While we praise Your name, O God, for the majesty of what You have given us, so we pray that we will be good stewards of the opportunities we have to "do justice, love mercy, and ever walk humbly with You." Amen.

THE JOURNAL

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

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

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

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

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

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

BUILDING A NATIONAL MISSILE DEFENSE SYSTEM

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

Mr. BALLENGER. Mr. Speaker, there are a few issues which separate liberals and conservatives in dramatic fashion. Taxes, of course, is one, and crime is another. But defense and national security issues also illustrate two sharply different visions, different world views, which distinguish conservatives from liberals.

Liberals just love arms control agreements. They put almost boundless faith in a piece of paper between America and countries which are hostile to everything we hold dear, and they take great comfort in the ability of these agreements to keep America safe. Conservatives, on the other hand, look at all human history and are skeptical of such agreements, instead placing greater faith in a strong and secure defense.

Given these two world views, it is time to reexamine our current vulnerability to ballistic missile attack.

There is a piece of paper that exists to assure us that America is safe from ballistic attack. But this deliberate policy of vulnerability to ballistic missile attack is foolish, and dangerous. It is time that conservatives act with prudence and demand that Americans be protected by building a national missile defense system.

GOING FROM "SPEAK SOFTLY AND CARRY A BIG STICK" TO "TAKE THE FIFTH AND CARRY A TOOTHPICK"

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

Mr. TRAFICANT. Mr. Speaker, China blocks access to our products, sells missiles to our enemies, and, if that is not enough to tax your migraine, the President now wants to reward them with permanent most-favored-nation trade status.

I think it is time to tell it like it is. When it comes to China, we have gone from "speak softly and carry a big stick" to "take the Fifth and carry a toothpick."

Beam me up.

I yield back now all of the new trucks that General Motors will be building in China.

Unbelievable.

ESTABLISH PROGRAM TO REDUCE VIOLENCE AND SUBSTANCE ABUSE AMONG YOUTH

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

Mr. GIBBONS. Mr. Speaker, as a Nation we can no longer sit idly by and watch while the violence in our schools continues to rise. That is why I will be holding a town forum on school violence in my district on July 7th, 1998.

Recently, acts of school violence have taken place all across this country, such as the nationally publicized incidents in Arkansas, Ohio, Pennsylvania and Oregon. Our children's lives and their promising future are at stake.

It is important to realize that this battle will not be won from Washington, but from the streets, neighborhoods and schools in the communities where our children live.

I encourage all Members to hold a town forum on school violence in their districts, and establish a program that supports and encourages local communities to create a comprehensive, long-term plan that will reduce violence and substance abuse among our youth.

This is the only way we are going to get to save our children from a growing deadly cycle of drugs and violence in our schools and communities.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

DEPARTMENT OF JUSTICE APPROPRIATION AUTHORIZATION ACT, FISCAL YEAR 1999, 2000, AND 2001

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3303) to authorize appropriations for the Department of Justice for fiscal years 1999, 2000 and 2001; to authorize appropriations for fiscal years 1999 and 2000 to carry out certain programs administered by the Department of Justice, to amend title 28 of the United States Code with respect to the use of funds available to the Department of Justice; and for other purposes, as amended.

The Clerk read as follows:

H.R. 3303

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Justice Appropriation Authorization Act, Fiscal Year 1999, 2000, and 2001".

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 1999, 2000, AND 2001

Subtitle A—Specific Provisions

SEC. 101. SUMS AUTHORIZED TO BE APPROPRIATED.

There are authorized to be appropriated for fiscal years 1999, 2000, and 2001, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, or subdivision thereof), the following sums:

(1) For General Administration, salaries and expenses: $238,085,000 for fiscal year 1999, $249,989,000 for fiscal year 2000, and $262,489,000 for fiscal year 2001.

(2) For Administrative Review and Appeals: $144,863,000 for fiscal year 1999, $152,106,000 for fiscal year 2000, and $159,712,000 for fiscal year 2001, for administration of pardon and clemency petitions and for immigration related activities.

(3) For the Office of Inspector General: $34,610,000 for fiscal year 1999, $36,341,000 for fiscal year 2000, and $38,158,000 for fiscal year 2001, which shall include—

(A) not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on the certificate of the Attorney General; and

(B) funds for the purchase, lease, maintenance, and operation of motor vehicles without regard to the general purchase price limitation.

(4) For General Legal Activities: $485,506,000 for fiscal year 1999, $509,781,000 for fiscal year 2000, and $535,270,000 for fiscal year 2001, which shall include—

(A) not less than $4,000,000 for each fiscal year for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals; and

(B) not to exceed $20,000 for each fiscal year to meet unforeseen emergencies of a confidential character to be expended under the direction of the Attorney General and to be accounted for solely on the certificate of the Attorney General.

(5) For the Antitrust Division: $102,845,000 for fiscal year 1999, $107,987,000 for fiscal year 2000, and $113,386,000 for fiscal year 2001.

(6) For United States Attorneys: $1,106,993,000 for fiscal year 1999, $1,162,343,000 for fiscal year 2000, and $1,220,460,000 for fiscal year 2001.

(7) For the Federal Bureau of Investigation: $3,014,654,000 for fiscal year 1999, $3,164,679,000 for fiscal year 2000, and $3,322,913,000 for fiscal year 2001, which shall include—

(A) not to exceed $14,146,000 for each fiscal year—

(i) for construction, acquisition, or renovation of buildings (including equipment for

such buildings) and sites, by purchase or as otherwise authorized by law;

(ii) for conversion or extension of federally owned buildings; and

(iii) for preliminary planning and design of projects;

to remain available until expended; and

(B) not to exceed $70,000 for each fiscal year to meet unforeseen emergencies of a confidential character to be expended under the direction of the Attorney General and to be accounted for solely on the certificate of the Attorney General.

(8) For the United States Marshals Service: $529,143,000 for fiscal year 1999, $554,785,000 for fiscal year 2000, and $582,525,000 for fiscal year 2001, which shall include—

(A) not to exceed $6,300,000 for each fiscal year—

(i) for construction, acquisition, or renovation of buildings (including equipment for such buildings) and sites, by purchase or as otherwise authorized by law;

(ii) for conversion or extension of federally owned buildings; and

(iii) for preliminary planning and design of projects;

to remain available until expended; and

(B) $10,000,000 for each fiscal year for administrative expenses of the Justice Prisoner and Alien Transportation System to remain available until expended.

(9) For the Drug Enforcement Administration: $1,193,102,000 for fiscal year 1999, $1,252,358,000 for fiscal year 2000, and $1,314,994,000 for fiscal year 2001, which shall include—

(A) not to exceed $8,000,000 for each fiscal year—

(i) for construction, acquisition, or renovation of buildings (including equipment for such buildings) and sites, by purchase or as otherwise authorized by law;

(ii) for conversion or extension of federally owned buildings; and

(iii) for preliminary planning and design of projects;

to remain available until expended;

(B) not to exceed $70,000 for each fiscal year to meet unforeseen emergencies of a confidential character to be expended under the direction of the Attorney General and to be accounted for solely on the certificate of the Attorney General or the Deputy Attorney General; and

(C) not to exceed $15,000,000 for each fiscal year for diversion control.

(10) For the Immigration and Naturalization Service: $2,727,490,000 for fiscal year 1999, $2,839,756,000 for fiscal year 2000, and $2,981,544,000 for fiscal year 2001, which shall include—

(A) not to exceed $118,170,000 for each fiscal year—

(i) for construction, acquisition, or renovation of buildings (including equipment for such buildings) and sites, by purchase or as otherwise authorized by law;

(ii) for conversion or extension of federally owned buildings; and

(iii) for preliminary planning and design of projects;

to remain available until expended;

(B) not to exceed $50,000 for each fiscal year to meet unforeseen emergencies of a confidential character to be expended under the direction of the Attorney General and to be accounted for solely on the certificate of the Attorney General; and

(C) not to exceed $4,000,000 for each fiscal year to establish and operate—

(i) a district office in Memphis, Tennessee, for the States of Tennessee, Arkansas, and Kentucky, and the portion of the State of Mississippi north of the city of Jackson;

(ii) a district office in San Jose, California, for the counties of Monterey, Santa Clara, San Benito, and Santa Cruz of the State of California;

(iii) a suboffice in Nashville, Tennessee, for the counties of Anderson, Blount, Campbell, Cannon, Carter, Cheatham, Claiborne, Clay, Cocke, Cumberland, Davidson, DeKalb, Dickson, Fentress, Grainger, Greene, Hamblen, Hancock, Hawkins, Houston, Humphreys, Jackson, Jefferson, Johnson, Knox, Loudon, Macon, Monroe, Montgomery, Morgan, Overton, Pickett, Putnam, Roane, Robertson, Rutherford, Scott, Sevier, Smith, Stewart, Sullivan, Sumner, Trousdale, Unicoi, Union, Washington, White, Williamson, and Wilson of the State of Tennessee; and

(iv) a district office in Charlotte, North Carolina, for the States of North Carolina and South Carolina.

(11) For Fees and Expenses of Witnesses: $95,000,000 for fiscal year 1999, $99,750,000 for fiscal year 2000, and $104,738,000 for fiscal year 2001, which shall remain available until expended and which shall include not to exceed $6,000,000 for each fiscal year for planning, construction, renovation, maintenance, remodeling, and repair of buildings, and the purchase of equipment incidental thereto, for protected witness safesites.

(12) For Interagency Crime and Drug Enforcement: $304,014,000 for fiscal year 1999, $319,215,000 for fiscal year 2000, and $335,176,000 for fiscal year 2001, for expenses not otherwise provided for, for the investigation and prosecution of individuals involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(13) For the Federal Prison System, including the National Institute of Corrections: $4,508,480,000 for fiscal year 1999, $4,733,900,000 for fiscal year 2000, and $4,970,595,000 for fiscal year 2001.

(14) For the Foreign Claims Settlement Commission: $1,335,000 for fiscal year 1999, $1,402,000 for fiscal year 2000, and $1,472,000 for fiscal year 2001.

(15) For the Community Relations Service: $8,899,000 for fiscal year 1999, $9,344,000 for fiscal year 2000, and $9,812,000 for fiscal year 2001.

(16) For the Assets Forfeiture Fund: $23,000,000 for fiscal year 1999, $24,150,000 for fiscal year 2000, and $25,358,000 for fiscal year 2001, as may be necessary for the payment of expenses as authorized by section 524 of title 28, United States Code.

(17) For Support of United States Prisoners in Non-Federal Institutions: $450,858,000 for fiscal year 1999, $473,401,000 for fiscal year 2000, and $497,072,000 for fiscal year 2001, which shall remain available until expended. Such sums may be expended to reimburse appropriate health care providers for the care, diagnosis, and treatment of United States prisoners and individuals adjudicated in Federal courts as not guilty by reason of insanity, but only at rates that do not exceed the actual cost of such care, diagnosis, and treatment. Not to exceed $20,000,000 for each fiscal year shall remain available until expended for the purpose of entering into contracts for only the reasonable and actual cost to assist the government of any State, territory, or political subdivision thereof for purposes of renovating, constructing, and equipping any facility that confines Federal detainees, in accordance with regulations to be issued by the Attorney General comparable to the regulations issued under section 4006 of title 18, United States Code.

(18) For the United States Parole Commission: $7,621,000 for fiscal year 1999, $8,002,000 for fiscal year 2000, and $8,402,000 for fiscal year 2001.

SEC. 102. FEDERAL PRISON INDUSTRIES.

Notwithstanding section 4129 of title 18, United States Code, not to exceed $3,266,000 for fiscal year 1999, and not to exceed $3,429,000 for fiscal year 2000, and not to exceed $3,601,000 for fiscal year 2001, of the funds available to Federal Prison Industries may be used for—

(1) administrative expenses; and

(2) services authorized by section 3109 of title 5, United States Code;

to be computed on an accrual basis in accordance with the current prescribed accounting system of Federal Prison Industries. Such funds shall be exclusive of depreciation, payment of claims, and expenditures that such accounting system requires to be capitalized or charged to the cost of commodities acquired or produced (including selling and shipping expenses) and expenses incurred in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property of Federal Prison Industries.

Subtitle B—General Provisions

SEC. 151. APPOINTMENT OF ADDITIONAL ASSISTANT UNITED STATES ATTORNEYS; REDUCTION OF CERTAIN LITIGATION POSITIONS.

(a) APPOINTMENTS REQUIRED.—Not later than September 30, 2000, the Attorney General may exercise authority under section 542 of title 28, United States Code, to appoint 200 assistant United States attorneys in addition to the number of assistant United States attorneys serving on the date of the enactment of this Act.

(b) SELECTION OF APPOINTEES.—Individuals first appointed under subsection (a) shall be appointed from among attorneys who are incumbents of 200 full-time litigation positions in divisions of the Department of Justice and whose official duty station is at the seat of Government.

(c) TERMINATION OF POSITIONS.—Each of the 200 litigation positions that become vacant by reason of an appointment made in accordance with subsections (a) and (b) shall be terminated at the time the vacancy arises.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 1999 and 2000 to carry out this section.

TITLE II—AUTHORIZATIONS OF APPROPRIATIONS FOR PROGRAMS

SEC. 201. AMENDMENTS TO THE CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.

(a) EXPEDITIOUS DEPORTATION FOR DENIED ASYLUM APPLICANTS.—Section 130005(c) of the Violent Crime Control and Law Enforcement Act of 1994 (8 U.S.C. 1158 note) is amended—

(1) in paragraph (3) by striking "and" at the end,

(2) in paragraph (4) by striking the period at the end and inserting a semicolon, and

(3) by adding at the end the following:

"(5) $90,000,000 for fiscal year 1999; and

"(6) $90,000,000 for fiscal year 2000.".

(b) AMENDMENTS TO VIOLENCE AGAINST WOMEN ACT OF 1994.—*Section 40114 of the Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat 1910) is amended—*

(1) in paragraph (2) by striking "and" at the end,

(2) in paragraph (3) by striking the period at the end and inserting a semicolon, and

(3) by adding at the end the following:

"(4) $500,000 for fiscal year 1999; and

"(5) $500,000 for fiscal year 2000.".

(c) IMPROVING BORDER CONTROLS.—Section 130006(a) of the Violent Crime Control and Law Enforcement Act of 1994 (8 U.S.C. 1101 note) is amended—

(1) in paragraph (3) by striking "and" at the end,

(2) in paragraph (4) by striking the period at the end and inserting a semicolon, and

(3) by adding at the end the following:

"(5) $200,000,000 for fiscal year 1999; and

"(6) $200,000,000 for fiscal year 2000.".

(d) EXPANDED SPECIAL DEPORTATION PROCEEDINGS.—Section 130007(d) of the Violent Crime Control and Law Enforcement Act of 1994 (8 U.S.C. 1252 note) is amended—

(1) in paragraph (3) by striking "and" at the end.

(2) in paragraph (4) by striking the period at the end and inserting a semicolon, and

(3) by adding at the end the following:

"(5) $2,000,000 for fiscal year 1999; and

"(6) $2,000,000 for fiscal year 2000.".

(e) TRAINING PROGRAMS.—Section 40152(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941(c)) is amended by striking paragraphs (1) and (2), and inserting the following:

"(1) $1,000,000 for fiscal year 1999; and

"(2) $1,000,000 for fiscal year 2000.".

(f) MISSING ALZHEIMER'S DISEASE PATIENT ALERT PROGRAM.—Section 240001(d) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14181(d)) is amended—

(1) in paragraph (2) by striking "and" at the end,

(2) in paragraph (3) by striking the period at the end and inserting a semicolon, and

(3) by adding at the end the following:

"(4) $900,000 for fiscal year 1999; and

"(5) $900,000 for fiscal year 2000.".

(g) MOTOR VEHICLE THEFT PREVENTION PROGRAM.—Section 220002(h) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14171(h)) is amended—

(1) in paragraph (2) by striking "and" at the end,

(2) in paragraph (3) by striking the period at the end and inserting a semicolon, and

(3) by adding at the end the following:

"(4) $750,000 for fiscal year 1999; and

"(5) $750,000 for fiscal year 2000.".

(h) RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE ACT.—Section 40295(c)(1) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13971(c)(1)) is amended—

(1) in subparagraph (B) by striking "and" at the end,

(2) in subparagraph (C) by striking the period at the end and inserting a semicolon, and

(3) by adding at the end the following:

"(D) $15,000,000 for fiscal year 1999; and

"(E) $15,000,000 for fiscal year 2000.".

SEC. 202. AMENDMENTS TO THE ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996.

The Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1214) is amended—

(1) in section 819(b) by striking "for fiscal" and all that follows through "section", and inserting "to carry out this section $5,000,000 for fiscal year 1999 and $5,000,000 for fiscal year 2000", and

(2) in section 821 by striking "not more than $10,000,000 for fiscal year 1997" and inserting "$10,000,000 for fiscal year 1999 and $10,000,000 for fiscal year 2000".

SEC. 203. AUTHORITY TO TRANSFER PROPERTY OF MARGINAL VALUE.

Section 524(c)(9)(B) of title 28, United States Code, is amended—

(1) by striking "year 1997" and inserting "years 1999 and 2000"; and

(2) by adding at the end the following:

"Such transfer shall be subject to satisfaction by the recipient involved of any outstanding lien against the property transferred.".

SEC. 204. COMMUNICATIONS ASSISTANCE.

The Communications Assistance for Law Enforcement Act (47 U.S.C. 1001–1021) is amended—

(1) in section 108(c)(3) by striking "on or before January 1, 1995" and inserting "before October 1, 2000",

(2) in section 109—

(A) in subsection (a)—

(i) in the heading by striking "JANUARY 1, 1995" and inserting "OCTOBER 1, 2000", and

(ii) by striking "January 1, 1995" and inserting "October 1, 2000",

(B) in subsection (b)—

(i) in the heading by striking "JANUARY 1, 1995" and inserting "OCTOBER 1, 2000",

(ii) in paragraph (1)—

(I) in the matter preceding subparagraph (A) by striking "January 1, 1995" and inserting "October 1, 2000", and

(II) in subparagraph (J) by striking "January 1, 1995" and inserting "October 1, 2000", and

(iii) in paragraph (2) by striking "January 1, 1995" and inserting "October 1, 2000", and

(C) in subsection (d)—

(i) in the heading by striking "JANUARY 1, 1995" and inserting "OCTOBER 1, 2000", and

(ii) by striking "January 1, 1995" and inserting "October 1, 2000",

(3) in section 110 by striking "and 1998" and inserting "1998, 1999, and 2000", and

(4) in section 111(b) by striking "on the date that is 4 years after the date of enactment of this Act" and inserting "October 1, 2000".

SEC. 205. CRIMINAL ALIEN ASSISTANCE.

Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)) is amended by striking subparagraphs (A) through (F) and inserting the following:

"(A) $750,000,000 for fiscal year 1999;

"(B) $800,000,000 for fiscal year 2000; and

"(C) $850,000,000 for fiscal year 2001.".

TITLE III—PERMANENT ENABLING PROVISIONS

SEC. 301. PERMANENT AUTHORITY.

(a) AMENDMENT.—Chapter 31 of title 28, United States Code, is amended by adding at the end the following:

"§ 530B. Authority to use available funds

"(a) PERMITTED USES.—Except to the extent provided otherwise by law applicable to funds available to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, or subdivision thereof) and in addition to authority provided in subsections (a) and (b) of section 524 of this title, the Attorney General may use such funds as follows:

"(1) GENERAL PERMITTED USES.—Such funds may be used for the following:

"(A) The purchase, lease, maintenance, and operation of passenger motor vehicles, or police-type motor vehicles for law enforcement purposes, without regard to general purchase price limitation for the then current fiscal year.

"(B) The purchase of insurance for motor vehicles, boats, and aircraft operated in official Government business in foreign countries.

"(C) Services of experts and consultants, including private counsel, as authorized by section 3109 of title 5, and at rates of pay for individuals not to exceed the maximum daily rate payable from time to time under section 5332 of title 5.

"(D) Not to exceed $200,000 for each fiscal year for official receptions and representation expenses, in accordance with distributions, procedures, and regulations established by the Attorney General.

"(E) Unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on the certificate of the Attorney General.

"(F) Miscellaneous and emergency expenses authorized or approved by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or the Assistant Attorney General for Administration.

"(G) In accordance with procedures established and regulations issued by the Attorney General—

"(i) attendance at meetings and seminars;

"(ii) conferences and training; and

"(iii) advances of public moneys under section 3324 of title 31.

Travel advances of such funds to law enforcement personnel engaged in undercover activity shall be considered to be public money for purposes of section 3527 of title 31.

"(H) For the conduct of its activities, including for contracting with individuals for personal services abroad, except that such individuals shall not be regarded as employees of the United States for the purpose of any law administered by the Office of Personnel Management.

"(I) Payment of interpreters and translators who are not citizens of the United States, in accordance with procedures established and regulations issued by the Attorney General.

"(2) SPECIFIC PERMITTED USES.—

"(A) AIRCRAFT AND BOATS.—Funds available for United States Attorneys, for the Federal Bureau of Investigation, for the United States Marshals Service, for the Drug Enforcement Administration, and for the Immigration and Naturalization Service may be used for the purchase, lease, maintenance, and operation of aircraft and boats, for law enforcement purposes.

"(B) PAYMENT OF REWARDS; PURCHASE OF EVIDENCE.—Funds available for the Federal Bureau of Investigation, for the Drug Enforcement Administration, for the Immigration and Naturalization Service, and for the Federal Prison System may be used for the payment of rewards, for the purchase of evidence, and for payment for information in connection with law enforcement.

"(C) PURCHASE OF AMMUNITION AND FIREARMS; FIREARMS COMPETITIONS.—Funds available for United States Attorneys, for the Federal Bureau of Investigation, for the United States Marshals Service, for the Drug Enforcement Administration, and for the Immigration and Naturalization Service may be used for—

"(i) the purchase of ammunition and firearms; and

"(ii) participation in firearms competitions.

"(3) UNIFORMS.—Funds available for the Immigration and Naturalization Service and for the Federal Prison System may be used for expenses or allowances for uniforms as authorized by section 5901 of title 5 but without regard to the general purchase price limitation for the then current fiscal year.

"(4) FEES AND EXPENSES OF WITNESSES.—Funds available for Fees and Expenses of Witnesses may be used for expenses, mileage, compensation, and per diem in lieu of subsistence, of witnesses as authorized by law (including advances of public money), but no witness may be paid more than 1 attendance fee for any 1 calendar day.

"(5) FEDERAL BUREAU OF INVESTIGATION.—(A) Funds available to the Federal Bureau of Investigation may be used for the conduct of its activities, including for—

"(i) expenses necessary for the detection and prosecution of crimes against the United States;

"(ii) protection of the person of the Attorney General;

"(iii) investigations regarding official matters under the control of the Department of Justice and the Department of State, as may be directed by the Attorney General;

"(iv) the confidential lease of surveillance sites for law enforcement purposes; and

"(v) acquisition, collection, classification, and preservation of identification and other records and their exchange with, and for the official use of, the duly authorized officials of the Federal Government, of States, of cities, and of such other institutions, as authorized by law, such exchange to be subject to cancellation if dissemination is made outside the receiving departments or related agencies.

"(B)(i) The Federal Bureau of Investigation may establish and collect fees for the processing of noncriminal employment and licensing fingerprint records. Such fees shall represent the full cost of furnishing the service.

"(ii) Such fees collected shall be credited to the Salaries and Expenses, Federal Bureau of Investigation appropriation without regard to section 3302(b) of title 31 and, to the extent specified in appropriations Acts, shall be available until expended for salaries and other expenses incurred in processing such records.

"(iii) No fee shall be assessed in connection with the processing of requests for criminal history records by criminal justice agencies for criminal justice purposes or for employment in criminal justice agencies.

"(6) IMMIGRATION AND NATURALIZATION SERVICE.—Funds available for the Immigration and Naturalization Service may be used for the administration and enforcement of laws relating to immigration, naturalization, and alien registration, including for—

"(A) acquisition of land as sites for enforcement fences, and construction incidental to such fences;

"(B) cash advances to aliens for meals and lodging en route;

"(C) refunds of maintenance bills, immigration fines, and other items properly returnable, except deposits of aliens who become public charges and deposits to secure payment of fines and passage money; and

"(D) expenses and allowances incurred in tracking lost persons, as required by public exigencies, in aid of State or local law enforcement agencies.

"(7) FEDERAL PRISON SYSTEM.—Funds available for the Federal Prison System may be used for the conduct of its activities, including for—

"(A) the administration, operation, and maintenance of Federal penal and correctional institutions, including inmate medical services and inmate legal services, within the Federal prison system;

"(B) planning, acquisition of sites, and construction of new facilities, including—

"(i) the purchase and acquisition of facilities, and remodeling and equipping of such facilities, for penal and correctional institutions; and

"(ii) the payment of United States prisoners for work performed in the activities described in this subparagraph;

which shall remain available until expended;

"(C) construction of buildings at prison camps and acquisition of land as authorized by section 4010 of title 18;

"(D) the labor of the United States prisoners performed in the construction, remodeling, renovating, converting, expanding, planning, designing, maintaining, or equipping of prison buildings or facilities; and

"(E) the purchase and exchange of farm products and livestock.

"(b) RELATED PROVISIONS.—

"(1) LIMITATION OF COMPENSATION OF INDIVIDUALS EMPLOYED AS ATTORNEYS.—None of the funds available to the Attorney General may be used to pay compensation for services provided by an individual employed as an attorney (other than an individual employed to provide services as a foreign attorney in special cases) unless such individual is duly licensed and authorized to practice as an attorney under the law of a State, a territory of the United States, or the District of Columbia.

"(2) REIMBURSEMENTS PAID TO GOVERNMENTAL ENTITIES.—Funds available to the Attorney General that are paid as a reimbursement to a governmental unit in the Department of Justice, to another Federal entity, or to a unit of State or local government may be used under the authority applicable to such unit or such entity that receives such reimbursement.".

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 31 of title 28, United States Code, is amended by adding at the end the following:

"530B. Authority to use available funds.".

SEC. 302. PERMANENT AUTHORITY RELATING TO ENFORCEMENT OF LAWS.

(a) AMENDMENT.—Chapter 31 of title 28, United States Code, as amended by section 301, is amended by adding at the end the following:

"§ 530C. Report on enforcement of laws

"(a) REPORT REQUIRED.—The Attorney General shall transmit a report to each House of the Congress in any case in which the Attorney General—

"(1) establishes a policy to refrain from enforcing any provision of any Federal statute whose enforcement is the responsibility of the Department of Justice, because of the position of the Attorney General that such provision is not constitutional; or

"(2) determines that the Department of Justice will contest, or will refrain from defending, in any judicial, administrative, or other proceeding, any provision of any Federal statute, because of the position of the Attorney General that such provision is not constitutional.

"(b) DEADLINE FOR REPORT.—Any report required by subsection (a) shall be transmitted not later than 30 days after the Attorney General establishes the policy specified in subsection (a)(1) or makes the determination specified in subsection (a)(2). Each such report shall—

"(1) specify the provision of the Federal statute involved:

"(2) include a detailed statement of the reasons for the position of the Attorney General; and

"(3) in the case of a determination specified in subsection (a)(2), indicate the nature of the proceeding involved.

"(c) DECLARATION.—In the case of a determination specified in subsection (a)(2), the representative of the Department of Justice participating in the proceeding shall make a declaration in such proceeding that the position of the Attorney General on the constitutionality of the provision of the Federal statute involved is the position of the executive branch of the Federal Government.".

"(b) TECHNICAL AMENDMENT.—The table of sections for chapter 31 of title 28, United States Code, as amended by section 301, is amended by adding at the end the following:

"530C. Report on enforcement of laws.".

SEC. 303. PROTECTION OF THE ATTORNEY GENERAL.

Section 533(2) of title 28, United States Code, is amended by inserting "or the person of the Attorney General" before the semicolon at the end.

TITLE IV—MISCELLANEOUS

SEC. 401. REPEALERS.

(a) OPEN-ENDED AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL INSTITUTE OF CORRECTIONS—Chapter 319 of title 18, United States Code, is amended—

(1) by striking section 4353; and

(2) in the table of sections for such chapter by striking the item relating to section 4353.

(b) OPEN-ENDED AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES MARSHALS SERVICE.—Section 561 of title 28, United States Code, is amended by striking subsection (i).

SEC. 402. TECHNICAL AMENDMENT.

Section 542(c)(5) of title 28, United States Code, is amended by striking "Fund" the 2nd place it appears and inserting "Fund,".

SEC. 403. APPLICABILITY OF TITLE III.

The amendments made by title III shall not apply with respect to funds available for any fiscal year ending before fiscal year 1999.

SEC. 404. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed to modify or supersede the application or operation of the Public Buildings Act of 1959 (40 U.S.C. 601–619).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3303.

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

There was no objection.

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

Mr. Speaker, I rise today to urge my colleagues to support H.R. 3303, the Department of Justice Appropriation Authorization Act for fiscal years 1999, 2000 and 2001. This important bipartisan legislation, which I introduced with the gentleman from Michigan (Mr. CONYERS) in March, is a comprehensive 3-year authorization of the Justice Department's activities and programs.

On April 29, 1998, the Committee on the Judiciary reported the bill as amended by voice vote.

As you know, authorization is the process by which Congress creates, amends and extends programs in response to national needs. It is perhaps the most important oversight tool that Congress can employ. Through authorization, legislative committees establish program objectives and they set ceilings on the amounts that may be appropriated for them. Once a Federal program has been authorized, the Committee on Appropriations recommends the actual budget authority, which allows Federal agencies to enter into obligations and actually spend the money that is authorized.

With respect to the Department of Justice, the law requires that all money appropriated must first be authorized by an act of Congress. Notwithstanding this obligation to authorize, Congress has not properly reauthorized the department's activities since 1979. Since that time, several attempts have failed, either because of bad timing or because the reauthorization bills were loaded with controversial amendments.

This 19-year failure to properly reauthorize the department has forced the appropriations committees in both houses to reauthorize and appropriate money. This reauthorization money endeavor is both an attempt to improve the efficiency of the department and an opportunity to reaffirm the authority and responsibility of the Committee on the Judiciary.

Let me say, the passage of this bill today does not mean the end of the Committee on the Judiciary's oversight of the department. To the contrary, it is my intention that, with the assistance of recently approved additional staff and resources, the committee will take an even closer look at the operations and policies of the department in the coming months.

Let me briefly summarize H.R. 3303. The bill contains four titles.

Title I authorizes appropriations to carry out the work of the various components of the department for fiscal years 1999, 2000 and 2001. Title I largely adheres to the department's budget request for fiscal year 1999 by providing nearly $15.5 billion, and it would authorize a 5 percent increase for fiscal years 2000 and 2001.

The proposed increases for fiscal years 2000 and 2001, though an approximation of the department's actual budgetary requirements, are the result of consultations with the department and an analysis of the historical trend. I have a high degree of confidence that the H.R. 3303 appropriation authorizations for fiscal years 2000 and 2001 are accurate.

Section 151 of title I would authorize, but not require, the Attorney General to transfer 200 lawyers from among the six litigating divisions at Justice Department headquarters in Washington, D.C. to the U.S. Attorneys. The provision is intended to raise the productivity of Washington-based lawyers who litigate criminal and civil cases for the department across the Nation by moving them to the field.

Title II reauthorizes for two additional years a number of successful programs whose authorizations will expire at the end of fiscal year 1998. These reauthorized programs will, for example, expedite the deportation of aliens who have been denied asylum, combat violence against women, and fund specialized training for and equipment to enhance the capability of metropolitan fire and emergency service departments to respond to terrorist attacks.

Section 204 of title II would amend the Communications Assistance for Law Enforcement Act, also known as CALEA, by changing the effective date for purposes of compliance enforcement and the grandfathering of telecommunications carrier equipment facilities and services. This amendment does not alter the substance or effect of CALEA, and it enjoys widespread bipartisan support.

Title III would grant permanent authorization for certain inherent and non-controversial functions of the department. The department has requested permanent authorizing authority in the past, and proposed authority has appeared in several reauthorization bills since the last reauthorization in 1979.

Title III largely mirrors the language of these earlier bills, except to the extent it has been updated to meet the changing needs of Federal law enforcement in the 1990s. I believe the department should have, for example, permanent authority to purchase aircraft and police-type motor vehicles, as well as firearms, ammunition and uniforms, for its employees. This permanent authority would be subject to available appropriations.

Title IV would, among other things, repeal the permanent open-ended authorization of the United States Marshals Service. The service's permanent authorization is an anomaly among the department's components that immunizes it from congressional scrutiny. It should be subject to the same oversight that other department components of the departments are.

H.R. 3303 would grant the Marshals Service narrower permanent authority in line with the permanent authority to be granted the rest of the department.

Mr. Speaker, H.R. 3303 reaffirms the role of Congress in the oversight of the Justice Department. Through this reauthorization endeavor and our continuing oversight, we will enhance the department's efficiency and increase public confidence in all of its many missions. I urge my colleagues to support the passage of this important legislation.

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

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

Mr. Speaker, I want to commend the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, for bringing this legislation to the floor. I do want to state that the gentleman from Michigan (Mr. CONYERS), the ranking Democrat of the committee, is necessarily not here with us because of transportation problems from his home district.

Mr. Speaker, this bill marks the first time in 19 years that the Committee on the Judiciary has sought to reauthorize the Department of Justice. In putting this legislation together, the gentleman from Illinois (Mr. HYDE) and I principally relied on the recommendations of the Department of Justice. It was a rare opportunity for bipartisan participation, and the bill was voted on out of committee by voice vote.

The responsibilities of the Department of Justice are wide-ranging and the department, by and large, has done a good job in enforcing laws to protect American citizens.

□ 1415

Not only does the department have the responsibilities of apprehending, prosecuting, and incarcerating criminal offenders, it must also uphold the civil rights of all Americans, enforce the laws to protect the environment, ensure competition of business in the private sector by fighting potential monopolies, fight against fraud, terrorism, and drug trafficking, and enforce the immigration and naturalization laws.

Mr. Speaker, the department has been extremely successful in reducing the incidence of violent crime, particularly in the area of hate crimes, in reducing juvenile violence, and enforcing our laws at the border to prevent migrant trafficking.

Mr. Speaker, this legislation is an important piece of legislation, and certainly deserves the full support of the Members of this House. Again, I thank the chairman, the gentleman from Illinois, for his leadership on this bill, and I urge my colleagues to support H.R. 3303.

Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I thank our friend from American Samoa for stepping in when the Committee on the Judiciary was, on our side, temporarily absent. I appreciate his doing this and yielding me this time.

Mr. Speaker, I am not going to oppose this bill. I am not going to support it very enthusiastically, but I do not expect my lack of enthusiasm seriously to disturb anybody at this point.

But I do take the floor to make the point that I am disappointed that we are making so little progress on the reform of the prison industry system.

We have a paradox in this country. We have strong laws against the importation of goods that are made by prison labor overseas, and many of the Members who are concerned about human rights point to prison labor as an example of a violation of human rights.

But for some reason that principle appears to dissolve when it hits salt water. It is a very important principle for us overseas, but for reasons I have not been able to discover, because no one who supports the policy will tell me, we ignore it domestically. We employ prison labor.

I am in favor of prisoners being usefully employed. I am in favor of whatever rehabilitative effects come from prison labor. But I do not understand that part of the rehabilitation of prisoners is sending them out to take orders. Prisoners do not do a great deal of marketing. Indeed, there have even been concerns to the extent to which they have been able to do some telemarketing.

I say that because I am very much in favor of inmates being given useful work, but it does not seem to me that we should be selling their product in competition with things made by citizens and others working in the free market.

The current prison labor system not only sends some things out into competition, but reserves certain areas of that market for prison labor and does not even allow the free market to compete. That seems to me wholly inappropriate. We would object if this was done internationally.

An insistence on reforming these sets of rules which lock out free enterprise from the prison labor system in fact unites the National Federation of Independent Businesses and the AFL-CIO.

I have worked with the gentleman from Michigan (Mr. HOEKSTRA), the gentleman from North Carolina (Mr. COBLE), and others to try to reform that system. I believe we could have a system in which prisoners are employed, but in which they do not get this competitive advantage over others.

Indeed, I believe we should be exploring the extent to which we can have prisoners make things and give them away, donate them to various groups that are insufficiently funded to be in the market. That is, I think there is a demand in day care centers, in homeless shelters and in other places so that furniture, clothing, curtains, things that are made in prison industries could in fact be distributed. I hope we will look at this.

Many of us have been frustrated, and I and others have been pushing for a look at this. When this bill came up in committee we raised the issue, and offered an amendment tentatively, and withdrew it because we were assured by the chairman of the subcommittee there would be some progress.

The progress has been very slow. I am pleased that we now have a hearing set up for this week on alternatives. There is a bill that the subcommittee chairman has drafted that many of us who have been trying to change the system do not like. We have our own version.

I hope that we will, after this hearing, be able to proceed to some committee consideration of this, ultimately getting it to the floor. We are late in the year. I do not have high hopes that we are going to pass a bill this year, but why should this bill be any different? We are not passing a lot of anything this year.

On the other hand, I would hope we would get a fair enough start in this process so we could assure people who are concerned that we are serious about that and that, frankly, realistically, early next year we would be dealing on the floor with some legislation.

I see the chairman there. Mr. Speaker, I ask the subcommittee chairman, who I see approaching the microphone. I hope he would give me some assurance.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Speaker, the gentleman has very cordially been involved with us in trying to move a product towards the floor and ultimately get a chance for it.

Mr. FRANK of Massachusetts. Reclaiming my time, Mr. Speaker, I am reaching the point where I am behaving more cordially than I feel.

Mr. McCOLLUM. If the gentleman will continue to yield, Mr. Speaker, we always understand that, I say to the gentleman from Massachusetts (Mr. FRANK).

At any rate, as the gentleman well stated, we do have a hearing set this Thursday. It would be my hope that when we get back from the recess that we will have at least one more hearing, and then mark the bill up in subcommittee. I, as the gentleman, do not know the progress that will be made all the way through, but it would be nice to have that bill through the Committee on the Judiciary, and maybe the whole House would be able to vote on a product with the gentleman.

I share with him, and want to put it on the record, I share with the gentleman that the current structure of the Federal prison industries is not appropriate. I do not think the mandatory source rule is a good idea to continue. I do think we may differ on some of the details, but we need to find a way to have prisoners not only meaningfully engaged in work, but find some way where labor and small business can participate.

Mr. FRANK of Massachusetts. I thank the gentleman. I wonder if the chairman of the full committee might indicate what his view is on what the chairman of subcommittee has just said.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Speaker, I associate myself completely with the remarks of the gentleman from Florida.

Mr. FRANK of Massachusetts. I thank the chairman of the full committee.

Mr. Speaker, given the importance of this and the fact that we are making some progress, I thank my friend from American Samoa. I look forward to our being able to begin the serious process of making some changes in the prison system.

Mr. GOODLATTE. Mr. Speaker, I rise today in support of H.R. 3303, the Department of Justice Authorization Act. I would like to comment briefly on provisions in Section 204 (Communications Assistance).

The original purpose of the Communications Assistance for Law Enforcement Act of 1994 (CALEA) was to preserve the government's ability, pursuant to a court order, to intercept communications which utilized advanced telecommunications technology, while protecting the privacy of communications and without impeding the introduction of new technology, features, and services. CALEA was intended to refine the telecommunication's industry's existing duty to cooperate in the conduct of electronic surveillance and to establish procedures based on public accountability and industry standard-setting.

CALEA permitted the telecommunications industry itself to develop technical standards to implement the requirements of the Act, and established a process for the Attorney General to identify law enforcement's capacity requirements for electronic surveillance. Unfortunately, these standards have been delayed due to a dispute over their breadth and scope, and are now under review by the Federal Communications Commission (FCC). CALEA also required the FBI, on behalf of the Attorney General, to issue its notice of electronic surveillance capacity in 1995. However, this notice was not provided to the industry until March, 1998.

The Act requires the federal government to reimburse telecommunications carriers for their just and reasonable costs to develop and implement the assistance capability requirements of CALEA. Existing carrier networks were to be "grandfathered" unless the government agreed to pay for their retrofitting. Increases in carrier network capacity to accommodate law enforcement's electronic surveillance needs were to be paid for by the government. To date, however, virtually no funds have been expended to implement CALEA.

Mr. Speaker, delays in the implementation of CALEA have prevented the telecommunications industry and law enforcement from complying with its provisions. It is appropriate

to recognize the effect of the delays of the implementation of CALEA by moving both its effective and "grandfather" dates. H.R. 3303 recognizes the reality of the delays of implementing this important crime-fighting legislation and gives both the telecommunications industry and law enforcement additional time to prepare for CALEA's implementation.

Mr. BLILEY. Mr. Speaker, section 204 of H.R. 3303 contains an amendment to the Communications Assistance for Law Enforcement Act (Public Law 103–414), commonly referred to as "CALEA." Specifically, the provisions would extend the authorization for the Attorney General to provide reimbursements to certain telecommunications carriers that comply with the provisions of CALEA.

CALEA was enacted into law at the end of the 103d Congress. The purpose of the law is sound: prevent the curtailment of legal wiretaps by our nation's law enforcement community as communications technology advances. The digital age and digitalization of the telecommunications industry makes legal interception of communications more difficult and time consuming. In addition, making digital telecommunications equipment capable of wiretapping is costly and complex as much of the equipment must be altered or modified. CALEA was intended to set up a mechanism whereby the Federal government would reimburse telecommunications carriers for certain qualifying equipment costs caused by complying with the provisions of CALEA.

It is clear that there has been significant disagreement between portions of the U.S. Government and the telecommunications industry regarding the implementation of CALEA. I am hopeful that all parties can work out any differences. I ask that everyone involved redouble their efforts to come to an acceptable resolution. I am hopeful that Congress does not have to revisit this issue again, but we will if necessary.

Section 204 is a simple extension of the authorization of the Attorney General to provide payments to telecommunications carriers with certain qualifications beyond the original statutory deadline. Without this provision, much of the initial $500,000 provided for under the bill would not be authorized to be disbursed. To date, only about $100,000 has been disbursed by the Attorney General. It is important that all of the tools designed to foster telecommunications equipment compliance with the goals of CALEA be available to the relevant parties.

Under an agreement worked out in the 103d Congress, jurisdiction over issues contained in CALEA are split between the House Committees on the Judiciary and Commerce. While title II of CALEA contains provisions relating to jurisdiction common to the House Judiciary Committee and title III of the law contains provisions common to the Commerce Committee's jurisdiction, title I contains provisions that are traditionally shared between the two committees. As section 204 is an amendment to title I of CALEA, specifically section 110, it falls within the shared jurisdiction category.

I will not object to section 204 of H.R. 3303 and I will not seek a referral of the bill to the Commerce Committee because this important provision should move forward as quickly as possible. However, I plan to continue to closely monitor the implementation of the CALEA provisions. Further, the Commerce Committee intends to fully exercise its rights and jurisdiction over CALEA matters in the future, especially if this issue or other CALEA-related matters need further congressional attention.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the United States Department of Justice is the premier law enforcement institution in the world. With more than 108,000 employees, the Department has primary responsibility for protecting American citizens from crime, ensuring the healthy competition of businesses in our free enterprise system, safeguarding the consumer, and for enforcing our nation's drug, immigration and naturalization laws.

The Justice Department does an outstanding job in carrying out its mission. DOJ's accomplishments are impressive. They have taken us one step closer to answering the concerns of all Americans—to make our streets safer, eliminate the scourge of drugs, reduce youth violence, strengthen our borders against illegal immigration, protect our environment, ensure our civil rights, combat violence against women, and ensure equal justice for all.

Last year, the national violent crime rate dropped for the fifth year in a row, marking the longest period of decline in 25 years.

Between 1994 and 1995, violent crime dropped 12.4 percent—the largest drop since the Department's survey of such statistics began in 1973.

The juvenile violent crime arrest rate increased 69 percent between 1987 and 1994. Between 1994 and 1996, the violent crime rate decreased by 11.9 percent.

The COPS program has awarded grants to increase the number of police on the streets by 57,500, more than halfway to the goal of 100,000 community police officers by the year 2000.

The Department of Justice awarded grants totalling $184.6 million for Violence Against Women programs and $46 million to 336 communities to help make police organizations more responsive to domestic violence.

The Department of Justice has deported criminal aliens in record numbers. Last year, over 37,000 criminal aliens were deported.

DOJ continues to play a lead role in the enforcement of the nation's civil rights laws, which define and prohibit unlawful discrimination in a wide rage of areas, including employment, housing, voting, and education.

I am pleased that Chairman HYDE has sought to rekindle the relationship between this Committee and the Justice Department and I congratulate him on the efforts he has made to work in cooperation with DOJ in drafting H.R. 3003, the legislation reauthorizing the Department of Justice.

As I review this legislation there are two points upon which I would like to comment. The first is funding for the Department over the next three years. The Department of Justice has expanded rapidly over the last 15 years. In 1981, DOJ had a budget of $2.3 billion. In response to DOJ's growing responsibilities in enforcing the nation's criminal and civil laws, the Department's budget request for Fiscal Year 1999 has increased exceeds $20 billion.

H.R. 3303 reflects that request and authorizes a 5 percent increase in each of the Fiscal Years 2000 and 2001. This will allow the Department to expand as necessary to fulfill its role as the nation's premier law enforcement agency.

Second, I was pleased to see the reauthorization of the Rural Domestic Violence and Child Adult Enforcement Assistance Act. As an advocate for women's and children's issues, I strongly support reauthorization of these important programs.

Domestic violence is a horror and tragedy that should have no place in our society, but instead it is an all too common reality. Domestic violence is a public and personal health problem that affects the lives of millions of women and their families. Two million to four million women each year become victims of violence at the hands of an intimate—a husband, ex-husband, boyfriend, or ex-boyfriend. There is a 20–30% lifetime risk for a woman to be battered.

In 1995, almost 1 million children—2,700 a day—were abused or neglected. This number was up almost 25 percent since 1990. The number of children seriously injured by abuse nearly quadrupled between 1986 and 1993, according to interviews with child-serving professionals.

Reauthorizing the Rural Domestic Violence and Child Adult Enforcement Assistance Act is critical in our nation's battle to stamp out the abuse of these most vulnerable of its citizens.

Ms. LOFGREN. Mr. Speaker, I am extremely pleased that we were able to work in a bipartisan manner to include my amendment to this legislation to extend some of the deadlines for telecommunications carriers to comply with requirements under the Communications Assistance for Law Enforcement Act (CALEA). I offered this amendment at full Judiciary Committee markup, where it garnered support from Members on both sides of the aisle, but withdrew it with assurances from Crime Subcommittee Chairman MCCOLLUM that he would introduce and push for enactment of legislation to address these and other issues related to CALEA. We have yet to see action on CALEA-related legislation, so it is necessary to address the matter in this bill.

Mr. Speaker, the CALEA implementation process has not gone as Congress had expected when CALEA was enacted in 1994. While all parties—the Administration, the telecommunications industry, and privacy and civil liberties organizations—have negotiated in good faith, clearly a resolution is not close at hand.

In fact, the parties have now petitioned the Federal Communications Commission (FCC) to break the impasse.

Certainly, all involved can share some of the blame, but I do not think that the telecommunications industry and our civil liberties should be made to suffer for the lack of an agreement. My amendment merely creates a "safety valve" to remove the pressure from the impending October 1 deadline, and recognizes the reality of the delays in the negotiating process. The Justice Department has already admitted that CALEA-compliant solutions will not be "available" from manufacturers until 1999–2001, regardless of what transpires. It is not fair to punish industry for failing to provide this technology faster than even the Justice Department has deemed possible.

Therefore, like Congressman BARR's bill (H.R. 3321), my amendment postpones deadline for compliance with CALEA from this October until October 1, 2000. This should provide the parties and the FCC time to come to an agreement, and to test and deploy agreed-upon solutions.

It is also unfair to force industry to pay for recent upgrades made to their "embedded base" that do not conform to nonexistent CALEA standards. The original Act provided that all upgrades made after January 1, 1995 would be the responsibility of telecommunications carriers, and they would bear the cost of modifying their equipment to conform with CALEA after that date. It has obviously been necessary for industry to upgrade their equipment in the last three and a half years, and no one in Congress believed that so much time would be necessary to complete this process. Therefore, it is not appropriate to place the cost burden of anticipated equipment modifications on telecommunications companies and their customers.

My amendment, also like the Barr bill, would grandfather in all equipment deployed and installed before October 1, 2000. Industry would be responsible for retrofitting noncompliant equipment installed after that date.

This is a narrow fix to an immediate and critical problem. If an agreement is not reached by October 1, industry would be liable for fines and for the costs of upgrading much of their equipment. The FBI has been using this as a bargaining tool in their discussions with industry and civil liberties groups, but this is not the atmosphere in which these discussions were supposed to take place.

This amendment will merely give a reprieve to the negotiators, and allow for a full and deliberate resolution of this critical issue. Congress will have greater leeway to monitor the FCC's attempts to break the impasse and to ratify or alter any proposed compromise. Even with enactment of this provision, many other contentious issues will remain, but this legislation is not the proper vehicle for resolving those issues.

Mr. Speaker, I am glad that we were able to include my amendment in this important legislation, and I look forward to working with my colleagues on continued efforts to implement CALEA.

Mr. BARR of Georgia. Mr. Speaker, I rise today in support of the Department of Justice Appropriation Authorization Act for Fiscal Years 1999, 2000, and 2001. As the original author of the CALEA Implementation Amendment of 1998, H.R. 3321, the Department of Justice Appropriation Authorization Act, H.R. 3003, contains language in Section 204 which embodied the principles of my bill. I believe it is incumbent on us in Congress to recognize the delays that have occurred in the implementing of the Communications Assistance to Law Enforcement Act of 1994 (CALEA), by extending the time for compliance, and to clarify the "grandfathered" status of existing telecommunication network equipment facilities and services during the time period the CALEA-compliant technology is developed.

The purpose of CALEA is to preserve the federal government's ability, pursuant to a court order or other lawful authorization, to intercept communications involving advanced telecommunication technologies, while protecting the privacy of communications and without impeding the introduction of new technologies, features, and services. CALEA further defined the telecommunication industry's duty to cooperate in the conduct of electronic surveillance, and to establish procedures based on public accountability and industry standard setting.

CALEA necessarily involved a balancing of interests of the telecommunications industry, law enforcement, and privacy groups. The law allowed the telecommunication industry to develop standards to implement the requirements of CALEA and establish a process for the U.S. Attorney General to identify capacity requirements for electronic surveillance. The law required the federal government to reimburse carriers their just and reasonable costs incurred in modifying existing equipment, services or features necessary to comply with the assistance capability requirements of the law. The CALEA law also required the federal government pay for delays in the implementation of the law that have prevented the telecommunication industry and law enforcement from complying with its provisions.

The development and adoption of industry technical standards have been delayed, and these standards are now being challenged before the Federal Communications Commission by both law enforcement and privacy groups. The release of the federal government's capacity notice for electronic surveillance needs was over two and a half years late. It is clear from the telecommunication's equipment manufacturers that no CALEA-compliant technology will be available for purchase and implementation by telecommunication carriers by the effective date, currently set for October 25, 1998. Further, since the enactment of CALEA, substantial changes have occurred in the telecommunication industry, such as the enactment of the Telecommunication Act of 1996, which resulted in many new entrants in the industry and other changes in the competitive marketplace. Finally, during the four year "transition period" initially contemplated by Congress for the implementation of CALEA, the telecommunication industry has installed and continued to deploy technology and equipment which is not compliant with assistance capacity requirements of CALEA, since "CALEA technology" has not been fully developed or designed into such equipment.

Mr. Speaker, House of Representatives Report No. 103–827 makes it clear the Federal Government intended to bear the costs of CALEA implementation during the four-year transition period between the enactment and the effective dates. Congress recognized it was much more economical to design new telecommunications switching equipment, features, and services the necessary assistance capability requirements, rather than to retrofit such equipment, features, and services after the fact. Congress recognized some retrofitting would nonetheless be necessary, provided that carriers would be in compliance with CALEA absent a commitment by law enforcement to reimburse the full and reasonable costs of carriers for such modifications to their existing equipment.

The Department of Justice Appropriation Authorization Act recognizes during the four year transition virtually no federal government funds have been expended to reimburse the telecommunication industry for its implementation costs of CALEA. During the first year transition period, virtually all telecommunications carrier equipment which has been installed or deployed is based on pre-CALEA technology and does not include those features necessary to implement the assistance capacity requirements of CALEA.

It is therefore necessary to extend the time of compliance to enable the industry to complete the standard setting and development processes required to implement CALEA in an economical and efficient fashion, and to recognize existing telecommunications carrier equipment, features, and services should be grandfathered during the interim.

On the completion of the development of CALEA compliant-technology, the federal government can decide which carrier equipment it chooses to retrofit at Federal Government expense and the manufacturers can then design CALEA capabilities and services to be deployed in carrier networks in the future.

Thus, it is necessary to move both the effective and the "grandfather" dates of CALEA to recognize the delays in CALEA implementation and to ensure its implementation continues as intended by Congress.

Mr. Speaker, it is also necessary to clarify the meaning of several terms in the cost reimbursement provisions of CALEA. The use of the terms "installed" and "deployed" in CALEA are intended to make clear Congress intended separate and distinct meanings of these terms as they are used in CALEA. The term, "installed," refers to equipment actually in place and operable to the network of carriers. The term, "deployed," relates to equipment, facilities or services that are commercially available within the telecommunication industry, to be utilized by a carrier whether or not equipment, facilities or services were actually installed or utilized within the network of the carrier. The term, "deployed," is also intended to refer to technology available to the industry.

The use of these terms recognizes Congress clearly intended to retrofit the federal government expenses, or grandfather the existing networks of carriers to the extent they were installed or deployed prior to the development of CALEA-compliant technology based on industry standards developed to meet assistance capacity requirements of CALEA. The terms, "significantly upgraded" or "otherwise undergoes major modifications," were intended to mean the carriers' obligations to assume the costs of implementing CALEA technology in a particular network switch, is not triggered until a particular network switch is fundamentally altered, such as by upgrading or replacing it with a new fundamentally altered switch technology. For example, changing from digital to asynchronous transfer mode (ATM) switching technology.

Thus, once CALEA-compliant technology is developed and can be designed into switches deployed in carrier networks, the costs of such deployment shift to the industry. Prior to that time, however, existing carrier networks are "grandfathered" unless retrofitted at federal government expense as intended by Congress. In addition, switch upgrades or modifications performed by carriers to meet federal

or state regulatory mandates or other requirements, such as number portability requirements, are not to be considered a "significant upgrade" or a "major modification" for purposes of CALEA.

Mr. Speaker, these provisions should make clear that existing carrier networks are grandfathered, unless retrofitted at federal government expense. The effective date for compliance with CALEA has been extended for approximately two years to provide additional time for industry development of CALEA-compliant technology in response to industry technical standards to meet the assistance capacity requirements of CALEA.

I support this important legislation and ask my colleagues to support the Department of Justice Appropriation Authorization Act, H.R. 3303.

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

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

The SPEAKER pro tempore (Mr. NETHERCUTT). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 3303, as amended.

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

A motion to reconsider was laid on the table.

SENSE OF CONGRESS THAT UNITED STATES SHOULD SUPPORT FEDERAL LAW ENFORCEMENT AGENTS' EFFORTS REGARDING MEXICAN FINANCIAL INSTITUTIONS

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 288) expressing the sense of the Congress that the United States should support the efforts of Federal law enforcement agents engaged in investigation and prosecution of money laundering associated with Mexican financial institutions.

The Clerk read as follows:

H. CON. RES. 288

Whereas, Mexico is an important ally of the United States and these countries' economies, cultures, and security interests are permanently intertwined;

Whereas illegal drugs continue to destroy our cities and kill our children, the illegal international narcotics trade poses a direct and pernicious threat to the vital national interests of the United States, and combating this threat is one of our Nation's highest priorities;

Whereas Mexico is one of the major source countries for narcotic drugs and other controlled substances entering the United States;

Whereas criminal organizations engage in money laundering to reap the financial benefits of the illegal narcotics trade and combating money laundering is a necessary and integral part of a national strategy to combat the narcotics trade;

Whereas Mexico is currently unable to limit meaningfully the laundering of drug proceeds in its financial institutions, as noted in the Department of State's 1997 International Narcotics Control Strategy Report, which indicates that Mexico "continues to be the money laundering haven of choice for the transportation of US cash drug proceeds";

Whereas, despite the commitment of President Zedillo to combat drug trafficking and money laundering, the Government of Mexico "acknowledges that narcotics-related corruption is pervasive and entrenched within the criminal justice system and that it has spread beyond that sector", as demonstrated by the February 1997 arrest of the chief of Mexico's National Counternarcotics Institute on charges of accepting bribes from, and complicity with, the drug cartels, shortly after receiving confidential briefings from United States law enforcement agencies;

Whereas progressively more violent, organized, and widespread illegal drug operations constitute a threat not only to the health and well-being of the Mexican people but also to the integrity of the Mexican Government and its law enforcement agencies;

Whereas the vast majority of people and public servants in Mexico support ridding their country of this dark and sinister threat;

Whereas the United States Customs Service, in conjunction with other United States law enforcement agencies, recently concluded "Operation Casablanca", the largest undercover money laundering investigation in the history of the United States, in which over 100 persons were arrested and 3 Mexican financial institutions were indicted;

Whereas Operation Casablanca is in the interest of the people of the United States, as it strikes a direct blow against the laundering of the proceeds of illegal drug sales in Mexican financial institutions and is necessary for an effective effort against money laundering in the United States;

Whereas United States law enforcement agents participating in Operation Casablanca placed themselves in peril of severe injury or death in order to combat the illegal narcotics trade;

Whereas recently the Government of Mexico has reportedly announced a desire to investigate and possibly prosecute United States law enforcement officials involved in Operation Casablanca on the ground that United States law enforcement agents allegedly operated on Mexican soil without prior notification of the Government of Mexico;

Whereas the Government of Mexico had been notified of the broad concept but not details of a money laundering investigation;

Whereas notification of details could have jeopardized the safety of United States law enforcement officials; and

Whereas notification to foreign governments of the specifics of undercover money laundering investigations conducted by the United States could, under certain circumstances, render ineffective such investigations, which would be contrary to the interests of the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) undercover law enforcement investigations, including under appropriate circumstances sting operations, are necessary to counter increasingly sophisticated money laundering schemes that involve financial institutions in this country and other countries, including Mexico; and

(2) the United States should not agree to extradite to Mexico United States law enforcement agents involved in Operation Casablanca for actions taken within the scope of Operation Casablanca.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution under consideration.

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

There was no objection.

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

Mr. Speaker, this resolution expresses the sense of the Congress that the United States should support the efforts of Federal law enforcement agents engaged in the investigation and prosecution of money laundering associated with Mexican financial institutions.

I want to commend my good friend, the gentleman from Alabama (Mr. BACHUS), the chairman of the Committee on Banking and Financial Services' Subcommittee on General Oversight and Investigations, for introducing this important legislation and for his leadership on this issue.

The United States and all the western democracies are under attack from a global problem that only grows worse and more complex by the day, money laundering. Every day throughout the United States and around the world narcotraffickers and organized crime syndicates engage in thousands of financial transactions to conceal their ill-gotten gains. These international criminal organizations are driven by greed, and the laundering of their proceeds is their only pathway to profit.

The magnitude of the money laundering problem can only be grasped in relation to the global drug problem. The illegal drug business is now estimated to generate $800 billion to $1 trillion annually in sales, more than the entire global petrochemical industry.

Such a magnitude of drug-tainted money poses a constant threat of political corruption and destabilization around the world. More than 600 metric tons of cocaine are trafficked from South America each year, of which nearly 500 metric tons are destined for the United States. Colombian heroin, with unprecedented purity and low prices, is showing up around the country. Mexican drug gangs have grown so strong and sophisticated they now rival Colombian cartels, and pose what

DEA administrator Tom Constantine has called the premier law enforcement threat facing the United States today.

Hand-in-hand with the growth of these sophisticated international drug trafficking organizations has come the growth of money laundering. Today money laundering has reached alarming and unprecedented levels on both the national and international level. It is now estimated by law enforcement and banking officials that as much as $500 billion, or 2 percent of the global domestic product, is laundered each year.

The law enforcement challenge throughout the world is daunting. Consider the challenge posed by the money transmitting business. The world's intricate wire transfer system moves over $2 trillion a day, involving more than 500,000 transactions.

As law enforcement has sought to uncover and prosecute money laundering over the years, the methods used by drug organizations to launder their money have grown increasingly complex and exotic. Criminals who commit crimes abroad are using the U.S. and its financial institutions as havens for laundered funds, at the same time as criminals are committing offenses in the U.S. and using foreign banks and banks' secrecy jurisdictions to conceal the proceeds of their crimes.

In short, today's sophisticated and well-financed criminals respect no international border. The problem is particularly acute in Mexico, which, according to the U.S. State Department, and I quote, "Continues to be the money laundering haven of choice for the transportation of cash drug proceeds."

As such, Mexico is a vital if not the vital link in the international crime chain which now spans the globe and threatens economic and political stability around the world.

It is against this backdrop that the United States law enforcement agencies, led by the United States Customs Service, carried out an extensive 3-year undercover money laundering investigation of certain Mexican financial institutions and individuals. The investigation led to the arrest of 167 people, the indictment of three Mexican banks, the seizure of $110 million, and several tons of drugs.

In supporting this resolution, there are a few points that need to be made. First, at the same time that I support the resolution, I support the Mexican government's efforts to address the drug crisis. I believe the Mexican government is making gains in its counternarcotics effort. I have reached this conclusion after spending time in Mexico carefully examining the counter drug programs underway and being developed. More must be done, but I believe the Mexican government is moving in the right direction.

Second, in supporting this resolution, I am not somehow condemning Mexico. As the resolution makes clear, Mexico is an important ally of the United States, and these two countries' economies, cultures, and security interests are permanently intertwined.

Rather, in supporting the resolution, I am supporting U.S. law enforcement agents who place their lives in danger in an effort to confront the international drug epidemic engulfing our country and children. I am supporting the U.S. law enforcement agencies, whose careful planning and execution led to the largest and most important money laundering investigation in the United States history, and I am joining Americans and Mexicans and citizens from around the globe in condemning those who knowingly assist drug traffickers to launder their profits.

It does not matter what your nationality is, if you aid and abet those who traffic to launder their blood-stained drug money, you deserve the unequivocal condemnation of the international community, and should be vigorously investigated and prosecuted to the full extent of the law.

Mr. Speaker, nothing poses a greater threat to democratic institutions around the world than the drug epidemic and drug corruption. Simply put, money laundering is the enemy of the rule of law, and we must support its vigorous prosecution wherever and whenever it is uncovered.

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

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. REYES).

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

Mr. Speaker, I rise this afternoon in support of this resolution, but I also rise to let Members know and understand that there are things that are very important that are included in this resolution, and there are issues that are confrontational that I think are counterproductive.

As a former law enforcement officer who conducted and supervised undercover operations and investigations along our Nation's border, I can certainly appreciate the intent of this resolution.

□ 1430

Let me state in the strongest possible terms that the extradition of our U.S. Customs agents should never even be an issue. They were doing their jobs. They effectively did their jobs to the extent that people that are guilty of money laundering are under arrest and will be tried soon. Undercover law enforcement investigations, including sting operations, are a necessary component of our national security and we must protect the agents that are involved always.

Operation Casablanca was a success, and we should congratulate the men and women of the United States Customs Service. Three prominent Mexican banks and 26 Mexican bankers have been indicted, and more than 8,000 pounds of marijuana and 4,000 pounds of cocaine have been seized during the course of this investigation.

Mr. Speaker, I rise this afternoon in support of this resolution. However, I do have some reservations with the language of the resolution in its current context. In my view, this is just an opportunity for some to attack Mexico once again, instead of fomenting an understanding and hopefully working with our counterparts to have them understand the seriousness and the importance of operations such as this that decommission organizations that are a threat to the national security of both the United States and Mexico.

I liken some of the language the same as we annually get into in the certification process. The language of this resolution does not constructively, in my opinion, engage Mexico. It engages in a lot more fingerpointing. I think that instead of blaming Mexico for feeding this Nation's $50 billion a year drug habit, I would encourage all of my colleagues to engage our neighbors to the south in constructive dialogue.

Mr. Speaker, I spent this weekend with 13 of my colleagues from Congress and 20 of our counterparts from the Mexican Parliament at the 37th Annual U.S./Mexico Interparliamentary Meeting in Morelia, Michoacan, Mexico. We discussed this very issue. I think we discussed it perhaps an hour longer than we should have.

Part of what we need to do as Members of Congress is engage in a constructive dialogue with our counterparts. We left Morelia, Michoacan, Mexico, with a better understanding of each other and we pledged to continue to work throughout this year to make sure that each of us understands the challenge, each of us understands the dynamics, and most importantly, each one of us has the ability to engage in constructive dialogue to the benefit of both the United States and Mexico.

Mr. Speaker, I think that this afternoon as we stand here and engage in dialogue about this resolution, which is vitally important to the men and women that serve this country in a law enforcement capacity, I think we should keep one thing in perspective. That is that we have two arenas to concern ourselves with. The first one is the arena where agents of both countries engage in an operational manner to protect our constituents. The second one is the political arena where much is said, but very little is accomplished because of fingerpointing.

Mr. Speaker, I hope we keep things in perspective. I hope we are able to engage in constructive dialogue.

Mr. MCCOLLUM. Mr. Speaker, I yield 6½ minutes to the gentleman from Alabama (Mr. BACHUS), the author of this resolution.

Mr. BACHUS. Mr. Speaker, I thank the gentleman from Florida (Mr. MCCOLLUM) for yielding me this time, and I thank the gentleman from Texas (Mr. REYES) for his comments. I will tell the gentleman that he and I share some of the same concerns.

In fact, I served as Assistant Attorney General and legal counsel for a State agency that seized more drugs 2 straight years than any other State agency in the United States. Unfortunately, most of those drugs made their way through Mexico.

Mr. Speaker, we do have to be in partnership with Mexico, and I hope that this resolution brings a greater understanding, particularly when the Mexican Government has indicated that they may ask for extradition of our agents. I am glad that the gentleman from Texas agrees that that is inappropriate.

Mr. Speaker, I rise in support of this resolution. The gentleman from Florida (Chairman MCCOLLUM) has already said that it expresses the support of the House for our enforcement agencies involved in the successful money laundering investigation, code named Operation Casablanca, and it expresses the view of the House that it would be inappropriate and indefensible to accept any request from the Mexican Government that these courageous American agents be extradited.

Operation Casablanca was announced last month by the Treasury and Justice Departments and it was the largest money laundering investigation in the history of the United States. Three things are clear. First, the drug trade is a scourge on both the United States and Mexico, and the people of both nations are committed to fighting this threat.

Second, Operation Casablanca struck a major blow to the Colombian and Mexican drug cartels and their dirty money men.

Finally, the U.S. Customs agents who placed their lives on the line to conduct this operation should be commended, not threatened with prosecution.

As chairman of the Subcommittee on General Oversight and Investigations of the House Committee on Banking and Financial Services, I have conducted several hearings to examine money laundering, including one September 1996 to examine the issue of money laundering in Mexican financial institutions.

That hearing painted a quite disturbing picture. The drug thugs who have caused harm in virtually every American community have essentially two choices after they receive cash for their poisonous product. They can smuggle the money out as cash or they can utilize financial institutions through "smurfing," peso brokering, and other techniques.

Our United States banks and other financial institutions have done a fairly good job of closing the front door to money laundering by rigorous enforcement of the Bank Secrecy Act. However, it is a different story in Mexico.

The bottom line is that once drug proceeds cross the border, it is virtually impossible to trace them and money laundering is done with ease. This year, the State Department's International Narcotics Control Strategy Report states, "Mexico continues to be the money laundering haven of choice for the transportation of U.S. cash drug proceeds."

Mexico has recently enacted money laundering legislation, but it neither has the regulatory infrastructure nor the reliable personnel at this time to enforce those rules. Our best strategy in the short run is law enforcement infiltration of criminal organizations and corrupt financial institutions.

That is what Operation Casablanca did, and that is why Operation Casablanca is so significant. The Customs Service and other agents are to be commended for undertaking this risky but courageous investigation. In one operation, our Customs Service was able to penetrate high into the Mexican and Colombian criminal organizations and flush out many of the financial institutions and banks serving them.

Over a dozen Mexican and Venezuelan banks were implicated. It will be some time before the banking friends of the narco-traffickers feel laundering for the cartels is a relatively risk-free way to make a dirty fortune.

We do not know all the details about Operation Casablanca. We do know that Mexican authorities were notified of the Casablanca probe, but were not notified of all the details. That is because specific information would have endangered the lives of our law enforcement agents. The sad reality is that we cannot do this type of operation at this time and share specific information with Mexico. Neither can we halt the war against the drug cartels.

We would not tolerate missiles being stationed in Mexico and aimed at the United States. The drug threat is every bit as sinister.

In conclusion, Operation Casablanca will prove to be a watershed event in our joint fight against drugs. Mexico can no longer remain in a state of denial about complicity of their financial institutions with the drug trade. In the short run, it was an embarrassment for Mexico, as demonstrated by their angry reaction. While their shock is predictable, their threats against U.S. law enforcement agents was disappointing and should not be given credence.

It is truly outrageous for the Government of Mexico to threaten to seek extradition of our law enforcement agents, even reportedly going to the ludicrous extreme of offering to swap narco-traffickers for law enforcement agents. United States agents place their lives on the line. We in Washington should never lose sight of the fact that the drug cartel operation is not fought by paper-pushers here in Washington, but by men and women of our law enforcement agencies who are out on the front lines.

It is a mystery to me why the administration and the State Department have not put forth stronger statements in support of our law enforcement agencies. But if they will not take the lead in supporting our agents, Congress must.

Democrats, Republicans and Independents have joined together in cosponsoring this legislation. This morning every Member received a letter from the gentleman from New York (Mr. HINCHEY), a New York Democrat; the gentleman from Vermont (Mr. SANDERS), the House's only Independent; and myself urging all Members to support this resolution. Twelve other Democratic cosponsors have joined us.

Mr. Speaker, I hope the United States and Mexico will work together and not let drug fighting take a back seat to diplomatic and political concerns. The bottom line is that our law enforcement agents should not be prosecuted or even threatened for fighting the drug thugs.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT), himself a former prosecutor.

Mr. DELAHUNT. Mr. Speaker, I did not intend to speak to this particular resolution, I am here on another matter. But I think it is important for me to comment on the fact that I too attended, along with the gentleman from Texas (Mr. REYES), my friend, the Interparliamentary Conference that occurred this past weekend in Morelia, Mexico, where this issue received considerable discussion among Members of Congress and our counterparts in the Mexican Parliament.

I was very pleased to hear the statement by the gentleman from Florida (Mr. MCCOLLUM) chairman of the Subcommittee on Crime, regarding the, should I say "improvement" in terms of the activity of the Mexican officials regarding drug trafficking.

I sensed a sincere and genuine commitment to a cooperative joint effort to deal with the issues surrounding drug trafficking. So I think it was important that the gentleman from Florida included that in his remarks, and I wish to associate myself with them.

Mr. Speaker, I would state that last year I voted against certification. But

after my experience this weekend, I intend to join the chair of the Subcommittee on Crime in supporting certification, because I think what I gleaned from our discussions was very, very positive.

At the same time, the issue of Operation Casablanca was raised. I wish to publicly state and commend the gentleman from New York (Mr. GILMAN), the chair of the Committee on International Relations, for a very forthright and clear and unequivocal statement regarding the position of Congress and the assembled Members of the United States delegation in our adamant opposition to any consideration of extradition of any U.S. agent involved in this particular undertaking.

I wish to make that a matter of record and commend the gentleman from New York for his insistence that that is simply untenable in terms of the United States Congress.

Again, I think it was clear to me as the gentleman from Alabama (Mr. BACHUS) just indicated, that there are many factual facts that are still unclear, that the question is still murky in terms of the notification. And it might be appropriate for us to communicate with the administration and with the appropriate counterparts in the Mexican Government to determine what constitutes adequate notification, because it is clear that notice was given at the very highest levels of the Mexican law enforcement apparatus.

□ 1445

However, it would appear that that information did not receive any further dissemination, which I suggest and submit might very well be entirely appropriate, given the covert and sensitive nature of, in fact, what was occurring, particularly in light of the fact that in these kinds of operations there is a high risk of personal safety and potential loss of life to any U.S. agent or any informant that might be cooperating with law enforcement.

I also think it is important to understand, too, that while we talk about Mexico, in fact 90 percent of the illegal activity that was discovered and investigated occurred within our own boundaries. So I just thought it was important for me to make those statements and to acknowledge the leadership of the gentleman from New York (Mr. GILMAN) over the course of this weekend.

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

Mr. DELAHUNT. I yield to the gentleman from Alabama.

Mr. BACHUS. What this resolution says, and I hope it was a message that we carried to Mexico, is that this fight against narco-traffickers is a dangerous one, and we simply do not need to let our law enforcement agencies be made pawns in a diplomatic or political struggle. I appreciate what the gentleman has said, but I think we ought to make it clear that extradition is not an appropriate path.

Mr. DELAHUNT. Reclaiming my time, Mr. Speaker, I would suggest to the gentleman that that, in fact, was the message that was delivered forcefully and eloquently by the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN).

Mr. BACHUS. I thank the gentleman.

Mr. MCCOLLUM. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. GILMAN), distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I rise in strong support of this resolution before us, H. Con. Res. 288, that supports our U.S. law enforcement efforts on the issue of drug traffickers' use of money laundering through Mexican banking institutions. I want to strongly commend the gentleman from Alabama (Mr. BACHUS) for introducing this important measure at a timely moment.

I want to take this opportunity to compliment our Customs Service for a highly successful and important money laundering undercover operation, code named Casablanca. All of us are proud of their outstanding efforts to take the profit and benefit out of the illicit drug trade which targets our communities, kills our youngsters. Operation Casablanca benefited the interests of the people of both Mexico and the United States.

This past weekend in Mexico I was pleased to join the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from Texas (Mr. REYES) at our annual interparliamentary meetings with the members of the Mexican Congress. It was chaired by the gentleman from Arizona (Mr. KOLBE) and the Senator from Kansas, Senator PAT ROBERTS, and we were joined with a delegation of over 10 Members of both Congress and the Senate where we had the opportunity to extensively discuss this serious matter with our Mexican colleagues.

Many of our Mexican counterparts expressed opposition to our Casablanca investigation, and while our Mexican colleagues were concerned about one issue, the issue of Mexican sovereignty, as a result of this operation, we reminded them of the much larger picture, one that, if ignored, would be a grave and serious risk to both of our nations.

We reminded our Mexican colleagues that the greatest threat to their sovereignty and the sovereignty of many other free and democratic Nations around the globe today is not operations like Casablanca. The real threat is the continued trafficking of illicit drugs and the inevitable violence and corruption which flows so freely from this deadly, corrosive trade in narcotics.

The undercover Casablanca operation helped to destroy a major money laundering ring of Colombian and Mexican drug dealers who were using several Mexican banks and some high level bankers to launder and disguise billions of dollars of their ill-gotten gains. The dirty drug-related monies came from our streets, the streets of key U.S. cities like Chicago, Los Angeles, Houston and New York. Millions of drug dealer assets have also been seized, along with tons of illicit drugs.

In addition, the record needs to be clear that no U.S. government sting money was used. It was all dirty drug money which was being laundered.

The U.S. Customs Service did not entice, did not lure any Mexican bankers into this web of crime and corruption. The corrupt Mexican bankers all came to their attention either from drug dealers or other Mexican bankers already engaged in money laundering for the two major drug cartels.

Let it also be noted that the Deputy Attorney General of Mexico and a high level Mexican treasury official were duly informed very early on in the investigation by the U.S. Customs Service of this operation. The Mexican authorities were even asked to help but never responded to our Customs officials.

However, when the Casablanca operation was concluded and the copies of the indictments were provided to Mexican authorities, it did result in five Mexican bankers being arrested in Mexico, based upon U.S. investigations.

Finally, the millions of dollars that this operation uncovered flowing from our streets and communities from illicit drug trade demonstrate how serious the challenge is from these drug dealers and the corruption that they foster in the banking systems and on democratic institutions around the globe.

In conclusion, let me say we need to provide support for and encourage these investigative operations and not put blame on our courageous investigators, and hope that we can achieve more concrete support on both sides of the border in the future. By working together, let us both, Mexico and the United States, be certain that the sovereignty and integrity of both of our nations will be fully protected and that our war against drugs will be even more effective.

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

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

I just want to wrap the discussion up by again complimenting the gentleman from Alabama (Mr. BACHUS) for creating this resolution. I think it sends an important message to our law enforcement community as much as anything else, especially to the Customs Service, that they have done a job that

needs to be praised. It is a job well done. And to our neighbors to the south, I think it sends a message of our concerns that continue while at the same time extending recognition of their cooperation, the fact that they are indeed participating.

I do not know how many Members understood that the resolution addresses a great deal of detail. I do not know how many understood what Casablanca really was all about. I would just like to point out that essentially what happens in money laundering like this and what happened, as I understand it, in this case is that certain active drug dealers in the United States with connections to Mexico and Colombia decided to use some dummy accounts and some real accounts in American banks in California to ship some funds down to Mexico.

They found some cooperative second tier bankers. I am not sure if they found the top people. I do not think they did. I think we are talking about some major banks in Mexico we would all be concerned about if they were here. They found several of them, some bankers to cooperate. And they sent this money back to the United States into some legitimate looking accounts, again here in the country, that then allowed them to forward the money ultimately on to sources such as Colombia drug cartel leaders in a cleansed way, appearing to be all legitimate transactions.

If not for the cooperation and assistance of these Mexican bankers, who have been pointed out in detail today, there would not have been a money laundering operation and the proceeds of the illegal drug sales inside the United States would never have gotten back in a covered fashion, in an obscure fashion, to those who committed the most heinous of crimes, the producers and suppliers of these drugs in the source countries. So while it is a little complicated in its essence, I thought we ought to at least explain to anyone, our colleagues that might be listening to this, how the operation worked. The very complexity itself deserves attention, and the Treasury Department and the Customs Service law enforcement officials deserve praise for their efforts at meticulously documenting this trail and making it all come to fruition as they did.

I strongly urge the adoption of this resolution. I support it, and I appreciate very much the gentleman from Alabama offering it.

Mr. LAFALCE. Mr. Speaker, I rise in support of the Resolution offered by the gentleman from Alabama and commend my colleague on the Banking Committee for bringing this important issue to the attention of the House of Representatives.

The testimony received by the Banking Committee in our June 11 hearing on Operation Casablanca demonstrated the courage and bravery of the federal agents who literally risked their lives by operating an anti-money laundering scheme involving some of the most dangerous and vicious drug dealers in the world. It is indeed fitting that we put the House of Representatives on record against any extradition proceedings involving these courageous men and women.

This resolution raises another issue. Operation Casablanca was successful because of the growing effectiveness of our nation's anti-money laundering policies. The financial services industry must report deposits and withdrawals of cash in excess of $10,000 and financial institutions must file suspicious activity reports consistent with their "Know Your Customer" guidelines. Only with these programs in place could the criminals be convinced that Operation Casablanca was real.

And finally, the well planned coordination and cooperation between a number of Department of Treasury and Department of Justice law enforcement agencies permitted the sting operation to work as designed. I commend not only the agents in the field but the supervisors and management teams throughout the Administration who are making money laundering a crime that just doesn't pay.

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

The SPEAKER pro tempore (Mr. NETHERCUTT). The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 288.

The question was taken.

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

The yeas and nays were ordered.

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

SENSE OF HOUSE THAT BOARD OF GOVERNORS OF UNITED STATES POSTAL SERVICE SHOULD REJECT RECOMMENDED POSTAGE RATE INCREASE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 452) expressing the sense of the House of Representatives that the Board of Governors of the United States Postal Service should reject the recommended decision issued by the Postal Rate Commission on May 11, 1998, to the extent that it provides for any increase in postage rates.

The Clerk read as follows:

H. RES. 452

Whereas the United States Postal Service has realized a cumulative net income of approximately $5,800,000,000 during the past three and one-half fiscal years;

Whereas the national rate of inflation has declined substantially during that time;

Whereas the postal customers and taxpayers of the United States deserve to share in the recent financial gains of the Postal Service;

Whereas any increase in postage rates affects every citizen, resident, and business in the United States, and is especially harmful to individuals living on low or fixed incomes;

Whereas the Postal Rate Commission issued a recommended decision on May 11, 1998, that proposes, among other things, increases in certain postage rates;

Whereas it has been estimated that the proposed rate increase for first-class mail would increase the annual revenue of the Postal Service by approximately $1,000,000,000; and

Whereas the Board of Governors of the Postal Service is expected to meet in June 1998 to act upon the recommended decision: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Board of Governors of the United States Postal Service should reject the recommended decision issued by the Postal Rate Commission on May 11, 1998, to the extent that it provides for any increase in postage rates.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, I first want to commend the gentleman from Iowa (Mr. LATHAM), one of my better friends here in this body and a diligent member of the Committee on Appropriations, for sponsoring the legislation before us today. He has been joined by 49 Members in cosponsorship of H. Res. 452.

The bill, Mr. Speaker, addresses a small topic; that is, a penny, the fact that penny by penny, the United States Postal Service will be able to raise $1 billion per year. Mr. Speaker, that penny may be insignificant for some, but when paid collectively by all mailers, the accumulation is significant, $1 billion.

The question is, why does the United States Postal Service require this additional annual $1 billion when it has, over each of the past four years, made more than $1 billion in profit? That is a fairly significant balance.

Postal ratemaking is a complicated and specialized process in itself. The statutory provisions for changing rates are also unique. The law provides that the Postal Service may request rate increases. The request is sent to the Postal Rate Commission, which must review all of the documentation within 10 months and render a recommended decision that is fair and equitable.

The recommended decision of the PRC must provide sufficient revenues so that the Postal Service will, quote, break even. The governors then may approve, allow under protest, reject, or modify that decision.

The Postal Service showed an approximate $1.8 billion surplus in fiscal year 1995, a $1.5 billion surplus in fiscal year 1996, a $1.2 billion surplus in fiscal year 1997. However, last July the Postal Service requested increased rates because it estimated that it would be deficient by $1.4 billion. It turns out, Mr.

Speaker, that in mid-1998 the net operating surplus of the Service was more than $1.3 billion.

The chairman of the Postal Rate Commission, during a May 11 press briefing on this recommended decision, said, and I quote, "The commission believes that the Postal Service is unlikely, in the absence of either the economy going into a free fall, a spending binge or some very creative accounting, to incur any of the $1.4 billion loss it projected for fiscal year 1998. We believe the service may have seriously misestimated its need for a rate hike."

Additionally, the PRC discovered that the Postal Service based its estimates on 1996 data which did not reflect the current changes. It must be noted that the inflation rate is lower than anticipated. Therefore, costs to the Postal Service are lowered and its financial situation is stronger.

□ 1500

The Postal Rate Commission's hands are tied by law. The PRC is not permitted to substitute its judgment over the recommendation by the Postal Service even though the PRC did comment that they do not believe that the Postal Service needs to raise rates to break even in fiscal year 1998.

The PRC did, however, cut the original Postal Service request by almost a third and reluctantly granted a raise in the price of a first-class stamp without which other types of mail would have undergone economic consequences.

The chairman of the PRC said, "We can, however, recognize and account for known and certain changes that have occurred since the request was filed. This we have done."

Mr. Speaker, it is my strong belief that, given these circumstances, all Members of this House will want to be on record as to whether or not they believe a postal rate increase is a responsible course of action at this time.

I urge all of our colleagues to support H. Res. 452. This resolution simply expresses the sense of the House of Representatives that the Postal Board of Governors reject the recommended postal rate increase.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform and Oversight, and the Subcommittee on the Postal Service, I deeply regret the fact that H. Res. 452 was never referred to our subcommittee for consideration.

House Resolution 452 was introduced on June 3 of this month and referred to the Committee on Government Reform and Oversight. On June 19, committee consideration of the measure was waived by the gentleman from Indiana (Mr. BURTON), the chairman.

The Subcommittee on the Postal Service, chaired by the gentleman from New York (Mr. MCHUGH), is the proper forum for discussion and legislation relating to the United States Postal Service. Indeed, House Rule 10, Establishment and Jurisdiction of Standing Committees, grants the Committee on Government Reform and Oversight sole jurisdiction over the Postal Service, generally including the transportation of the mails.

House Resolution 452 never had the opportunity to be considered by the subcommittee of the gentleman from New York (Mr. MCHUGH). This is especially noteworthy given the fact that the gentleman from New York (Mr. MCHUGH) and his staff had been actively engaged in the drafting and redrafting of postal reform legislation over the past 3 years.

H. Res. 452 has not followed what I would consider to be the proper legislative process. The Postal Reorganization Act of 1970 shifted rate making authority from the Congress, where it had become a politically charged process, to two presidentially appointed bodies, the Postal Service Board of Governors and the Postal Rate Commission.

House Resolution 452, by expressing congressional opposition to a process currently before the Postal Board of Governors interjects itself into that very process. The Postal Rate Commission has issued its decision on the postal rate increase, and the matter is before the Postal Board of Governors. I urge that we respect the statutory process or request hearings on this process by the gentleman from New York (Mr. MCHUGH).

Mr. Speaker, whenever we start talking about increasing rates or increasing taxes, I think that every Member of this House perks up, and all of our antennas go out. I for one believe that we should get every ounce of service out of every dollar generated, whether it be on the basis of fees or in taxes.

In addition, whenever an idea or a proposal for raising and/or generating additional revenue is put on the table, there should be maximum time and opportunity for discussion and debate. Therefore, I had hoped that this item would have come before our subcommittee under the leadership of the gentleman from New York (Mr. MCHUGH) so that we could have had a full-blown discussion. There is still time for this to happen. I would urge that we do so.

In addition, the matter is currently, as I stated before, before the Postal Service Board of Governors. I hope that we would give them an opportunity as well to act.

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

Mr. LATOURETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. LATHAM), author of H. Res. 452.

Mr. LATHAM. Mr. Speaker, I wanted to personally thank my good friend from Ohio (Mr. LATOURETTE) for being here today and also express my appreciation to the gentleman from Indiana (Mr. BURTON), chairman of the full committee, and the gentleman from New York (Mr. MCHUGH) of the subcommittee for waiving jurisdiction, because this is very time sensitive. They are going to make this decision next Monday.

I think the people's House has a right to express an opinion. This is a sense of the House resolution, expressing an opinion. Mr. Speaker, I rise today to urge my colleagues to support this sense of the House resolution calling for the United States Postal Board of Governors to reject the $1.6 billion postage rate increase recommended last month by the Postal Rate Commission.

This $1.6 billion rate hike, of which $1 billion will fall upon senders of first-class letters, will affect every American, but primarily those who are poor and are on fixed incomes. Whether we are sending a Father's Day card, a "get well" card to our grandmother, or just paying our monthly bills, the Postal Service will be hitting us up for even more change out of our pocket.

Just to add insult to injury, the Postal Service even raised rates on certified mail, which millions of Americans use to send in their taxes to the IRS.

Included in this $1.6 billion rate hike or stamp tax is an increase in rates for nonprofit mailers. Local churches, temples, and charities in every Member's district will have to pay about 11 percent more per mailing they send out. As we all know, mailings are often the lifeblood of these organization's donations.

That is why the Alliance of Nonprofit Mailers, and it has more than 150 member organizations, strongly support this resolution. The Alliance includes a broad spectrum of organizations such as the AARP, the American Cancer Society, the American Farm Bureau, the International Association of Fire Fighters, AFL–CIO, Disabled American Veterans, Citizens for a Sound Economy, American Baptist Churches, B'nai B'rith International, the Salvation Army, the YMCA, Rutgers University, UCLA, the Chesapeake Bay Foundation, the National Association of School Boards, the World Wildlife Fund and Consumers Union of the U.S. Also nonprofit periodical publishers such as the National Geographic Society will be hit hardest by the stamp tax.

Again, all this adds up to a $1.6 billion tax on the American people if this rate increase goes into effect. However, it could have been even worse. In fact, the Postal Service's own recommendation was for a $2.4 billion rate increase, but the Postal Rate Commission, forced to recommend a rate hike, slashed the Postal Service's plan by $745 million.

This rate hike is all the more outrageous since the Postal Service has actually made a profit during the last 3½ years, and listen to this, of $5.9 billion. Let me say that again. They made a profit in the last 3½ years of $5.9 billion. That is better than most Fortune 500 companies.

However, by law, the Postal Service is not supposed to make a profit, but, instead, break even. Though, about three-fourths of this year already, the Postal Service is running a $1.4 billion profit, hardly a sign of an organization which needs a large infusion of cash.

This is the same Postal Service that would like this Congress to pass legislation to grant it more autonomy in how postage rates are set. If the current situation is any indication, can Americans really entrust the Postal Service with that sort of power?

The law says that the Postal Service may, from time to time, request that the Postal Rate Commission recommend a hike in rates or fees so that the Postal Service can meet its expected costs. That is, as long as it will equal "nearly as practicable total estimated cost of the Postal Service." This is the so-called break-even requirement.

So why did the Postal Rate Commission recommend last month to grant a rate increase, albeit of less magnitude than originally asked for? According to Edward Gleiman, who is Chairman of the Postal Rate Commission, the Postal Board of Governors left them with little choice.

The Board of Governors rejected a proposal by the Commission to delay a decision on the rate increase until more accurate financial data was available, and, therefore, the Commission was forced to decide on the Postal Service's rate increase.

In the event that the Postal Rate Commission did not act, the Board of Governors would have exercised its authority to increase rates temporarily. Gleiman stated on behalf of the Commission that, "while we do not believe, given its strong financial situation, that the service needs to raise rates to break even in fiscal year 1998, we may not second-guess them and send the request back." The decision is in the hands of the Postal Board of Governors.

I think it is evident that the leadership of the Postal Service has forgotten that they operate a public trust. This $1.6 billion stamp tax represents a break in that trust. I urge all my colleagues to join me in sending a clear and unanimous message to the Postal Board of Governors to reject this huge stamp tax.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, my colleague may very well have captured the real spirit and essence of where the sense of this House might be. I would be the first to agree that the Postal Service has been operating with a level of efficiency, a level of effectiveness, and has, indeed, been turning a profit, which is what we would like to see all businesses do.

By no stretch of the imagination would I want to suggest that I or any of my colleagues would be seeking an increase, as a matter of fact, especially when we talk about not-for-profits who are hard-pressed and hard hurt, even especially when we are talking about some of our businesses and commercial interests that also must, in fact, thrive as well as survive.

I agree with my colleague that setting the rates is a very complex matter. I would have been pleased to hear the dialogue, the discussion. I would have been pleased to hear from the Board of Governors if they were to make such a decision, or from the Rate Commission, their rationale for even making such a proposal. Knowing full well that it was nothing more than a proposal, I would have appreciated that dialogue and that information.

The power of this House reminds me of a discussion I heard the other day about three umpires who were discussing how they call close balls and strikes. The first umpire said, well, let me tell you, all of the close ones, with me, are balls. The second umpire said, well, let me tell you, with me, all of the close ones are strikes. The third umpire said, well, let me tell you, as far as I am concerned, none of them ain't nothing till I call them.

I think that is the way it is with this House. We can hear proposals, we can hear ideas, we can hear what others would have to say, but the bottom line or the final word is, indeed, ours. So I am not in opposition to the concept to the idea or even the bottom line. We would have just appreciated more opportunity to engage in the dialogue in our subcommittee and to have had an opportunity to more thoroughly explore the concept.

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

Mr. DAVIS of Illinois. I yield to the gentleman from Iowa.

Mr. LATHAM. Mr. Speaker, I would not disagree with the gentleman, but the fact of the matter is, with the decision being made next Monday, the time sensitive nature of that situation, I am very much appreciative of the fact that the gentleman from Indiana (Mr. BURTON) and the gentleman from New York (Mr. MCHUGH) allowed us to go forward, because I think it is very important in that the people's House express an opinion.

We are representing the people. I think that is the one part of this whole equation that has been left out is what the effects are on the people out there that we represent.

□ 1515

I apologize that because of the time sensitive nature of this that we had to proceed in this manner. I would hope that he would continue the oversight job that I know he will and to continue his work, but I think this is very important, for us to make a statement here today for the people.

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman very much and would just suggest that I am sure that we will do that under the very able and capable leadership of the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH). We look forward actually to engaging in as much dialogue relative to postal oversight as we possibly can have.

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

Mr. Speaker, before yielding back, I just wanted to make a couple of observations about the gentleman from Illinois' observations, because he has in the 105th Congress demonstrated himself to be not only a very studious but also a very insightful Member not only of the full committee but also of the Subcommittee on Postal Service and I know that this Member very much appreciates his input and appreciates his getting into the issues that affect all matters that come under the jurisdiction of the committee.

Mr. Speaker, we had an oversight hearing last week in which the gentleman from New York (Mr. MCHUGH) presided. We had the opportunity, all of us, to interchange with the new Postmaster General, Mr. Henderson. I think we are all impressed with his ability to lead the Postal Service into the next generation. But also testifying at that hearing was the General Accounting Office. I was struck by their remarks relative to this postal rate increase that they were particularly concerned about the quality and the quantity of information that had been supplied by the Postal Service to the PRC before making this recommendation.

I am also struck by the gentleman from Iowa's remark that this decision will be made next Monday and time is of the essence; and, lastly, just to reiterate something I think the gentleman from Iowa said, when the PRC came out with its decision, sadly, and why I think this House needs to become involved, in their May 11 document, they indicated that complicating an already challenging case was the finding by the PRC that the Postal Service's financial projections and underlying cost data from 1996 were outdated and contained what appeared to be serious computational errors. As the gentleman from Iowa stated, the PRC then recommended to the Board of Governors that would it not be better to delay a decision even though they had this 10-month clock ticking, but would it not be better to delay a decision and have it right rather than to conform with the requirement of getting it decided.

But, sadly, the Board of Governors rejected that. The head of the PRC said, in a response reflecting a preference for form over substance, "The Governors rejected the proposal and reminded the Commission that it was obligated to complete the case in 10 months."

I think the gentleman from Iowa's resolution, I am sure the gentleman from Illinois and all his colleagues on his side of the aisle would rather that the Board of Governors get it right than get it done quickly. It is for that reason that I would respectfully request that this House pass H. Res. 452.

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

The SPEAKER pro tempore (Mr. NETHERCUTT). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the resolution, House Resolution 452.

The question was taken.

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 452.

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

There was no objection.

MARTIN LUTHER KING, JR., MEMORIAL

Mrs. LINDA SMITH of Washington. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 113) approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capital.

The Clerk read as follows:

H.J. RES. 113

Whereas section 508 of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 1003 note; 110 Stat. 4157) authorized the Alpha Phi Alpha Fraternity to establish a memorial on Federal land in the District of Columbia to honor Martin Luther King, Jr.;

Whereas section 6(a) of the Commemorative Works Act (40 U.S.C. 1006(a)) provides that the location of a commemorative work in the area described as Area I (within the meaning of the Act) shall be deemed not authorized unless approved by law not later than 150 days after notification to Congress that the Secretary of the Interior recommends location of the commemorative work in Area I; and

Whereas the Secretary of the Interior has notified Congress of the recommendation of the Secretary that the memorial be located in Area I: Now, therefore, be it

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

SECTION 1. MARTIN LUTHER KING, JR., MEMORIAL.

The location of the commemorative work to honor Martin Luther King, Jr., authorized by section 508 of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 1003 note; 110 Stat. 4157), within Area I is approved under section 6(a) of the Commemorative Works Act (40 U.S.C. 1006(a)).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Washington (Mrs. LINDA SMITH) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Washington (Mrs. LINDA SMITH).

Mrs. LINDA SMITH of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 113 was introduced by the gentlewoman from Maryland (Mrs. MORELLA) who is to be congratulated for working very hard to get this to the floor today.

Mr. Speaker, House Joint Resolution 113 would approve the establishment of a memorial to Dr. Martin Luther King, Jr., at a site located in Area 1 in the District of Columbia. The Department of the Interior, in consultation with the National Capital Park and Planning Commission and the Commission on Fine Arts, will select the final site and approve the design. As per the Commemorative Works Act, this recommendation must be approved by law no later than 150 days from the date of the Secretary's notification.

Mr. Speaker, Congress passed legislation in 1996 to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Dr. Martin Luther King, Jr. This fraternity, which Dr. King joined in 1952, is one of the oldest predominantly African-American fraternities in the Nation. They will secure all of the money to build this memorial to Dr. King through private contributions. The fraternity wishes to honor Dr. King's remarkable role with a memorial in the Nation's capital. This memorial will provide a tangible recognition that will assist in passing Dr. King's message of liberty and justice for all from generation to generation.

Mr. Speaker, this is a well-deserved and completely bipartisan measure that is also supported by the administration. I urge my colleagues to support House Joint Resolution 113.

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

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

Mr. Speaker, I want to thank the gentlewoman from Washington for her management of this legislation on behalf of the majority.

Mr. Speaker, House Joint Resolution 113 provides for congressional approval of the Secretary of the Interior's recent decision to recommend placement of the Martin Luther King, Jr., Memorial in Area 1 of our Nation's capital.

As we all well know, Mr. Speaker, Martin Luther King, Jr., in my opinion was the greatest civil rights leader of the 20th century. Congress has previously authorized the establishment of a Martin Luther King, Jr., Memorial to honor Dr. King and his accomplishments. Pursuant to the Commemorative Works Act, a review of possible locations in which to place the memorial was done. Secretary Babbitt has determined that placement of the Martin Luther King Memorial in the central area of our Nation's capital is appropriate.

Mr. Speaker, there is some urgency in getting this legislation enacted. Under the Commemorative Works Act, if the Secretary's recommendation is not approved by an act of Congress within 150 days, it is deemed disapproved. I support the speedy passage of this legislation so that work can continue on providing an appropriate memorial to Martin Luther King, Jr. I urge my colleagues to support this legislation.

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

Mrs. LINDA SMITH of Washington. Mr. Speaker, I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. DIXON).

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

Mr. Speaker, on this occasion, I am reminded of our good friend Mo Udall who passed away several years ago when he said that everything that needs to be said on this has been said.

Certainly this memorial to Dr. King is a tribute to his outstanding works. I am very proud that I am a member of the fraternity that is sponsoring this activity. I would point out that the funds to be used are strictly private funds and will be raised by the Alpha Phi Alpha Fraternity.

Mr. Speaker, I rise today in strong support of this important legislation and thank my colleague, Rep. CONNIE MORELLA for her work on the bill. I also thank the Majority Leader for his prompt scheduling of this measure, as well as Resources Chairman DON YOUNG and Ranking Member GEORGE MILLER for their Committee's timely consideration of the bill.

H.J. Res 113 authorizes placement of a memorial honoring Dr. Martin Luther King, Jr. in Area I of the District of Columbia. In the 104th Congress, we passed legislation (P.L. 104–333) authorizing Alpha Phi Alpha Fraternity, Inc. to raise private funds for the design and construction of the memorial. I commend my fraternity brothers for their good work on this effort and the progress they have made.

Dr. Martin Luther King, Jr. stands among the great figures of American history. He richly deserves the distinct honor that is the goal of this legislation. His mission and methods embody American ideals of freedom, equality, and democracy. Dr. King's legacy enriches American civil and political life and captures the heart, mind, and soul of America.

On February 24, 1998, Interior Secretary Bruce Babbitt notified Congress of his recommendation that the memorial to Dr. King be sited within Area I of the District of Columbia. Under the Commemorative Works Act, this recommendation must be approved by Congress no later than 150 days from the date of the Secretary's notification. H.J. Res. 113 and its counterpart in the Senate, S.J. Res. 41, must be approved by Congress no later than July 24, 1998. I urge my colleagues to support this legislation and urge the Senate to act swiftly on the bill.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I also want to commend and congratulate all of those who have been involved in processing this resolution to the point of where it is today. I stand as a proud Member of Alpha Phi Alpha Fraternity. I have never felt more proud of the organization of which I am a life member than when it made the decision that in honor of one of its members, in honor of one of the greatest leaders that our Nation, or any Nation, has ever seen, in honor of Dr. Martin Luther King, Jr., it would establish a bust.

I also echo the sentiments of the gentleman from California who pointed out the fact that these are private funds, that these are men all over America who are willing to make use of their own resources so that their resources could be a lasting testament to a member of their group. All has indeed been said that needs to be said. I am simply very proud this day to be a member of the Alpha Phi Alpha Fraternity, and I am proud to be a Member of this august body that I believe will make this decision in honor of a lasting tribute to Dr. Martin Luther King Jr.

Mr. Speaker, as a life member of the oldest African American of Predominately Black Greek letter Fraternity in America, I am proud to rise in support of this resolution approving the location of a Martin Luther King Jr. Memorial in the Nation's Capital.

First of all Mr. Speaker, I thank the gentleman from American Samoa, Mr. FALEOMAVAEGA for yielding and I thank all of those who have been involved in bringing the legislation to this point. I also associate myself with the remarks made by my colleague and brother, the gentleman from California, Mr. DIXON.

As has already been stated, everything which need saying, has already been said Therefore, let me just say that I am proud to be a Member of Alpha Phi Alpha and to know that my brothers are prepared to go into their own pockets and make use of their own resources to provide an appropriate memorial to our brother, and the greatest leader of this century, Dr. Martin Luther King Jr.

Again, I am proud to be an Alpha, I am proud to be a member of this August Body, the United States House of Representatives as we pay tribute to one of America's Most Distinguished Citizens.

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

Mr. DAVIS of Illinois. I yield to the gentleman from California.

Mr. DIXON. Mr. Speaker, I am informed that I made a very bad faux pas just a second ago. I guess this is the second time within a short period of time that that has occurred; and, that is, that I thought that I had read that former Member of Congress Mo Udall had passed away, but I understand that he is in a nursing home VA Hospital, and I extend my apologies to him and to his family.

Mrs. MORELLA. Mr. Speaker, I appreciate the opportunity to bring H.J. Res. 113 to the House floor under suspension. This resolution would grant the Alpha Phi Alpha fraternity the authority to establish a memorial to Martin Luther King, Jr., at a site located in Area I in the District of Columbia.

I particularly want to thank Subcommittee Chairman JIM HANSEN, Resources Committee Chairman DON YOUNG and Ranking Minority Member GEORGE MILLER for their support and their assistance in moving this bill through the House.

As the sponsor of the resolution, I am enthusiastic about the memorial, and I am committed to seeing it built. I would like to recognize the other chief sponsor of this resolution, Congressman JULIAN DIXON, and the men of Alpha Phi Alpha fraternity, in particular, George Sealy and Al Bailey, for their vision to create a memorial to one of our truly great Americans. This memorial will stand as a testament to the tireless efforts of these "men of distinction" and serve as an inspiration to residents of the area and visitors to our Nation's Capital.

In 1996, Congress passed legislation to authorize Alpha Phi Alpha fraternity to establish a memorial to Martin Luther King. Under Public Law 104–333, the Alpha Phi Alpha fraternity may build a memorial to Dr. King through private contributions. No U.S. funds will be used to pay the costs incurred for the design, installation, construction or maintenance of the memorial. Rather, Alpha Phi Alpha has organized private fundraising efforts to pay for all phases of the monument's establishment.

On January 29, 1998, the Secretary of the Interior notified Congress of his recommendation that the memorial to Martin Luther King, Jr., be established within Area I of the District of Columbia. This recommendation must be approved by law no later than 150 days from the date of the Secretary's notification.

No American has embodied more genuinely the spirit of unity and cooperation which is so desperately needed in order to address effectively the social and economic problems which plague our nation, than Dr. King. His principles of nonviolence are known throughout the world and have had a profound impact on our country. This doctrine earned him the Nobel Prize for Peace in 1964.

Alpha Phi Alpha, which Dr. King joined in 1952, is one of the oldest predominantly African-American fraternities in the nation. Alpha Phi Alpha has 700 chapters in 42 states, and its members include some of the most prominent leaders and distinguished public officials within the United States. The fraternity wishes to honor Dr. King's remarkable role with a memorial in the Nation's Capital. The memorial will provide a tangible recognition that will assist in passing Dr. King's message from generation to generation.

A King memorial is long overdue. Dr. King believed in addressing a problem through positive and constructive action, through education and nonviolence. A King memorial would be a place of hope where all Americans ever after can contemplate Dr. King's words and deeds and act upon them. Speedy passage of this legislation will ensure that Dr. King's message of hope and peace is passed from generation to generation.

Mrs. MEEK of Florida. Mr. Speaker, I rise in strong support of H.J. Res. 113. Dr. Martin Luther King epitomizes the spirit of the Civil Rights Movement and it is only fitting that we salute him with a national memorial on the National Mall.

As the founder of the Southern Christian Leadership Conference and the president of the Montgomery Improvement Association, Dr. King provided pivotal leadership through one of the most turbulent times of the 21st Century—the Civil Rights Era.

Reverend King embodied the philosophy of nonviolent, direct action based on the Christian principles of love and understanding. Although there was opposition to his vision, nonviolent political protest only became a major force in American politics under the leadership of Dr. King.

Dr. King's concept of "somebodiness" gave black and poor people a new sense of worth and dignity. Dr. King's speech at the Lincoln Memorial during the March on Washington in 1963; his acceptance speech of the Nobel Peace Prize; his last sermon at Ebenezer Baptist Church; and his final speech in Memphis are among the greatest and most inspirational speeches in the history of our country, and his letter from the Birmingham Jail ranks among the most important American documents.

Dr. King's influence can be summarized in a quote from an article written by a young high school student from Rainer Beach High School in Seattle, Washington, which was printed in the Seattle Times newspaper, "The struggle Dr. Martin Luther King Jr. had was not a wonderful struggle. It was a struggle through racism and segregation. When the maker of the dream died, his dream still lived on in the world."

With the thoughts of this high school student in mind, I ask that my colleagues in the U.S. House of Representatives salute Dr. Martin Luther King in the Nation's Capital by supporting H.J. Res. 113.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Washington (Mrs. LINDA SMITH) that the House suspend the rules and pass the joint resolution, House Joint Resolution 113.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. LINDA SMITH of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution just passed.

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

There was no objection.

CAPE COD NATIONAL SEASHORE AMENDMENTS

Mrs. LINDA SMITH of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2411) to provide for a land exchange involving the Cape Cod National Seashore and to extend the authority for the Cape Cod National Seashore Advisory Commission, as amended.

The Clerk read as follows:

H.R. 2411

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

SECTION 1. CAPE COD NATIONAL SEASHORE.

(a) LAND EXCHANGE AND BOUNDARY ADJUSTMENT.—Section 2 of Public Law 87–126 (16 U.S.C. 459b–1) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) The Secretary may convey to the town of Provincetown, Massachusetts, a parcel of real property consisting of approximately 7.62 acres of Federal land within such area in exchange for approximately 11.157 acres of land outside of such area, as depicted on the map entitled 'Cape Cod National Seashore Boundary Revision Map', dated May, 1997, and numbered 609/80,801, to allow for the establishment of a municipal facility to serve the town that is restricted to solid waste transfer and recycling facilities and for other municipal activities that are compatible with National Park Service laws and regulations. Upon completion of the exchange, the Secretary shall modify the boundary of the Cape Cod National Seashore to include the land that has been added.".

(b) REAUTHORIZATION OF ADVISORY COMMISSION.—Section 8(a) of such Act (16 U.S.C. 459b–7(a)) is amended by striking the second sentence and inserting the following new sentence: "The Commission shall terminate September 26, 2008.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Washington (Mrs. LINDA SMITH) and the gentleman from Massachusetts (Mr. DELAHUNT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Washington (Mrs. LINDA SMITH).

Mrs. LINDA SMITH of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2411 is a bill introduced by the gentleman from Massachusetts (Mr. DELAHUNT). The gentleman from Massachusetts is to be commended on a bill which successfully resolves an environmentally sensitive issue and will benefit the people of Massachusetts.

H.R. 2411 provides for a land exchange and minor boundary adjustment to the Cape Code National Seashore consistent with requirements of the omnibus parks bill enacted last year. It conveys to Provincetown, Massachusetts, 7.6 acres of Federal land in exchange for approximately 11.2 acres of land outside the park, and modifies the park boundary to include the added land. In addition, the bill extends the statutory term of the Cape Cod National Seashore Advisory Commission by 10 years to September 2008. The Commission has provided valuable guidance to the Park Service and given local officials and community members a voice in the management of the Seashore.

This bill is noncontroversial and is supported by the administration. I urge my colleagues to support H.R. 2411.

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

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

Mr. Speaker, I rise in support of legislation which I sponsored which would resolve two matters concerning the Cape Cod National Seashore in Massachusetts. I wish to thank the gentlewoman from Washington for her management of this bill.

□ 1530

First, as she indicated, the bill would extend the statutory term of the Cape Cod National Seashore Advisory Commission for some 10 years. Since the seashore was created during the Kennedy administration, the commission has indeed provided invaluable guidance to the National Park Service and given residents of lower Cape Cod towns a voice in the management of the seashore. This extension is strongly supported by local, State and National Park Service officials.

In addition, again as the gentlewoman indicated, the bill includes minor boundary adjustments to the national seashore consistent with requirements enacted last year. These adjustments resolve a decade-old dispute concerning the construction of a solid waste transfer station and is part of a settlement agreement among the Park Service, the Commonwealth of Massachusetts and the town of Provincetown.

Let me conclude, Mr. Speaker, by thanking and acknowledging the support and the assistance of the Chair of the full committee, the gentleman from Alaska (Mr. YOUNG) and the Chair of the subcommittee, the gentleman from Utah (Mr. HANSEN) as well as the ranking member of the full committee, the gentleman from California (Mr. MILLER) and my friend, the ranking member of the subcommittee on National Parks and Public Lands, the gentleman from American Samoa (Mr. FALEOMAVAEGA).

I urge my colleagues to support this noncontroversial yet important legislation.

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

Mrs. LINDA SMITH of Washington. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. DELAHUNT. Mr. Speaker, I yield 3 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. Mr. Speaker, I support H.R. 2411, as was introduced by my colleague and a Member of the Committee on Resources, the gentleman from Massachusetts (Mr. DELAHUNT). This is a piece of legislation that is supported by the National Park Service as well as the local community.

The bill has two provisions. The first provision authorizes a minor land exchange between the National Park Service and the town of Provincetown. The second provision extends of the term of the Cape Cod National Seashore Advisory Commission. This advisory commission has been in existence since the seashore was established and works with the National Park Service and the local community on numerous issues.

Mr. Speaker, when the committee marked up 2411, it adopted an amendment to the bill that spells out the uses that are permitted on the exchange property and limits the extension of the advisory commission to 2008. These changes have been agreed upon by the National Park Service and the gentleman from Massachusetts, and I do support these provisions as well.

Mr. Speaker, I urge my colleagues to support this piece of legislation.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. NETHERCUTT). The question is on the motion offered by the gentlewoman from Washington (Mrs. LINDA SMITH) that the House suspend the rules and pass the bill, H.R. 2411, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. LINDA SMITH of Washington. Mr. Speaker, I ask unanimous consent

that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2411, the bill just passed.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 35 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1620

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. NETHERCUTT) at 4 o'clock and 20 minutes p.m.

APPOINTMENT OF MEMBERS TO SELECT COMMITTEE ON U.S. NATIONAL SECURITY AND MILITARY/COMMERCIAL CONCERNS WITH THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore (Mr. NETHERCUTT). Without objection, and pursuant to the provisions of section 3(a) of House Resolution 463, 105th Congress, the Chair appoints the following Members of the House to the U.S. National Security and Military/Commercial Concerns with the People's Republic of China:

Mr. COX of California, Chairman,
Mr. GOSS,
Mr. BEREUTER,
Mr. HANSEN,
Mr. WELDON of Pennsylvania,
Mr. DICKS,
Mr. SPRATT,
Ms. ROYBAL-ALLARD,
Mr. SCOTT.

There was no objection.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore (Mr. NETHERCUTT). Pursuant to House Resolution 477 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4059.

□ 1621

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4059) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from California (Mr. PACKARD) and the gentleman from North Carolina (Mr. HEFNER) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. PACKARD).

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

Mr. Chairman, I want to begin by expressing my deep appreciation to the gentleman from North Carolina (Mr. HEFNER), ranking member of the subcommittee. He has served for 12 years as chairman of this subcommittee and has made a great contribution to the Congress. He is leaving at the end of this year, and it has been a true pleasure for me to be able to work with him on this subcommittee. I will say more about that in a moment.

Mr. Chairman, it is a privilege for me to recommend this military construction bill to the Congress for adoption. It is a very stringent bill. It does not meet the needs, nor the requirements of military construction, but it is basically all that we have to work with, the numbers were given to us.

Actually, the administration presented a budget request that is considerably lower than last year's appropriated level, about $1.4 billion dollars lower. That is a 15 percent cut from last year's appropriated level. We have had to add to that level, to the President's request, about $450 million or we would have never been able to have met even the most dire military construction needs.

Mr. Chairman, we do not see any controversy on this bill. We feel that it is a very good bipartisan bill. The minority and the majority have worked very closely on it in crafting the bill. We also have worked very closely with the authorizing committee. In fact, this bill really reflects the authorizing committee bill and we are pleased to present it to the House.

In conclusion, I want to again mention that we have had the great privilege of working with the gentleman from North Carolina (Mr. HEFNER), who will be leaving the Congress. And I might mention that we included in the bill a recommendation that a military highway in his district be named after him, the "W.G. 'Bill' Hefner All American Parkway."

We think that it is important that the gentleman be remembered in this way for his great contribution to military construction, to the Congress, and to the United States Government.

Mr. Chairman, I submit the following for the RECORD:

MILITARY CONSTRUCTION APPROPRIATIONS BILL, 1999 (H.R. 4059)

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Military construction, Army	714,377,000	790,876,000	780,599,000	+66,222,000	-10,277,000
Military construction, Navy	683,666,000	468,150,000	570,643,000	-113,023,000	+102,493,000
Military construction, Air Force	701,855,000	454,810,000	550,475,000	-151,380,000	+95,665,000
Military construction, Defense-wide	646,342,000	491,675,000	611,075,000	-35,267,000	+119,400,000
Total, Active components	2,746,240,000	2,205,511,000	2,512,792,000	-233,448,000	+307,281,000
Military construction, Army National Guard	118,350,000	47,675,000	70,338,000	-48,012,000	+22,663,000
Emergency appropriations (P.L. 105-174)	3,700,000			-3,700,000	
Military construction, Air National Guard	190,444,000	34,761,000	97,701,000	-92,743,000	+62,940,000
Military construction, Army Reserve	74,167,000	71,287,000	71,894,000	-2,273,000	+607,000
Military construction, Naval Reserve	47,329,000	15,271,000	33,721,000	-13,608,000	+18,450,000
Military construction, Air Force Reserve	30,243,000	10,535,000	35,371,000	+5,128,000	+24,836,000
Total, Reserve components	464,233,000	179,529,000	309,025,000	-155,208,000	+129,496,000
Total, Military construction	3,210,473,000	2,385,040,000	2,821,817,000	-388,656,000	+436,777,000
NATO Security Investment Program	152,600,000	185,000,000	169,000,000	+16,400,000	-16,000,000
Family housing, Army:					
New construction	101,650,000	70,100,000	41,700,000	-59,950,000	-28,400,000
Construction improvements	86,100,000	28,629,000	37,429,000	-48,671,000	+8,800,000
Planning and design	9,550,000	6,350,000	6,350,000	-3,200,000	
General reduction		-1,639,000	-2,639,000	-2,639,000	-1,000,000
Subtotal, construction	197,300,000	103,440,000	82,840,000	-114,460,000	-20,600,000
Operation and maintenance	1,140,568,000	1,104,733,000	1,097,697,000	-42,871,000	-7,036,000
Total, Family housing, Army	1,337,868,000	1,208,173,000	1,180,537,000	-157,331,000	-27,636,000
Family housing, Navy and Marine Corps:					
New construction	175,196,000	59,504,000	29,125,000	-146,071,000	-30,379,000
Construction improvements	203,536,000	211,991,000	92,037,000	-111,499,000	-119,954,000
Planning and design	15,100,000	15,618,000	15,618,000	+518,000	
General reduction		-6,323,000	-6,323,000	-6,323,000	
Subtotal, construction	393,832,000	280,790,000	130,457,000	-263,375,000	-150,333,000
Operation and maintenance	976,504,000	915,293,000	915,293,000	-61,211,000	
Emergency appropriations (P.L. 105-174)	18,100,000			-18,100,000	
Total, Family housing, Navy	1,388,436,000	1,196,083,000	1,045,750,000	-342,686,000	-150,333,000
Family housing, Air Force:					
New construction	159,943,000	140,499,000	124,344,000	-35,599,000	-16,155,000
Construction improvements	123,795,000	81,778,000	81,778,000	-42,017,000	
Planning and design	11,971,000	11,342,000	11,342,000	-629,000	
General reduction		-7,584,000	-9,584,000	-9,584,000	-2,000,000
Subtotal, construction	295,709,000	226,035,000	207,880,000	-87,829,000	-18,155,000
Operation and maintenance	830,234,000	789,995,000	785,204,000	-45,030,000	-4,791,000
Emergency appropriations (P.L. 105-174)	2,400,000			-2,400,000	
Total, Family housing, Air Force	1,128,343,000	1,016,030,000	993,084,000	-135,259,000	-22,946,000
Family housing, Defense-wide:					
Construction improvements	4,900,000	345,000	345,000	-4,555,000	
Planning and design	50,000			-50,000	
Subtotal, construction	4,950,000	345,000	345,000	-4,605,000	
Operation and maintenance	32,724,000	36,899,000	36,899,000	+4,175,000	
Total, Family housing, Defense-wide	37,674,000	37,244,000	37,244,000	-430,000	
Department of Defense Family Housing Improvement Fund		7,000,000	242,438,000	+242,438,000	+235,438,000
Homeowners Assistance Fund, Defense		12,800,000	7,500,000	+7,500,000	-5,300,000
Total, Family housing	3,882,321,000	3,477,330,000	3,508,553,000	-385,768,000	+29,223,000
New construction	(436,789,000)	(270,103,000)	(195,169,000)	(-241,620,000)	(-74,934,000)
Construction improvements	(418,331,000)	(322,743,000)	(211,589,000)	(-206,742,000)	(-111,154,000)
Planning and design	(36,671,000)	(33,310,000)	(33,310,000)	(-3,361,000)	
General reduction		(-15,546,000)	(-18,546,000)	(-18,546,000)	(-3,000,000)
Operation and maintenance	(2,980,030,000)	(2,846,920,000)	(2,835,093,000)	(-144,937,000)	(-11,827,000)
Family Housing Improvement Fund		(7,000,000)	(242,438,000)	(+242,438,000)	(+235,438,000)
Homeowners Assistance Fund		(12,800,000)	(7,500,000)	(+7,500,000)	(-5,300,000)
Emergency appropriations (P.L. 105-174)	(20,500,000)			(-20,500,000)	
Base realignment and closure accounts:					
Part II	116,754,000			-116,754,000	
Part III	768,702,000	433,464,000	433,464,000	-335,238,000	
Part IV	1,175,398,000	1,297,240,000	1,297,240,000	+121,842,000	
Emergency appropriations (P.L. 105-174)	1,020,000			-1,020,000	
Total, Base realignment and closure accounts	2,061,874,000	1,730,704,000	1,730,704,000	-331,170,000	

MILITARY CONSTRUCTION APPROPRIATIONS BILL, 1999 (H.R. 4059)—Continued

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Family housing, Navy and Marine Corps (FY99 Sec. 125)		6,000,000	6,000,000	+6,000,000	
Revised economic assumption (FY98 Sec. 125)	-108,800,000			+108,800,000	
Grand total:					
New budget (obligational) authority	9,208,468,000	7,784,074,000	8,234,074,000	-974,394,000	+450,000,000
Appropriations	(9,183,248,000)	(7,784,074,000)	(8,234,074,000)	(-949,174,000)	(+450,000,000)
Emergency appropriations (P.L. 105-174)	(25,220,000)			(-25,220,000)	

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

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

Mr. Chairman, first of all, at the risk of forgetting it or letting it pass, I certainly want to thank the staff on both sides of the aisle, who I think are the finest staff that I have ever worked with in the committees in all of my tenure here on Capitol Hill.

They have done yeoman's work. They have worked very, very hard. They are dedicated people, and I want to thank them very much for their hard work.

It goes without saying, the admiration that I have for the gentleman from California (Chairman PACKARD). He has done a remarkable job. He is a joy to work with. We worked very closely together, and what we bring today is a bill that we believe that everyone in this body can support, even though it does not meet the needs for our men and women in the service. But it is beyond our reach to do the kinds of things that we would like to do because of our allocation. Because of budgetary constraints, we are not able to do the kind of things we want to do in family housing, but it does provide $8.2 billion for military construction and the last two rounds of the base closings.

Mr. Chairman, this is one of the bills that comes to this House every cycle in which we never have enough money to do the things that we would like to do for quality of life and to make sure that young men and women coming into our service will want to stay and serve their country. But we have done the best that we could in putting this bill together as far as it relates to quality of life and retention in our Armed Forces.

Mr. Chairman, I want to again thank the gentleman from California (Mr. PACKARD) and all the staff for putting together this bill. I would hope that we would have 100 percent participation, and that all of that 100 percent would vote for our bill when the roll is called and maybe we will have 100 percent.

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

Mr. PACKARD. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank the distinguished gentleman from California (Mr. PACKARD) for yielding me this time for the purpose of a colloquy.

Mr. Chairman, as the gentleman knows, I am very eager to see design funding for the P–208 aircraft platform interface, the API laboratory consolidation project, move forward this year at Lakehurst Naval Air Engineering Station. I would ask the gentleman, is it accurate to say that this bill, H.R. 4059, provides the necessary funding for the design of the API lab and will keep the Navy on track for construction in fiscal Year 2000?

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, the funding is included in this bill, H.R. 4059, for planning and design of the API lab for fiscal year 1999. The Navy is expected to move ahead with the planning and design of this project beginning on October 1 of this year, so that the construction can take place as scheduled in fiscal year 2000.

Mr. SMITH of New Jersey. Mr. Chairman, reclaiming my time, I thank the gentleman for affording me this opportunity to clarify the funding situation for the API lab at Lakehurst. There have been far too many delays with this project already, and H.R. 4059 will finally set the wheels in motion to begin the construction of the API lab at Lakehurst in fiscal year 2000.

Mr. PACKARD. Mr. Chairman, if the gentleman would continue to yield, I thank him for his efforts and leadership and advocacy on behalf of the API lab project at Lakehurst. The gentleman's leadership on this bill will help the Navy to meet the challenge of naval aviation.

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

Mr. HEFNER. Mr. Chairman, I yield 7 minutes to the gentleman from Massachusetts (Mr. OLVER), one of the members of the subcommittee.

Mr. OLVER. Mr. Chairman, I thank the gentleman from North Carolina (Mr. HEFNER), our ranking member, for yielding me this time. I want to thank the gentleman from California (Chairman PACKARD), a truly "gentle man," for his leadership and his evenhandedness in putting together this bill, our bill, H.R. 4059.

□ 1630

The gentleman from California (Mr. PACKARD), chairman, and the ranking member, the gentleman from North Carolina (Mr. HEFNER) and their excellent staff, particularly Hank Moore and Tom Forhan, have made my 2 years on the subcommittee a learning experience and a pleasure.

On my side of the aisle, what can I say about the retiring ranking member that has not already been said in the newspapers here in Washington and in North Carolina? The gentleman has made a lasting mark on this subcommittee as both chairman and ranking member, and he will be greatly missed. We all wish him the best from here.

This bill is as good as I think it can be, given the allocation that has really been foisted upon the subcommittee by the 1997 Balanced Budget Act, and I certainly urge its very quick passage.

I must send up a couple of signals, which lie somewhere between yellow cautionary and red crisis, in relation to the whole subject of military construction, because this bill, if it were enacted exactly as it is, would be more than $2 billion below the appropriated level just four years ago. That is a huge hit on a budget which is really in the $10 billion category, $10 billion level in the first place.

So one might ask, what does it matter? Some Members think that the military construction bill is all hangars and armories, but it is really a lot more than that. It is environmental compliance and cleanup. It is energy conservation. It is hospital and medical facilities. It is child development centers. It is family housing for the growing numbers of our peacetime service personnel who have spouses and children.

I would like to focus on just that one last category, the family housing program, for just a minute, pointing out that the gentleman from North Carolina (Mr. HEFNER), when he was Chair, and the gentleman from California (Mr. PACKARD) in the past several years that he has been the Chair for the committee, have labored mightily each year to support the family housing program and do the best they could with the numbers that we have been given.

But if this bill is enacted, as I am sure, if it is enacted as it has been proposed here under the constraints of the

Balanced Budget Act of 1997, the program for family housing will be down 19 percent, down in actual dollars by 19 percent since fiscal year 1996, from fiscal year 1996 to the present.

I just would like to address, call Members' attention, call the membership's attention to the sections in the report on H.R. 4059 on family housing, a report that points out that military family housing and the need for that has changed with the all volunteer structure of the force. Whereas 40 years ago only about 40 percent of our military personnel had families, now, 40 years later, it is over 60 percent who have families. Today the family housing program is the quality of life incentive that attracts and retains, and I am quoting really from the report, dedicated individuals to serve in the military. The housing deficiencies are a severe disincentive to reenlistment.

Now, it has been the Department of Defense policy that married couples will live off base with their families whenever it is possible and when there is housing available, and a good number of them do live off base. One out of roughly 8 is living off base in substandard housing because there is not adequate housing in the area for them. And in spite of the policy, with that policy, and because there is not adequate housing available, we have under the Department of Defense a total of over 300,000 units of housing on base, and the majority of that housing, the majority of those units are substandard. And in order to do the replacement and bring up to standard those housing units would require something like $15 billion.

Now, with the kind of appropriation that we are having forced upon this subcommittee by the terms of the Balanced Budget Act, it is almost inevitable that we are not going to be able to catch up on this family housing need, that we are going to fall further behind on that, despite what I have said is the yeoman effort on the part of the ranking member, when he was chairman, and the present chairman to try to deal with that.

I just want to speak to that as one issue or problem when that budget is dropping by as much as it is in the appropriated, final appropriated levels. In totality, this budget funds training and housing and health care and child care for the men and women who do our dirty work, and they deserve every penny that is in this bill and they deserve more.

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

Mr. HEFNER. Mr. Chairman, I yield 6 minutes to the gentleman from Texas (Mr. EDWARDS), a valued member of the subcommittee.

Mr. EDWARDS. Mr. Chairman, I thank the gentleman for yielding me the time.

No war was ever won with technology alone. Battles and wars, whether in the 15th century or in the 20th or 21st century, require quality men and women, dedicated to our country, well trained, capable of defending our national interest. That is why this piece of legislation is so important to our Nation and our children's future.

It is important because in this legislation is the funding for quality of life issues for our military families. In today's all volunteer force, I can think of few things more important to our long-term national security than ensuring quality housing facilities and day care facilities for military families, often split by thousands of miles as the father or mother are off deployed to other nations, or even fighting for the interests of our country, while their children remain at home.

I want to say that I am deeply disappointed that this bill spends $1 billion less before inflation is even taken into account than the military construction budget of just one year ago. It seems to me that a Congress that can somehow find $20 to $30 billion for increased funding for potholes and highways in the recent highway bill ought not to have to cut day-care centers and housing programs for men and women willing to put their lives on the line for this country. But that criticism, that disappointment has nothing to do with the leadership of the Committee on Appropriations or this subcommittee. That is a decision made at a different pay level.

I would urge Speaker GINGRICH and the leadership of this House and the Committee on the Budget, who made the decision to cut military construction funding by $1 billion this year, to reconsider that cut and that budget as we review the budget in the months ahead.

I must say, as a compliment to those people who did not set the overall level of spending, no two Members could have done a better job in fighting for our military families and their quality of life than the gentleman from California (Mr. PACKARD), chairman of the subcommittee, and the gentleman from North Carolina (Mr. HEFNER), the ranking member. I want to applaud them not only for their dedication to military families and a strong national defense, but I want to applaud them for the bipartisan manner in which they have put this bill together.

The reason, Mr. Chairman, people will not see a lot of Members on the floor during this debate, the reason there will not be an visceral disagreement of debate on this issue is simply because the gentlemen have done the business of the House and our country the way it should be done, on a fair, bipartisan basis. For that, we all say thank you to both of them.

I think the bipartisan nature of Mr. PACKARD and Mr. HEFNER's work together should be a model, not an exception to the rule, for this and future Congresses.

Finally, Mr. Chairman, the reason I truly wanted to be on the floor of the House this afternoon was to say thank you for a lifetime of service to our colleague and my dear friend, the gentleman from North Carolina (Mr. HEFNER). In the 7½ years I have had the privilege to serve in this body, I have considered no one a better friend than the gentleman from North Carolina (Mr. HEFNER), who took this young green Member from the State of Texas under his wing and helped me as I tried to learn the process of Congress in my effort to represent Ft. Hood, which is now the largest populated Army installation in the world.

Not only through his service as chairman of the Subcommittee on Military Construction for over a decade but also because of his many years of service as a member of the very powerful military subcommittee of the Committee on Appropriations, the gentleman from North Carolina (Mr. HEFNER) has made a difference for the military families of this Nation. He has made a difference in ensuring that America has a strong national defense. On behalf of my two little boys, who will live in a safer world because of the service in Congress of the gentleman from North Carolina (Mr. HEFNER), I want to express my deep-felt gratitude to the gentleman from North Carolina. I know in the weeks and months ahead, many, many of my colleagues will join me in reflecting these feelings toward the gentleman from North Carolina (Mr. HEFNER) and his service.

Let me also say beyond the scope of these two important committees on which he serves, I have seen no Member that has shown greater courage on the floor of this House week after week, month after month. When one comes to floor and looks up at Mr. HEFNER's light, yeah or nay on a bill, they may not know the best political vote but they know what the right vote is. As someone who was not here in 1981, I can only imagine how difficult it was for a southern Democrat from North Carolina to vote against President Reagan's tax bill, which, in the opinion of some, not all, had something to do with the increased national debt that we face today.

But whether you agreed or disagreed with him, to have the courage to vote "no" on that bill and "yes" and "no" on so many other important pieces of legislation, to be motivated by doing what his conscience told him was right, that is the sort of thing that causes all of us throughout the country, as well as the constituents of his in North Carolina, to have a deep and abiding respect for the gentleman from North Carolina (Mr. HEFNER).

So on behalf of my colleagues that serve on the committee and all others who are here and who will be here in the days ahead to speak of the gentleman from North Carolina (Mr. HEFNER), recognizing this is his last time

to come to the floor as part of leadership in bringing the military construction budget to this House, I want to express my lifelong respect and gratitude for Mr. HEFNER's friendship and leadership on behalf of our Nation.

Mr. PACKARD. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. LIVINGSTON), chairman of the full Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I first want to rise and congratulate the chairman, the gentleman from California (Mr. PACKARD), and the ranking member, the gentleman from North Carolina (Mr. HEFNER), for once again doing the outstanding job that both of them are accustomed to doing on this bill. The gentleman from Texas preceded me by pointing out a few problems that they had to work with. He failed to mention, though, that the administration had underfunded the military construction part of the budget by some $1.4 billion.

I share his concern that we should not deprive the men and women of the military of the accoutrements that lead to a better quality of life for them. And for that reason, within our given budget limits, within the fact that we are living within a balanced budget with very strict budget ceilings, I am very pleased that we were able to put back in $450 million into this subcommittee so that they could apply that money to the needs of the servicemen and women of America.

I am concerned. I share his concern that the administration would underfund this account by $1.4 billion. That being said, in the same bipartisan fashion that the gentleman used who preceded me, let me say that the two gentlemen that manage this bill exemplify the type of bipartisan spirit that is not only welcomed but is so critically necessary to the conduct of the business of the House of Representatives.

□ 1645

Together they have worked well on behalf of both the young men and women of our armed services and on behalf of America. I just want to congratulate them from the bottom of my heart.

But I want to reiterate and exaggerate those congratulations to the gentleman from North Carolina (Mr. HEFNER) from Concord, North Carolina, about 60 miles from Fort Bragg, who has represented the Eighth Congressional District of North Carolina so well since he was first elected in Congress in 1974.

The fact is that the gentleman began service on this subcommittee in 1981. Whether as chairman of the subcommittee when his team was in the majority or as ranking member when our team took over the majority, the fact is that he has been steadfast in his devotion to serve America and to serve the people who have rendered themselves valiant service in the cause of America in uniform.

I particularly appreciate the effort that the gentleman has made on behalf of America's military, but also I want to say that he has distinguished himself in so many other ways during his service here. First, he is a great golfer who participated with me in one of the most memorable golf events in my life, which I did not distinguish myself, but he certainly did. He played well, and I will let him complete the record on the rest of it.

Secondly, he is a man of enormous sensibilities and great sense of humor. He has played host to the chile cookoff, which is a function that occurs on an annual basis for congressional wives. Try as we might, we have never been able to come up with anybody who could compare with him in hosting this event. I must say I saw his performance this year, and I think he outdid even himself.

The gentleman has got a wonderful sense of humor. He not only is an accomplished musician and accomplished musical performer, but as a stand-up comic, he is unparalleled. I want to thank him for his service to this country. I want to thank him for his spirit of bipartisanship which contributed mightily to this bill. I want to take this opportunity to wish him and his family all of the best of luck and success in everything that he does henceforth.

Mr. HEFNER. Mr. Chairman, I ask unanimous consent that we have 2 extra hours.

The CHAIRMAN. The Chair cannot entertain such a request at this time.

Mr. HEFNER. Mr. Chairman, could the Chair enlighten us as to how much time is remaining for each side?

The CHAIRMAN. The gentleman from North Carolina (Mr. HEFNER) has 15½ minutes remaining. The gentleman from California (Mr. PACKARD) has 20½ minutes remaining.

Mr. HEFNER. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations

Mr. OBEY. Mr. Chairman, I very much thank the gentleman for the time. I simply wanted to come to the floor to really pay honor to the gentleman who is managing this bill on this side of the aisle for the last time, the gentleman from North Carolina (Mr. HEFNER).

I have known Bill since the first day he walked into this institution, and I have never seen a day when he did not bring honor to this House by his service. He has, as our chairman has already indicated, a wonderful sense of humor. He has a wonderful sense of music. He also has a wonderful sense of honor.

Those that know him know that religion means a lot to him. But as we have seen him demonstrate often on this floor, he also has a very healthy skepticism about the use to which some politicians put religion, or at least their professed religiosity.

The gentleman has indicated time and time again that he recognizes all too often the propensity of some people in public life to wrap an economic or political message in a religious ribbon and call it religion when it is, in fact, something very, very different, something which demeans God and demeans religion.

He, I think, understands that there are some things in life that are too important to politicize, religion being one of them. I have admired for so long his ability on an issue to be righteous without being sanctimonious.

He has, I think, demonstrated in countless ways on countless days a sense of justice, a sense of outrage against injustice, and most of all, a political courage that we wish would be emulated more often on this floor than it is.

In addition to being a first-rate legislator, he is a first-rate human being. I for one will miss him greatly. I will miss his good judgment. I will miss his good temper. I will miss his wonderful sense of humor. I will certainly miss the opportunities that I have had through the years to play my bluegrass harmonica in backup to his gospel singing. His gospel singing is better than my bluegrass harmonica, but we have had a lot of fun doing that.

I simply want to say to young people who will be entering this House in the future, they could do a lot worse than to emulate the style of the gentleman from North Carolina. He has brought grace to this House. He has brought determination and courage and guts to this House.

As someone else indicated, I have never heard him ask what is the political vote. I have often heard him ask what is the right vote. That is the right question that ought to be asked in this institution.

So, Bill, we are going to miss you, but we know that wherever you are, you will be keeping an eye on us. From time to time, I think you will be pulling our leash to let us know when you think we are getting out of line. It has been a pleasure to serve with you.

Mr. PACKARD. Mr. Chairman, I reserve the balance of my time for closing.

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

We still have just a couple speakers, but I did not realize that these folks were going to say these nice things about me after all these years. I guess it is just a pent-up exuberance that they have been building up over the years, hoping one day I would retire and they would be able to say nice things.

I was kind of hoping for a watch, but I guess that is not going to materialize.

At least, I have a road that is going to be named after me. I am working with the Governor of North Carolina to see if we can make it into a toll road which will be some benefit in my old age and in my retirement.

But serving in this body has been something that I could never have dreamed about when I was a kid growing up in rural Alabama. I had never been to the capital of Alabama, Montgomery, let alone to think someday I would be able to come to the Capitol of the United States and represent a half a million people. So it has really been a tremendous experience for me.

I defend this body and I defend the Members in this body, because I believe that if we take all 435 of us and we put us up to the scrutiny and put 435 average citizens across this country up to the same scrutiny, that we would stack up very, very well among the rank and file of people in this country.

We all want the same things for our country, for our States, and for our families. We just have a little bit different way sometimes how we want to get there. But it has been an honor for me to serve in this body, and it has certainly been an honor for me to serve on this committee and this subcommittee.

Mr. Chairman, I yield 5 minutes to the gentlewoman from the 18th District of Texas, (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from North Carolina for yielding to me. He took away my momentum. That watch was coming, but we are checking the gift rule.

But I could not come to the floor for a better occasion than to thank the gentleman from California (Mr. PACKARD) as well for his leadership and certainly the ranking member.

I think that any time someone maintains themselves in this body for 24 years, has seen the conclusion of the Vietnam War, one of the most tragic periods in our history, watching just a few miles down the road the return of the 265-plus Marine bodies in the Lebanon tragedy, and certainly now at one point facing the crisis in Bosnia.

I think the ranking member knows full well the importance of our military personnel and particularly this committee that helps to house them and respect them for who they are. So I personally, as a nonmember of the committee, wanted to thank the gentleman from North Carolina (Mr. HEFNER) for his leadership and as well his quiet deliberation.

There is good humor in what he says on many occasions, but there is also wisdom. I thank the gentleman as a second-term Member for his wisdom and for challenging the rest of us that we should combine debate and adversarial activities with knowledge and wisdom and sensitivity, and I appreciate and applaud him for that.

This bill is an important bill. I am not a member of the community of those who are on this committee, but as I go about my business in Texas, I consider Texas sort of a feeder school for the United States military.

Throughout my district, high school students are enrolled in ROTC. Many of them look to the United States as a source for their future, and I applaud them for that and encourage them for that. In fact, as someone representing what has been termed as a majority minority district, I go in particular to the inner city schools and encourage those that are interested in the U.S. military to become involved.

For that reason, this military construction appropriations bill is very important, because my young people who enter into the military make it a career, and bring their families there who need the kind of housing that will be provided by this legislation, troop housing, hospitals, and medical facilities, NATO infrastructure, and other activities associated with base closings which Texas knows so much about.

I would have wanted more, but I applaud the leadership of the ranking member and chairperson for bringing about the funding that we now have. It is more than the administration would have provided. I am glad of that.

Unfortunately, I wish that we could press the button, if you will, for more money for our family housing; though the $3.5 billion for family housing is 43 percent of the total, $635 for new barracks, 10 percent more than requested, but, again, we need to do more.

The measure also provides the $1.7 billion for base realignment, $31 million for new construction and improvements to existing day care centers. If I might, Mr. Chairman, I would like to dwell on that for a moment.

First of all, in this military construction scenario, I would like to emphasize the access and the availability of including our local businesses, our small and minority businesses in assisting with this construction, whether it is domestically or foreign.

That is a very important economic piece to many of our communities. I want to ensure that at least my voice is heard to ensure that our military, knowing that the affirmative action has not been eliminated in Federal law, that we make sure that we outreach to the small businesses.

But I really wanted to focus as a member and participant in the Congressional Children's Caucus on the importance of the increased money for day care. Let me thank the gentleman from California (Mr. PACKARD). Let me thank the ranking member as well for having emphasized something that I have heard from military personnel over and over.

Most critical is what H.R. 4059 does for our children. There are roughly 300,000 children involved in military day care. So the additional monies is extremely important. The Secretary of Defense established a goal of providing quality child care to 65 percent of the potential need in 1992.

I think we will be there when we are able to provide 80 percent of the child care need that is so very important. DOD will be conducting a demonstration project to review ways of providing child care services by using third-party contracting. I encourage that as a participant of the Congressional Children's Caucus.

I would also say that we must emphasize and make sure that we have the right kind of family housing. So let us remember that these men and women are, in fact, the survival of the freedom of the democratic principles of our country.

Can we do any less than to provide them with safe housing, good hospitals, and, yes, protection and protected environment for their children? I applaud this legislation, and I thank the two gentleman for their collaborative efforts. Most importantly, let me salute my ranking member for the highway and byway, but for his leadership and for his commitment.

Mr. Chairman, I rise today to address H.R. 4059, the Military Construction Appropriations bill for FY 1999.

In general, the bill provides a total of $8.2 billion for military construction, including family and troop housing, hospitals and medical facilities, NATO infrastructure, and activities associated with the last two rounds of base closings. I am pleased that the bill includes:

$3.5 billion for family housing (43% of the bill's total), slightly more than the President requested, but 10% less than was appropriated in FY 1998;

$635 million for new barracks, 10% more than requested, but 24% less than the current appropriation;

The measure also provides $1.7 billion for base realignment and closures previously authorized by Congress (16% less than in current year); and

H.R. 4059 appropriates $31 million for new construction and improvements to existing daycare centers for military dependents ($8 million more than the administration's request).

As chair of the Children's Caucus, I am very pleased that money is increased for daycare. In short, the measure goes far in accomplishing much for the well-being of our military. Most critical is what H.R. 4059 seeks to do for children and their parents. There are roughly 300,000 children involved in military daycare.

First, the Appropriations Committee has recommended an additional $7.9 million above the budget estimate of $23.15 million for a total appropriation of (roughly) $31 million for new construction, or improvements, for child development centers.

In 1992, the secretary of defense established a goal of providing quality child care to 65% of the potential need in 1992. The Army proudly met the 65% goal this year. The Marine Corps expects to reach the goal by 2002, and the Air Force and Navy are programmed to reach 65% by 2003. The Appropriations Committee notes that to optimally meet the DOD's demand an 80% goal must be achieved.

The Appropriations Committee correctly recognizes the increased importance of these centers due to the rising number of single military parents, dual military couples, and military personnel with a civilian employed spouse. The Committee report states that the DOD is encouraged to maintain all efforts possible to meet 80% of the child care need.

Second, the DOD is conducting demonstration projects to review ways of providing child care services by using third party contracting, such as purchasing spaces in accredited child development centers by buying down the cost for military families. The Defense Logistics Agency is testing, for example, the management and operation of a military-constructed child development center by a private contractor in Ohio.

As a co-chair of the Children's Caucus in the House, I commend these efforts to secure quality housing and child care facilities for the children of our nation's fighting men and women.

Another key component of Military Construction Appropriations bill is family housing for the men and women of our nation's armed services. The committee report takes note of the changing nature, if you will, of military housing as our all-volunteer force has led to more service members with families. This change has coincided with a general decline in the standard of housing suitable for today's military to create a severe discincentive to re-enlistment.

Of the amount appropriated for family housing, the bill allocates the president's request of $2.8 billion to operate and maintain existing family housing units. The funds are used for maintenance and repair, furnishings, management, services, utilities, leasing, interest, mortgage insurance and miscellaneous expenses.

What's more, this measure appropriates $301 million for the construction of 1,871 new family housing units ($31 million more than the administration's request). The total includes $105 million from the Family Housing Improvement Fund.

Furthermore, the bill also provides $7.5 million for the Homeowners' Assistance Fund for F.Y. 1999 ($5 million less than requested by the president). The fund helps personnel who have been affected by the closure of military bases.

Mr. Chairman, I strongly encourage my esteemed colleagues to support H.R. 4059.

□ 1700

Mr. HEFNER. Mr. Chairman, I apologize for all the speakers, but the requests just keep coming in. Far be it from me to curtail anybody wanting to say a nice word after all these years on my behalf.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE), a very good friend who is one of the finer Members of this House.

Mr. PALLONE. Mr. Chairman, let me just say about the gentleman from North Carolina (Mr. HEFNER), I know a lot has been mentioned about his years of service and his sense of humor and his musical abilities, and all those are certainly true, but I just want to say, I have only been here 10 years, but I have noticed on many occasions both within our Democratic Caucus as well as on this House floor where his statements have been crucial in swaying the Members of this body to vote a certain way or to support certain legislation. In many ways he has been one of those people that is sort of the conscience of this body and particularly of our Democratic Caucus. I know that has been recognized, but I do not know if it was mentioned today. We will sorely miss him because of what he contributes to this body and to our Democratic Caucus.

Mr. Chairman, I just want to thank the gentleman from North Carolina (Mr. HEFNER) again and also the gentleman from California (Mr. PACKARD) for this legislation. I also want to thank the gentleman from New Jersey (Mr. PAPPAS) who cochairs our Save our Fort Committee, which is a bipartisan committee that deals with two military bases in our two districts, Fort Monmouth and Earle Naval Weapons Depot.

Two projects for which funding was included in this bill are of importance to us. One is the addition to the Communication and Electronics Command Software Engineering Center at Fort Monmouth and the second is the design study for berthing pier replacements at Naval Weapons Station Earle. Expansion of Seacom's Software Engineering Center will allow Fort Monmouth to intensify its efforts to ensure American soldiers have the types of technological advantages that are the hallmark of U.S. military forces around the world.

With respect to Earle, Piers 2 and 3 were constructed in 1944, and after over 40 years the time has come to replace them. Because the pier complex at Earle is one of the Navy's most important facilities on the eastern seaboard, it is extremely important that resources be provided for their upkeep. I am very pleased the committee has recognized the importance of Earle's mission and thank my colleagues for approving the first step of the DOD's long-term plan to modernize Piers 2 and 3 at Earle.

I just want to thank again my colleagues on the committee, and particularly the chairman and retiring member the gentleman from North Carolina.

Mr. PACKARD. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I rise in strong support of H.R. 4059. I would also like to express a very special and sincere thanks to the chairman of the appropriations subcommittee, the gentleman from California (Mr. PACKARD); and to also express appreciation to the ranking Democrat of the subcommittee, the distinguished gentleman from North Carolina who is receiving such understandably high praise today in light of his career here in the House. And, of course, I thank the chairman and the ranking member of the full committee for their assistance.

Their assistance to this Member relates to efforts in approving funding for the Nebraska National Guard Joint Army-Air Medical Training Facility located in Nebraska's First Congressional District which I represent. I know it is particularly important in light of the limited financial resources for the subcommittee's work this year.

The new facility will be a unique cost saving military construction project for both Nebraska's Army and Air National Guard units. It will provide resources jointly to fund the construction project. While this joint funding construction arrangement is unusual and was initially bureaucratically challenged, to say the least, it is the reasonable way to go, for a jointly used facility is by far the most cost-effective and economical use of taxpayer resources. Is it not ironic that taking the most cost-effective approach in spending the taxpayers' money is not always the easiest bureaucratic course? This project will go a long way toward improving the quality of training that the Army and the Air National Guard health professionals will receive, and will also improve the quality of health care provided to their personnel.

In conclusion, I want to express my sincere thanks to the National Guard Bureau and especially to the authorizing and appropriating subcommittees for assisting this Member in his efforts to make this joint, cost-effective project a reality. The gentleman from California (Mr. PACKARD) and his staff have been assisting this Member in this effort for more than a year now to bring us to this point. I thank the gentleman for that effort. This is a frugally prepared piece of legislation worthy of support. I urge my colleagues to vote "aye."

Mr. HEFNER. Mr. Chairman, I have one other speaker, but I would be remiss if I did not single out one particular person who has been very dedicated to this process and to this subcommittee, Liz Dawson, who has labored absolutely far beyond the call of duty. Liz, we are going to miss you. We hope the very best for you. You have done a tremendous job through all these years.

Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Chairman, in this institution through the years we see many people come and go. The great wealth of American ability is that they get replaced by capable individuals that go on to represent their constituents. It is not often that a vacuum is felt in this Chamber. This is a very vibrant country. Most of us when

we leave here and go back to our personal lives, while occasionally remembered, the society runs just fine, and the institution runs fine.

We are going to miss our friend the gentleman from North Carolina (Mr. HEFNER). We are going to miss him not just because of his personality and his friendship but because the courage he has exhibited on this floor over and over again on so many issues. People always talk about political courage as if there is a political benefit for political courage, but I think most people inside this institution know that oftentimes in the instances where there is the greatest political courage, there is actually a larger political cost. You lose more votes for being courageous. You are often safer playing in the middle of the road.

The gentleman from North Carolina has not done that. In the years here on tough vote after tough vote, he stood up for what he believed to be right, right for the country and right for his constituents. At times I guess it has cost him some votes back home. But from the people that know him and admire him as I do, it just increased our respect for the work he has done here.

We often do not get this sentimental in speaking about each other, but in the 18 years that I will be here at the end of this term, I cannot think of but several other Members that I hold in the same high standard as I do the gentleman from North Carolina. He has been a good friend, he has been a great Member of Congress, and he has used his political base and capital for the betterment of this country and his district. For that we all owe him a great debt of gratitude.

Mr. HEFNER. Mr. Chairman, I hope that every Member of this body will vote "aye" on this military construction bill, and I yield back the balance of my time.

Mr. PACKARD. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I wish to conclude this debate by just simply saying how much I appreciate the work that the staff has done on my side of the aisle. Liz Dawson, Hank Moore and Mary Arnold have done yeoman's work for years on this subcommittee and certainly have made my job easy. On the Democratic side, Tom Forhan and Irene Schecter. We deeply appreciate the work that each of our staff does. They serve the gentleman from North Carolina and myself very well.

I really appreciate the Members who have come to the floor on both sides of the aisle and expressed their feelings about the character and the service of the gentleman from North Carolina, and I certainly wish to relate myself to those remarks. He has been a remarkable Member. I have deep love and affection for him and for the work he has done for the country.

Mr. BUYER. Mr. Chairman, I rise in support of this bill. This bill appropriates $450 million above the President's request for military construction. However, it represents a total decrease of approximately $974 million from last year's bill.

As a member of the installations and facilities authorizing subcommittee, I continue to be concerned about the backlog of unfunded military construction projects in our Armed Forces. Those concerns are evident throughout this bill.

I would like to highlight two areas. The bill provides $125 million for chemical weapons demilitarization, including $29.5 million for the Newport Army Ammunition Plant in Indiana. Timely destruction of our chemical weapons is a time-sensitive problem. This bill, along with National Security Committee's authorization bill, outlines the long-term plan to destroy the stockpile.

The bill also appropriates $309 million for Guard and Reserve construction. Maintaining our Guard and Reserve facilities is a key to readiness. While the bill provides nearly $130 million more than the Presidents request, the total is $155 million less than last year's amount.

In this 14th year of real decline in the Defense budget, I intend to vote for this bill, but with the warning that we need to pay more attention to Defense spending if we intend to remain the sole remaining superpower in this world.

Mr. FAZIO of California. Mr. Chairman, I rise in support of the Military Construction Appropriations bill which provides $8.2 billion for the construction of up-to-date facilities for our hard-working men and women in the military and their families. I, along with my colleagues on the Military Construction Appropriations Subcommittee, feel that this is a good bill that addresses serious health and human safety issues at our aging military bases.

I am pleased that 2 crucial projects in my area are included in the bill. One of these projects is replacement of the antiquated, 30-year old Air Traffic Control Tower at Travis Air Force base. I've been up in that tower a number of times and felt the entire structure sway under my feet, and I can vouch for the absolute necessity to have a new one built as soon as possible. The current tower is extremely dangerous, and I'm pleased that construction of a new tower can begin this year.

Antoher important provision included in the bill is language instructing the Army to demolish buildings and clean up environmental hazards at the Rio Vista Army Reserve Center in an expedited fashion. The Rio Vista Army Reserve Center was all but abandoned in the late 80's, and the Army has done little to maintain the property since that time. With my help in 1994, the residents of Rio Vista jumped at the chance to take over the base property and convert it to a recreational area. But the slow pace of the Army's environmental clean-up has hampered the community's efforts to begin construction of new facilities. I am pleased that the community can now put their plans into action.

Because of these and other important health and safety projects in the Military Construction Appropriations bill, I would urge my colleagues to vote for the bill.

Mr. BISHOP. Mr. Chairman, I rise today in support of H.R. 4059, the Military Construction Appropriations Bill for Fiscal Year 1999. I wish to commend Chairman PACKARD, Ranking Member HEFNER and the Committee on Appropriations for crafting a bill which provides the necessary funding to improve the quality of life for our men and women in the Armed Forces.

I believe that this measure goes far in addressing the backlog in readiness, revitalization, and quality of life projects. The measure before us today will fund the planning and construction of several barracks, family housing and operational facilities.

The Second Congressional District of Georgia is home to three military installations; Fort Benning, home of the 75th Ranger Regiment, Moody Air Force Base in Valdosta, home of the 347th Fighter Wing, and the Marine Corps Logistics Center in Albany. I have seen first hand the excellent work that our fighting men and women do, often under very difficult circumstances. Our responsibility is to make their jobs easier. We cannot expect to attract qualified recruits if we provide inadequate facilities for them to work out of.

This measure would provide Fort Benning with $28,600,000 to construct barracks, a soldier community building, a battalion headquarters with classroom building, and company operations buildings. It will also provide the Marine Corps Logistics Base in Albany $2,800,000 with a Child Development Center which will increase the Base's current capacity of 228 to over 300 children. This center will address the growing demand for quality child care on our bases. And, it will provide $11,000,000 for alterations to a medical and a dental clinic. These expansion and modernization plans will positively contribute to the delivery of quality health care and patient accessibility to quality medical care.

The portions of the bill I just spoke of place a human face on this debate. We know that we have the most technologically advanced military in the world. It is time we improve the quality of life for the men and women who are the heart and soul of that military. This bill does a very good job of doing just that! Therefore, I strongly urge my colleagues to support this measure.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

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 fiscal year ending September 30, 1999, for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $780,599,000, to remain available until September 30, 2003: *Provided*, That of this amount, not to exceed $63,792,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

Mrs. CLAYTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank Members on both sides for allowing me to do this. I came late to be a part of what I guess will be the gentleman from North Carolina's official management of the military construction bill. I would be remiss if I did not have an opportunity to join with my colleagues in saying what a yeoman's job he has done, but what an outstanding job he has done for the State of North Carolina and how grateful we are for his leadership. We will miss him for a lot of things. Among those as being uniquely the gentleman from North Carolina not only as singer, a kidder and a joker but being a legislator with heart and having the gumption to speak his feeling so people would know his passion. But also for the people that we jointly represent, the people of Cumberland County. That is where Fort Bragg is.

I certainly would be remiss on this last bill if the military men and women who serve our country so well in that area did not through me say thank you for all the things that he has done for the military throughout the United States but particularly for Fort Bragg.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $570,643,000, to remain available until September 30, 2003: *Provided*, That of this amount, not to exceed $60,346,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $550,475,000, to remain available until September 30, 2003: *Provided*, That of this amount, not to exceed $37,592,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $611,075,000, to remain available until September 30, 2003: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed $24,866,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $70,338,000, to remain available until September 30, 2003.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $97,701,000, to remain available until September 30, 2003.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $71,894,000, to remain available until September 30, 2003.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $33,721,000, to remain available until September 30, 2003.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $35,371,000, to remain available until September 30, 2003.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in Military Construction Authorization Acts and section 2806 of title 10, United States Code, $169,000,000, to remain available until expended.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $82,840,000, to remain available until September 30, 2003; for Operation and Maintenance, and for debt payment, $1,097,697,000; in all $1,180,537,000.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $130,457,000, to remain available until September 30, 2003; for Operation and Maintenance, and for debt payment, $915,293,000; in all $1,045,750,000.

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $207,880,000, to remain available until September 30, 2003; for Operation and Maintenance, and for debt payment, $785,204,000; in all $993,084,000.

FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $345,000, to remain available until September 30, 2003; for Operation and Maintenance, $36,899,000; in all $37,244,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $242,438,000, to

remain available until expended: *Provided*, That of this amount, not to exceed $7,000,000 shall be the sole source of funds available during the current fiscal year for planning, administrative, and oversight costs incurred by the Housing Revitalization Support Office relating to military family housing initiatives and military unaccompanied housing initiatives pursuant to 10 U.S.C. 2883, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

HOMEOWNERS ASSISTANCE FUND, DEFENSE

For activities authorized by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374), $7,500,000, to remain available until expended.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $433,464,000, to remain available until expended: *Provided*, That not more than $271,800,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $1,297,240,000, to remain available until expended: *Provided*, That not more than $426,036,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; or (2) purchases negotiated by the Attorney General or his designee; or (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel thirty days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the five-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

SEC. 121. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the

assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 122. (a) In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(TRANSFER OF FUNDS)

SEC. 123. (a) Subject to thirty days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

(b) Subject to thirty days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for the acquisition or construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military unaccompanied housing and ancillary supporting facilities.

SEC. 124. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing or military unaccompanied housing, the Secretary of the military department concerned shall submit to the congressional defense committees the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(c) In this section, the term "congressional defense committees" means the following:

(1) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the Senate.

(2) The Committee on National Security and the Military Construction Subcommittee, Committee on Appropriations of the House of Representatives.

SEC. 125. Payments received by the Secretary of the Navy pursuant to subsection (b)(1) of section 2842 of the National Defense Authorization Act, 1993 (Public Law 102–484) are appropriated and shall be available for the purposes authorized in subsection (d) of that section.

SEC. 126. It is the sense of the Congress that the Secretary of the Army should name the "All American Parkway" at Fort Bragg, North Carolina, as the "W.G. 'Bill' Hefner All American Parkway".

Mr. PACKARD (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 19, line 21, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any amendments?

If not, the Clerk will read the last two lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Military Construction Appropriations Act, 1999".

The CHAIRMAN. If there are no further amendments, pursuant to the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BEREUTER) having assumed the chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4059) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes, pursuant to House Resolution 477, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

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

□ 1715

The SPEAKER pro tempore (Mr. BEREUTER). The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

Pursuant to clause 5 of rule I, further proceedings are postponed until later today.

GENERAL LEAVE

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 4059) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes, and that I may include tabular and extraneous material.

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

There was no objection.

REPORT ON H.R. 4103, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

Mr. LIVINGSTON, from the Committee on Appropriations, submitted a privileged report (Rept. No. 105–591) on the bill (H.R. 4103) making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. All points of order are reserved on the bill.

REPORT ON H.R. 4104, TREASURY DEPARTMENT, UNITED STATES POSTAL SERVICE, EXECUTIVE OFFICE OF THE PRESIDENT AND INDEPENDENT AGENCIES APPROPRIATION ACT, 1999

Mr. LIVINGSTON, from the Committee on Appropriations, submitted a privileged report (Rept. No. 105–592) on the bill (H.R. 4104) 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, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. All points of order are reserved on the bill.

GENERAL LEAVE

Mr. McDADE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 4060, making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes, and that I be permitted to include tabular and extraneous material.

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

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. Pursuant to House Resolution 478 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 4060.

□ 1718

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4060) making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes, with Mr. BARRETT of Nebraska in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Pennsylvania (Mr. MCDADE) and the gentleman from Texas (Mr. EDWARDS) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. MCDADE).

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

I rise in support of the energy and water bill making appropriations for fiscal year 1999. I want to point out to my colleagues that this bill was reported about a week ago unanimously by the Committee on Appropriations, and just about a week before that it was also reported unanimously by our subcommittee.

We in the subcommittee had a tremendous challenge this year, a tough bill, difficult to work, primarily because we had a budget that was inadequate.

I do not believe there was a scintilla of doubt among the membership that when we saw the budget for the Corps of Engineers particularly we knew that we could not execute it. But the Members hunkered down, on both sides of the aisle, and re-wrote this bill, Mr. Chairman, from the bottom up. We reordered priorities, we focused resources on areas of investment promising the greatest returns, we demanded greater efficiencies, and produced a bill that in my view is both fiscally responsive and protective of so many interests within the jurisdiction of the Subcommittee on Energy and Water Development.

Total spending on the bill is $20.65 billion. That represents a reduction of $80 million from fiscal year 1998 and $649 million below the budget request. Of the total amount, $11.8 billion, just about 60 percent of every penny spent in this bill, is for the atomic energy defense activities of the Department of Energy. The remaining $8.7 billion is for domestic programs, and it represents a decrease of $473 million from the current fiscal year and $284 million from the budget request.

Mr. Chairman, I just want to point out to my colleagues in the House that in reordering those priorities that we talked about, we looked at highly significant projects that we could complete in an efficient and effective way. My colleagues will see this bill unanimously appropriating $63 million for the Los Angeles harbor project, and $60 million for the Houston-Galveston navigation project, and $60 million for the L.A. County drainage area project, where human lives are at stake and where people of lower incomes have been forced to pay ever-rising insurance costs to try to stay in their homes.

We have completed a work that represents a togetherness on the subcommittee and on the full committee, and that respects the necessary programs to keep this Nation strong. There is, as far as I know, and I think I can speak with authority, no dissent from any member of the committee on this bill. I hope that all Members will support this bill.

Mr. Chairman: I rise in support of the Energy and Water Development Appropriations Bill for fiscal year 1999. The bill was reported without dissent by the Committee on Appropriations last Tuesday, June 16.

The Committee has faced—and, I believe, has met—a tremendous challenge in assembling a responsible bill within the constraints of a significantly reduced allocation for domestic discretionary programs. By reordering budgetary priorities, focusing resources on areas of investment promising the greatest returns, and demanding greater efficiencies from program managers, we have produced a bill that is both fiscally responsible and protective of the vital services within the jurisdiction of the Subcommittee on Energy and Water Development.

Total spending in the bill is $20.65 billion, a reduction of $80 million from fiscal year 1998 and $649 million from the budget request. Of the total amount, $11.8 billion—approximately 60 percent of the total spending in the bill—is for the atomic energy defense activities of the Department of Energy. The remaining $8.7 billion for domestic programs represents a decrease of $473 million from the current fiscal year and $284 million from the budget request.

Although the Committee faced severe budgetary constraints, it was able to thoroughly reject and repudiate the Administration's proposal to decimate the civil works program of the Corps of Engineers. The budget request for the Corps—a reduction of $948 million from the fiscal year 1998 level—was completely irresponsible. The Administration presented a proposal to halve the Corps' construction budget. According to the testimony of the Corps, this would be, in terms of real dollars, the lowest construction budget in the history of the civil works program.

Our recommendation for the Corps of Engineers is nearly $4 billion. While this is $202 million below the fiscal year 1998 level, it is $745 million above the budget request. Where the Administration proposed to terminate scores of construction projects, place dozens more on life support, increase costs, and extend project completion schedules, the Committee has concentrated available resources on continuing projects in the construction pipeline, and funding them at levels that, in several cases, represent the Corps' maximum capability for fiscal year 1999. This includes $63 million for the Los Angeles Harbor project, $60 million for the Houston-Galveston navigation channels project; $60 million for the Los Angeles County Drainage Area project; $15 million for construction and operation and maintenance of the Boston Harbor project; and dozens more.

By focusing on the traditional and vital missions of flood control, navigation and shoreline protection, the Commission has drawn a sharp distinction between its priorities and those of the Administration. Still, we labored under serious budget constraints, and as a consequence, we were unable to fund new starts in the Construction, General account of the Corps of Engineers.

The Committee acknowledges that there are many very worthy projects that were unable to receive funding because of the Administration's opposition to beach renourishment projects and its failure to include sufficient funding in the budget for a viable civil works program. The Committee would have liked to provide funding for worthy projects, like the Brevard County Shoreline Protection project. The Federal government has an obligation to address problems that have arisen because of Corps projects, like the erosion along Brevard County's shoreline that has been caused by construction of a Federal inlet. The Committee, which does not share the Administration's antipathy toward shoreline protection, will continue to work toward the provision of sufficient funding for these worthy projects.

Title II of the bill funds the Bureau of Reclamation within the Department of the Interior. Our recommendation includes $804 million for Title II. This is a reduction of $112 million from the FY 98 level and $131 million from the budget request. Now that the West has been reclaimed and the Bureau has changed its mission to one of water resource protection and management, it is time to begin a serious dialogue on the agency's future and abiding role in western resource issues. The Committee is anxious to participate in that discussion.

Title III of the bill provides funding for all of the atomic energy defense activities, and most of the domestic discretionary activities, of the Department of Energy. Of the $16.2 billion provided for DOE, $11.8 billion is for atomic energy defense activities. This funding provides for stewardship of our nuclear weapons stockpile, arms control and nonproliferation activities, and naval reactor research and development. In terms of dollars this bill's largest commitment is to cleaning up the environmental degradation that is the legacy of decades of nuclear weapons production. The bill provides over $6.3 billion for environmental restoration and waste management activities of the Department of Energy.

The non-defense activities of the DOE are funded at or near fiscal year 1998 levels. One notable exception is funding for domestic science programs, which were increased by $164 million (or 7 percent) to provide first year funding for construction of the Spallation Neutron Source in Tennessee, and additional funding to operate existing science facilities.

Title IV of the bill funds independent agencies. The amount in Title IV is $103 million, a decrease of $175 million from the budget request and $396 million from the budget request. There are two principal components of this sizable reduction. First, the Committee recommendation includes no new funding for the highway program of the Appalachian Regional Commission. Funding for that program will now come from the Highway Trust Fund, pursuant to the recently enacted highway bill. Second, the bill includes no new funding for the nonpower programs of the Tennessee Valley Authority. Consistent with Public Law 105–62, TVA is empowered and directed to continue funding those programs with internally generated revenues and savings.

Mr. Chairman, I want to commend the Members of the Subcommittee on Energy and Water for their hard work and for their commitment to working through a vast number of difficult issues and choices for fiscal year 1999. I am deeply appreciative of their contributions and their dedication to this bill.

I am especially pleased to commend the Ranking Minority Member on the Energy and Water Subcommittee, the Honorable VIC FAZIO. The Energy and Water Bill has enjoyed a long tradition of bipartisanship, and the gentleman from California has done everything within his power to perpetuate that tradition. I am grateful for his service to the Subcommittee, to the House of Representatives, and to the country.

Mr. Chairman, I urge all of my colleagues to support the Energy and Water Development Appropriations Bill for fiscal year 1999.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 1999 (H.R. 4060)

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF DEFENSE - CIVIL					
DEPARTMENT OF THE ARMY					
Corps of Engineers - Civil					
General investigations	156,804,000	150,000,000	162,823,000	+6,019,000	+12,823,000
Construction, general	1,468,373,000	784,000,000	1,452,629,000	-15,744,000	+668,629,000
Contingent emergency appropriation	5,000,000			-5,000,000	
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	296,212,000	280,000,000	312,077,000	+15,865,000	+32,077,000
Operation and maintenance, general	1,740,025,000	1,603,000,000	1,640,499,000	-99,526,000	+37,499,000
Emergency appropriations (P.L. 105-174)	105,185,000			-105,185,000	
Regulatory program	106,000,000	117,000,000	110,000,000	+4,000,000	-7,000,000
Flood control and coastal emergencies	4,000,000			-4,000,000	
Formerly utilized sites remedial action program	140,000,000			-140,000,000	
Defense function		140,000,000	140,000,000	+140,000,000	
General expenses	148,000,000	148,000,000	148,000,000		
Total, title I, Department of Defense - Civil	4,169,599,000	3,222,000,000	3,966,028,000	-203,571,000	+744,028,000
TITLE II - DEPARTMENT OF THE INTERIOR					
Central Utah Project Completion Account					
Central Utah project construction	23,743,000	22,189,000	24,189,000	+446,000	+2,000,000
Fish, wildlife, and recreation mitigation and conservation	11,610,000	12,476,000	10,476,000	-1,134,000	-2,000,000
Utah reclamation mitigation and conservation account	5,000,000	5,000,000	5,000,000		
Program oversight and administration	800,000	1,283,000	1,283,000	+483,000	
Total, Central Utah project completion account	41,153,000	40,948,000	40,948,000	-205,000	
Bureau of Reclamation					
Water and related resources	694,348,000	640,124,000	596,254,000	-98,094,000	-43,870,000
(By transfer)		(25,800,000)	(25,800,000)	(+25,800,000)	
Emergency appropriations (P.L. 105-174)	4,520,000			-4,520,000	
California Bay-Delta ecosystem restoration	85,000,000	143,300,000	75,000,000	-10,000,000	-68,300,000
Loan program	10,425,000	12,425,000	12,425,000	+2,000,000	
(Limitation on direct loans)	(31,000,000)	(38,000,000)	(38,000,000)	(+7,000,000)	
Policy and administration	47,558,000	48,000,000	46,000,000	-1,558,000	-2,000,000
Colorado River Dam fund (by transfer, permanent authority)	(-5,592,000)			(+5,592,000)	
Central Valley project restoration fund	33,130,000	49,500,000	33,130,000		-16,370,000
Total, Bureau of Reclamation	874,981,000	893,349,000	762,809,000	-112,172,000	-130,540,000
Total, title II, Department of the Interior	916,134,000	934,297,000	803,757,000	-112,377,000	-130,540,000
(By transfer)	(-5,592,000)	(25,800,000)	(25,800,000)	(+31,392,000)	
TITLE III - DEPARTMENT OF ENERGY					
Energy supply	906,807,000	1,129,042,000	882,834,000	-23,973,000	-246,208,000
Non-defense environmental management	497,059,000	462,000,000	466,700,000	-30,359,000	+4,700,000
Uranium enrichment decontamination and decommissioning fund	220,200,000	277,000,000	225,000,000	+4,800,000	-52,000,000
Science	2,235,708,000	2,482,460,000	2,399,500,000	+163,792,000	-82,960,000
Nuclear Waste Disposal Fund	160,000,000	190,000,000	160,000,000		-30,000,000
Departmental administration	224,155,000	245,788,000	175,365,000	-48,790,000	-70,423,000
Miscellaneous revenues	-136,738,000	-136,530,000	-136,530,000	+208,000	
Net appropriation	87,417,000	109,258,000	38,835,000	-48,582,000	-70,423,000
Office of the Inspector General	27,500,000	29,500,000	14,500,000	-13,000,000	-15,000,000
Environmental restoration and waste management:					
Defense function	(5,520,238,000)	(5,783,000,000)	(5,683,651,000)	(+163,413,000)	(-99,349,000)
Non-defense function	(717,259,000)	(739,000,000)	(691,700,000)	(-25,559,000)	(-47,300,000)
Total	(6,237,497,000)	(6,522,000,000)	(6,375,351,000)	(+137,854,000)	(-146,649,000)
Atomic Energy Defense Activities					
Weapons activities	4,146,692,000	4,500,000,000	4,142,100,000	-4,592,000	-357,900,000
Defense environmental restoration and waste management	4,429,438,000	4,259,903,000	4,358,554,000	-70,884,000	+98,651,000
Defense facilities closure projects	890,800,000	1,006,240,000	1,038,240,000	+147,440,000	+32,000,000
Defense environmental management privatization	200,000,000	516,857,000	286,857,000	+86,857,000	-230,000,000
Subtotal, Defense environmental management	5,520,238,000	5,783,000,000	5,683,651,000	+163,413,000	-99,349,000
Other defense activities	1,666,008,000	1,667,160,000	1,761,260,000	+95,252,000	+94,100,000
Defense nuclear waste disposal	190,000,000	190,000,000	190,000,000		
Total, Atomic Energy Defense Activities	11,522,938,000	12,140,160,000	11,777,011,000	+254,073,000	-363,149,000
Power Marketing Administrations					
Operation and maintenance, Alaska Power Administration	3,500,000			-3,500,000	
Capital assets acquisition	10,000,000			-10,000,000	
Operation and maintenance, Southeastern Power Administration	12,222,000	8,500,000	8,500,000	-3,722,000	
Operation and maintenance, Southwestern Power Administration	25,210,000	26,000,000	24,710,000	-500,000	-1,290,000

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 1999 (H.R. 4060)—Continued

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Construction, rehabilitation, operation and maintenance,					
Western Area Power Administration	189,043,000	215,435,000	205,000,000	+15,957,000	-10,435,000
(By transfer, permanent authority)	(5,592,000)			(-5,592,000)	
Falcon and Amistad operating and maintenance fund	970,000	1,010,000	970,000		-40,000
Total, Power Marketing Administrations	240,945,000	250,945,000	239,180,000	-1,765,000	-11,765,000
Federal Energy Regulatory Commission					
Salaries and expenses	162,141,000	168,898,000	166,500,000	+4,359,000	-2,398,000
Revenues applied	-162,141,000	-168,898,000	-166,500,000	-4,359,000	+2,398,000
Total, title III, Department of Energy	15,898,574,000	17,070,365,000	16,203,560,000	+304,986,000	-866,805,000
(By transfer)	(5,592,000)			(-5,592,000)	
TITLE IV - INDEPENDENT AGENCIES					
Appalachian Regional Commission	170,000,000	67,000,000	65,900,000	-104,100,000	-1,100,000
Defense Nuclear Facilities Safety Board	17,000,000	17,500,000	16,500,000	-500,000	-1,000,000
Nuclear Regulatory Commission:					
Salaries and expenses	468,000,000	483,340,000	462,700,000	-5,300,000	-20,640,000
Revenues	-450,000,000	-152,341,000	-444,700,000	+5,300,000	-292,359,000
Subtotal	18,000,000	330,999,000	18,000,000		-312,999,000
Office of Inspector General	4,800,000	5,300,000	4,800,000		-500,000
Revenues	-4,800,000	-1,749,000	-4,800,000		-3,051,000
Subtotal		3,551,000			-3,551,000
Total	18,000,000	334,550,000	18,000,000		-316,550,000
Nuclear Waste Technical Review Board	2,600,000	2,950,000	2,600,000		-350,000
Tennessee Valley Authority: Tennessee Valley Authority Fund	70,000,000	76,800,000		-70,000,000	-76,800,000
Total, title IV, Independent agencies	277,600,000	498,800,000	103,000,000	-174,600,000	-395,800,000
Grand total:					
New budget (obligational) authority	21,261,907,000	21,725,462,000	21,076,345,000	-185,562,000	-649,117,000
Appropriations	(21,147,202,000)	(21,725,462,000)	(21,076,345,000)	(-70,857,000)	(-649,117,000)
Emergency appropriations	(109,705,000)			(-109,705,000)	
Contingent emergency appropriation	(5,000,000)			(-5,000,000)	
(By transfer)		(25,800,000)	(25,800,000)	(+25,800,000)	

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

Mr. EDWARDS. Mr. Chairman, I yield myself such time as I may consume. I rise in support of H.R. 4060, the energy and water appropriation bill for fiscal year 1999.

The gentleman from California (Mr. FAZIO), the ranking member of this important subcommittee, will be on the floor in just a few moments, but in the meantime, Mr. Chairman, I would like to pay tribute to two leaders of this subcommittee who, along with the gentleman from North Carolina (Mr. HEFNER) whom we honored a few minutes ago, are retiring at the end of this Congress.

This will represent the last time that the gentleman from Pennsylvania (Mr. JOE MCDADE), the chairman, and the ranking member, the gentleman from California (Mr. VIC FAZIO), will be responsible for bringing the energy and water appropriations bill to the floor of this House, and on behalf of all of us who have had the privilege to serve with both of these leaders in Congress, I want to thank them for their lifetime of service to our Nation.

Let me begin with the gentleman from Pennsylvania, and while we often say, Mr. Chairman, "gentleman" when referring to our colleagues on this floor, I think whoever coined that phrase must have had Mr. MCDADE in mind when he developed that word because I could think of no better way to describe the chairman, our friend and colleague of this committee, then to say he is a gentleman from head to toe. His lifetime of service, over 3 decades of commitment to our country and this House, are living proof of that. In all the times that I have known him he has served with great dignity and honesty and integrity.

And while I have only had the honor of serving on his particular subcommittee for a year and a half, I want to say, Mr. Chairman, that when I was coming onto the Committee on Appropriations I asked a former member of this subcommittee, Mr. CHAPMAN of Texas, which subcommittee I should consider serving on, and he said to me that the most important factor I ought to look at is not just the substance of the committee but the chairman of that committee. For that reason he said without doubt I should ask to be on that subcommittee because the gentleman from Pennsylvania (Mr. MCDADE) is the kind of Member that all Americans could be proud of.

And once again there is not a floor full of Members on this floor for the very reason that the gentleman from Pennsylvania (Mr. MCDADE) has handled this business like he handles all of his business, in a fair, evenhanded and on a totally nonpartisan basis.

So, Mr. Chairman, on behalf of all of us in this House and families all across America from his district to mine who will live in a better country, better flood control, better safety in terms of the proliferation of nuclear weapons around the world; for those and so many more important issues that are part of this bill and other bills the gentleman from Pennsylvania has been a part of, I want to express my lasting gratitude to the gentleman for his sacrifice and service on behalf of this country.

Let me also say, Mr. Chairman, that the gentleman from California (Mr. FAZIO), the ranking member of this subcommittee, will be retiring at the end of this Congress, so this will also be the last time he comes to the floor as a ranking member to push the energy and water appropriations bill.

Time will not permit me to list all of the accomplishments of the gentleman from California (Mr. FAZIO), but no one in this House would doubt that he has been one of the true leaders in the House of Representatives for his many years of service as former chairman of the Democratic Campaign Committee, as being a leading spokesman for the Democratic Party and Democratic Members of this House. But in serving as a leading member of the Committee on Appropriations he put that partisanship aside, particularly on the energy and water bill, because he knew that providing flood protection and providing funds for research for renewable sources of energy to make our country economically sound for decades to come, he knew that in providing efforts to try to stop the proliferation of nuclear weapons across the Soviet Union, the former Soviet Union, and through other countries in the world, he knew that those efforts were far more important than any particular party, and in that capacity Mr. FAZIO has fought hard to bring legislation to this floor that will reflect well upon this body for many years and many decades to come.

Finally, as a member of this committee, let me just thank the chairman and ranking member for working on this particular bill under the limits of a very difficult budget, but to work in a way that the taxpayers would be proud, and using limited resources to focus on priority programs from flood control to nuclear weapons proliferation. They spent these dollars in a way that I think will be good for this country, and I think the best reflection of that was the committee vote, which as the chairman said was a unanimous vote of both Democrats and Republicans.

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

Mr. MCDADE. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. LIVINGSTON) the very able chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I want to thank my friend, colleague, mentor, and guidance counselor, the gentleman from Pennsylvania (Mr. JOE MCDADE) not only for yielding this time to me, but for doing such an outstanding job both as chairman of his subcommittee but also as a Member of Congress since his appearance here on the scene in Washington, D.C. back in 1963.

I certainly rise to support his bill. It is one of the most important bills in the appropriations process, at least from the standpoint of a Member who lives in New Orleans, in the center of the Mississippi River Valley watershed, because all that water that comes down from the drainage area that starts up in Minnesota and comes through our territory, and I want to say that the gentleman from Pennsylvania (Mr. MCDADE) together with the gentleman from California (Mr. FAZIO) has certainly worked with all of the members on the subcommittee to make sure that their responsibility has been carried out in a sensitive manner and that the people of Louisiana and all throughout the watershed have been protected from the onslaught of floods.

But let me simply say on a personal note that first of all the gentleman from Pennsylvania (Mr. MCDADE) has been a wonderful Member of Congress, and this is his last year as chairman and last year as a Member of the House of Representatives, and of all the Members that we might talk about today or that we might think about today he is going to be one of the most sorely missed.

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JOE MCDADE has not only a wealth of experience that he has brought to his role over these last many years, but he has got incredibly good judgment. He is a gifted politician in the finest sense of the word. Where some of us get led astray into areas of legislative domain that might seem to sink the most able of us, I guarantee you that JOE MCDADE rises above the tide and carries the way so that others can follow.

He was born in Scranton, and still lives there. He has represented Lackawanna County, Pennsylvania, in a number of ways since his graduation from Notre Dame in 1953 and at the University of Pennsylvania where he got his LLB. He was a clerk to a Federal judge; he practiced law; he became city solicitor of the city of Scranton; and then, in 1963, he was elected to the Congress of the United States.

I have had the pleasure of serving with JOE since my appearance in Congress in 1977, but more closely since I got to be a member of the Committee on Appropriations in 1980. We have served closely together on the same subcommittees. I just want to say that I have never seen a more able, more capable, more skilled legislator than JOE MCDADE. He has had a remarkable career.

I just want to take the opportunity to wish JOE and his wife Sarah and their family all of the best, a long, healthy, happy lifetime of success, and send with them the good wishes that all of us here who have had the pleasure and honor of serving with him extend to them, so that he will know that he can always come back, because he has got lots of friends here.

Mr. Chairman, I would take another couple of minutes to say that VIC FAZIO is another outstanding Member who came on the scene after I did, in the 96th Congress. I was elected in the 95th. VIC FAZIO likewise has shown the skill, and understanding on legislative process that, frankly, few other Members have exhibited.

VIC has been elected to a number of partisan positions on his own side. He has been a formidable adversary, and, at the same time, he has conducted his affairs in good humor and with the ability to compromise when he has to and in bipartisan fashion. That is appreciated from this side of the aisle. He has been a friend, and we certainly want to extend our best wishes to him. I am sorry, apparently his flight has been delayed and he is not yet here today for the discussion of this bill but we want him to know that we send our best wishes to him and to his family for lots of success and happiness as he leaves Congress.

Finally, to MIKE PARKER, who came over to the Republican side of the aisle from the other side, after he first arrived here a few years ago, with great foresight, since we took the majority about the time that he made the switch, and has shown extraordinary diplomatic and legislative skills in his performance here.

MIKE has not been here as long as the other two, but he is a very, very talented guy, and a fellow who has got great judgment, upon which all of us have had the opportunity to value and treasure, because we find that he is a person that we can indeed rely on. We are going to miss him greatly, from the standpoint of leadership on the Committee on Appropriations and throughout the Republican Conference.

We wish him well in Mississippi, and hope that his political career is not over, that he will have other things in mind, and that his leadership will serve the people of Mississippi and the people of America in great fashion.

So with all of these three people, I want to say thank you for your service to the Committee on Appropriations, to this subcommittee and to the people of America. We value and treasure your friendship, we wish you well and bon voyage when you depart from Congress, but we thank you for the opportunity for allowing us to serve with you.

Mr. EDWARDS. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I too want to extend my congratulations to the distinguished careers of the chairman and ranking member, and especially in one regard, and that is that they have been true champions of a great national treasure that we have in the country called the Mississippi River. In fact, in this appropriations bill, we nearly fully fund a very important program affecting the Mississippi River called the environmental management program that is a multistate, multiagency cooperative effort in order to collect data and monitor resources and conduct some habitat restoration on the Mississippi in order to preserve this treasure for future generations. It affects

the upper Mississippi in particular, but I have always said that if we blow it up there, there is going to be consequences down south.

I look forward to working with these gentlemen throughout the course of the year in reauthorizing the environmental management program, and I too want to again just congratulate them on the leadership that they have shown on this issue, an issue that not only affects me and my constituents in western Wisconsin, but millions of people throughout middle America who appreciate the river and the multiple uses that we all share and use the river for.

As we consider the energy and water appropriations bill for fiscal year 1999, I want to commend the chairman and members of the Appropriations Committee for prioritizing funding for one of our Nation's most treasured natural resources, the Mississippi River. By providing nearly full funding, the environmental management program [EMP] for the Mississippi River will continue to excel at restoring and monitoring the long-term ecological health of one of our Nation's most treasured waterways.

During this Congress, I have worked with Representative OBERSTAR, Representative LEACH, and Representative GUTKNECHT to form the Bipartisan Upper Mississippi River Task Force. Sixteen Members of Congress—eight Members from each side of the aisle—have come together, in a bipartisan fashion, in recognition of the national importance of the navigational, recreational, and environmental benefits this Nation enjoys because of a healthy, vibrant Mississippi River. The Upper Mississippi River Task Force has repeatedly voiced its unwavering support for fully funding the EMP. I thank the members of the task force for their bipartisanship, diligence, and perseverance in supporting our Nation's interest in the Mississippi River.

The EMP is a cooperative effort of the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the U.S. Geological Survey, and the five Upper Mississippi River Basin States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin to evaluate, restore and enhance the river and wetland habitat along 1200 miles of the Upper Mississippi and Illinois Rivers. The EMP is a tremendous example of how Federal funds support the successful multi-state, multi-agency cooperation responsible for ensuring a healthy, vital Upper Mississippi River system.

The EMP is an essential tool in maintaining the quality of the river environment, as well as recreational and economic opportunities along the Mississippi River. Navigation along the Upper Mississippi River supports 400,000 full or part time jobs, which produces over $4 billion in individual income, Recreation use of the river generates 12 million visitors and spending of $1.2 billion in direct and indirect expenditures in the communities along the Mississippi.

I would also like to commend the Appropriations Committee for funding the La Farge Dam land transfer, an Army Corps of Engineers project in my district in western Wisconsin. The funding in this bill finally allow the Federal Government to return the Kickapoo reserve lands to the people of western Wisconsin. It will begin to restore the natural surroundings so that visitors from across the country may once again enjoy the beautiful bluffs and flowing waters of the Kickapoo River. I look forward to working with the conference committee to guarantee that the Corps of Engineers fulfills its financial obligations under current authorizing legislation by providing the necessary funds to the transferees.

Mr. MCDADE. Mr. Chairman, I am very pleased to yield 4 minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I rise today to express my strong support for this bill, but first I, too, want to pay tribute to a gentleman who has become my friend. I am sorry that the gentleman from California (Mr. FAZIO) is not here, he will be along shortly, but let me just pay for a moment tribute to the man that I believe has earned the respect of this whole House, the gentleman from Pennsylvania (JOE MCDADE).

Along with VIC FAZIO, their spirit of cooperation is commendable. But the competence and the thoughtfulness of JOE MCDADE, his years of hard work, it will take many of us to fill the congressional shoes of Chairman JOE MCDADE. His character, his warmth, and, speaking on a personal note, his kindness and courtesy to me, and the fact that he is truly a gentleman in every respect, I will truly miss him, his counsel, his guidance, but never, however, his friendship. I will keep that.

Along with Chairman MCDADE, I see that Mr. FAZIO is here now, and I will extend and salute a hail, how are you. Certainly, as well, the competence of this man, VIC FAZIO, and his ability to work both sides of the aisle, has been something that I think this committee has benefitted by and this House has benefitted by.

Along with JOE MCDADE and VIC FAZIO, I would like to salute efforts by the Subcommittee on Energy and Water Development staff for bringing this strong bill to the floor. The administration's budget request, especially the funding shortfall they created in the water projects, was unworkable, if not irresponsible. This bill is responsible and balanced.

Just a few portions I would like to focus on. This year the administration more than doubled the budget request for climate change initiatives, creating a $1.7 billion government-wide umbrella to fund existing and new programs. Since the Senate has not yet ratified the Kyoto Protocol, it seems the administration has put the cart in front of the horse.

I wanted to thank the gentleman from Pennsylvania (Chairman MCDADE) and the subcommittee staff for taking my concerns about Kyoto into account in this year's bill. Specifically I am pleased that the committee provided none of the $100 million increase requested by the administration to further research towards the goals of meeting the Kyoto Accord.

Also the committee was critical of the administration's tendency to devote half of its resources to advanced policy instead of conducting scientific research. The $27 million was cut to $13.5 million, in half, to reflect this criticism.

Furthermore, I support this bill's focusing on closing out the former defense and nuclear facilities. When I was first assigned to this Subcommittee on Energy and Water Development of the Committee on Appropriations, the Department of Energy reported we would not complete clean up of the environmental management sites until after the year 2075, with a total cost of some $230 billion. We are now looking to close all of the small EM sites and even some the larger sites, including Fernald in Ohio and Rocky Flats in Colorado by the year 2006. The reduction of landlord costs may be in the tens of billions of dollars.

Frankly, I also want to express my strong support for the nuclear energy and research initiative, NERI, and the nuclear energy water research grant program. I am pleased have we have included $5 million for the NERI program. This program is designed to reinvigorate the Department of Energy's nuclear energy R&D based on competitive and peer-reviewed applications concerning such issues as more efficient reactor designs, lower costs, improved safety, better on-site storage and proliferation resistant reactors.

Mr. Chairman, I urge support for this important R&D program and I urge support for the energy and water appropriations bill.

Mr. FAZIO of California. Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman for yielding me time. I also want to extend my congratulations and appreciation for the outstanding work that the chairman and the ranking member have done on the appropriation. Both of them have gallantly looked at our natural resources and tried to appropriate, with resources that are scarce, as efficiently and as passionately and caring so as to preserve those resources.

In particular I am appreciative and urge the support of this appropriation, because it indeed allows North Carolina to have the opportunity to widen their port authorities. The port authorities there have been historically valuable to the East Coast, but, in particular, to North Carolina. So you have allowed us to have at least $8.3 million that would allow us to go towards the long-range plan. Obviously the State is doing its part, the private sector is doing its part, and I am appreciative

that the Federal Government is doing its part to allow us to have at least 80,000 jobs in our State as part of that.

Mr. Chairman, I urge support of the appropriation. I thank both the chairman and ranking member. My hat is off to the gentleman from California (Mr. FAZIO) for all of the fine work he has done for the people of America.

Mr. MCDADE. Mr. Chairman, I am delighted to yield 3 minutes to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, I rise in strong support of this bill, for several reasons, not the least of which is the expertise and the judgment and wisdom that the chairman and the ranking member have put into this bill.

This is a bittersweet moment, I think, for all of us on this committee, and in fact the Congress, to see a fine bill like this brought to the floor, the finest that I have seen in my experience, given the circumstances; sweet in that respect, but bitter in that we are losing two of the most able gentleman this House has been able to have for many years.

JOE MCDADE, as has been said, is leaving us after this term. We wish we could talk him into staying, but I think his mind is set. The same for VIC FAZIO. But these two men have offered leadership at a time when we need leadership, and they have done it in a bipartisan, in fact, nonpartisan way, and we are certainly going to miss them deeply and long on this subcommittee and on the full committee and, of course, in this body. We wish for each of them happiness and success in the years to come.

The chairman has done an outstanding job in producing this appropriations bill, which adequately funds such diverse programs as nuclear weapons research, to solar and renewable energy technologies, to water infrastructure projects, to critical rural development programs like the Appalachian Regional Commission. This is not an easy bill to write.

I am particularly grateful for the chairman's efforts in increasing the administration's requested level for the Army Corps of Engineers. The President had the audacity to propose a funding level nearly $2 billion below the level required to continue ongoing water infrastructure projects at their optimal level. The President's request was the lowest budget request in terms of real dollars in the history of the civil works program of the United States.

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This bill goes a long way toward getting those projects back on track. The recommendation is $3.97 billion. That will ensure that vital national priorities of flood control, navigation, and shoreline protection are adequately funded.

The gentleman from Pennsylvania (Chairman MCDADE) and his very capable staff have put together something that we can all be proud of, and I truly appreciate their insight and their responsiveness.

As has been said, we are losing a true patriot and statesman in the gentleman from Pennsylvania (Mr. JOE MCDADE). He has provided leadership, courage, and overwhelming devotion to the American people for nearly four decades in this body. This institution will not be the same without JOE MCDADE.

The same can be said of our friend, the gentleman from California (Mr. FAZIO), and of course, the gentleman from Mississippi (Mr. MIKE PARKER), who has served on this subcommittee admirably and well. He will be sorely missed, as well.

Whatever endeavors each decides to undertake in the future, I know they will display the same compassion and understanding and devotion as they always have here in the body. It has been a great personal honor to have served with them, and I wish for them and their family all the best. God speed.

Mr. FAZIO of California. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN. Mr. Chairman, first of all, I would like to thank both the gentleman from Pennsylvania (Chairman MCDADE) and our ranking member, the gentleman from California (Mr. FAZIO), for the service not only that they have provided to their districts over the years, but also to our great Nation. We will miss them, all of us will. I am not saying that just because they have been kind to the Port of Houston for a number of years, even before I was involved in serving in Congress.

But Mr. Chairman, I rise in support of the bill. It is a second year appropriation for the deepening and widening of the Port of Houston, and the committee, in its wisdom, with our only Texan on the committee, the gentleman from Texas (Mr. CHET EDWARDS), provided for $60 million for the deepening and widening of the Houston ship channel.

It is so important, not just for Houston but for all of America, because it generates $300 million annually for America in customs fees, and $213 million annually for local taxes.

The expansion of the Port of Houston and the Houston ship channel is important not only because it is the busiest port in foreign tonnage, and second in domestic tonnage, with more than 6,435 vessels navigating the channel annually. Again, this is a second year appropriation of $60 million.

Again, I would like to thank both the chairman and the ranking member for their service, but also the gentleman from Texas (Mr. EDWARDS), a neighbor of ours from Waco, Texas, for his efforts.

Mr. MCDADE. Mr. Chairman, I am pleased to yield 3 minutes to the able gentleman from New Jersey (Mr. FRELINGHUYSEN), a very valued member of our subcommittee.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in support of this energy and water appropriations bill for fiscal year 1999. First, let me thank the gentleman from Pennsylvania (Chairman MCDADE) and the ranking member, the gentleman from California (Mr. FAZIO), for their bipartisan effort in bringing this bill to the floor, and to thank our excellent committee staff for their assistance, as well.

This will be these gentlemen's final energy and water bill presented in this House. As a member of this subcommittee, I have learned to depend on them for their outstanding guidance and for their incredible institutional memory. It is difficult to comprehend how we will be able to work without them. Their retirement from Congress will leave a big hole in this institution, and I will miss both of them as friends and leaders.

This bill before the House today stresses national priorities while keeping our commitment to downsizing the Federal Government. Unlike the President's budget request in January for the Army Corps of Engineers, this bill does maintain critical funding for flood safety, coastal protection, and dredging projects throughout my home State of New Jersey and throughout our Nation.

This bill flatly rejects the Administration's efforts to back away from these types of national commitments and investments, and restores funds needed to protect American life and property, and promotes our international competitiveness.

Of particular concern to me were efforts to shortchange our Nation's ports. In New York and our New Jersey harbor alone, the President's request was over $40 million short for what was needed to keep these important dredging projects on time and on track.

International trade is too important to jeopardize, and ships cannot enter our ports without adequate channel depth. Too many jobs depend on the Army Corp's work, literally $70 billion annually in commerce for both New York and New Jersey.

In addition to the civil works program, this bill also funds many important scientific programs, and I am particularly happy that the committee moved ahead on fusion power research. I am disappointed that there is no funding for international fusion power, but I am grateful to the committee for their leadership and work on it.

Mr. FAZIO of California. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the full committee.

Mr. OBEY. Mr. Chairman, I just want to take this time to note that this is

the last time that the gentleman from California (Mr. FAZIO) and the gentleman from Pennsylvania (Mr. MCDADE) will be managing a regular appropriation bill on this floor because of their retirement. I just have to say something about both gentlemen.

As far as the gentleman from California (Mr. FAZIO) is concerned, I can think of no more decent person who has ever served in this institution. He is not only a person of immense graciousness personally, but he is a person who is willing to take on any task for the benefit of the national interest.

He is one of the people in this place who recognizes that there are many times when the job of governing has to take precedence over politics, and has never ceased to act on that assumption. He has also, in virtually every issue that I have ever seen him deal with, consistently insisted on putting public interest ahead of virtually every other interest. He is one of those rare people in politics who is, first and foremost, a workhorse rather than a show horse. I will miss him very much personally. I know the rest of this House will, as well.

As far as the gentleman from Pennsylvania (Mr. MCDADE) is concerned, he had already established a reputation for legislative quality and leadership when I arrived here as a freshman. I never cease to marvel at the talent with which he handled every responsibility given to him during the years that I have served or watched him in this body.

I have to say that he has demonstrated to me time and time again that he is a person of absolute integrity and extreme wisdom, to boot. He has treated Members fairly regardless of their partisan stripe, and he certainly is, as is the gentleman from California (Mr. FAZIO), what people who truly care about this institution call "institutional men." They are both institutional men. They recognize the needs of this institution in the finest sense of that recognition. I am going to greatly miss both of them.

Mr. MCDADE. Mr. Chairman, I am delighted to yield 2 minutes to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Chairman, I would like to associate myself with the remarks that have been made here this evening for the gentleman from Pennsylvania (Mr. MCDADE) and the ranking member, the gentleman from California (Mr. FAZIO), two great Members who are going to be missed a great deal next year.

Mr. Chairman, I would like to commend the chairman, the gentleman from Pennsylvania (Mr. JOE MCDADE) and the ranking member, the gentleman from California (Mr. FAZIO), for crafting a bill that maintains funding for the Army Corps of Engineers and many critical projects, but also remains true to the budget parameters we have set here in Congress.

The Energy and Water Development Act preserves our commitment to cleaning up nuclear waste, maintaining our waterways, and promoting the future energy needs of each American.

Mr. Chairman, as a member of the Committee on Appropriations, I voted in favor of this bill in committee, in particular because of a project important to the people of Sioux City, Iowa. Sioux City is one of the many cities in America established on a river, and while the river remains the lifeblood of the city, the people oftentimes find themselves at its mercy.

The Perry Creek Flood Control Project is funded in this bill. This important flood control project removes fear of flooding for downtown Sioux City and for a large community of retirees. The project enjoys the support of local funding, and allows the city to further redevelop its infrastructure without losing investors due to unforeseen disasters.

The Perry Creek Flood Control Project is one of several funded in this bill to protect towns and cities at risk from flooding. I want to thank the chairman and the committee for working with me to make sure this project received appropriate funding. I recognize the Committee on Appropriations has faced a daunting task in writing bills with very limited amount of resources. For Sioux City, for many other cities in similar situations, I encourage my colleagues to support this bill.

Mr. FAZIO of California. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Chairman, I, too, join with all of our colleagues in commending the gentleman from Pennsylvania (Mr. MCDADE) and the gentleman from California (Mr. FAZIO) for the tremendous work they have provided on behalf of this country.

I understand that this year we had one of the most difficult decisions and conflicts in trying to move the appropriations bills forward because of the tight fiscal constraints they were working under. It was very clear in the energy and water appropriation bill, which I support, that we were in a situation where we were not able to fund any new starts because we had to meet the priorities of continuing our funding for ongoing projects.

Given the tight fiscal constraints, I greatly appreciate the efforts of my colleagues on the committee to provide much needed funds for other high priority water resource development and flood control projects that are vital to the safety and well-being of the residents of the San Joaquin Valley.

However, I will continue to work to secure funding to address a particular flooding problem along a river referred to as the White River. The situation there is dire, and Federal assistance is vital to achieving a long-term solution.

This past February the area around Earlimart in Tulare and Kern Counties was flooded for the fifth time in 40 years. State and Federal disaster assistance was granted to assist the town of 5,000 residents. It is this project which we need to fund at least for a reconnaissance study. I look forward to working with the committee to secure that.

Mr. MCDADE. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Chairman, I want to express my concern about the level of funding in the bill for the Everglades restoration, to get right to the point. Specifically, I am concerned about the level of funding for the Kissimmee River Restoration Project, the Central and Southern Florida Project, as well as funding provided for the Everglades Critical Projects.

Clearly, the committee has done a very judicious job of balancing the competing interests in a very difficult bill. It goes without saying that the committee's task was not made any easier by the Clinton administration's irresponsible, if not reckless, budget request, which essentially gutted all funds for beach renourishment work by the Corps.

As the Committee sought to restore these devastating cuts, it had a lot of devastating choices to make, I know. Unfortunately, that has resulted in fewer funds available for the Corps and its responsibilities when it comes to the Everglades.

Earlier today I received an analysis prepared by the Jacksonville District of the Army Corps which estimates that the progress on all of these projects, the Kissimmee River restoration, the Central and Southern Florida Project, and the Everglades Critical Projects, would be significantly delayed if these funding levels were enacted.

Mr. Chairman, suffice it to say that the Federal Government has made a significant commitment to the restoration of the Everglades, a vital national treasure. As the energy and water bill moves to conference, I would request the committee review the analysis prepared by the Jacksonville District of the Corps.

I want to thank the chairman and the ranking member of the Committee on Appropriations again for their hard work, and look forward to moving forward on this issue.

The gentleman from Pennsylvania (Mr. JOE MCDADE) has been a great friend of Florida, a Member of Congress who is, I think, outstanding. He has been a mentor of mine. He has served his district and our country faithfully, professionally, successfully, with integrity, and for a long time. I think we would say just about the same thing for the gentleman from California (Mr. FAZIO), except it was California, in his case.

I am proud to know these Members, and I hope they can help us with the Everglades.

Mr. Chairman, I include this Corps analysis for the RECORD.

The material referred to is as follows:

	FY98 project allocations	FY99 budget request	Senate markup	House markup
C&SF	$21,833	$40,800	$25,000	$20,900
Kissimmee	2,817	27,300	10,000	3,500
Critical projects	4,009	20,000	10,000	3,000

CENTRAL & SOUTHERN FLORIDA

All assumptions are made with the understanding that funding will only be delayed for one year and required funding will be available in the following year.

If Senate Budget is Adopted ($25,000,000 allocation)

West Palm Beach (C–51): Delay in funding for relocations may not impact the overall project schedule. Delay in funding S–360, G–312, and levees (components of Stormwater Treatment Area 1 East) would not significantly impact the project. The project would likely still be completed within the overall completion schedule.

South Dade (C–111): Delay in funding for S–332A, B, and C pumping plants, and Levees and Canal work will not significantly impact the overall project completion. Recent requirements for a new GRR supplement have caused this delay to be necessary regardless of funding.

Upper St. Johns: Delays in funding L74N and S–96E will increase the overall project completion time.

If House Budget is Adopted ($20,900,000 allocation)

West Palm Beach (C–51): Delay in funding for relocations may not impact the overall project schedule. Delay in funding S–360, G–312, and levees (components of Stormwater Treatment Area 1 East) would not significantly impact the project. However, the additional cuts would delay completion of Pump Station S–362 (Stormwater Treatment Area 1 East outflow pump station) which would delay the overall project completion. The time could not be made up regardless of the follow-on funding.

Comprehensive Restudy: The additional cuts will adversely impact work on the Restudy. A delay in funding will result in completion beyond the mandatory completion dates.

South Dade (C–111): Delay in funding for S–332A, B, and C pumping plants, and Levees and Canal work will not significantly impact the overall project completion. Recent requirements for a new GRR supplement have caused this delay to be necessary regardless of funding.

Upper St. Johns: Delays in funding L74N and S–96E will increase the overall project completion time.

KISSIMMEE RIVER RESTORATION

If Senate Budget is Adopted ($10,000,000 allocation)

Contract 3 (S–65 Modification), CNT 4C (local levee removal), and Contract 2 (Canal widening for C–35 & 36) can be completed.

Contract 14A (to remove 1M CY of material) can be completed. Contact 14B (to remove 5M CY of material) will not be awarded in FY 99. The entire 6M CY of material of Contract 14A & B must be removed before any work in the lower basin is initiated.

Majority of the environmental restoration benefits are claimed in the lower basin. However, if the request is reduced to 10 million, the initial environmental component Contract 7 (Reach 1 Backfill of canal C–38) will definitely not be awarded in FY 99. A prior commitment was made to initiate Reach 1 Backfill by 30 March 1999. This commitment will not be met. The remaining three reaches will also be delayed, and the corresponding environmental benefits will not be obtained. Engineering efforts in preparing P&S for future contracts will be downscaled because of limited funds and no A–E contract awards in 1999.

To implement the Reach 1 backfill contract, flood control features of Istokpoga basin (Contract 6, a large tributary within Reach (1) will need to be addressed. If the Istokpoga works is delayed, the Corps will go to condemnation, tie-up resources, cause additional delays, and Reach 1 Backfill cannot be initiated.

The balance of FY 1999 will be used to prepare P&S which will be shelved until funds become available.

If House Budget is Adopted ($3,500,000 allocation)

In addition to the above, Contract 14A (to remove 1M CY of material) will not be awarded in FY98. As noted above, all of Contract 14 needs to be completed before implementation of the lower basin works. None of the primary restoration benefits will be obtained in FY 99.

CRITICAL PROJECTS

If Senate Budget is Adopted ($10,000,000 allocation)

With a funding level of 10 million, NEPA, and design development could not be initiated on 4 projects for which letter reports have been developed; Seminole Tribe Big Cypress, Loxahatchee Slough, L–31E and Melalueca Quarantine Facility. In addition, the South Dade County Agriculture and Rural Area Retention and South Biscayne Bay Watershed Management Plan studies could not be initiated. Since WRDA 96 requires that the Critical Projects be initiated by 30 September 1999, all projects listed above could not be implemented under this authority.

If House Budget is Adopted ($3,000,000 allocation)

With a funding level of 3 million, NEPA, and design development will not be initiated on 9 projects for which letter reports have been developed; Golden Gate Estates, Tamiami Trail Culverts, Lake Okeechobee Water Retention/Phosphous Removal, Ten Mile Creek, Lake Trafford, Southern Crew, Seminole Tribe Big Cypress, Loxahatchee Slough, L–31E, and Melalueca Quarantine Facility. In addition, the South Dade County Agriculture and Rural Area Retention and South Biscayne Bay Watershed Management Plan studies could not be initiated. Since WRDA 96 requires that the Critical Projects be initiated by 30 September 1999, all projects listed above could not be implemented under this authority.

CRITICAL PROJECT RANK

Rank/cummulative cost	Project/sponsor	Project summary (cost in millions)
1—$2.3 mil	East Canal Structures/SFWMD	Increase water to Pennsucco wetlands, reduce seepage using gated control structures ($2.3 mil).
2—$6.6 mil	Tamiami Trail Culverts/SFWMD	Install culvert structures to improve sheetflow of surface water within the watersheds of Ten Thousands Islands National refuge, Southern Golden Gates Estates, Fakahatchee Strand State Preserve, Big Cypress National Preserve, and Everglades National Park ($4.3 mil).
3—$17 mil	Melaleucca Eradication Project and other Exotic Plants/SFWMD	Improve existing quarantine facility @ Gainesville, construct new facility, implement biological controls ($10.4 mil).
4—$23 mil	Florida Keys Carrying Capacity/Florida Department of Community Affairs.	Develop information database, decision-making tool for infrastructure development, investment ($6 mil).
5—$36.5 mil	Western C–11 Water Quality Treatment Project/SFWMD	Develop measures to ensure water released into Everglades meets yet to be established standards. Best management practices, water quality measurements, water retention areas ($13.5 mil).
6—$81.5 mil	Seminole Tribe Big Cypress Reservation Water Conservation Plan/ Seminole Tribe.	Water conservation pan includes construction of conveyance systems, canal bypass, irrigation storage cells in Basins 1, 2, 3, and 4 which compose the western portion of the Big Cypress Reservation. This project is designed to meet 50 pph, phosphorus, which is the current performance level designed to be achieved by the Everglades Construction Project. Should design performance level for phosphorous become more stringent, this project is designed to be able to incorporate additional technology ($45 mil).
7—$97.1 mil	Southern Golden Gate Estates Hydrologic Restoration/SFWMD	Land acquisition, spreader canals, canal plugs, pump stations to provide redistribution of flows to restore area overdrained which has resulted in reduction of aquifer storage, reduction of wetland functions, invasion of upland vegetation, increased frequency of forest fires and increased fresh water discharges to the estuary. Variations of freshwater discharges at large amplitudes have resulted in large fluctuations of salinity level and eliminated or displaced a high proportion of the benthic, midwater and fish plankton communities in the Ten Thousand Island Estuary ($15.6 mil).
8—$104.6 mil	South Dade Agriculture & Rural Land Use & Water Management Plan/Metropolitan Dade County.	Provide database for development of land use plan with focus on rural and agriculture. Retention. Water management focuses on storm water management ($7.5 mil).
9—$135.6 mil	Southern Crew Project Addition/Imperial River Flowways/SFWMD	Land acquisition totaling 4,670 acres removal of canal berms, single family homes, debris, till material and agricultural canal and berms and installation of equalizer culverts, and replacement of undersized culverts and bridges that impede flows (31 mil).
10—$147.6 mil	Lake Okeechobee Water Retention/Phosphorus Removal/SFWMD	Reduce number of drained wetlands in the northern watershed of Lake O, as well as create new ones, remove ditch connections. Isolate phosphorous loaded wetlands and provide peak flow attenuation of water to the lake, resulting in a more gradual rise in lake stage during heavy rainfall periods and a slower drop in lake stage during drought. Result in fewer freshwater discharges to tide from Caloossahatchee and St Lucie Canals as dictated by Lake O, regulation schedule ($12 mil).
11—$175.5 mil	Ten-Mile Creek Water Preserve Area/SFWMD	Land acquisition totaling 1200 to 2000 acres in eastern portion of basin and construction of an above ground impoundment for stormwater detention purposes. Infrastructures includes pump stations to develop impoundments for stormwater and redesign and reconstruction of adjacent tidal discharge control structure and perhaps constructed wetland or flow-through marsh for water quality improvement purposes ($30 mil).
12—$175.5 mil	L–28 Modification Report/SFWMD	Restore more natural hydrologic conditions in the Big Cypress National Reserve. Restore hydropatterns within Big Cypress, modifications to L–28, Tamiami Trail and Loop Rd will be evaluated (MOVED TO RESTUDY EFFORT).
13—$185.6 mil	Loxahatchee Slough Ecosystem Restoration/SFWMD	Water control structure at C–18 to reflood slough ($8 mil).
14—$187.6 mil	Geodetic Vertical Control Surveys/Florida Department of Environmental Protection.	1250 miles of second-order, Class 1 Surveys for improved accuracy of natural systems data, analysis ($2 mil).
15—$203.6 mil	Lake Trafford Restoration/Florida Department of Environmental Protection.	Lake restoration project consists of the removal of 7 million cubic yards of unconsolidated sediments with upland disposal ($16 mil).
16—$204.8 mil	L–31E Flow Redistribution Project/SFWMD	Spreader canals, eliminate point discharges ($1.2 mil).
17—$207.2 mil	Henderson Creek Belle Meade Restoration/Florida Department of Environmental Protection.	Land acquisition of approximately 125 acres, installation of culverts, filling ditches, roadbed removal, exotic removal, berm creation and development of filter marsh water management system to return a portion of the historic timing, duration, and volume of freshwater inflow, as well as providing much needed treatment of stormwater, into Rookery Bay ($2.4 mil).
18—$211.1 mil	Lake Okeechobee Tributary Sediment Dredging/SFWMD	Dredge phosphorous rich sediments from primary, tertiary canals and field ditches leading into lake. These sediments are mobilized during high flows ($3.8 mil).
19—$228.7 mil	Develop & Implement Agricultural BMP's in C111 Basin/Florida Department of Agriculture and Consumer Affairs.	Development, and implementation of the latest technologies to fruit, vegetable, landscape, and ornamental growers and urban homeowners in the eastern C–111 Basin to minimize ground and surface pollution, advance water use efficiency, manage plant diseases, insects, and weeds largely by biological based technologies, and reduce the vulnerability of crops to persistently high water table. BMP's implementation will protect the Biscayne aquifer and prevent introduction of toxicants and undesirable levels of nutrients into fragile marine and terrestrial ecosystems ($17.7 mil).
20—$229.2 mil	North Fork New River Restoration/Florida Department of Environmental Protection.	This portion of the river is only remaining section left in its natural state. Contamination from nearby septic tanks and sewage lines has degraded water quality, habitat. Plans to restore include spot dredging, and improvement of water circulation, a feasibility study, revegetation with native species, identification of contaminants, and promoting urban infill development ($0.52 mil).
21—$232.4 mil	L–8 Canal-Water Catchment Area—Loxahatchee Slough Infrastructure Improvements/West Palm Beach County.	Dredge L–8 and add pump capacity to take water from L–8 and route to West Palm to catchment area ($3.2 mil).
22—$237.4 mil	Florida Keys Tidal Creek Restoration/Florida Department of Environmental Protection.	Relocating culverts to restore flow to tidal creeds at Tarpon Creek just south of Mile Marker 54 on Fat Deer Key, an unnamed creek between Fat Deer Key, and Long Point Key south of Mile Marker 56. Adequate culverting will improve circulation, flushing, water quality and habitat which have been degraded from accumulation of organic material in these creeks (approx $5 mil).
23—$239.4 mil	Lake Worth Restoration	Remove organically enriched sediments ($2 mil).
24—$251.9 mil	Wetlands-Based Water Reclamation Project/West Palm Beach County.	Water reclamation project that recharges aquifer, reduces discharges to tide and dependence on Lake O for drinking water purposes and creates and restores 2,000 acres of environmentally sensitive wetlands ($12.5 mil).
25—$257.4 mil	Lake Okeechobee Project Aquifer Storage and Recovery/SFWMD	Water from Lake O injected into aquifer for later retrieval ($5.5 mil).
26—$282.4 mil	Miccosukee Water Management Area/Miccosukee Tribe	Installation of pump station, spreader canals control structures and levees. (approx $25 mil).
27—$283.5 mil	Six Permanent Water Monitoring and Meteorological Stations/Florida Department of Environmental Protection.	Real time hydrological, and meteorlogical data for trend analysis ($1.1 mil).
28—$285.1 mil	Nutrient Removal and Dosing Studies for ENP/SFWMD	Development of water quality standards, phosphorous thresholds ($1.6 mil).
29—$293.1 mil	WCA 3B Seepage Reduction/SFWMD	Installation of underground seepage barriers using grant technology. The barrier would be located between S–334 and S–335. Project would reduce losses flowing out of WCA–38B ($8 mil).
30—$299.1 mil	Hillsboro Pilot Aquifer Storage and Recovery Project/SFWMD	This project will implement a regional storage and recovery demonstration project in the Hillsboro canal region to capture and store excess flows that are currently released to tide for use during dry periods. Recovery of the water will be utilized to recharge local utility wellfields helping to prevent further inland migration of the saline interface ($6 mil).
31—$304.1 mil	Lakes Park Restoration Project/Florida Department of Environmental Protection.	Construction of a 40 acre marsh/flowway in an abandoned rock mine to improve present habitat conditions and water quality trends discharging to Hendry Creek and Estero Bay. The project will include removal of exotic vegetation, and planting of native vegetation of 11 acres of uplands and 9 acres of littoral zone ($5 mil).
32—$304.2 mil	Town of Ft Myers Beach/Florida Department of Environmental Protection.	Identification of stormwater hotspots, reducing non-stormwater discharges through one or more retrofit projects. Goal is to reduce pollutant loading into Estero Bay ($0.120 mil).
33	Palm Beach CO Water Utilities Department Winsberg Farms Constructed Wetland/Palm Beach County.	Develop 175 acre parcel of purposes of wetland construction. Reclamation of 10mgd of water, recharge local groundwater, recharge area canal network.
34	Spring Creek Reconnection and Rehydration project/SFWMD	
35	Restoration of Pineland & Hardwood Hammocks on Previously Rock Plowed Land in C–111 Basin Dade County/University of Florida Critprol.	Restore South Florida slash pine and hardwood hammock species on a 200 ft wide strip on each side of the two miles of SR 9336 from the C–11 canal to the L–31W canal. Project will demonstrate the techniques required to re-establish native conifer and hardwood forests on land that has been rock plowed ($0.80 mil).

Mr. FAZIO of California. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Chairman, I want to echo the remarks of my colleagues with respect to the chairman, the gentleman from Pennsylvania (Mr. MCDADE), and the ranking member, the gentleman from California (Mr. FAZIO), on the work they have done on this bill and on the work they have done in Congress.

□ 1800

I had the opportunity not too long ago to be associate staff to the House Committee on Appropriations, and they were giants at that time. And now I had the opportunity to come back as a Member and go and ask them for help on this bill, and they have certainly provided it.

Mr. Chairman, I rise in strong support of H.R. 4060. In particular, I want to mention what they have done to continue the funding for the Sims Bayou project by putting in what the Corps of Engineers requested, the Brays Bayou project, both of which run through my district, as well as fully funding the Corps' request for the Port of Houston deepening and widening project which is critical to our area's economy.

Mr. Chairman, finally I would like to say that both the chairman and the ranking member had the wisdom and the foresight to stand up to the Office of Management and Budget and to the administration on how they were going to fund construction projects, and to say we could do it within the Balanced Budget Act with no new starts, but to do it on an incremental basis rather than fully fund and assure that we continue to meet the needs of our Nation.

Mr. McDADE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from Pennsylvania (Chairman McDADE) for yielding me this time.

Mr. Chairman, as the gentleman may know, Assateague Island National Seashore is in my district. This coastal barrier island has been home to feral ponies for more than 300 years, habitat for a number of endangered species, and protects homes on the mainland from the full force of Atlantic hurricanes.

When the Ocean City Inlet was blown through by hurricanes in the 1930s, a jetty was constructed to protect the inlet from closing so the business enterprises could be protected. However, the flow of sand that naturally replenished Assateague was cut off and the island has been eroding every since.

The Assateague restoration project is currently authorized at about $16.9 million, of which we need in the near future about $4 million. Severe storms in January and February of this year caused a wash-over along 7 miles of the island and, as a result, the island is now under imminent threat of breach.

Without the support of this Congress, it would be difficult to continue the project that is necessary to protect the island and mitigate the problems of the homes behind the barrier island.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, let me say that the gentleman from Maryland, my able friend, has brought this very forcefully to my attention. We know what a treasure those barrier islands are. I want to assure the gentleman that he will have my full effort as this bill moves through conference.

Mr. GILCHREST. Mr. Chairman, reclaiming my time, I thank the gentleman for his help on this. I also want to wish the gentleman Godspeed and a great retirement.

Mr. FAZIO of California. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. VISCLOSKY), who if reelected is likely to be the ranking member of this subcommittee in the next Congress.

Mr. VISCLOSKY. Mr. Chairman, I thank the gentleman from California (Mr. FAZIO) for yielding me this time.

First of all, I rise in strong support of the legislation before the House. Secondly, I rise to thank the gentleman from California (Mr. FAZIO) and the gentleman from Pennsylvania (Chairman McDADE) for continuing the bipartisan tradition of this subcommittee.

As the gentleman from Wisconsin (Mr. OBEY) had mentioned earlier, we have two individuals before us who, while Republican and Democrat, always put the public's interest before their party's. They have always put the public's interest before their own, and have continued this subcommittee on a bipartisan track and have provided the House today with a quality piece of legislation.

Mr. Chairman, on a personal note I would say to the gentleman from California (Mr. FAZIO), I will miss him. This House will miss him. He is a good friend. He is a leader of our party and of this Nation. He is one of the most competent legislators I have ever known and is possessed of a kind heart. I really, really have appreciated the time I have been able to spend with the gentleman.

Mr. Chairman, I would also say to the gentleman from Pennsylvania (Mr. McDADE) that he too is a friend and is imbued with a great deal of integrity. As I said on an earlier occasion a couple of weeks ago, the most precious thing any of us have to give any other individual is our time, because that is the one thing we all possess in our lives that is limited. The gentleman from Pennsylvania has been selfless in the time that he has given me. He has given me his expertise. He has given me his wisdom. He has given me good advice. Unfortunately, sometimes I do not always want to hear that advice. But more times than not, I followed it to my benefit.

Mr. Chairman, the gentleman too has been a great friend. We will all miss him. And from the bottom of my heart, I deeply appreciate everything he has done for me.

Mr. McDADE. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. McDADE) for yielding me this time.

Mr. Chairman, I have just one simple question I would like to ask with regard to whether it is the committee's intent that the solar and renewable energy funds be targeted to projects developed by nongovernmental organizations that produce the greatest reductions in CO_2 on a metric ton basis within the project's life cycle, that have an existing private funding component, that have a high potential of becoming totally privately financed in the shortest period of time, and are not dependent on the development of new technologies or operational systems in order to be successful.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, let me say to the gentleman that he is correct. It is the committee's intent to fund only those projects which produce results.

Mr. KOLBE. Mr. Chairman, reclaiming my time, I thank the gentleman for yielding and would join my colleagues in thanking him for the tremendous service that he has given this subcommittee, the full committee, the Congress, and our Nation. We wish him well in retirement.

Mr. FAZIO of California. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me add my accolades for the gentleman from California (Mr. FAZIO) for being an American hero and one that has provided great service to this Nation.

Mr. Chairman, I would say to the gentleman from Pennsylvania (Chairman McDADE) "thank you so very much" for the collaborative effort and leadership on these important issues. These are bread and butter issues.

Mr. Chairman, I thank both of my colleagues on behalf of the 759 homes of constituents of mine in 1994 who suffered the flooding of the Sims Bayou. We are gratified for the $18 million in total and the $8.5 million, which is an increase of what we would have gotten, to work with the Army Corps of Engineers.

We are particularly delighted as well for the full funding of the Port of Houston, a very vital aspect of the economy of Houston. We know it was the collaborative work of the gentleman from Pennsylvania (Chairman McDADE) and the gentleman from California (Mr. FAZIO) who brought this about, along with the gentleman from Texas (Mr. EDWARDS) and the gentleman from Mississippi (Mr. PARKER).

Mr. Chairman, let me congratulate the Army Corps of Engineers. We would hope that as it moves to extend to the Martin Luther King and Airport Boulevard and Cullen Boulevard, that we can get it finished much earlier than the year 2006, for I would not like to see those 759 homes flooded again.

Mr. Chairman, I cannot thank these gentlemen enough. I look forward to working with this committee in the future. I say to both of my colleagues as they retire: Godspeed.

I rise in support of H.R. 4060, the Energy and Water Development Appropriations for Fiscal Year 1999. I support this bill mainly because it provides $413 million which is (39%) more for the Army Corps of Engineers construction programs than requested by the Administration.

The Administration originally requested $9.4 million for the continued construction of the Sims Bayou Project in Houston, Texas. The Subcommittee on Energy and Water Development specifically earmarked an additional $8.5 million Above the Administration's original request, which brings the total funding for the project to $18 million.

Mr. Chairman, the Sims Bayou Project is a project that stretches through my district. Over the course of recent years, the Sims Bayou has seen massive amounts of flooding. Citizens in my congressional district, have been flooded out of their homes, and their lives have been disrupted.

In 1994, 759 homes were flooded as a result of the overflow from the Sims Bayou. That

is 759 families that were forced to leave their homes.

I mainly support the conference report, Mr. Chairman, because the subcommittee has earmarked in this bill $18 million for the construction and improvement of the Sims Bayou project that will soon be underway by the Army Corps of Engineers.

I would like to thank the Army Corps of Engineers for their cooperation in bringing relief to the people of the 18th Congressional District in order to avoid dangerous flooding.

The Subcommittee on Energy and Water Development added an additional $8.5 million for the construction of this Sims Bayou project and it remains in this conference report. I am quite certain, Mr. Chairman, that this project would not have been able to go forward if this additional money would not have been granted by the Subcommittee.

For that I have to thank Chairman MCDADE, Ranking Member FAZIO, and my friends and colleagues CHET EDWARDS, and MIKE PARKER who sit on the Appropriations Committee.

However, Mr. Chairman, I would like to call on the Army Corps of Engineers to do everything that they can to accelerate the completion of this project. The project will now extend to Martin Luther King and Airport Boulevards, and Mykaw to Cullen Boulevard.

This is flooding that can be remedied and the project must be completed before the expected date of 2006. While I applaud the Army Corps of Engineers for their cooperation, this is unacceptable for the people in my congressional district who are suffering.

They need relief and I know that they can not wait until the expected completion date of 2006. This must be done and I will work with the Army Corps of Engineers and local officials to ensure that this is done. I urge my colleagues to vote yes on this conference report.

Mr. MCDADE. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Chairman, the gentleman from Pennsylvania (Mr. MCDADE) deserves credit for sustaining Federal renewable energy RD&D. I would like to clarify the intent of the report language as it pertains to the solar energy research and development programs.

Mr. MCDADE. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT of Maryland. I yield to the gentleman from Pennsylvania.

Mr. MCDADE. Mr. Chairman, let me say that we have made every effort to try to fund the renewable energy RD&D account. And we intend that the committee language not prohibit legitimate research cost sharing with U.S. industry in solar R&D programs.

Mr. BARTLETT of Maryland. Mr. Chairman, reclaiming my time, I thank the gentleman for a good job. I would like to clarify that the intent of the committee was not to prevent the Federal solar programs from cost sharing. I congratulate the gentleman on a well-earned retirement.

Mr. FAZIO of California. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, for working people, the most important asset that they have is their job. It supports their home, their family, their children, their hopes, their life. This bill will save and increase good-paying American jobs.

Mr. Chairman, I want to commend the gentleman from Pennsylvania (Mr. MCDADE) and the gentleman from California (Mr. FAZIO) for crafting a bill that, in a time of fiscal belt-tighening and hard choices, makes the right choice to keep American jobs as the top priority.

The Port of New York and New Jersey, a good part of it, is in my district. It is the economic lifeline for the northeast region. Mr. Chairman, 180,000 jobs and $20 billion in economic activity is generated though the port. If my colleagues live in the Northeast, there is a good chance that the things that they buy are coming from the port or that they are dependent upon other goods, products, or machinery coming through the port.

Mr. Chairman, to keep those goods coming here on the increasingly large industrial ships, we need deeper channels and modern port facilities. If we do not modernize, the larger ships will go elsewhere and goods may start coming into Canada instead of our harbor.

That hurts everyone in this country and the national impact could be enormous. That is not acceptable.

This bill sends a message that we will not stand by and let American jobs go elsewhere. To our friends up north in Canada, let the message from this House be clear. We are committed to shipping commerce. We are committed to these ports.

I understand that deepening and dredging our harbor is not glamorous work. Other pet projects sound better and are easier to publicize. But modernizing our ports means not just saving but creating hundreds of thousands of jobs and billions of dollars in commerce in the years to come. It is the long-sided view. It is the view this bill takes.

Finally, I want to congratulate both the gentleman from Pennsylvania (Chairman MCDADE) and the gentleman from California (Mr. FAZIO) on their many years of dedicated service. These are the kind of people we need in public service; people who put the needs of their constituents and the Nation above all else. We will miss them and I know that both gentlemen will find new ways to serve their fellow countrymen and women like they have done so well in the people's House.

Mr. MCDADE. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Chairman, I would like to compliment the Subcommittee on Energy and Water Development, particularly the gentleman from Pennsylvania (Chairman MCDADE) and the gentleman from California (Mr. FAZIO), ranking member, on their fine work with the 1999 energy and water development appropriations bill.

Mr. Chairman, there is one issue that is of particular concern to me, and I would like to engage in a brief colloquy with the distinguished gentleman from Pennsylvania.

Mr. Chairman, a program particularly important to my constituents in Utah, the geothermal research and development, is cut in this bill from $29.5 million in fiscal 1998 to $27.5 million in fiscal 1999. I realize the Senate approved a version that indicates geothermal R&D would be about $31.25 million.

I want to point out that geothermal energy means jobs. Some 30,000 U.S. workers are employed through geothermal electric revenues. Geothermal energy means royalty and production payments, more than $41 million is returned annually to the U.S. Treasury. And it also means a cleaner environment. Sixteen million tons of carbon dioxide, 20,000 tons of sulfur dioxide, 41,000 tons of nitrogen oxide, and 1,300 tons of particulate matter are avoided each year by geothermal energy productions.

Mr. Chairman, I appreciate the gentleman's consideration of this concern, and I would urge the committee to address the geothermal R&D funding shortfall in its conference with the Senate so that geothermal's important national benefits can continue to accrue in the future.

Mr. MCDADE. Mr. Chairman, will the gentleman yield?

Mr. COOK. I yield to the gentleman from Pennsylvania.

Mr. MCDADE. Mr. Chairman, I appreciate the gentleman from Utah (Mr. COOK) for bringing this to the attention of the committee. As the gentleman knows, we had a very severe and constrained budget. As we work our way through conference, we will be looking forward to working with the gentleman further.

Mr. COOK. Mr. Chairman, reclaiming my time, I appreciate that very much, and I again wish the gentleman congratulations on his wonderful work.

Mr. FAZIO of California. Mr. Chairman, I yield myself such time as I may consume.

In further response to the gentleman from Utah (Mr. COOK), I would like to thank him for his remarks and I thank the gentleman from Pennsylvania (Mr. MCDADE) for his attention to this very important energy efficiency program supported in this bill.

As many of my colleagues know, I have been a longtime advocate of solar and renewable energy programs. Programs that support energy efficiency are critical to our economy, national energy security, and the environment.

Mr. Chairman, we have the responsibility to future generations to address

environmental and economic concerns linked to historical energy technologies. We must support efforts to bring new, cleaner energy-efficient technologies to market.

If programs deriving energy from such diverse sources as the sun, wind, and biomass are to be successfully competitive in the coming years, they must undoubtedly have the support of Congress. I would have liked the number for solar renewable programs to have included some of the increases submitted in the administration's budget request.

But, unfortunately, this year the allocation for the energy and water bill, and perhaps all 13 of our spending bills, did not permit such increases in many very important programs. Although the bill we are considering today provides an increase of $5.1 million over last year's appropriation for solar and renewable energy programs, I agree with the gentleman from Utah (Mr. COOK) that it is unfortunate that the very important geothermal R&D program received a cut.

But let me point out with regard to the total amount of funding this bill provides for renewable energy programs, that committee was able to draft a bill that in many ways was considerably higher than the renewable levels in the Senate before Mr. JEFFORDS' amendment.

I believe the original amended Senate numbers for solar and renewable energy programs were $345.5 million, compared with the House bill which provided $351.4 million for these programs.

Mr. Chairman, I would also like to point out that the Senate bill is a total of $21.7 billion, whereas the House total is only $20.6. This is particularly important in the context of the Jeffords amendment, which added $70 million in solar and renewable energy programs by taking a 1.6 percent across-the-board cut of domestic DOE programs.

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At $1.1 billion below the Senate bill, this amendment would have been particularly difficult to achieve here in the House, as it would have cut even further into other important programs that this bill is committed to funding. I support energy efficient technologies, and I will work with our distinguished chairman and the Senate to address funding for geothermal R&D programs in addition to other solar and renewable programs in the House conference with the Senate.

We certainly have done well, given the context of this total bill.

I rise in support of H.R. 4060, the Energy and Water Appropriations Bill for FY '99. I've enjoyed working with JOE MCDADE. Our job was made significantly tougher by the Administration's budget submission this year.

Although we've improved our position with the budget allocation, we have still not been able to make up what is truly needed after two El Nino seasons.

If you are wondering why JOE MCDADE and I are retiring, it's because, despite adding more than $700 million to the President's budget request for the water projects that are so important to our colleagues, the bill is still $200 million below last year's level. This whole question of the budget agreement of last year, and Republican efforts to make additional budget cuts in this year's budget resolution is one worth examining, especially for our bill which is usually so popular with members.

My colleagues have seen this chart during consideration of the budget resolution, showing the effects of these budget cuts on all non-defense discretionary programs. The comparison to level funding, taking inflation into account, leaves spending at 18% below current services by the year 2003. But now let's see the effect of these kinds of cuts on just one popular program—the Army Corps of Engineers civil works program—which is responsible for operations and maintenance of our ports and waterways, as well as flood control projects across the nation.

Based only on the budget caps agreed to by Congress and the President last year, you can see that we have a significant divergence beginning this year between what the Corps could do—its capability—and what the Corps will be able to do with the level of funding we are providing in this bill and are likely to provide in the years to come based on that budget agreement.

Adoption of the Republican budget plan would make these lines diverge even more greatly. But it is also something to consider as we take up these other pieces of legislation which encroach on the non-defense discretionary programs.

Whether it is BESTEA or a new agricultural research program, other deserving needs that are keys to the American economy can only be adversely affected as a result.

Realize these are authorized projects we are talking about—not counting the new authorizations that may stem from a Water Resources Development Act to come this year.

So take a good look, because these are the outcomes of our decisions, and they will continue to affect us for many years to come.

So there has been a fair amount of pain to be administered this year, but I commend JOE MCDADE for adopting the common-sense decision-rules that are reflected in this bill, and for being evenhanded in administering them without regard to party.

For those who think that subcommittee members have been spared from our budget constraints, I would point out that our subcommittee has recommended only $75 million for a California initiative supported by 45 members of the California delegation—$10 million below last year's number and $45 million below the $120 million that our subcommittee recommended last year.

And the Central Valley Project Restoration Fund—a fund that derives from assessments on water and power users was not spared.

Due to budget constraints and because this fund is subject to appropriation, we have held it to $33 million—$16 million below the budget request—and I hope we can do something at conference if at all possible to ensure that the collections from these users don't exceed what we are able to appropriate.

On the Energy side of the equation, we faced similar budget constraints. We had to balance new priorities, like the Spallaton Neutron Source, while sustaining numerous other DOE programs that are essential to the nation.

While I would like to see an increase in the number for solar and renewable energy programs, I am pleased that this account did not sustain any cuts, given the difficult environment in which the committee was forced to work.

I understand the reasoning behind the committee report's words of caution to the Administration pertaining to policy decisions and sound science with regard to global climate change, but I would like to reiterate that the energy efficiency programs funded in this bill are programs that our nation has been investing in for years, long before the debate over global climate change.

I believe that any debate relating to climate change and the Kyoto Protocol should be conducted independently of this bill.

The Committee was able to provide an increase to fusion energy programs above the Administration's request.

I am pleased that the Committee has also provided generous increases in basic science research and development in the science account, in areas such as high energy physics.

This bill continues to support the crucial effort of our nation to maintain our nuclear weapons stockpile through the National Ignition Facility and the ASCI program.

Because of the tight allocation, there are shortfalls in some areas like the Uranium Enrichment Decontamination and Decommissioning (D&D) Fund, and I would like to be able to address this and other shortfalls in conference if at all possible.

I would also like to see some money added back to the cuts sustained by Departmental Administration. I believe the Department, under new leadership in many program areas, is committed to reducing excess administrative costs and striving to operate more efficiently.

In short, I commend JOE MCDADE for doing a good job in a tough year.

I believe we have done the best job possible under the circumstances—we will certainly try to do even better in conference if at all possible—but I believe this is still a bill that should be supported by our colleagues.

This is the last time I'll help bring an E&W bill to this committee—19 of my 20 years in the House have been on the Appropriations Committee and on the Energy and Water Subcommittee.

In one sense, not much has changed—when I got there, Tom Bevill and John Myers were the senior members for each party, and until last year, that was still the case.

But I can think of significant changes that have affected our process over the years, especially on the side of water projects.

Not so many years ago, we had significant carry-overs in the Corps' budget from year to year—as high as $800 million.

Some carry-over is good—it gives the Corps flexibility to keep construction projects on an optimum construction schedule, and it means we don't have to appropriate every dime to get a project underway successfully.

However, budget constraints have virtually eliminated that carryover over the last few years, creating anxieties for local communities who hold on to appropriated funds tighter and tighter, even when they can't be spent immediately. There have been a number of other significant changes in the way the Corps does business:

(1) Projects that are being constructed are smaller, greener and have a higher non-federal cost-share.

(2) The Corps has shaved the time it takes to complete the study phase of a project and initiate construction.

(3) The federal cost-share has gone down and the non-federal sponsors of water resource projects are less interested in the Corps doing a project than the Corps becoming a partner with local, state and even non-profit entities to complete a project.

(4) The non-federal sponsors are more and more interested in gaining a greater voice in all phases of a project, from the planning phase to the engineering work to the actual construction.

(5) In many instances non-federal sponsors are seeking out the opportunity to expedite their projects by paying for them up front. With non-federal dollars, and gaining the opportunity—not the guarantee—to get reimbursed by some future Congress for the federal share of a project. This lets the non-federal sponsor exert greater control over the project and frequently construct it faster and, sometimes, even at less cost than the traditional way. Many of the nation's large communities would like this to become the new norm for the way water resource projects are constructed in this country.

(6) Communities are looking more and more at the Corps as an agency with engineering expertise that can help them solve a wide variety of engineering problems, not just water resource problems. Communities want the Corps to help them do site assessments and even some remediation for lightly contaminated brownfield sites that stand as an impediment to redevelopment of our inner city corridors. Communities are asking the Corps to help them develop cost-effective engineering solutions to their urban water resource needs—from deficiencies in their combined stormwater and wastewater systems to restoring stream banks in urban creeks and rivers. And, communities in my state are asking the Corps to help them develop plans to make their water systems more reliable in the event of a major earthquake. The Corps is responding and is doing a good job in these new areas. And, the future will certainly see more reliance on the Corps for its capacity to solve complex engineering problems of all kinds.

(7) And finally, to its credit, the Corps has resisted becoming a granting agency such as some of its sister agencies, like EPA, nor should it be. But the Corps does need to equip itself with the tools that will make it more effective in the new role of federal water resource partner. Certainly, contracting more work out, obtaining the authority to enter into cooperative agreements and issue grants for certain types of work, are all critical to the Corps' success in the years ahead.

In summary, the years have flown by, but I believe this subcommittee has served the needs of our country well, and has balanced strongly competing interests very well.

It has not always been an easy task but with partners like JOE MCDADE, Tom Bevill, and John Myers, it is a committee that has gotten the job done in a bipartisan spirit.

I ask for the support of my colleagues for H.R. 4060, another bill which is presented in this same spirit.

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

Mr. MCDADE. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana, Mr. BUYER.

Mr. BUYER. Mr. Chairman, I include for the RECORD my statement in support of the fiscal year 1999 energy and water appropriations, and thank both of the gentlemen for their contributions to this bill and their service to our country.

I would like to thank Chairman MCDADE and Ranking Member FAZIO for their bi-partisan and expedient work in bringing this measure to the House Floor.

Included in this Energy and Water Appropriations Bill for Fiscal Year 1999, is a continuation of funds for the Army Corps of Engineers Feasibility Study for the Kankakee River Basin in Indiana and Illinois.

The support for this project spans both political parties in Indiana and Illinois. I appreciate the cooperation of the numerous Members who have offered their support and assistance for this vitally important project.

For years, Indiana and Illinois were caught up in the court system because of flooding disputes. With a joint Congressional effort, the suits were stopped and efforts were instead focused upon finding a resolution through a basin wide Army Corps of Engineers study.

The reconnaissance study has been completed and the feasibility study is beginning. The $940,000 funding that is provided in this bill for the continuation of the feasibility study will provide for a long-term solution to this problem which the residents of Northwest Indiana and Northeast Illinois deserve.

Indiana is interested in participating as a local sponsor for the Indiana portion of the Kankakee River Basin feasibility study as indicated in the follow-on letter from the Indiana Department of Natural Resources.

INDIANA DEPARTMENT OF
NATURAL RESOURCES,
Indianapolis, IN, May 15, 1998.

Mr. PAUL MOHRBARDT,
Acting Chief of Planning Division, U.S. Army Corps of Engineers, Chicago District, Chicago, IL.

DEAR MR. MOHRBARDT: The Indiana Department of Natural Resources (DNR) is interested in participating as a local sponsor for the Indiana portion of the Kankakee River Basin feasibility study. As a state agency, we are willing and able to participate in this study. We have reviewed the expedited reconnaissance analysis, preliminary project study plan, and model feasibility cost share agreement and understand our role and responsibilities as a local sponsor for this project. While the DNR will be the source of the required funds for this study, the DNR will be joint sponsors with the Kankakee River Basin Commission (KRBC) for the State of Indiana.

The DNR is aware of the non-federal cost sharing requirements for this project. It is our understanding that the initial estimates for the feasibility study require a cash and in-kind contribution of just under $800,000 from the Indiana joint sponsors (DNR and KRBC). It is our understanding that up to 50 percent of the contribution can be appropriate in-kind services and that the remaining balance must be cash. It is our further understanding that our contribution is not required in full during the first year, but will be spread over the study term as mutually agreed upon.

The DNR understands that this letter is an expression of intent. Execution of a feasibility cost share agreement with the US Army Corps of Engineers will be dependent on the availability of funds. However, at this time the DNR looks forward to jointly developing the feasibility study scope of work and a cost sharing agreement with the Corps.

Sincerely,

LORI F. KAPLAN,
Deputy Director.

Mr. MCDADE. Mr. Chairman, I yield 30 seconds to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, the Clinton administration's fiscal year 1999 budget request included $25 million for a new, unauthorized program, the Challenge 21 Riverine Ecosystem Restoration and Flood Mitigation program. Knowing that this program has not been authorized by Congress and that the gentleman's committee has not appropriated any funds for the program, am I correct in understanding that any Federal spending on the Challenge 21 program would constitute an illegal use of Federal funds?

Mr. MCDADE. Mr. Chairman, will the gentlewoman yield?

Mrs. EMERSON. I yield to the gentleman from Pennsylvania.

Mr. MCDADE. As usual, the gentlewoman from Missouri is absolutely correct.

Mrs. EMERSON. I thank the gentleman for clarifying this matter.

Mr. FAZIO of California. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Chairman, I rise in support of this very fine appropriations bill.

Mr. FAZIO of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise to thank the gentleman very much for the funding provided in this bill for helping to solve major flood control and water supply problems in the El Paso-Juarez area. These resources will allow our local and State officials to move forward with environmental improvements on the border.

There is, however, one request that I would urge the gentleman to consider during the House-Senate conference on this bill. The Senate bill includes $1 million for the El Paso wastewater reclamation program which is not in the

House bill. The wastewater reclamation program is our top water resource priority in the El Paso area. I urge my colleagues to accept the Senate level for this program.

Knowing that the budget is tight, I would offer a recommendation or suggestion for a budget offset that would make the $1 million increase budget neutral. The El Paso area flood control project is provided with $5 million in the bill which is needed and generous. However, I believe that we can stage the work on the flood control project so that this amount could be reduced to $4 million in fiscal year 1999, with a reduced amount of $1 million shifted to the wastewater reclamation program, again, our top priority.

Again, I want to thank the gentleman for his kind assistance on any help that he can provide in adjusting the funding to meet our El Paso priority. I also want to echo the comments of my colleagues in thanking both him and the ranking member for all their years of service. My only regret is that I did not have longer to serve with both of them.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. REYES. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, I want to thank the gentleman for bringing this to the attention of the committee and assure him that as this bill moves along we will give it all the consideration we can. I appreciate his bringing to it our attention.

Mr. McDADE. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. Packard).

Mr. PACKARD. Mr. Chairman, I rise in full support of this bill.

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

Mr. FAZIO of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Chairman, I am particularly pleased that the committee has included report language regarding the Caddo Lake Wetlands. I want to clarify that the committee has included this language for the purpose of directing the Bureau of Reclamation to use funds appropriated in fiscal year 1997 to continue the Caddo Lake Wetlands project.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. SANDLIN. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, the gentleman's statement is correct.

Mr. SANDLIN. Mr. Chairman, I also want to clarify that of the $630,000 provided in fiscal year 1997, the Bureau of Reclamation provided $200,000 for the Caddo Lake Scholars program and that the remaining balance of funds should be committed to the Cypress Valley Alliance.

Mr. McDADE. Mr. Chairman, the gentleman is accurate again. The committee directs the Bureau of Reclamation to use the balance of previously appropriated funds for other wetland development components of the Caddo Lake Wetlands project as previously dictated.

Mr. SANDLIN. I thank the distinguished chairman for this clarification, and thank him for his long service to the House, and the gentleman from California (Mr. FAZIO) for his service. I urge my colleagues to support this bill.

Mr. FAZIO of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman for the opportunity to do a colloquy.

First, if I may, I would like to thank the gentleman from Pennsylvania (Mr. McDADE) and the gentleman from California (Mr. FAZIO) for all their years of service to this House. They have always conducted themselves in a bipartisan manner. That is why we see a bill such as the energy and water appropriations bill each and every year coming forward with very bipartisan support to be passed without much argument on the floor.

On and off the floor they have conducted themselves in a very genteel manner, and they are a great example for young Members like myself. For those who argue for term limits, I do not think they recognize or they fail certainly to recognize the attributes that the gentleman from Pennsylvania (Mr. McDADE) and the gentleman from California (Mr. FAZIO) bring to this honorable institution. They know when their term limits are. I thank the people in Pennsylvania and California for bringing these two gentlemen to the service of their country and thank them for their years of service.

Mr. Chairman, I would like to engage the gentleman from Pennsylvania (Mr. McDADE) in a colloquy about the Cedar River Harbor project in my district, if I may. As my friend from Pennsylvania is aware, last year the subcommittee was extremely helpful by including an appropriation for the repair of the east breakwater at Cedar River Harbor.

During the implementation of this project, however, the Army Corps of Engineers found that the current was different than expected. In order to protect the harbor, repairs are also needed and are also necessary to the west breakwater. The Corps has the necessary funds to complete repairs on the west breakwater left over, as leftover money from the fiscal year 1998 appropriations. This is not a new authorization. It is merely a clarification for the Army Corps of Engineers. They simply need to be able to use these funds for repair of the west breakwater in addition to the east breakwater.

The appropriated amount last year was $2.377 million. The Corps has already contracted for the east breakwater at $1.2 million for the repair. That would leave us $1.177 to repair the west breakwater.

Without the ability to repair the west breakwater, I am afraid our efforts to protect this harbor would be futile.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, I want to express my thanks to the gentleman and that of the committee for his diligence in bringing this issue to our attention. I want to assure him that it seems as though the equities are with him and that we will continue to work this problem as we go through conference.

Mr. STUPAK. I thank the gentleman for his clarification, and thank him and appreciate the opportunity to work with him in the future as this moves on to conference.

Mr. FAZIO of California. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I rise today in support of H.R. 4060, which provides invaluable Federal assistance for flood control shore protection and navigation projects in my home State of New Jersey.

I want to thank the gentleman from Pennsylvania (Mr. McDADE), the gentleman from California (Mr. FAZIO) and all the members of the Subcommittee on Energy and Water Development for their leadership in preparing this bill, including my colleague, the gentleman from New Jersey (Mr. FRELINGHUYSEN), who has worked so hard on these projects.

I wanted to say one thing: I greatly appreciate the committee's continued commitment to water infrastructure projects, and in particular the committee's continued rejection of efforts on behalf of the administration to eliminate the traditional role of the Army Corps of Engineers in shore protection projects in particular.

Let me just say two things to my retiring colleagues here. For the gentleman from Pennsylvania (Mr. McDADE), he has always been a person that I could go to on a bipartisan basis and ask for help. I will definitely remember that for a long time.

With regard to the gentleman from California (Mr. FAZIO), he is someone that I have asked for advice on a number of occasions for a number of things, and in many ways I really model myself after him in terms of my congressional career. We will have other opportunities to thank these individuals over the course of the year, but I do want to thank them today.

Mr. McDADE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Mexico (Mr. REDMOND).

Mr. REDMOND. Mr. Chairman, I rise in support of H.R. 4060, and I would like

to thank the chairman for entering into a colloquy with me.

I support H.R. 4060. However, I have one concern in regard to the $8 million for the waste isolation pilot project for the Santa Fe bypass relief route. The relief route is overdue for construction. The amount was removed during committee.

I respectfully ask that it be reinstated in conference to the Senate bill, if at all possible. I want to thank the chairman for working with us on this particular bill.

This is very important so that we can get the nuclear waste away from Los Alamos National Lab, also Rocky Flats, Colorado, and also in Idaho. It needs to bypass the city of Santa Fe.

Most importantly, Mr. Chairman, it has been great working with the gentleman, and I wish him the best, especially in his retirement, that he gets to play with his 8-year-old son.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. REDMOND. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, I thank the gentleman for bringing the matter to our attention. We expect to work with him diligently as we go through conference.

Mr. FAZIO of California. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Chairman, I join all of my colleagues in congratulating and really saying thanks to the chairman and the ranking member who have done more for this country, really, than few other Members.

To the gentleman from California (Mr. FAZIO), personally, if I have had literally one key mentor in Congress, it has been him.

I would join many of my colleagues today to say that as good as this bill is, our hope from a Florida perspective is that the legislation could have gone a little bit further towards the President's request in terms of Everglades restoration projects.

I am planning on introducing for the record an Army Corps of Engineers analysis which talks about the specifics of programs, if this is the ultimate budget, that will not be funded. Congress has made an incredible commitment in the 6 years I have been here towards this.

Mr. Chairman, I include for the record the following:

	Fiscal year 1998 project allocations	Fiscal year 1999 Budget request	Senate markup	House markup
C&SF	$21,833	$40,800	$25,000	$20,900
Kissimmee	2,817	27,300	10,000	3,500
Critical projects	4,009	20,000	10,000	3,000

CENTRAL & SOUTHERN FLORIDA

All assumptions are made with the understanding that funding will only be delayed for one year and required funding will be available in the following year.

If Senate Budget is Adopted ($25,000,000 allocation):

West Palm Beach (C–51): Delay in funding for relocations may not impact the overall project schedule. Delay in funding S–360, G–312, and levees (components of Stormwater Treatment Area 1 East) would not significantly impact the project. The project would likely still be completed within the overall completion schedule.

South Dade (C–111): Delay in funding for S–332A, B, and C pumping plants, and Levees and the Canal work will not significantly impact the overall project completion. Recent requirements for a new GRR supplement have caused this delay to be necessary regardless of funding.

Upper St. Johns: Delays in funding L74N and S–96E will increase the overall project completion time.

If House Budget is Adopted ($20,900,000 allocation):

West Palm Beach (C–51): Delay in funding for relocations may not impact the overall project schedule. Delay in funding S–360, G–312, and levees (components of Stormwater Treatment Area 1 East) would not significantly impact the project. However, the additional cuts would delay completion of pump Station S–362 (Stormwater Treatment Area 1 East outflow pump station) which would delay the overall project completion. The time could not be made up regardless of the follow-on funding.

Comprehensive Restudy: The additional cuts will adversely impact work on the Restudy. A delay in funding will result in completion beyond the mandatory completion dates.

South Dade (C–111): Delay in funding for S–332A, B, and C pumping plants, and Levees and Canal work will not significantly impact the overall project completion. Recent requirements for a new GRR supplement have caused this delay to be necessary regardless of funding.

Upper St. Johns: Delays in funding L74N and S–96E will increase the overall project completion time.

KISSIMMEE RIVER RESTORATION

If Senate Budget is Adopted ($10,000,000 allocation):

Contract 3(S–65 Modification), CNT 4C (local levee removal), and Contract 2 (Canal widening for C–35 & 36) can be completed.

Contract 14A (to remove 1M CY of material) can be completed. Contract 14B (to remove 5M CY of material) will not be awarded in FY 99. The entire 6M CY of material of Contract 14A & B must be removed before any work in the lower basin is initiated.

Majority of the environmental restoration benefits are claimed in the lower basin. However, if the request is reduced to 10 million, the initial environmental component Contract 7 (Reach 1 Backfill of canal C–38) will definitely not be awarded in FY 99. A prior commitment was made to initiate Reach 1 Backfill by 30 March 1999. This commitment will not be met. The remaining three reaches will also be delayed, and the corresponding environmental benefits will not be obtained. Engineering efforts in preparing P&S for future contracts will be downscaled because of limited funds and no A–E contract awards in 1999.

To implement the Reach 1 backfill contract, flood control features of Istokpoga basin (Contract 6, a large tributary within Reach 1) will need to be addressed. If the Istokpoga works is delayed, the Corps will go to condemnation, tie-up resources, cause additional delays, and Reach 1 Backfill cannot be initiated.

The balance of FY 1999 will be used to prepare P&S which will be shelved until funds become available.

If House Budget is Adopted ($3,500,000 allocation):

In addition to the above, Contract 14A (to remove 1M CY of material) will not be awarded in FY98. As noted above, all of Contract 14 needs to be completed before implementation of the lower basin works. None of the primary restoration benefits will be obtained in FY 99.

CRITICAL PROJECTS

If Senate Budget is Adopted ($10,000,000 allocation):

With a funding level of 10 million, NEPA, and design development could not be initiated on 4 projects for which letter reports have been developed; Seminole Tribe Big Cypress, Loxahatchee Slough, L–31E and Melalueca Quarantine Facility. In addition, the South Dade County Agriculture and Rural Area Retention and South Biscayne Bay Watershed Management Plan studies could not be initiated. Since WRDA 96 requires that the Critical Projects be initiated by 30 September 1999, all projects listed above could not be implemented under this authority.

If House Budget is Adopted ($3,000,000 allocation):

With a funding level of 3 million, NEPA, and design development will not be initiated on 9 projects for which letter reports have been developed: Golden Gate Estates, Tamiami Trail Culverts, Lake Okeechobee Water Retention/Phosphous Removal, Ten Mile Creek, Lake Trafford, Southern Crew, Seminole Tribe Big Cypress, Loxahatchee Slough, L–31E, and Melalueca Quarantine Facility. In addition, the South Dade County Agriculture and Rural Area Retention and South Biscayne Bay Watershed Management Plan studies could not be initiated. Since WRDA 96 requires that the Critical Projects be initiated by 30 September 1999, all projects listed above could not be implemented under this authority.

Mr. Chairman, I yield to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding to me.

I would like to join with him in thanking the committee for what they have put in this particular bill with the shore protection, as the gentleman from New Jersey just was speaking to, but most particularly I think to really impress upon the committee that it is most important on these Everglades projects to move at least substantially towards the Senate markup document at this time, knowing that there is not going to be enough money to get back to the President's budget.

But these are very important projects. The Kissimmee River going back to the natural flow into Lake Okeechobee and then south through the Sharks Slough to the Florida Bay, this is tremendously important to the Everglades and should be of utmost importance to this committee and this Congress.

I would also like to point out that one of the facilities that would be lost if we do not at least go towards the Senate would be the Melalueca Quarantine Facility, which is tremendously important.

Mr. McDADE. Mr. Chairman, may I inquire how much time remains?

The CHAIRMAN. The gentleman from Pennsylvania (Mr. McDADE) has 1 minute remaining, and the gentleman from California (Mr. FAZIO) has 2 minutes remaining.

Mr. FAZIO of California. Mr. Chairman, I yield myself such time as I may consume.

I have been fortunate to serve on this subcommittee for 19 years, and I must say I have always enjoyed the bipartisan atmosphere in which the work has been conducted. Tom Bevill and John Myers were the senior members of each party for almost all the time that I have served on this committee, but my years with the gentleman from Pennsylvania (Mr. McDADE) have been particularly gratifying and enjoyable.

He is the wonderful guy we have heard him described as by so many colleagues today. We obviously have a very tough bill. This is not a bill we have enjoyed bringing to the floor, because it is significantly below what we would like to spend in light of what we spent in the last year.

□ 1830

What I mean by that is there are many, many worthy projects that have not been funded in this bill because we simply have not been given the allocation.

We all understand that that will be the case for the future. I hope to, in a few minutes, using some charts, point out the degree to which discretionary spending has been reduced across the spectrum.

We have also seen the end of the carryovers. There was a time when this committee carried over $800 million in unexpended Corps appropriations that gave great flexibility so that those communities that were not immediately capable of spending money could make it available to others. Those days have ended as well. Communities are holding on to their bucks, making it harder and harder for the Corps to put the money where it can do the most good.

So the gentleman from Pennsylvania (Mr. McDADE) and I leave the Congress a little bit concerned about what we leave this bill to in the future, knowing that there are good and worthy people who take our place, but knowing as well that the credible demands, particularly on the water side of this bill, after two El Nino winters make it very difficult for this Congress to be in a position to respond legitimately to the concerns that are brought about, not just from economic development interests, not just from public safety and flood protection interests, not just from environmental interests, but from the whole spectrum of our local and State governmental bodies that are adding increasingly large amounts of their own money to match those that we provide for the Corps.

But I have to say, Mr. Chairman, I think this committee has done a worthy job this year, as it has during the last 19 I have served on this committee. We do the best we can, and we know that Members will understand and support us as I hope they will tonight unanimously.

Mr. McDADE. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding to me. I wanted to thank the chairman for his distinguished leadership on this subcommittee for all of these years, and thank the gentleman from California (Mr. FAZIO) and all the members of the subcommittee.

I rise today in support of the bill as the cochairman of the Upper Mississippi River Task Force, which is a bipartisan group of Members who work together to protect this historical natural resource.

The EMP, the Environmental Management Program was something that was started a number of years ago and really has been a model of success. The EMP program forces commercial concerns, environmental concerns, and those with recreational concerns to work together to protect the Mississippi River.

The House has approved $19 million for this program as part of its fiscal year 1999 budget. I would point out that this is more than the President has requested. But I would also say that this has been something that the House has done a better job over the last several years of funding than has been requested by the administration.

But this is a classy example of a win-win situation where environmental concerns, recreational concerns, commercial concerns are all brought together, people work together to create a better Mississippi River, a better environment, and frankly I think this is a model program for the rest of the country. I thank the chairman and the ranking member and members of the committee for funding it this year.

Mr. ABERCROMBIE. Mr. Chairman, today the House is debating the appropriations for the Energy and Water budget. I would like to bring to your attention the funding for the U.S. Department of Energy's program "Hydrogen from Renewable Resources." This very successful program conducts research into the renewable production and storage of hydrogen. At the University of Hawaii, the program has been so successful that it was rated as a "U.S. DOE Center of Excellence in Hydrogen Research and Education."

Last year, with a total budget of $16 million, approximately $6.9 million was allocated to core research and development for the hydrogen research program. This year, the House Appropriations Committee proposes to increase the funding to $18 million while the Senate has pursued a budget of $29 million. However, despite the Administration's $10 million request for research funding, the House Appropriations Committee has reduced the research budget to $3 million.

Reduction of core research and development to only $3 million would be damaging to critical research programs at universities, within the national DOE laboratories, and to the University of Hawaii Center of Excellence.

As we move forward with this appropriation process, I strongly urge that sufficient funding will be dedicated to this renewable energy resource.

Mr. STRICKLAND. Mr. Chairman, I rise today to express my concern for funding the management of the depleted uranium hexafluoride (DUF6) currently stored at the facilities in Piketon, Ohio and Paducah, Kentucky.

Depleted uranium hexafluoride (DUF6) is hazardous and extremely corrosive. These materials are known as "tails" and are the result of years of enriching uranium for nuclear fuel in commercial power plants. Atmospheric releases of DUF6, if they occurred, would pose a significant threat to workers at the sites and communities surrounding those sites.

The United States Enrichment Corporation (USEC) was established in the Energy Policy Act of 1992 to assume responsibility for the Department of Energy's (DOE) uranium enrichment program. Currently, USEC has accrued approximately $400 million from the private sector which is supposed to be utilized to clean up the "tails" it has generated. The 1992 Energy Policy Act not only transferred the Department's uranium enrichment program to USEC, but it also included a requirement that USEC prepare a strategic plan to privatize the corporation, and today, that privatization plan is near completion. The $400 million specifically earmarked for cleaning up the "tails" will be transferred to the General Fund of the Treasury upon completion of privatization. I am anxious to see that these funds accrued by USEC for cleaning up the "tails" are used to meet that need after privatization.

I have been greatly disturbed to learn that the plans for privatization call for job losses totaling between 600 and 1700 workers at the Ohio and Kentucky facilities. Ensuring that the $400 million is spent to dispose of USEC's DUF6 at both of the Gaseous Diffusion plants would certainly help to mitigate the workforce reductions by employing the displaced workers.

It would make sense to ensure that the $400 million currently accrued by USEC to fund the management and disposition of the USEC "tails" continue to be earmarked for cleaning up the "tails" rather than diverted to some purpose for which it was not intended. I will continue to work to ensure that a solution is reached before the final sale of USEC.

Mr. POMEROY. Mr. Chairman, while I will be voting for the Energy and Water Appropriations bill at this early point in the legislative process, I want my colleagues to know that the funding in this measure for several important water projects in North Dakota are not adequate and must be improved in conference committee.

I am particularly disappointed that the Subcommittee appears to be relying on the Senates' funding commitments for the Devils Lake outlet, the Buford-Trenton irrigation district

flowage easements, and the Garrison Diversion MR and I projects to avoid committing appropriate and required funding levels in the House.

I will be working closely with the House conferees to obtain a fair result for North Dakota in the conference committee and regret the House bill in its present forum falls so far short of the mark.

I am voting for the bill to move us to the next step in the process—conference committee—because I believe this will be the fastest way to make the needed improvements to this bill.

Mr. BROWN of California. Mr. Chairman, I want to congratulate the Chairman of the Energy and Water Subcommittee, Mr. MCDADE and Mr. FAZIO, the ranking Member, for their hard work to bring this bill forward in a difficult year. As the ranking Member of the Science Committee, my particular concern rests with the civilian research and development accounts at the Department of Energy.

In what is a difficult year for funding choices, I believe the Subcommittee has done a fairly good job. Overall, the civilian research accounts are up 2.5% compared to FY 1998 leaving energy activities holding their own when measured against inflation. Compared to the administration's request, or my personal preferences, this result is somewhat disappointing. The administration asked for $288 million more than the Committee has provided and those funds would have gone to very worthy, very important projects.

As disappointing as this outcome may be for some, I must warn my colleagues and my friends in the research community, that this may be as good as it gets. The House-passed budget would impose devastating cuts on the Function 270 accounts in the fiscal years 2000 through 2003 and those cuts, if we agree to take that budget proposal seriously, would fall primarily on energy programs in this bill and the Interior Appropriations bill.

I must mention some specific concerns with the bill as it stands and I hope that my friends from the Subcommittee will work with me to address these issues as we move to Conference.

EXTERNAL REGULATION AT LAWRENCE BERKELEY LAB

Section 508 of this bill removes DOEs authority to self-regulate the Lawrence Berkeley Laboratory and calls for a report to be submitted that would detail the transition from DOE regulation of environment, safety and health to NRC and OSHA regulation.

I support the goal of external regulation of DOE facilities because I believe that cost-savings will result, but more importantly, because I believe that there is an inherent conflict of interest in having the people who are responsible for environment and worker health and safety be the same people who are responsible for personnel.

However, I do not support the external regulation language in this bill. The language legislates on an appropriations bill, bypassing the authorizing Committees who have jurisdiction over this issue. The Science Committee has had a long interest and involvement in the issue of how and whether DOE facilities should be externally regulated. Last month, two Science Subcommittees held a joint hearing on this matter in which Betsy Moler, the Deputy Secretary of Energy, agreed to work with us in developing a process by which the DOE would move to an externally regulated system.

I further object to this language because I believe that it does not adequately address the complexity of the many issues that external regulation of DOE facilities must resolve. For instance, the language implies that the NRC will have to clean up and decommission the Bevatron, a mothballed facility at Lawrence Berkeley. That could cost $200 million. Moreover, the language provides no guidance about key issues such as whether NRC should license or certify the facility, or whether the NRC is intended to regulate medical accelerators which are currently State-regulated. I note that the administration has indicated that OSHA and the State of California lack legal authority to regulate at a Department of Energy lab, which raises the specter of a lab lacking health and safety standards; an unintended consequence of this legislative language, but one which may put workers and community lives at risk.

I look forward to working with the Appropriations Committee to clarify and improve the guidance for this first step at externally regulating DOE facilities.

NEXT GENERATION INTERNET IN H.R. 4060

The Appropriations Committee report on H.R. 4060 sets the appropriations level for the Department of Energy's Computational and Technology Research program at $22 million below the Administration's request. This reduction is explicitly designated as zeroing the DOE's requested funding for the Next Generation Internet initiative. The report language goes on to suggest that the NGI initiative had not been adequately justified. I believe the position the Appropriations Committee has taken is incorrect and will impede research that would provide significant benefits for the nation.

When the NGI was first proposed in the spring of 1997, as part of the President's fiscal year 1998 budget request, the rationale and plan for the initiative were incomplete. As a result, the Science Committee did not authorize appropriations for the program in its fiscal year 1998 DOE authorization bill nor in its authorization bills last year for the other agencies participating in NGI. However, later in 1997, a detailed NGI implementation plan was released, and the Science Committee held hearings last fall to examine the program.

On the basis of the Committee's findings from that review, an authorization bill, H.R. 3332, was written for the NGI initiative. The Science Committee reported the bill in May, including an authorization of appropriations at the level of the Administration's request. We expected that DOE would be a major participant in the NGI initiative, and I am disappointed to find that the appropriations bill now under consideration by the House withholds appropriations for DOE.

The NGI is an important research initiative that is designed to increase the capacity, extend the capabilities, and improve the reliability of the Internet and related data networks. It is an outgrowth of collaborative R&D efforts among government, industry and academia to advance the capabilities of high performance computer networks. These past R&D efforts, initiated under the High Performance Computing Act of 1991, have shown that such collaboration spurs technological advances by creating a critical mass of talent, spreading risk, and leveraging resources.

The basic idea of the NGI initiative is to accelerate the capabilities of the Internet to support demanding multimedia and interactive applications. The future network capabilities envisioned are necessary for research, educational uses, and commercial uses that will require levels of service that are not now available. The approach taken by NGI will continue the successful, close collaboration among the government, industry and academia that led to the creation and early development of the existing Internet.

Research results from NGI will be rapidly transferred to the commercial Internet, and consequently, made available for all Internet users, because commercial network providers will be participants in the NGI initiative. This research is needed to ensure that the future capabilities of the Internet will effectively support its growing role in commerce, research, and education. In summary, the activities planned under NGI will help maintain the nation's predominant position in computer networking technology.

Prohibiting the Department of Energy from participating in NGI will damage the multiagency program, with its interdependent R&D components. Adequate justifications for support for NGI are provided by the February 1998 implementation plan released by the National Coordination Office for Computing, Information, and Communications and by the testimony presented to the Science Committee. Also, the Science Committee, which is the principal committee of jurisdiction, has reported an authorization bill for the overall NGI program.

The companion bill to H.R. 4060 reported in the other body includes NGI funding for DOE. I strongly urge the Appropriations Committee to reconsider the position taken by the House report and, during the conference on H.R. 4060, to provide for DOE's participation in NGI.

SOLAR AND RENEWABLES FUNDING IN H.R. 4060

Mr. Chairman, I also want to state my concern that H.R. 4060 fails to fund the increase in renewable energy funding requested by the Administration. I recognize that money is quite

tight and that difficult choices need to be made. Nevertheless, I am concerned that the Committee may have chosen to eliminate this funding on the unsound belief that such funding would somehow constitute "back-door" implementation of the Kyoto agreement on climate change.

Mr. Chairman, I recognize that many of my colleagues have reservations about the Kyoto agreement. The Administration itself has said that it is incomplete, and that therefore it will not submit it for Senate ratification until we have secured meaningful participation from key developing countries. The Administration has also repeatedly said that it will not attempt to implement the Kyoto agreement without Senate ratification.

Despite these assurances, a number of Members are attacking elements of the President's budget which serve critical national goals but also have the ancillary benefit of reducing greenhouse gas emissions. Such is the President's request for the "Climate Change Technology Initiative," which proposes $2.7 billion in additional research and development spending at several federal agencies. This increased funding would largely expand existing research programs which have served us well for many years.

In this bill, for example, the Department of Energy's solar and renewable research programs have made dramatic progress in improving the performance of solar and renewable energy while lowering its cost. This is precisely the type of long-range, risk-taking research that properly should be carried out by the Federal government. By its nature, not everything DOE does will succeed; but past performance leads us to hope that DOE can help develop solar and renewable energy sources to become more competitive with other energy sources in the future.

It should be in our interest to encourage the development of a diverse energy portfolio—one that does not rely predominantly on limited, non-renewable and polluting fossil fuels. It should also be in our interest to encourage energy security, instead of relying—as we do—on increasing amounts of imported foreign oil to meet our energy demands.

And, finely, solar and renewable energy provide us with a cheap insurance policy against climate change. I understand that many Members are unconvinced that that climate change is already occurring, and are waiting to see stronger proof. I also understand, as I stated before, that many Members have reservations about the provisions of the Kyoto protocol. But we cannot wait for a smoking gun or the perfect treaty to make a start now on developing the technologies that we may well need ten or fifteen or even twenty years from now. By cutting off this research now, we are choking off our future options and saddling those that follow us with harder, not easier, choices. This is an abdication of responsibility for future generations.

Mr. Chairman, funding solar and renewable energy R&D is the right thing to do. It is not a backdoor implementation of the Kyoto protocol. There's nothing mandatory, there's nothing regulatory, about energy research and development programs. These are win-win investments that meet our energy needs while giving us some options for addressing the greenhouse problem.

I certainly hope that the Chairman and the Ranking Member of the Subcommittee on Energy and Water can find a way to increase the funding for DOE's solar and renewable programs when they go to conference.

H.R. 4060 SECTION 306 PROVISIONS ON LAB COMPETITION

Finally, I note Section 306 of the bill, which addresses a very serious issue of Energy labs competing with the private sector. We place labs in a precarious position to do work that is in the public's interest and for which there may not be an obvious commercial interest and simultaneously to behave in a more profit-oriented manner. It is my understanding that Sec. 306 is intended to address a rather narrow, though disturbing, instance of a lab hijacking technology already developed in the private sector.

My concern with the language in the bill is that it is overly broad and will place a horrific bureaucratic burden on the Department at the same time that we want them to work leaner and smarter. I hope that we can work together to improve this language at conference or find another solution to this issue so that language of such sweeping magnitude is unnecessary. I want to assure those concerned about this issue that I would be happy to have the Science Committee investigate this issue and hold hearings on it.

Mr. PACKARD. Mr. Chairman, I rise today to convey my deepest gratitude to two of my colleagues. Both the Chairman and Ranking Minority of the Energy and Water Appropriations Committee, JOE MCDADE and VIC FAZIO, will soon leave this body and both will be deeply missed.

I've known both of these men for the entirety of my time here in Congress and I have been fortunate enough to work with them both on many occasions. As a Californian, I feel especially grateful to Mr. FAZIO for his unwavering commitment to our state. He has been one of the most dedicated Members of this House and has consistently supported the interests of not only his constituents, but of all Californians.

As a fellow Appropriations Subcommittee Chairman, I have a deep appreciation for the remarkable job JOE MCDADE does in bringing a fair, responsible bill to this floor each year. His hard work and dedication consistently results in legislation capable of stretching federal dollars to respond to the many needs across the nation under the jurisdiction of his Subcommittee.

Mr. Chairman, this year is no exception. The legislation both Mr. MCDADE and Mr. FAZIO have brought before this House is nothing short of exceptional. I fully support it and urge my colleagues to vote in its favor.

Mr. Chairman, both of these men have been true leaders of this House and true American champions. Their presence here will be missed, but their legacies will not be soon forgotten.

Mr. PAYNE. Mr. Chairman, I rise in strong support of the Energy and Water Appropriations Bill. Let me add my voice to those expressing gratitude to Chairman MCDADE and Ranking Member FAZIO for their hard work. I would also like to personally thank my New Jersey colleague who serves on the Subcommittee, RODNEY FRELINGHUYSEN, for his responsiveness to my request for funding for a major economic development project in my home city of Newark. I was pleased to have the opportunity to testify before the Subcommittee earlier this year, as I have many times in the past, in behalf of the development of the Joseph Minish Waterfront park and Historic Area in downtown Newark.

The $5 million included in this bill for the development of the waterfront will allow us to continue moving forward with the project, which has already received $10 million for construction. In recent years, the city of Newark, the nation's third oldest major city, has been greatly enhanced by a number of improvements and additions. We are especially proud of our new Performing Arts Center, a world class cultural center which has already attracted visitors from around the world. The development of the waterfront will complement the Performing Arts Center and provide a great attraction for both visitors and local residents. Specifically, the funding will allow us to proceed with the restoration of 3000 feet of riverbank and wetlands as well as the construction of one thousand feet of bulkhead along the river.

Mr. Chairman, this funding represents a solid investment in the future of a great city. Again, in behalf of my constituents, I thank the Subcommittee for its support of this key economic development initiative.

Mr. MILLER of California. Mr. Chairman, I rise in support of H.R. 4060, making Appropriations for Energy and Water Development for Fiscal Year 1999.

This bill provides funds for critical flood control and navigation projects in Contra Costa County and the San Francisco Bay Area of California. I appreciate the Committee's continued support for these projects.

I am particularly pleased that the Committee's bill will assist in the continuation of funding Federal participation in the Bay-Delta ecosystem restoration programs authorized by the California Bay-Delta Environmental Enhancement and Water Security Act. However, I note that the FY 1999 appropriation for Bay-Delta is significantly less than the requested amount, and also reflects a reduction from the FY 1998 funding level. I encourage our Conferees to restore funding for this important program. Funding the Bay-Delta programs at the FY 1998 level will allow us to continue critical work to restore the many components of this huge area that have been damaged by human activity.

The Committee bill raises for the second year a problem with the Central Valley Project Restoration Fund. According to the Committee Report, appropriations for the Restoration Fund will be severely reduced again in FY 1999. This reduction is misguided and jeopardizes important environmental programs.

The projects financed with the CVP Restoration Fund are broadly supported and many are non-discretionary projects that must be completed in a limited amount of time. I hope there will be opportunities to reconsider the reductions to the Restoration Fund.

Language in the report for this bill directs the Bureau of Reclamation to use its $3 million appropriation for the Animas-LaPlata project to "implement the modification to the project required by the proposed amendments

to the Colorado Ute Indian Water Rights Settlement Act." In effect, the report tells the Bureau to build a controversial project that has not been authorized by the Congress.

The Bureau should not follow this unwise dictate since there is no legislation authorizing the modification to the project.

I am pleased that bill includes $200,000 that the Administration requested for the Army Corps of Engineers to initiate a feasibility study on the removal of the underwater hazards to navigation near Alcatraz Island. Although submerged even at low tide, these rock outcroppings could be struck by deep draft container and especially oil tanker vessels that frequently pass nearby, posing a substantial risk of an oil spill.

The feasibility study will investigate environmental impacts and mitigation, and develop project implementation alternatives and cost estimates. I appreciate the Subcommittee's continuing support of this important navigation project to protect both the environment and the economy of San Francisco Bay.

I thank the Committee for its hard work on this legislation, and I urge my colleagues to support H.R. 4060.

Mr. BEREUTER. Mr. Chairman, this Member would like to commend the distinguished gentleman from Pennsylvania (Mr. MCDADE), the Chairman of the Energy and Water Development Appropriations Subcommittee, and the distinguished gentleman from California (Mr. FAZIO), the Ranking Member of the Subcommittee for their exceptional work in bringing this bill to the Floor.

This Member recognizes that extremely tight budgetary constraints made the job of the Subcommittee much more difficult this year. Therefore, the Subcommittee is to be commended for its diligence in creating such a fiscally responsible bill. In light of these budgetary pressures, this Member would like to express his appreciation to the Subcommittee and formally recognize that the Energy and Water Development appropriations bill for fiscal year 1999 includes funding for several water projects that are of great importance to Nebraska.

This Member greatly appreciates the $8 million funding level provided for the four-state Missouri River Mitigation Project. This represents a much-needed increase over the Administration's insufficient request for this important project. The funding is needed to restore fish and wildlife habitat lost due to the Federally sponsored channelization and stabilization projects of the Pick-Sloan era. The islands, wetlands, and flat floodplains needed to support the wildlife and waterfowl that once lived along the river are gone. An estimated 475,000 acres of habitat in Iowa, Nebraska, Missouri and Kansas have been lost. Today's fishery resources are estimated to be only one-fifth of those which existed in pre-development days.

In 1986, the Congress authorized over $50 million to fund the Missouri River Mitigation Project to restore fish and wildlife habitat lost due to the construction of structures to implement the Pick-Sloan plan.

In addition, this bill provides additional funding for flood-related projects of tremendous importance to residents of Nebraska's 1st Congressional District. Mr. Chairman, flooding in 1993 temporarily closed Interstate 80 and seriously threatened the Lincoln municipal water system which is located along the Platte River near Ashland, Nebraska. Therefore, this Member is extremely pleased the Committee agreed to continue funding for the Lower Platte River and Tributaries Flood Control Study. This study should help formulate and develop feasible solutions which will alleviate future flood problems along the Lower Platte River and tributaries. In addition, a related study was authorized by Section 503(d)(11) of the Water Resources Development Act of 1996.

Mr. Chairman, additionally, the bill provides continued funding for an ongoing floodplain study of the Antelope Creek which runs through the heart of Nebraska's capital city, Lincoln. The purpose of the study is to find a solution to multi-faceted problems involving the flood control and drainage problems in Antelope Creek as well as existing transportation and safety problems all within the context of broad land use issues. This Member continues to have a strong interest in this project since this Member was responsible for stimulating the City of Lincoln, the Lower Platte South Natural Resources District, and the University of Nebraska-Lincoln to work jointly and cooperatively with the Army Corps of Engineers to identify an effective flood control system for Antelope Creek in the downtown of Lincoln.

Antelope Creek, which was originally a small meandering stream, became a straightened urban drainage channel as Lincoln grew and urbanized. Resulting erosion has deepened and widened the channel and created an unstable situation. A ten-foot by twenty-foot (height and width) closed underground conduit that was constructed between 1911 and 1916 now requires significant maintenance and major rehabilitation. A dangerous flood threat to adjacent public and private facilities exists.

The goals of the study are to anticipate and provide for the control of flooding of Antelope Creek, map the floodway, evaluate the condition of the underground conduit, make recommendations for any necessary repair, suggest the appropriate limitations of neighborhood and UN–L city campus development within current defined boundaries, eliminate fragmentation of the city campus, minimize vehicle/pedestrian/bicycle conflicts while providing adequate capacity, and improve bikeway and pedestrian systems.

This Member is also pleased that the bill provides $200,000 for operation and maintenance and $150,000 for construction of the Missouri National Recreational River Project. This project addresses a serious problem by protecting the river banks from the extraordinary and excessive erosion rates caused by the sporadic and varying releases from the Gavins Point Dam. These erosion rates are a result of previous work on the river by the Federal Government.

Finally, Mr. Chairman, this Member recognizes that H.R. 4060 also provides funding for Army Corps projects in Nebraska at the following sites: Harlan County Lake; Papillion Creek and Tributaries; Gavins Point Dam, Lewis and Clark Lake; Salt Creek and Tributaries; and Wood River.

Again, Mr. Chairman, this Member commends the distinguished gentleman from Pennsylvania (Mr. MCDADE), the Chairman of the Energy and Water Development Appropriations Subcommittee, and the distinguished gentleman from California (Mr. FAZIO), the ranking member of the Subcommittee for their support of projects which are important to Nebraska and the First Congressional District, as well as to the people living in the Missouri River Basin. Since the distinguished gentleman from Pennsylvania (Mr. MCDADE) earlier announced his intention not to seek reelection to the House, may I most sincerely commend, congratulate and thank the gentleman for the tremendous contributions he has made to America by the extraordinary effort and leadership he has demonstrated on the Appropriations Committee and through other responsibilities he has so ably discharged in his public service while a Member of the House. I recall as if it was only yesterday how the gentleman gave such friendly and quality advice and assistance to this Member when I arrived to serve on the House Small Business Committee in 1979 where the gentleman from Pennsylvania served as the ranking minority member. Thank you, my colleague and friend and very best wishes to you and your family during the remainder of this year and after you leave the House.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

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 fiscal year ending September 30, 1999, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations,

and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $162,823,000, to remain available until expended, of which funds are provided for the following projects in the amounts specified:

Delaware Bay Coastline, Delaware and New Jersey, $570,000;

Tampa Harbor, Alafia Channel, Florida, $200,000;

Barnegat Inlet to Little Egg Harbor Inlet, New Jersey, $322,000;

Brigantine Inlet to Great Egg Harbor Inlet, New Jersey, $313,000;

Great Egg Harbor Inlet to Townsends Inlet, New Jersey, $300,000;

Lower Cape May Meadows—Cape May Point, New Jersey, $100,000;

Manasquan Inlet to Barnegat Inlet, New Jersey, $400,000;

Raritan Bay to Sandy Hook Bay, New Jersey, $1,100,000;

Townsends Inlet to Cape May Inlet, New Jersey, $500,000: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $700,000 of the funds appropriated in Public Law 102-377 for the Red River Waterway, Shreveport, Louisiana, to Daingerfield, Texas, project for the feasibility phase of the Red River Navigation, Southwest Arkansas, study: *Provided further*, That the Secretary of the Army is directed to use $500,000 of the funds appropriated herein to implement section 211(f)(7) of Public Law 104-303 (110 Stat. 3684) and to reimburse the non-Federal sponsor a portion of the Federal share of project costs for the Hunting Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas: *Provided further*, That the Secretary of the Army is directed to use $300,000 of the funds appropriated herein to implement section 211(f)(8) of Public Law 104-303 (110 Stat. 3684) and to reimburse the non-Federal sponsor a portion of the Federal share of project costs for the project for flood control, White Oak Bayou watershed, Texas.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,456,529,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104-303; and of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri; Lock and Dam 14, Mississippi River, Iowa; Lock and Dam 24, Part 1, Mississippi River, Illinois and Missouri; and Lock and Dam 3, Mississippi River, Minnesota, projects, and of which funds are provided for the following projects in the amounts specified:

Norco Bluffs, California, $4,400,000;

Tybee Island, Georgia, $1,200,000;

Indianapolis Central Waterfront, Indiana, $4,000,000;

Indiana Shoreline Erosion, Indiana, $700,000;

Ohio River Flood Protection, Indiana, $1,700,000;

Harlan/Clover Fork, Williamsburg, Middlesboro, Martin County, Pike County, and Town of Martin elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, Kentucky, $26,730,000;

Southern and Eastern Kentucky, Kentucky, $4,000,000;

Lake Pontchartrain and Vicinity (Hurricane Protection), Louisiana, $18,000,000;

Lake Pontchartrain (Jefferson Parish) Stormwater Discharge, Louisiana, $3,000,000;

Southeast Louisiana, Louisiana, $85,200,000;

Jackson County, Mississippi, $7,000,000;

Passaic River Streambank Restoration, New Jersey, $5,000,000;

Lackawanna River, Olyphant, Pennsylvania, $14,400,000;

Lackawanna River, Scranton, Pennsylvania, $43,551,000;

South Central Pennsylvania Environment Improvement Program, $45,000,000, of which $15,000,000 shall be available only for water-related environmental infrastructure and resource protection and development projects in Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, and Monroe counties in Pennsylvania in accordance with the purposes of subsection (a) and requirements of subsections (b) through (e) of section 313 of the Water Resources Development Act of 1992, as amended;

Wallisville Lake, Texas, $5,500,000;

Virginia Beach, Virginia (Hurricane Protection), $13,000,000;

West Virginia and Pennsylvania Flood Control, West Virginia and Pennsylvania, $750,000: *Provided*, That the Secretary of the Army is directed to incorporate the economic analyses for the Green Ridge and Plot sections of the Lackawanna River, Scranton, Pennsylvania, project with the economic analysis for the Albright Street section of the project, and to cost-share and implement these combined sections as a single project with no separable elements, except that each section may be undertaken individually when the non-Federal sponsor provides the applicable local cooperation requirements; *Provided further*, That any funds heretofore appropriated and made available in Public Law 103-126 for projects associated with the restoration of the Lackawanna River Basin Greenway Corridor, Pennsylvania, may be utilized by the Secretary of the Army in carrying out other projects and activities on the Lackawanna River in Pennsylvania; *Provided further*, That the Secretary of the Army is directed to use $6,000,000 of the funds appropriated herein to implement section 211(f)(6) of Public Law 104-303 (110 Stat. 3683) and to reimburse the non-Federal sponsor a portion of the Federal share of project construction costs for the flood control components comprising the Brays Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas.

Mr. FAZIO of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think there has been a lot of very legitimate discussion on this bill and on the rule leading up to it about what has been presented to us by the administration in their Corps budget this year.

The gentleman from Pennsylvania (Mr. MCDADE) and I worked very, very hard to get back to a figure which is $200 million below what we should be spending this year. We came from $900 million down. The administration's budget was terribly troubling to all of us, but I think we have got to put this in a larger context, and that is the declining nondefense discretionary programs.

As we can see, the funding freeze, which is essentially what we are learning to live with, based on the agreement made last year between the two parties, is trending downward. Republicans have talked about reductions of an even greater amount.

Current services are going, in effect, off the chart. The demand for the Corps' program vastly exceeds what any of us envision being able to provide. If I could see the next chart, I would like to point out that the Corps itself is telling us that the legitimate requests made of it, program needs, are far beyond what is going to be available under the spending caps that we just agreed to.

My purpose is not to make a partisan speech on the quintessential nonpartisan bill of the year. My point is simply to say, yes, the administration's budget was too deeply cut, but so will others in the future be if we keep on the trend line we have been on on nondefense discretionary spending.

I am very concerned about this because the Corps' construction budget is being augmented by a tremendous infusion of State and local funding. We have, as I said earlier, done away with those carryover balances that this committee used to utilize very effectively, at one time as much as $800 million. That is gone. We have lost that flexibility.

All I am saying is that none of us can be critical of budgets that will be presented to this Congress in the future by any administration of either party when we have this kind of nondefense discretionary future out there ahead of us.

The Corps' programs are good and worthy. They are legitimate. They need to be funded. As we view not only the highway bill this year or the authorization for the research in the Agriculture Department, as we look at all of the proposed budget resolutions still to be resolved out there ahead of us, we see, I think, a recipe for disaster in the Corps budget. I hope we can, frankly, all get beyond the partisanship and understand that the future for the things that our constituents demand of us in this area is bleak.

Mr. HASTINGS of Washington. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Pennsylvania (Mr. MCDADE), the chairman. First, I would like to say how much I appreciated working with the gentleman and the ranking member during these past 2 years. Both of them have worked closely with us to

make sure that critical nuclear cleanup efforts are fully funded and effectively managed. I wish the both of them the very best.

Mr. Chairman, I wanted to raise an issue for the Committee's consideration as this bill moves into conference. As the gentleman knows, research into the field of medical isotopes has moved forward at a record pace over the past several years. In one recent clinical trial, medical isotope therapy demonstrated a 75 to 80 percent success rate against non-Hodgkins lymphoma patients diagnosed as terminal. New research into alpha-emitting isotopes appears to be even more promising. Yet, today more than 90 percent of our research and treatment isotopes are imported. A recent strike at a Canadian reactor threatened to undermine diagnostic medical treatments nationwide.

A state-of-the-art facility in my district, the Fast Flux Test Facility, is now under consideration for production of these valuable cancer fighting tools. In addition, the facility could serve as an interim or backup source of tritium, at a savings of billions of dollars over other alternatives.

As the chairman knows, the House fully funded the President's request but transferred that request into the Department's environmental management account. The Senate, on the other hand, cut $4 million from the program, but placed it into the energy research account as requested.

Although the $31 million provided for the program is inadequate to fund either start-up or shutdown, I understand that the administration is working to correct this situation.

I wonder if the gentleman from Pennsylvania (Mr. McDADE) might be willing to work with us on these two issues.

Mr. McDADE. Mr. Chairman, will the distinguished gentleman yield to me?

Mr. HASTINGS of Washington. I am happy to yield to yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, I want to say how grateful we are to the gentleman for bringing this forcefully to our attention. It is our intention to work with him to ensure the program is appropriately funded and in the accurate place.

Mr. HASTINGS of Washington. Good. I thank the gentleman. If the gentleman would continue into a colloquy, I have one more inquiry.

During a June 10 hearing in the Committee on Resources, witnesses from the National Park Service testified that the U.S. Army Corps of Engineers is not properly complying with the implementing regulations of the Native American Graves Protection and Repatriation Act of 1990, or NAGPRA. These witnesses indicated that errors on the part of the Corps have resulted in a lawsuit against the Federal Government for mishandling cultural resources found on land owned by the Corps.

Mr. Chairman, it was my intention to offer an amendment to set aside $10,000 to the U.S. Army Corps of Engineers overhead account to pay for a study on the Corps' compliance with NAGPRA. However, after discussions with the committee staff, I believe that the Corps could be persuaded to review this issue without amending the bill before us today.

Would the gentleman from Pennsylvania be willing to join me in a letter to the U.S. Army Corps of Engineers requesting a review of its compliance with this law?

Mr. Chairman, I will yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, may I say to my friend, I would be delighted to join in such a letter. The subcommittee is deeply interested in the issue. We will be happy to work with the gentleman.

Mr. HASTINGS of Washington. Good. I appreciate the gentleman's assistance with us on this matter.

Once again, I add my congratulations to the gentleman for a successful tenure here and success in getting this bill through the House tonight.

Mr. SKAGGS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to join in the shameless piling on of compliments and bouquets being thrown at the gentleman from Pennsylvania (Mr. McDADE) and the gentleman from California (Mr. FAZIO) who are gentlemen, I think, that really set the standard for mutual respect, good working relationships, good humor, basic decency, care for the institution, and all manner of good things.

I was going to say I will miss you, but I will be gone next year, too. If I had the foresight to pattern my career after the gentleman from California (Mr. FAZIO), I would have gotten a lot further, but I did not think of doing it early enough. Anyway, my respects and high regard to both of the gentlemen.

I wanted to thank the subcommittee and its good staff in particular for the provisions that are included in the bill with regard to nuclear weapons plant cleanup. I think the very farsighted provision for funding the Rocky Flats closure fund even somewhat higher than the President's request, really will enable progress to be made there toward the hope for a closure by the year 2006, and in the process saving the taxpayers something on the order of $1 billion. So I really appreciate the help there.

There is, however, one provision in the Senate bill that may complicate life for us with regard to both the Rocky Flats situation and elsewhere, and I would like to engage the gentleman from Pennsylvania (Mr. McDADE) briefly in a discussion about that.

Section 306 of the Senate bill would apparently prohibit any steps to decrease radioactive concentration of wastes in order to meet the criteria for wastes that can be shipped to the Waste Isolation Pilot Project in New Mexico.

□ 1845

I do not know what the rationale for this provision may be, but I am informed that it could make it much less likely that wastes from Rocky Flats could be sent to WIPP in accordance with the current timetable. In fact, it could mean that the Department of Energy would have to use money that could go for cleanup instead to build a new facility at Rocky Flats to store wastes that otherwise could be sooner sent to WIPP. Estimates are that this might cost $20 million to $40 million for construction, and another $10 million a year to operate.

I am sure the chairman, at least I hope the chairman agrees that this would be an undesirable result, and I hope he will work to resolve this matter in conference and eliminate whatever confusion this Senate bill provision may have sown into this matter.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Pennsylvania.

Mr. McDADE. I thank the gentleman for yielding. May I say to him that one of the highlights of my service in the Congress was the opportunity to serve with him as a member of the Committee on Appropriations for more decades than we probably both want to admit. He will be missed. I hope to continue our relationship in life on the outside of the Capitol.

Let me say that we have no higher priority than concluding the cleanup site at Rocky Flats. We believe it is working well, we have put a lot of money on that effort, and we do not intend to back off it. I am not sure where that provision came from, but I want to assure the gentleman, it has our attention and we appreciate him bringing this to our attention again.

Mr. SKAGGS. Mr. Chairman, I thank the gentleman very much. I just in closing wanted to note two other provisions. As the chairman is aware, the bill provides somewhat less funds than were requested for the section 3161 program, the transition support for workers that are being phased out of these weapons plants around the country. I am fully aware of the difficult budget circumstances but just wanted to flag that item in hopes that both we can replenish some of the funding and also be at least open to the possibility that there will be out-year needs beyond the cutoff date currently included in the bill.

Mr. GIBBONS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first of all I would like to join my colleagues also in extending my congratulations to the gentleman from Pennsylvania (Mr. MCDADE) and the gentleman from California (Mr. FAZIO) for their hard work on this bill. Both their time here, their commitment and service to America is certainly and greatly appreciated by me as well as the entire Congress.

Mr. Chairman, the reason I am here is to discuss the ability of the State of Nevada and all affected local governments to carry out their oversight authority on the proposed Yucca Mountain project in Nevada. This oversight authority was granted to them in the Nuclear Waste Policy Act of 1982. Currently the Department of Energy is conducting tests to determine if the Yucca Mountain site will be a permanent repository for nuclear waste.

When the Nuclear Waste Policy Act of 1982 was created, Members of this body felt that it was imperative for the State of Nevada and all affected local governments to have sufficient resources to carry out their own oversight. These necessary funds are used to properly oversee tests the Department of Energy is carrying out to determine whether or not Yucca Mountain is suitable or not suitable as a permanent nuclear waste site.

This was a very critical part of the 1982 act, because it allowed Nevada, and particularly the citizens and residents of that State, to have confidence in the scientific studies and especially the validity of those tests that the Department of Energy has been conducting. These resources will allow for State and local governments to continue to perform their own independent validation tests to ensure the best science is used to determine site suitability.

It has been my experience that these local and State scientists have been unbiased in their work and as such have produced needed assurances that only the best scientific data is used to determine the hydrologic and geologic character of Yucca Mountain.

Mr. Chairman, we have over 1.8 million people in Nevada, and their safety and quality of life in this debate should not be ignored, making it imperative that we provide the financial resources to ensure the State of Nevada and affected local governments are able to monitor and report on this activity.

Therefore, I would ask that the House conferees work with me to get $4.875 million for the State of Nevada and $5.54 million for affected local governments included in this appropriation. These appropriation amounts are consistent with the moneys appropriated in the Senate fiscal year 1999 Energy and Water Development Appropriations Act.

As the Federal Government moves to designate Yucca Mountain as a permanent nuclear waste repository, it becomes imperative that we address the scientific and safety concerns of the citizens of Nevada.

Again, I would like to thank the gentleman from Pennsylvania (Mr. MCDADE) and the gentleman from California (Mr. FAZIO) for their work on this bill. I would appreciate their willingness to work with me on this very important issue.

Mr. WAMP. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I certainly want to stop, too, as a member of the Committee on Appropriations and pay my respects to the gentleman from California (Mr. FAZIO) and the gentleman from Pennsylvania (Mr. MCDADE). In my 2 years, a short term on the committee, I have just thoroughly enjoyed the working relationship that I have with these two men and am constantly amazed at how much they know about the work that they do. Sometimes in this institution Members do not follow in the level of detail what these two gentlemen do day in and day out on the Subcommittee on Energy and Water Development, knowing every single program area, the funding amounts, the priorities, somehow keeping it all in perspective and serving this institution so well. I could not be more unhappy that two people are leaving this body at the same time as the gentleman from California and the gentleman from Pennsylvania. They have served our country with such distinction. They will be sorely missed.

Mr. Chairman, as they know, I have been an advocate for the environmental cleanup efforts in Oak Ridge, Tennessee. Following the successful Manhattan Project and winning the Cold War and our nuclear buildup, now we have got the responsibility of cleaning it up. They also know that of the three gaseous diffusion plants in this country, one of them is in Oak Ridge, Tennessee. The Energy Policy Act of 1992 very specifically told the Congress to fund the cleanup at these sites in the future. We had those funding requests made for this fiscal year. Unfortunately at a time which they have articulated so well of declining discretionary accounts, we did not have the funding to fully fund the President's request for this coming year for the decontamination and decommissioning of these gaseous diffusion plants. The President asked for $277 million. The Senate marked up a $200 million level at the committee, and then reduced it by $3 million on the Senate floor last week. So the Senate is at $197 million. The President's request was at $277 million. The House did add money back in and brought us to a $225 million level.

I just appeal to the conferees as we come to the floor today to clear what I hope to be unanimous certification of our Energy and Water bill here today, and they deserve a unanimous vote from the full House, I want the conferees to know that the $225 million even that the House Committee on Appropriations passed is still not sufficient. We need really $15 million more to get to a level of $240 million in order to not miss a stride in the environmental cleanup which is so important to all three gaseous diffusion sites, but particularly in the State of Tennessee where we constantly wrestle with the State of Tennessee on meeting our compliance levels and meeting our timing on the environmental cleanup as called for in the Energy Policy Act which we all know was a comprehensive piece of legislation affecting all of the nuclear sites in America.

I appeal to the conferees with much gratitude that the House appropriators saw fit to increase the level from the Senate mark to $225 million, I just appeal that we find $15 million more somehow as we approach the final Energy and Water conference report for fiscal year 1999, trying to get us to the $240 million level so that this important cleanup can continue.

Mr. DEFAZIO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, some Members might remember the rather confusing battle of the Fazio-DeFazio amendments last year. Unfortunately we will be deprived of that confusion in the future with the retirement of the gentleman from California. But the issue over which we disagreed will be before the Congress in future years. I have concerns in the way it is presented in the report language here. I decided to forgo an amendment this year since we are in limbo on the Animas-La Plata project; that is, it is not determined how or if it will go forward and in what form, so I decided not to come to the floor this year with an amendment to delete the funds. But what we find in the bill is language that says they should go ahead post haste with an alternative, whatever that might be, which of course is not authorized by law. Perhaps it would be the alternative advocated by the gentleman from Colorado (Mr. MCINNIS) who represents that district who has a bill, H.R. 3478, which has not even yet had a hearing. I think it would be most unusual and probably illegal for the Bureau of Reclamation to begin a project which has not even had a hearing in Congress, let alone being authorized. I would suggest that that language in the report should be, and probably will be, ignored by the administration.

The point here, this project was not justifiable, the massive amount of money. It was being sold as settling the legitimate claims of the Ute Indian tribe. However, it was much, much more than that, many hundreds of millions of dollars more, and it was not going to deliver water to that tribe. So some alternatives have been proposed. No one has as of yet authorized any of

those alternatives. One called Animas-La Plata Lite is favored by the gentleman who represents the district, but it has not been heard, it has not been voted on, it is not law, and you cannot lawfully spend money on that project.

There are other alternatives that have been proposed. At some point, the committee of jurisdiction on which I sit, the authorizing committee, is going to have to hold hearings, puzzle through the potential alternatives, and come up with a solution which settles the legitimate claims of that tribe and protects the taxpayers at the same time. I do not believe we quite have that formula before us.

Mr. Chairman, I am rising just to point out this language in the report. Since the language would order the Bureau to do something which is illegal, I assume that the language will not be quite worth the paper it is printed on. I look forward to future discussion of this issue in committee and on the floor of the House as we move forward to authorizing a fair and just settlement but something which also protects the Federal Treasury.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today not to complain a bit about the work of the gentleman from Pennsylvania (Mr. MCDADE) or the gentleman from California (Mr. FAZIO) in terms of the subcommittee report that is before us, but rather to say that a very interesting experience has been mine in recent weeks as I have observed these two gentlemen approaching today, for as has been said many a time before today, they both are contemplating leaving the House at the end of this session.

In beautiful northern California, in spite of the fact that there is a propensity even in that great State for people surrounding the State capital to often point a finger at elected officials and wonder what they are all about, in the last several weeks, suddenly out of the woodwork all kinds of people are saying, "Oh my God, what are we going to do? VIC FAZIO is not going to be there to represent us anymore." Suddenly citizens are beginning to realize that, unnoticed in many ways, almost never has there been quite the contribution to their community that has been made by their Congressman from Sacramento and regions that surround.

In beautiful downtown Scranton, Pennsylvania, a similar occurrence of people for years and years and years have been pointing around at what local officials in one location or another have not quite done to their satisfaction, and they too in the last many weeks have begun to say, "Oh my God, what are we going to do without JOE MCDADE to take care of our problems" that we ask about always at the last moment.

Mr. Chairman, it is important for us to note that in public affairs, most problems have absolutely very little to do with partisan politics. If there are two gentlemen who serve this House well who recognize that more than these two, I do not know who they are. Both the gentleman from Pennsylvania and the gentleman from California have been a great tribute to the House of Representatives. It has been my privilege to know them as human beings and as personal friends, but most important to have the opportunity to rise and say that I am proud just to be their colleague.

Mr. FAZIO of California. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. FAZIO of California. Mr. Chairman, first of all let me say how much I appreciate the gentleman from California (Mr. LEWIS) and want him to know that in the future when people come to me and ask how we are going to accomplish this or that, I am going to simply refer them to him, because I know his interest in the region personally and in our State generally will motivate him to take up any unfulfilled task. I do appreciate him very much.

Mr. Chairman, I wanted to simply for the record indicate that the committee has taken no position on Animas-La Plata this year. The money in the bill was the administration's budget request to fund ongoing activities of the Romer-Schoettler process, which is the Governor and Lieutenant Governor trying to find a solution to this problem at Animas-La Plata. Included in that request of the administration is funding for data collection, analysis of endangered species issues and other environmental, cultural and hydrological issues. It is obviously our understanding that the Colorado delegation is pursuing this project through the normal authorization process.

□ 1900

The proposed project has been reduced from a price tag that was originally about $750 million to currently an estimate of around $250 million. The proposal by environmental groups to give the Utes a cash settlement has been rejected by both the Tribal Council of the Ute and the Mountain Ute Nations.

This is a subject that has been debated for 30 years, and I know the gentleman from Pennsylvania (Mr. MCDADE) joins me in hoping that we are about to see a successful conclusion to this controversy brought about in terms of fulfilling our responsibilities to both the Indian tribes. I certainly hope that we can at least stay the course with this issue so that the process of accommodation that is underway in Colorado can be completed.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g–1), $312,077,000, to remain available until expended.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,637,719,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that Fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that Fund for construction, operation, and maintenance of outdoor recreation facilities, and of which $4,200,000 is provided for repair of Chickamauga Lock, Tennessee, subject to authorization.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $110,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contaminated sites throughout the United States where work was performed as part of the Nation's early atomic energy program, $140,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Water Resources Support Center, and headquarters support functions at the USACE Finance Center; $148,000,000, to remain available until expended: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: *Provided further*, That none of these funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers.

ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, and for activities related to the Uintah and Upalco Units authorized by 43 U.S.C. 620, $39,665,000, to remain available until expended, of which $15,476,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: *Provided*, That of the amounts deposited into that account, $5,000,000 shall be considered the Federal contribution authorized by paragraph 402(b)(2) of the Central Utah Project Completion Act and $10,476,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under that Act.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,283,000, to remain available until expended.

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian Tribes, and others, $622,054,000, to remain available until expended, of which $1,873,000 shall be available for transfer to the Upper Colorado River Basin Fund and $49,908,000 shall be available for transfer to the Lower Colorado River Basin Development Fund, and of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 46016a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That of the total appropriated, $25,800,000 shall be derived by transfer of unexpended balances from the Bureau of Reclamation Working Capital Fund.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $12,000,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): *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 $38,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $425,000, to remain available until expended: *Provided*, That of the total sums appropriated, the amount of program activities that can be financed by the Reclamation Fund shall be derived from that Fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $33,130,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575.

CALIFORNIA BAY-DELTA ECOSYSTEM RESTORATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of the Interior and other participating Federal agencies in carrying out the California Bay-Delta Environmental Enhancement and Water Security Act consistent with plans to be approved by the Secretary of the Interior, in consultation with such Federal agencies, $75,000,000, to remain available until expended, of which such amounts as may be necessary to conform with such plans shall be transferred to appropriate accounts of such Federal agencies: *Provided*, That such funds may be obligated only as non-Federal sources provide their share in accordance with the cost-sharing agreement required under section 102(d) of such Act: *Provided further*, That such funds may be obligated prior to the completion of a final programmatic environmental impact statement only if: (1) consistent with 40 CFR 1506.1(c); and (2) used for purposes that the Secretary finds are of sufficiently high priority to warrant such an expenditure.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $46,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed six passenger motor vehicles for replacement only.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for energy supply, and uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 22 passenger motor vehicles for replacement only, $882,834,000, of which not to exceed $3,000 may be used for official reception and representation expenses for transparency activities.

Mr. McDADE (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 15, line 25, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Are there amendments to that portion of the bill?

AMENDMENT NO. 1 OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. FOLEY:

Page 15, line 23, after the first dollar amount, insert the following: "(reduced by $5,000,000)".

Mr. McDADE. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The gentleman from Florida (Mr. FOLEY) will control 10 minutes.

Is there an opponent?

Mr. McDADE. Mr. Chairman, I rise in opposition to this amendment.

The CHAIRMAN. As the opponent of the amendment, the gentleman from Pennsylvania (Mr. McDADE) will control 10 minutes.

The Chair recognizes the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I want to thank the gentleman from Pennsylvania (Mr. McDADE) for his fine work and particularly for all he has done for the Everglades and so many Florida projects which our entire State and Nation have benefited from.

And I hate to spoil the parade. I do have an amendment today on his bill that would strike $5 million in funding for the Department of Energy's newly proposed Nuclear Energy Research Initiative, also known as NERI, and I am not opposed, Mr. Chairman, to nuclear power or its research. In fact, I have a reactor in my district and I fully support its continued existence, but I will not allow taxpayers to pay for research that benefits an industry that had $141 billion in revenue last year alone.

Mr. Chairman, everything but the kitchen sink seems to be fair game for this program. They want R&D funds to focus on their competitiveness including operations, maintenance and fuel costs. This program contains large elements of the Nuclear Energy Security program that Congress choose not to fund last year. NES and NERI both would fund efforts to examine reactor aging issues, fuel economics and advanced instrumentation and controls. Some of this same research is already performed by the Nuclear Regulatory Commission.

The proponents of this program claim it is independently peer reviewed, but the reviewers are from universities, national labs and industry, the very same people who will receive the funds. Where exactly is the independence in that?

Our constituent tax dollars should not be spent on new and questionable Department of Energy programs for an already mature industry, yet this is exactly what the DOE is suggesting we do in the newly-proposed and unauthorized Nuclear Energy Research Initiative. This program is clear-cut corporate welfare. While it benefits a whole industry, it nevertheless benefits them with taxpayers' money, and that is wrong.

Mr. Chairman, I yield 2½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I rise to ask my colleagues to support the Foley-Miller-Markey-Kucinich-Sanders amendment. Our amendment would strike the Nuclear Energy Research Initiative. It is a $5 million subsidy that props up the commercial nuclear power industry and may keep open aging and potentially dangerous plants beyond the initial term of their licenses.

There are two powerful reasons to support our amendment:

First, giving more money to the nuclear industry is throwing good money after bad. Since 1950 taxpayers have handed the nuclear industry $47 billion in subsidies. In addition to the billions in Federal subsidies, nukes have cost American consumers a bundle. According to Komanoff Energy Associates, nuclear power has cost ratepayers a premium of $160 billion for electricity between 1968 and 1990. After all these billions we have already spent propping up the nuclear industry, there is no good reason for throwing away more taxpayer money.

Second, subsidizing nuclear power is bad environmental policy. Nuclear power poisons the environment with radiation emissions and creates tons of radioactive waste. Far from being clean, nuclear power is toxic. If there is something to spend money on, it would be on how to deal safely with the waste the nukes have already created.

Right now we do not have a policy to safely move the waste, we do not have a policy to safely store the waste. This policy here only creates more of it. It is time we put an end to it.

Support the Foley-Miller-Markey-Kucinich-Sanders amendment. Join all the other interest groups from all over the country who are concerned about good neighborhoods, safe neighborhoods, and are concerned about utility ratepayers. Support this amendment.

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

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

Mr. Chairman, I rise in opposition to this amendment. My good friend from Florida, as usual, does his homework very well and presents a good case, but unfortunately I believe it is the wrong case.

This Nation depends on nuclear power for about 20 percent of its electricity generation. Within the umbrella of energy resources in this bill there was appropriated $880 million for energy supply research activities, and this $5 million sum is included in the bill for scientific research.

Now it seems to me that is a reasonable course for the committee to pursue. It is reasonable, I think, for us to put out that amount of money to make sure that the 20 percent we are talking about, and who knows what tomorrow may bring, will have scientific research behind it.

Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I rise in very strong opposition to this amendment.

Mr. Chairman, I understand the moves that the gentlemen are taking here. It is good to cut spending. Spending is an excess that we could, of course, look at in a number of areas but, very honestly, not at the heart of something like this.

The NERI program is designed to reinvigorate the Department of Energy's nuclear energy R&D based on competitive, and I will explain that in just a moment, competitive and peer-reviewed applications concerning such issues as more efficient reactor designs, lower costs, improved safety, better onsite storage techniques and proliferation-resistant reactors.

Now PCAST, the President's Committee of Advisers on Science and Technology panel, recommended further nuclear energy research and development to ensure our Nation's nuclear energy program is strong and growing. Specifically they encouraged R&D in the areas of nuclear waste, nonproliferation and nuclear safety. They also expressed a concern about whether nuclear energy is economically viable. With the NERI program we will conduct research that will address these concerns and pave the way for nuclear energy to emerge as a more prominent energy source for the United States.

There is no shortage of funding for the other areas of energy supply research. The chairman alluded to that. Last year we appropriated $296 million for solar and renewables R&D. This year we recommended $351 million, and the Senate has over $4 million assigned to solar and renewables. This includes $70 million for photovoltaics, $33 million for wind energy and $101 million for biomass/biofuels research, and fossil energy R&D last year received $362 million and will likely receive a similar amount this year.

In contrast, last year nuclear energy received only, the research end of it, only $7 million. This bill has increased the funding level for nuclear energy research to a total of $17 million, $5 million for NERI and $12 million for the university research programs which I also support.

Now the gentlemen have talked about some of the money that has been spent in nuclear research. A lot of that was weapons research. Let me tell my colleagues since 1976 we have spent $1.45 billion on solar and renewable energy sources, which generates below 1 percent of this country's electricity supply. Alternatively, since 1973 we have spent $1 billion on nuclear R&D, and nuclear energy plants produced nearly 20 percent of the Nation's electricity, let me remind my colleagues of this, and they produced 40 percent of all new electricity generation since 1973.

This year let us make sure we get an appropriate level of funding for nuclear R&D for this year. As I have already stated, it is the safe, clean and reliable energy source to carry us into the future.

The NERI program is set up with competitive peer-reviewed research that will be a coordinated effort between the national laboratories, universities and industry. Now what does that mean, competitive peer-reviewed research? What it means is we will get the best science available with no favoritism toward any specific university, Federal laboratory, company or industry. Instead they will have to compete for the research grant, which will ensure we get the best science available, perhaps to a university in one of my colleague's States.

There are some who might claim this is corporate welfare. This is simply untrue, and those who are claiming that ought to study the solar and renewable energy research and development which is rife with technology transfer programs and commercialization, and very little, if any, that is peer-reviewed science. To the contrary, the NERI program will be competitive, peer-reviewed research that is basic research to continue this safe, clean, low-emission energy source.

The Clinton administration has requested $24 million for this program. I support a higher level of funding. I am

glad to see we provide some funding for this important program.

Another good reason to support nuclear R&D such as the NERI program is as follows:

As many of my colleagues might know, I and some others had the opportunity to attend the global climate change meeting in Kyoto back in December. That is where the administration signed on to an agreement to reduce the U.S. greenhouse gas emissions to 7 percent below 1990 levels by the years 2008 through 2012. I have been quite critical about the U.S. supporting a treaty which places the U.S. and other industrial nations at a competitive disadvantage to the 132 nations which have no reduction requirements.

In Kyoto, Japan was a strong proponent for placing strict reductions on greenhouse gas emissions on the industrial nations. However, they also have an existing plan for reaching their reduction requirement. With 44 existing commercial nuclear power plants already, they have a construction plan to build at least 20 more. Since nuclear power emits no greenhouse gas emissions, this alone will allow them to reach their reduction target. In the U.S. there appears to be no similar plan to use new commercial nuclear energy plants to reduce the U.S.'s greenhouse gas emissions, and in fact in a deregulated electricity market we may see some of our older plants shut down.

We have a great opportunity, I believe, to bring America back to the option of nuclear energy. Nuclear energy such as they have in Europe and Japan and elsewhere has provided safe, reliable energy, a source that does not emit greenhouse gases. Support the NERI program. Make sure the best nuclear minds in the world are right here in the U.S.

I urge my colleagues to oppose this amendment.

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Mr. FOLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, this is a great amendment. Do you remember the old horror movie, The Night of the Living Dead, where the dead came back from their graves to stalk the Earth again? Well, that is what this program is, it is a dead government program.

We killed almost the identical program last year, but Adam Smith spins in his grave as we stand out here trying to figure out how to give subsidies to Westinghouse and General Electric and other Fortune 500 companies, for them to figure out how to develop nuclear energy electrical generating capacity, when they have been in that business for 50 years.

It would be one thing if they are starving. They are the wealthiest companies in the United States. The electric utility industry is the wealthiest industry in the United States. Over a 50-year period, we here on the floor of Congress have given this industry $47 billion in subsidies.

What is the net result? We are now debating here in Congress, and in every State legislature in the country, something called stranded investments in electrical restructuring. What does stranded investments mean? Well, it is a euphemism for the word nuclear power plant, meaning how do we get this off of our books? How do we have ratepayers subsidize this boondoggle?

In the marketplace, oil is cheaper in generating electricity, gas is cheaper in generating electricity, coal is cheaper in generating electricity and wind is cheaper in generating electricity, but we are supposed to subsidize Fortune 500 companies in a technology that is more expensive?

Mr. Chairman, no electric utility has purchased one of these since 1973. If they think it is such a great idea, why do they not build them themselves? They have got more money than the Federal Government, if they want to invest in it. But asking the taxpayers to have themselves tipped upside down and shake another 5 or 10 million bucks out of them for an industry that has not been able to figure out in 50 years how to make this technology effective in the marketplace, is just a complete and total waste of money.

Mr. Chairman, the Foley amendment, on a bipartisan basis, Democrat and Republican, is something that each one of us should be able to back tonight to prove that we are faithful to the taxpayers' message to us that we should stop squandering their money, handing it over to the private sector, investing in programs that would not work in the real world marketplace.

Vote "yes" on the Foley amendment.

Mr. MCDADE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. FAZIO), the able ranking member of the subcommittee.

Mr. FAZIO of California. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the amendment and want to state unequivocally the administration's opposition to it as well. This is not the nuclear energy security program that I think some of the critics of NERI are attacking today. This program is not a program that has risen from the dead. It is a new program which has within it the potential of bringing together universities, the National Laboratories and the private sector to spend a very, very small amount of the Department of Energy's research funding, less than one-half of 1 percent of their total DOE research funding, as a matter of fact. One-fifth of the amount in this bill is what is left of the administration's request, which was far greater, a $50 million request made by the President's science and technology advisors, transformed to a $24 million request by OMB, and all we provided for was $5 million, a very small contribution to keep a seat at the table in the ongoing international discussions over nuclear energy technology.

Mr. Chairman, I think it would be foolish for this Congress to zero out this very modest funding for an area of energy supply that still presents 20 percent of the total electrical generation in this country, and, regrettably, I am sure, from the perspective of a number of those who have cosponsored this amendment, continues to be not only internationally on the offensive, an increasingly large provision of electrical generation in Europe and Japan, but also, as the gentleman from Michigan (Mr. KNOLLENBERG) has said, potentially a major contribution to the issues of global climate change. I know we have had some controversy around that issue.

Mr. Chairman, for us to turn down this very small sum of money at this point in our history, I think, would be very foolish.

Mr. Chairman, I include for the RECORD a letter to the chairman of the Subcommittee on Energy and Water Development from William D. Magwood, IV, the acting director of the Office of Nuclear Energy, Science and Technology.

DEPARTMENT OF ENERGY,
Washington, DC, June 22, 1998.

Hon. JOSEPH M. MCDADE,
Chairman, Subcommittee on Energy and Water Development, Committee on Appropriations, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We understand that when the Energy and Water Development Appropriations bill comes to the floor for consideration by the full House, an amendment will be offered to strike funding for the Department of Energy's Nuclear Energy Research Initiative (NERI). Opponents of this research program characterize it as a "corporate welfare" program that is simply a repackaging of the unfunded Nuclear Energy Security program the Department proposed for FY 1998. These characterizations are inaccurate, and the Department urges you to oppose any amendment to remove funding for this important initiative.

Since the end of fiscal year 1997, the Departmental has engaged experts from U.S. universities, the national laboratories, and industry to help develop a new approach to nuclear energy research and development. In particular, we have heeded the recommendations of the President's Committee of Advisors on Science and Technology on nuclear energy research and development. As a result, our fiscal year 1999 proposals represent a significant departure from past nuclear research and development programs.

Our proposed NERI program, if funded, will help the United States maintain its scientific and technological leadership by sponsoring research to address the complex, long-term problems associated with nuclear energy—such as proliferation, waste, economics, and safety. The program will apply independent, National Science Foundation-style peer review to competitively select the best

research proposals from among a wide range of sources including national laboratories, academia, and industry.

In addition, the Nuclear Energy Research Initiative will benefit from the advice of the Nuclear Energy Research Advisory Committee which is being formed to help guide these and other Office of Nuclear Energy, Science and Technology programs. The advisory committee will include both proponents and critics of nuclear power, and will allow the Department to more effectively engage the academic community, national laboratories, and other interested parties in the planning and execution of our programs.

In contrast, the Nuclear Energy Security program proposed for FY 1998 was a narrowly focused program designed to address specific technical issues. The program was to be directed by Department of Energy staff with little opportunity for input from industry, academia, or critics of nuclear technology and without the benefit of an independent advisory committee. Also unlike NERI, the Nuclear Energy Security program was focused on working with commercial utilities in the near-term to relicense existing nuclear power plants. NERI, on the other hand, will support research that goes far beyond that envisioned under the Nuclear Energy Security program. The technologies to be investigated under NERI could provide long-term benefits that transcend simple economics and help address important national issues such as nuclear waste generation and proliferation.

The $5 million in the House bill for NERI represents one-fifth of the amount proposed by the Department and less than one-half of one percent of the total DOE energy research funding in the House bill, while nuclear power provides over 20 percent of the electricity produced in the United States. While a very modest investment, this funding will enable the United States to join other advanced countries in conducting long-term, advanced research into nuclear technology. In doing so, the United States can explore new technologies that may be vital in the future, reassert its leadership role in nuclear technology, and maintain its endangered "seat at the table" in the on-going international discussion over nuclear energy technologies and issues.

We believe that the proposed program will help maintain the continued viability of nuclear power in the United States, and the Department asks you to oppose any amendment to strike funding for this program.

Sincerely,

WILLIAM D. MAGWOOD, IV
Acting Director,
Office of Nuclear Energy, Science and Technology.

Mr. FOLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in strong support of this amendment, which cuts the remaining $5 million from the nuclear energy research initiative to zero, and that is precisely where this appropriation should be. I want to congratulate the gentleman from Florida (Mr. FOLEY), the gentleman from California (Mr. MILLER), the gentleman from Ohio (Mr. KUCINICH) and the gentleman from Massachusetts (Mr. MARKEY) for their strong efforts in this area.

Mr. Chairman, now is not the time to continue our investment in nuclear energy. It is time to put increased Federal resources into renewable sources of energy, including solar and wind research and other sustainable and potentially inexpensive sources of energy.

This Nation has poured $47 billion into the nuclear industry since 1950 and, frankly, that is enough. Renewable sources of energy did not even receive support until 1974, and since then these clean energy sources have been funded at far lower levels than nuclear energy.

Mr. Chairman, the fact is that nuclear energy produces radioactive waste that must go somewhere, and that waste will pollute the environment for thousands of years. I have heard some reference to the fact that nuclear energy is clean energy. If those Members think it is so clean, they may want to stand up and volunteer to be the recipients of the nuclear waste that is being produced all over this country. But I am not so sure they are prepared to accept that "clean waste." After all of the discussion, after all of the billions of dollars, the fact is, we simply today still do not know how to get rid of nuclear waste.

Mr. Chairman, this is a good amendment. It is supported and endorsed by the Friends of the Earth, the League of Conservation Voters, Public Citizen, Safe Energy Communication Council, the Sierra Club, the U.S. Public Interest Research Group, and the Natural Resources Defense Counsel. Let us save the taxpayers money. Let us not pour another $5 million into corporate welfare. Let us support this amendment.

Mr. McDADE. Mr. Chairman, I yield such time as he may consume to the gentleman from Idaho (Mr. CRAPO).

Mr. CRAPO. Mr. Chairman, I rise in opposition to this amendment.

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

Mr. Chairman, I want to underline to the House that the money contained in this bill is for science, pure science. There is no money going to the Fortune 500 that my friend referred to. It is going to be peer-reviewed science, in order that we as a Nation may be assured that we are getting the best science in a very complicated area.

Let me just indicate to the House three possible areas that are on the table to be peer-reviewed and to which money will be allocated at some point.

Number one, proliferation-resistant reactor and fuel technologies. Proliferation-resistant fuels, one of the great issues that exists in our country. If we went to Russia we would find material floating all over the country that is capable of being converted to weapons grade compounds.

Secondly, nuclear safety and risk analysis. If we look at that issue, you can find units all over the world that are modeled on Chernobyl that need science, and that is another issue this program addresses.

Let me just point out the third one: new technologies for nuclear wastes. There is no more vexing problem in this country than the cleanup problem that is needed to bring our country back to where it was in the era before the creation of atomic weaponry. Nobody has a solution to it. It is costing us a fortune. This science will be used to try to find a solution.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, just for 5 seconds, everyone should come over here and defeat this amendment. This amendment is a disaster. I thank the gentleman for his comments. I concur with them.

Mr. FOLEY. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Florida is recognized for 1 minute.

Mr. FOLEY. Mr. Chairman, in closing, let me suggest to Members that when we had debate in the committee on this very issue, we asked Mr. Magwood who would be responsible for the implementation of the language. Is there any possibility of major advanced reactor programs which had been terminated by Congress being funded by this program? He said, "I guess from the legal perspective, it is not precluded, so clearly this could open up the door."

Mr. Chairman, this is a $20 billion bill: $2.4 billion for research for high-energy nuclear physics, basic energy services; $232 million for fusion energy R&D; $228 million for nuclear energy programs. We are not asking to cut a lot of money. We are asking for $5 million of savings on a $20 billion bill.

The program is ill-defined. It does not provide any guidelines that I think we can successfully track. Congress last year cut the funding for these programs. So I would suggest to my colleagues, in the interest of fairness, to support our amendment and save the government $5 million.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. FOLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FOLEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 478, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

The point of no quorum is considered withdrawn.

The Clerk will read.

The Clerk read as follows:

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion, $466,700,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, $225,000,000, to be derived from the Fund, to remain available until expended: *Provided*, That $30,000,000 of amounts derived from the Fund for such expenses shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 5 passenger motor vehicles for replacement only, $2,399,500,000, to remain available until expended: *Provided*, That in addition, $7,600,000 of the unobligated balances originally available for Superconducting Super Collider termination activities shall be made available for other activities under this heading.

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $160,000,000, to remain available until expended, to be derived from the Nuclear Waste Fund: *Provided*, That none of the funds provided herein shall be distributed to the State of Nevada or affected units of local government (as defined by Public Law 97–425) by direct payment, grant, or other means, for financial assistance under section 116 of the Nuclear Waste Policy Act of 1982, as amended: *Provided further*, That the foregoing proviso shall not apply to payments in lieu of taxes under section 116(c)(3)(A) of the Nuclear Waste Policy Act of 1982, as amended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $5,000), $175,365,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $136,530,000 in fiscal year 1999 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1999 so as to result in a final fiscal year 1999 appropriation from the General Fund estimated at not more than $38,835,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $14,500,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; the purchase of not to exceed one fixed wing aircraft; and the purchase of passenger motor vehicles (not to exceed 32 for replacement only, and one bus), $4,142,100,000, to remain available until expended.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 3 new sedans and 6 for replacement only, of which 3 are sedans, 2 are buses, and 1 is an ambulance), $4,358,554,000, to remain available until expended.

DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction and acquisition of plant and capital equipment and other necessary expenses, $1,038,240,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), $286,857,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,761,260,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $190,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500.

During fiscal year 1999, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $8,500,000, to remain available until expended; in addition, notwithstanding 31 U.S.C. 3302, not to exceed $28,000,000 in reimbursements, of which $20,000,000 is for transmission wheeling and ancillary services and $8,000,000 is for power purchases at the Richard B. Russell Project, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $24,710,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,200,000 in reimbursements, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $205,000,000, to remain available until expended, of which $195,787,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, $5,036,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $970,000, to remain available until expended, and to be

derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $166,500,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $166,500,000 of revenues from fees and annual charges, and other services and collections in fiscal year 1999 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 1999 so as to result in a final fiscal year 1999 appropriation from the General Fund estimated at not more than $0.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a) None of the funds appropriated by this Act or any prior appropriations Act may be used to award a management and operating contract unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

SEC. 302. (a) None of the funds appropriated by this Act or any prior appropriations Act may be used to award, amend, or modify a contract in a manner that deviates from the Federal Acquisition Regulation, unless the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

SEC. 303. None of the funds appropriated by this Act or any prior appropriations Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy; under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 304. None of the funds appropriated by this Act or any prior appropriations Act may be used to augment the $29,800,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 305. None of the funds appropriated by this Act or any prior appropriations Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

SEC. 306. (a) Except as provided in subsection (b), none of the funds appropriated by this Act or any prior appropriations Act may be used by any program, project, or activity of the Department of Energy to produce or provide articles or services for the purpose of selling the articles or services to a person outside the Federal Government, unless the Secretary of Energy determines that the articles or services are not available from a commercial source in the United States.

(b) Subsection (a) does not apply to the transmission and sale of electricity by any Federal power marketing administration.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 307. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

Mr. McDADE (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 28, line 2, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. DAN SCHAEFER OF COLORADO

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAN SCHAEFER of Colorado:

Page 28, insert after line 2 the following:

WASTE ISOLATION PILOT PLANT LAND WITHDRAWAL ACT

SEC. 308. None of the funds appropriated by this Act or any prior appropriations Act may be used to provide economic assistance or miscellaneous payments under section 15 of the Waste Isolation Pilot Plant Land Withdrawal Act (Public Law 102-579, 106 Stat. 4777) until the Waste Isolation Pilot Plant commences disposal operations.

Mr. McDADE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

□ 1930

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. DAN SCHAEFER of Colorado. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, may I say to my distinguished friend, the gentleman from Colorado, and the distinguished chairman of one of the most important committees of the Congress, he has kept us totally informed. We are in support of his amendment, and we accept it.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I thank the gentleman from Pennsylvania.

Mr. FAZIO of California. Mr. Chairman, will the gentleman yield?

Mr. DAN SCHAEFER of Colorado. I yield to the gentleman from California.

Mr. FAZIO of California. Mr. Chairman, I certainly understand the concern that moves the gentleman to bring this amendment. I am sure we will examine this issue further as we prepare for conference.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I thank both gentlemen, and I particularly thank both gentlemen for their long service here in the Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. DAN SCHAEFER).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

Mr. McDADE. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 37, line 13, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the remainder of the bill through page 37, line 13, is as follows:

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $65,900,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, $16,500,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses

(not to exceed $5,000); $462,700,000, to remain available until expended: *Provided*, That of the amount appropriated herein, $14,800,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $444,700,000 in fiscal year 1999 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That $3,200,000 of the funds herein appropriated for regulatory reviews and other assistance provided to the Department of Energy and other Federal agencies shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1999 so as to result in a final fiscal year 1999 appropriation estimated at not more than $18,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $4,800,000, to remain available until expended: *Provided*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1999 so as to result in a final fiscal year 1999 appropriation estimated at not more than $0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, $2,600,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V—GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.

SEC. 502. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) 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. 503. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program—Alternative Repayment Plan" and the "SJVDP—Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal Reclamation law.

SEC. 504. None of the funds made available in this or any other Act may be used to restart the High Flux Beam Reactor.

SEC. 505. Section 6101(a)(3) of the Omnibus Budget Reconciliation Act of 1990, as amended, (42 U.S.C. 2214(a)(3)) is amended by striking "September 30, 1998" and inserting "September 30, 1999".

SEC. 506. (a) Funds appropriated for "Nuclear Regulatory Commission—Salaries and Expenses" shall be available to the Commission for the following additional purposes:

(1) Employment of aliens.

(2) Services authorized by section 3109 of title 5, United States Code.

(3) Publication and dissemination of atomic information.

(4) Purchase, repair, and cleaning of uniforms.

(5) Reimbursements to the General Services Administration for security guard services.

(6) Hire of passenger motor vehicles and aircraft.

(7) Transfers of funds to other agencies of the Federal Government for the performance of the work for which such funds are appropriated, and such transferred funds may be merged with the appropriations to which they are transferred.

(8) Transfers to the Office of Inspector General of the Commission, not to exceed an additional amount equal to 5 percent of the amount otherwise appropriated to the Office for the fiscal year. Notice of such transfers shall be submitted to the Committees on Appropriations.

(b) Funds appropriated for "Nuclear Regulatory Commission—Office of Inspector General" shall be available to the Office for the additional purposes described in paragraphs (2) and (7) of subsection (a).

(c) Moneys received by the Commission for the cooperative nuclear research program, services rendered to State governments, foreign governments, and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act of 1954 (42 U.S.C. 2169) may be retained and used for salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302, and shall remain available until expended.

(d) This section shall apply to fiscal year 1999 and each succeeding fiscal year.

SEC. 507. Sec. 505 of Public Law 102-377, the Fiscal Year 1993 Energy and Water Development Appropriations Act, and section 208 of Public Law 99-349, the Urgent Supplemental Appropriations Act, 1986, are repealed.

IMPLEMENTATION OF EXTERNAL REGULATION

SEC. 508. (a) TRANSFER OF AUTHORITY.—Notwithstanding any other provision of law, no later than March 31, 1999, the Department of Energy shall not implement and enforce its own regulatory system, through rules, regulations, orders, or standards, with regard to the Ernest Orlando Lawrence Berkeley National Laboratory for environment, safety, and health, but shall be regulated by the appropriate Federal, State, and local agencies as provided by the applicable Federal, State, and local laws and regulations: *Provided*, That for this facility, the Department shall be deemed to be a "person" under the Atomic Energy Act of 1954, as amended.

(b) DEPARTMENT OF ENERGY REPORTING REQUIREMENT.—By October 31, 1998, the Secretary of Energy shall transmit to the Congress a plan for termination of its authority to regulate its contractors and to self-regulate its own operations in the areas of environment, safety, and health at the facility named in section (a). The report shall include—

(1) A detailed transition plan, giving the schedule for termination of self-regulation authority as outlined in section (a), including the activities to be coordinated with the Nuclear Regulatory Commission (NRC) and the Occupational Safety and Health Administration (OSHA);

(2) A description of any issues remaining to be resolved with the NRC and OSHA or other external regulators, and a timetable for resolving such issues before March 31, 1999; and

(3) An estimate of the current annual cost of administering and implementing self-regulation of environment, safety, and health activities at all Department of Energy facilities, and an estimate of the number of Federal and contractor employees currently administering and implementing self-regulation of environment, safety and health activities at each of the facilities. For the Lawrence Berkeley National Laboratory, there should also be an estimate of the cost of the external regulators based on the pilot project of simulated NRC regulation which has already been conducted; an estimate of the cost and number of Federal and contractor employees currently administering and implementing self-regulation of environment, safety and health activities at the Laboratory; and an estimate of the extent and schedule by which the Department and Laboratory staffs will be reduced as a result of implementation of section (a).

(c) NUCLEAR REGULATORY COMMISSION REPORTING REQUIREMENT.—By January 30, 1999, the Chairman of the Nuclear Regulatory Commission shall submit to Congress a plan for regulating accelerator-produced radioactive material, and ionizing radiation generating machines at Department of Energy facilities. The report shall:

(1) Recommend what statutory changes, if any, would be needed to provide the Commission with the authority to regulate accelerator use at Department of Energy facilities;

(2) Identify what additional Commission resources would be needed to accomplish such regulation; and

(3) Identify any existing technical or regulatory obstacles to the Commission regulation of accelerator use.

The CHAIRMAN. Are there any further amendments?

AMENDMENT OFFERED BY MR. FOLEY

The CHAIRMAN. If not, the pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. FOLEY) on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 147, noes 261, not voting 25, as follows:

[Roll No. 252]

AYES—147

Abercrombie
Allen
Andrews
Bachus
Baldacci
Barrett (WI)
Bass
Bilbray
Blagojevich
Blumenauer
Bonior
Brown (OH)
Campbell
Capps
Chabot
Christensen
Clay
Coble
Coburn
Conyers
Cox
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
Delahunt
DeLauro
Doggett
Duncan
Engel
English
Ensign
Evans
Farr
Foley
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gephardt
Gibbons
Harman
Hastings (FL)
Hefley
Hilliard
Hinchey
Hooley
Hulshof
Hutchinson
Inglis
Jackson (IL)
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klug
Kucinich
LaHood
Lampson
Lantos
Largent
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Markey
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McInnis
McIntosh
McKinney
Meeks (NY)
Menendez
Metcalf
Miller (FL)
Minge
Mink
Moakley
Morella
Neal
Neumann
Ney
Oberstar
Olver
Pallone
Pappas
Paul
Paxon
Payne
Pelosi
Peterson (MN)
Petri
Pitts
Ramstad
Rivers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanchez
Sanders
Sanford
Scarborough
Schaffer, Bob
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Smith (NJ)
Smith, Adam
Snowbarger
Stabenow
Stark
Stearns
Stokes
Sununu
Talent
Thune
Tierney
Velázquez
Vento
Waters
Waxman
Wexler
Weygand
Whitfield
Woolsey
Yates

NOES—261

Aderholt
Archer
Armey
Baesler
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chambliss
Chenoweth
Clayton
Clement
Clyburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Davis (VA)
DeGette
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Fossella
Fowler
Fox
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kelly
Kim
King (NY)
Klink
Knollenberg
Kolbe
LaFalce
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Manton
Manzullo
Martinez
Mascara
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McIntyre
McKeon
Meek (FL)
Mica
Millender-McDonald
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Northup
Norwood
Nussle
Obey
Ortiz
Packard
Parker
Pastor
Pease
Peterson (PA)
Pickering
Pickett
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Ryun
Sandlin
Sawyer
Saxton
Schaefer, Dan
Scott
Sessions
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snyder
Solomon
Souder
Spence
Spratt
Stenholm
Strickland
Stump
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (PA)
Weller
White
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—25

Ackerman
Baker
Becerra
Cannon
Carson
Gonzalez
Gordon
Gutierrez
Livingston
Maloney (NY)
McNulty
Meehan
Miller (CA)
Nadler
Owens
Oxley
Pascrell
Portman
Poshard
Rangel
Rush
Schumer
Torres
Towns
Weldon (FL)

□ 1952

Mrs. NORTHUP and Messrs. RODRIGUEZ, SPRATT, GOSS, WELLER, DAVIS of Virginia, EHLERS, HOSTETTLER and EHRLICH changed their vote from "aye" to "no."

Ms. DELAURO, Ms. KILPATRICK, and Messrs. BACHUS, LEWIS of Georgia, DEAL of Georgia, and BOB SCHAFFER of Colorado changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the final lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Energy and Water Development Appropriations Act, 1999".

The CHAIRMAN. If there are no further amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. BARRETT of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4060) making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes, pursuant to House Resolution 478, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

Without objection, the proceedings on H.R. 4059 will resume immediately after this vote, and the Chair will reduce to 5 minutes the minimum time for any electronic vote on the passage of H.R. 4059.

There was no objection.

The vote was taken by electronic device, and there were—yeas 405, nays 4, not voting 24, as follows:

[Roll No. 253]

YEAS—405

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement

Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Packard
Pallone
Pappas
Parker
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—4

Ensign
Gibbons
Paul
Sensenbrenner

NOT VOTING—24

Ackerman
Baker
Becerra
Cannon
Carson
Gonzalez
Gordon
Gutierrez
Maloney (NY)
McNulty
Meehan
Miller (CA)
Nadler
Owens
Oxley
Pascrell
Portman
Poshard
Rangel
Rush
Schumer
Torres
Towns
Weldon (FL)

□ 2010

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each question on which further proceedings were postponed earlier today in the following order:

H.R. 4059, by the yeas and nays; House Concurrent Resolution 288, by the yeas and nays; House Resolution 452, by the yeas and nays; approval of the Journal, de novo.

Pursuant to the previous order of today, the Chair will reduce to 5 minutes the time for each electronic vote, including the first such vote in this series.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. The pending business is the question of passage of the bill, H.R. 4059, on which further proceedings were postponed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 396, nays 10, not voting 27, as follows:

[Roll No. 254]

YEAS—396

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

Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—10

Conyers
Frank (MA)
Furse
Lofgren
McKinney
Paul
Royce
Sensenbrenner
Stark
Yates

NOT VOTING—27

Ackerman
Baker
Becerra
Cannon
Carson
Gonzalez
Gordon
Gutierrez
Hobson
Maloney (NY)
Manton
McNulty
Meehan
Miller (CA)
Nadler
Owens
Oxley
Pascrell
Porter
Portman
Poshard
Rangel
Rush
Schumer
Torres
Towns
Weldon (FL)

□ 2018

Mrs. CHENOWETH changed her vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PORTER. Mr. Speaker, on rollcall No. 254, I was unavoidably detained on the telephone regarding tomorrow's markup of my subcommittee appropriation bill for Labor, Health and Human Services, and Education. I regret greatly missing this vote. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. HOBSON. Mr. Speaker, on rollcall No. 254, I was unavoidably detained. Had I been present, I would have voted "yes."

SENSE OF CONGRESS THAT UNITED STATES SHOULD SUPPORT FEDERAL LAW ENFORCEMENT AGENTS' EFFORTS REGARDING MEXICAN FINANCIAL INSTITUTIONS

The SPEAKER pro tempore (Mr. LATOURETTE). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 288.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 288, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 3, not voting 26, as follows:

[Roll No. 255]

YEAS—404

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

NAYS—3

Kolbe
Paul
Sanford

NOT VOTING—26

Ackerman
Baker
Becerra
Cannon
Carson
Gonzalez
Gordon
Gutierrez
Herger
Maloney (NY)
Manton
McNulty
Meehan
Miller (CA)
Nadler
Owens
Oxley
Pascrell
Portman
Poshard
Rangel
Rush
Schumer
Torres
Towns
Weldon (FL)

□ 2026

Mr. SANFORD and Mr. KOLBE changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SENSE OF HOUSE THAT BOARD OF GOVERNORS OF UNITED STATES POSTAL SERVICE SHOULD REJECT RECOMMENDED POSTAGE RATE INCREASE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 452.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the resolution, H. Res. 452, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 393, nays 12, not voting 28, as follows:

[Roll No. 256]

YEAS—393

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

NAYS—12

Borski
Brady (PA)
Campbell
Ehlers
Hoyer
Klink
Kolbe
LaHood
McHale
Sanford
Smith, Adam
Thomas

NOT VOTING—28

Ackerman
Baker
Becerra
Cannon
Carson
Cox
Gonzalez
Gordon
Gutierrez
Kasich
Maloney (NY)
Manton
McNulty
Meehan
Miller (CA)
Nadler
Owens
Oxley
Pascrell
Portman
Poshard
Rangel
Rush
Schumer
Shuster
Torres
Towns
Weldon (FL)

□ 2034

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, because I was in my district conducting a town meeting, I was absent for rollcall votes 252, 253, 254, 255 and 256.

Had I been in attendance, I would have voted "yea" on rollcall votes 252, 253, 254, 255, and 256.

THE JOURNAL

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

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

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2908

Mr. WATT of North Carolina. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2908, a bill to repeal the patient transfer provision in the 1997 Balanced Budget Act.

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

There was no objection.

PERSONAL EXPLANATION

Mr. SKAGGS. Mr. Speaker, I include for the RECORD a listing of how I would have voted on several missed votes during a recent illness last month.

VOTES MISSED DURING ILLNESS

Mr. Speaker, last month I underwent emergency surgery and then spent some time recuperating. As a result, I missed a number of recorded votes. Had I been present, I would have voted as follows:

On vote number 122—no.
On vote number 123—yes.
On vote number 124—no.
On vote number 125—yes.
On vote number 126—yes.
On vote number 127—no.
On vote number 128—yes.
On vote number 129—no.
On vote number 130—yes.
On vote number 131—yes.
On vote number 132—no.
On vote number 133—no.
On vote number 134—no.
On vote number 135—yes.

On vote number 136—yes.
On vote number 137—no.
On vote number 138—yes.
On vote number 139—yes.
On vote number 140—yes.
On vote number 141—yes.
On vote number 142—yes.
On vote number 143—yes.
On vote number 144—no.
On vote number 145—no.
On vote number 146—yes.
On vote number 147—yes.
On vote number 148—yes.
On vote number 149—yes.
On vote number 150—no.
On vote number 151—no.
On vote number 152—no.
On vote number 153—no.
On vote number 154—yes.
On vote number 155—no.
On vote number 156—yes.
On vote number 157—yes.
On vote number 158—yes.
On vote number 159—yes.
On vote number 160—no.
On vote number 161—yes.
On vote number 162—yes.
On vote number 163—no.
On vote number 175—yes.
On vote number 178—yes.
On vote number 181—yes.
On vote number 182—no.
On vote number 183—yes.
On vote number 184—yes.
On vote number 185—yes.
On vote number 186—no.
On vote number 187—no.
On vote number 188—no.
On vote number 189—yes.
On vote number 190—yes.
On vote number 191—yes.
On vote number 192—no.

PERSONAL EXPLANATION

Mrs. MINK of Hawaii. Mr. Speaker, according to the printed RECORD, I was recorded as not voting on rollcall 247 on Thursday, June 18, 1998. I was on the floor and voting.

I wish to have the fact reflected that had I been recorded, I would have voted "no."

SPECIAL ORDERS

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

RESTRICTIONS ON DISCLOSURE OF INFORMATION BY PROSECUTORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, I include for the RECORD the following excerpts from the Department of Justice guidelines, the Rules of Professional Responsibility for the District of Columbia Bar, the American Bar Association's Standards of Professional Conduct, and the Rule of the District Court of the District of Columbia concerning a prosecutor's obligations not to publicly disclose confidential investigative information.

The material referred to is as follows:

DEPARTMENT OF JUSTICE GUIDELINES RE: LEAKS TO PRESS

1–7.510 *Non-Disclosure of Information*

At no time shall any component or personnel of the Department of Justice furnish any statement or information that he or she knows or reasonably should know will have a substantial likelihood of materially prejudicing an adjudicative proceeding.

(United States Attorneys' Manual, Chapter 7, Section 1–7.510)

1–7.530 *Disclosure of Information Concerning Ongoing Investigations*

a. Except as provided in subparagraph (b) of this paragraph, components and personnel of the Department shall not respond to questions about the existence of an ongoing investigation or comment on its nature or progress, including such things as the issuance or serving of a subpoena, prior to the public filing of the document.

b. In matters that have already received substantial publicity, or about which the community needs to be reassured that the appropriate law enforcement agency is investigating the incident, or where release of information is necessary to protect the public interest, safety, or welfare, comments about or confirmation of an ongoing investigation may need to be made

1–7.550 *Concerns of Prejudice*

Because the release of certain types of information could tend to prejudice an adjudicative proceeding, Department personnel should refrain from making available the following:

a. Observations about a defendant's character;

b. Statements, admissions, confessions, or alibis attributable to a defendant, or the refusal or failure of the accused to make a statement;

c. Reference to investigative procedures, such as fingerprints, polygraph examinations, ballistics tests, or forensics services, including DNA testing, or to the refusal by the defendant to submit to such tests or examinations;

d. Statements concerning the identity, testimony, or credibility of prospective witnesses;

e. Statements concerning evidence or argument in the case, whether or not it is anticipated that such evidence or argument will be used at trial;

f. Any opinion as to the defendant's guilt, or the possibility of a plea of guilty to the offense charged, or the possibility of a plea of a lesser offense.

(United States Attorneys' Manual Chapter 7, Section 1–7.550)

RULES OF PROFESSIONAL RESPONSIBILITY (DC BAR) RE: LEAKS TO PRESS

Rule 3.8 Special Responsibilities of a Prosecutor

The Prosecutor in a Criminal Case Shall Not:

(f) Except for statements which are necessary to inform the public of the nature and extent of the prosecutor's action and which serve a legitimate law enforcement purpose, make extrajudicial comments which serve to heighten condemnation of the accused;

(District of Columbia Rules of Court—Rules Governing the District of Columbia Bar. Appendix A, Rules of Professional Conduct Advocate, Rule 3.8)

Comment [2] . . . Indeed, because of the power and visibility of a prosecutor, the prosecutor's compliance with these Rules, and recognition of the need to refrain even from some actions technically allowed to other lawyers under the Rules, may, in certain instances, be of special importance. For example, Rule 3.6 prohibits extrajudicial statements that will have a substantial likelihood of destroying the impartiality of the judge or jury. In the context of a criminal prosecution, pretrial publicity can present the further problem of giving the public the incorrect impression that the accused is guilty before having been proven guilty through the due process of the law. It is unavoidable, of course, that the publication of an indictment may itself have severe consequences for an accused. What is avoidable, however, is extrajudicial comment by a prosecutor that serves unnecessarily to heighten public condemnation of the accused without a legitimate law enforcement purpose before the criminal process has taken its course. When that occurs, even if the ultimate trial is not prejudiced, the accused may be subjected to unfair and unnecessary condemnation before the trial takes place. Accordingly, a prosecutor should use special care to avoid publicity, such as through televised press conferences, which would unnecessarily heighten condemnation of the accused.

(District of Columbia Rules of Court—Rules Governing the District of Columbia Bar. Appendix A, Rules of Professional Conduct Advocate, Comment 2)

Comment [3] Nothing in this comment, however, is intended to suggest that a prosecutor may not inform the public of such matters as whether an official investigation has ended or is continuing, or who participated in it, and the prosecutor may respond to press inquiries to clarify such things as technicalities of the indictment, the status of the matter, or the legal procedures that will follow. Also, a prosecutor should be free to respond, insofar as necessary, to any extrajudicial allegations by the defense of unprofessional or unlawful conduct on the part of the prosecutor's office.

(District of Columbia Rules of Court—Rules Governing the District of Columbia Bar. Appendix A, Rules of Professional Conduct Advocate, Comment 3)

ABA STANDARDS RE: LEAKS TO PRESS

Standards 3–1.4 Public Statements

(a) A prosecutor should not make or authorize the making of an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication if the prosecutor knows or reasonably should know that it will have a substantial likelihood of prejudicing a criminal proceeding.

(b) A prosecutor should exercise reasonable care to prevent investigators, law enforcement personnel, employees, or other persons assisting or associated with the prosecutor from making an extrajudicial statement that the prosecutor would be prohibited from making under this Standard.

(ABA Standards for Criminal Justice: Prosecution Function and Defense Function, 3rd ed., Standard 3–1.4.0, p. 12–13)

Relationship to Other Standards (Standard 3–1.4)

. . . Both Model Rule 3.6 and the Fair Trial and Free Press Standards contain lists of the types of statements that can ordinarily be presumed to violate or not to violate the strictures of this section. Fair Trial and Free Press Standards 8–1.1(b) and (c) provide as follows:

(b) Statements relating to the following matters are ordinarily likely to have a substantial likelihood of prejudicing a criminal proceeding:

* * * * *

(3) the opinion of the lawyer on the guilt of the defendant, the merits of the case or the merits of the evidence in the case;

(4) the existence or contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make a statement;

(5) the performance of any examinations or tests, or the accused's refusal or failure to submit to an examination or test, or the identity or nature of physical evidence expected to be presented;

* * * * *

(8) information which the lawyer knows or has reason to know would be inadmissible as evidence in a trial;

Standard 3-1.5 Duty to Respond to Misconduct

(a) Where a prosecutor knows that another person associated with the prosecutor's office is engaged in action, intends to act or refuses to act in a manner that is a violation of a legal obligation to the prosecutor's office or a violation of law, the prosecutor should follow the policies of the prosecutor's office concerning such matters.

(ABA Standards for Criminal Justice Prosecution Function and Defense Function, Standard 3-1.5 (a), p. 17)

D.C. DISTRICT COURT RULES RE: LEAKS TO PRESS

RULES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Title III. Criminal Rules.

(b) Conduct of Attorneys in Criminal Cases.

(1) It is the duty of the lawyer or law firm not to release or authorize release of information or opinion which a reasonable person would expect to be disseminated by means of public communication, in connection with pending or imminent criminal litigation with which the lawyer or the law firm is associated, if there is a reasonable likelihood that such dissemination will interfere with a fair trial or otherwise prejudice the due administration of justice.

(2) With respect to a grand jury or other pending investigation of any criminal matter, a lawyer participating in or associated with the investigation shall refrain from making any extrajudicial statement which a reasonable person would expect to be disseminated by means of public communication, that goes beyond the public record or that is not necessary to inform the public that the investigation is underway, to describe the general scope of the investigation, to obtain assistance in the apprehension of a suspect, to warn the public of any dangers, or otherwise to aid in the investigation.

(3) the prosecution . . . shall not release or authorize the release of any extrajudicial statement which a reasonable person would expect to be disseminated by means of public communication, relating to that matter and concerning:

(ii) The existence or contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make any statement;

(iii) The performance of any examinations or tests or the accused's refusal or failure to submit to an examination or test;

(v) The possibility of a plea of guilty to the offense charged or a lesser offense;

(vi) Any opinion as to the accused's guilt or innocence or as to the merits of the case or the evidence in the case.

(District of Columbia Rules of Court—Rules of the US District Court for D.C., Title III. Criminal Rules, Rule 308b)

(c) Orders in Widely Publicized or Sensational Cases. In a widely publicized or sensational criminal case, the Court, on motion of either party or on its own motion, may issue a special order governing such matters as extrajudicial statements by parties, witnesses and attorneys likely to interfere with the rights of the accused to a fair trial by an impartial jury, the seating and conduct in the courtroom of spectators and news media representatives, the management and sequestration of jurors and witnesses, and any other matters which the Court may deem appropriate for inclusion in such an order.

(District of Columbia Rules of Court—Rules of the US District Court for D.C., Title III. Criminal Rules, Rule 308b)

Mr. Speaker, the Department of Justice guidelines concerning leaks to the press, 1-7.510, Non-Disclosure of Information:

At no time shall any component or personnel of the Department of Justice furnish any statement or information that he or she knows or reasonably should know will have a substantial likelihood of materially prejudicing an adjudicative proceeding.

From the United States Attorneys' Manual, Chapter 7, Section 1-7.510.

Disclosure of Information Concerning Ongoing Investigations:

The Department shall not respond to questions about the existence of an ongoing investigation or comment on its nature or progress.

1-7.550. Concerns of Prejudice:

Department personnel should refrain from making available the following:

Section a. Observations about a defendant's character;

Section b. Statements, admissions, confessions, or alibis attributable to a defendant, or the refusal or failure of the accused to make a statement;

Section d. Statements concerning the identity, testimony, or credibility of prospective witnesses;

Section e. Statements concerning evidence or argument in the case, whether or not it is anticipated that such evidence or argument will be used at trial;

Section f. Any opinion as to the defendant's guilt, or the possibility of a plea of guilty to the offense charged, or the possibility of a plea of a lesser offense.

From the United States Attorneys' Manual, Chapter 7, Section 1-7.550.

Rules of Professional Responsibility of the D.C. Bar, re Leaks to the Press.

Rule 3.8. Special Responsibilities of a Prosecutor:

The prosecutor in a criminal case shall not make extrajudicial comments which serve to heighten condemnation of the accused. For example, Rule 3.6 prohibits extrajudicial statements that will have a substantial likelihood of destroying the impartiality of the judge or jury. What is avoidable is extrajudicial comment by a prosecutor that serves unnecessarily to heighten public condemnation of the accused without a legitimate law enforcement purpose before the criminal process has taken its course.

Finally, Mr. Speaker, with regard to the American Bar Association's standards concerning leaks to the press.

Standards 3-1.4(b):

A prosecutor should exercise reasonable care to prevent investigators, law enforcement personnel, employees, or other persons assisting or associated with the prosecutor from making an extrajudicial statement that the prosecutor would be prohibited from making under this Standard. Statements relating to the following matters are ordinarily likely to have a substantial likelihood of prejudicing a criminal procedure.

□ 2045

The opinion of the lawyer on the guilt of the defendant, the merits of the case or the merits of the evidence in the case, the existence or contents of any confession, admission or statement by the accused, or the refusal or failure of the accused to make a statement.

SUPPORT MY LEGISLATION TO REFORM THE IRS

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

Mr. FOX of Pennsylvania. Mr. Speaker, I rise to address my colleagues tonight with regard to the importance of the reform of IRS. They certainly have gone a step in the right direction, Mr. Speaker, both in the House and the Senate with the IRS restructuring format, and that is certainly a bill I expect to have conference committee approve, have both Chambers approve and then eventually be signed by the President.

But added on to that is certainly another piece of legislation called the Taxpayer Bill of Rights III which I have introduced, Mr. Speaker, and its purpose is to make sure we go even further for our constituents to make sure that they are protected when it comes to dealings with the IRS. We only have to look to September of 1997 when the Senate Finance Committee held hearings and had IRS agents under anonymity, under hoods with scrambled speech testifying in front of Mr. ROTH's committee just to the problems that have been outlined, whether it be fishing expeditions or the fact that mom and pop stores were the ones that were targeted for IRS investigations, the ones least likely to have either attorneys or accountants to assist them in determining whether or not an IRS tax was due or not.

And so in my legislation, besides the fact that we changed the burden of proof, instead of presuming that in fact the constituents are guilty, instead the constituents or taxpayers in this case will be presumed innocent and the IRS Commissioner would have to prove otherwise, in addition the legislation calls for increased probable cause, no more quotas.

As you have heard the testimony in the Senate hearings, there in fact were quotas for different IRS offices across the country which said there had to be

so many audits or investigations, and certainly having quotas is certainly not the kind of jurisprudence that our courts envisioned or this country through its leaders would envision.

In addition, the bill calls for whistleblower protection, so if you report wrongdoing by an IRS employee or an office, that in fact you could not be audited then because you came forth to tell the truth.

In addition, the IRS would be responsible for any bad advice it gives, just as much as anyone else would who is in a similar official setting. IRS would be held to whatever advice it does give even though others may have relied to their detriment.

In addition, when the IRS overreaches and causes a taxpayer, an individual, business or legal loss, then the IRS would be responsible for that, and obviously it is our hope that through the anecdotal evidence which has been brought forward in the Senate hearings as well as House hearings, that in fact the American public can feel more secure as a result of this legislation, that there will not be quotas, fishing expeditions or in fact overreaching by the IRS in the future.

And finally, the bill calls for mediators to be appointed, Mr. Speaker, in the event that a taxpayer wants to settle a claim, that in fact the IRS would have to appoint a mediator for the purpose of trying to settle that claim.

And I applaud Members on both sides of the aisle for their efforts to work together to make sure we recast the IRS into an agency that is concentrated on service and in fairness. And while I am sure most of the IRS, if not the majority of the employees working there are doing what they think is best, the fact is that we have to change the code and the way the IRS is operating under changes of burden of proof which will, together with the agency, make sure that we make the reforms that the American people want and they deserve.

CRISIS IN AGRICULTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. MINGE) is recognized for 5 minutes.

Mr. MINGE. Mr. Speaker, in the late 1990's we are facing a crisis in agriculture that is reminiscent of what we faced in the mid-1980's. It is also reminiscent of what we faced a century ago when William Jennings Bryan talked about crucifying American farmers on a cross of gold, when he talked about how our cities could be burned or factories could be destroyed and they would rise again, but if you destroy American agriculture, you can destroy our civilization. We have a unique responsibility, I submit, at the Federal level to show a continuing concern about the state of the agricultural economy.

It is unique in our country in the sense that we have a virtually pure form of competition for many of the crops and products that we produce among the producers. It is a true law of supply and demand that governs the market and governs the price. Other sectors of our economy are not bound by these stark principles to nearly the same extent.

Businesses can choose and work to differentiate the service that they provide, the product that they sell, from the competition. It may not be different, but the perception is it is different. Whether it be breakfast food, beer or some other commodity, we know that through careful advertising and brand promotion the consumers feel that they actually are receiving something substantially different from one producer compared to another.

But if you go to the country and you say you are interested in buying No. 2 yellow corn, it does not make any difference which farm that corn came from. No. 2 yellow corn is fungible with all other No. 2 yellow corn produced, or spring wheat or durum wheat or soybeans, and the list of products grown on our farms goes on and on.

Similarly, although one hog producer can strive for better genetics and more efficient production, when it comes to the marketplace, as long as those genetics and that production principle is basically the same, one farmer is receiving the same price as the next.

So what has this led to here in the late 1990s? Well, the price of corn in my part of the country, the northern corn belt, is dropping to $2 a bushel and possibly lower. We see wheat dropping below $3 a bushel. These two key crops are more important to the American farm economy than any others, and when the prices are dropping in those key crops, and we know that production costs are up, we are talking about some pretty serious difficulty.

In 1996 we passed a new farm bill with a 7-year life. It provided for transition payments and transition programs. And how was that farm bill serving us in the late 1990's, just barely 2 years later? My colleagues, I regret to report it is not serving us well.

The transition payments, which are costing the U.S. Treasury tens of billions of dollars, have been capitalized into land costs, higher rents for producers, more difficult for new and beginning farmers to establish themselves. Unfortunately, these transition payments are not providing the farmers with a nest egg that they can put to one side in a good year and use in a poor year. Instead, it is money that has to be spent in what was hoped to be a good year, and when the poor year comes there is nothing at all.

We are in a poor year. Figures from the U.S. Commerce Department indicate that agricultural income is down 98 percent in North Dakota, 98 percent from 1996 to 1997. In Missouri it is down 72 percent. In Minnesota it is down 38 percent. These are dramatic figures. It is leading to hundreds, if not thousands, of bankruptcies and farm closures and foreclosures.

We must act in this body to recognize that unless Congress and the Federal Government helps farmers by creating tools that they can use to manage risk, we are going to continue to lose hundreds of thousands of farmers over the next few years in the United States, a loss we cannot afford.

DO NOT VETO THE IRAN MISSILE PROLIFERATION SANCTIONS ACT OF 1997

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BERMAN) is recognized for 5 minutes.

Mr. BERMAN. Mr. Speaker, I am taking out this special order here today in conjunction with my friend and colleague from Texas (Mr. FROST) to discuss H.R. 2709, the Iran Missile Proliferation Sanctions Act of 1997. The President must decide tomorrow whether or not to veto H.R. 2709, which was sent to him on June 10.

This is legislation which Congress and the administration have discussed and debated again and again. It was first introduced in October 1997, followed by hearings and briefings with the administration, including at least two lengthy meetings between Vice President GORE and congressional sponsors of the legislation. In June it was sent to the President after a 392 to 22 vote.

The Senate passed this legislation 90 TO 4. It has such great support in the Congress because it is aimed at halting one of the major threats to international stability, Iran's program of developing missile delivery systems for its nuclear, chemical and biological weapons program.

There is no doubt about the Iranian program. Iran's Shihab-3 and Shihab-4 missiles are being designed with external help, reportedly primarily but not exclusively Russian, to a range of 930 to 1,250 miles. There have been additional reports that the Iranian objective is to develop a multistage, intercontinental missile with a range of 3,500 miles.

I agree with the Secretary of State that we should engage Iran. We should not let the memory of the taking of American hostages in our Embassy in Tehran almost 20 years ago forever determine our relationships with Iran. We should seek to expand our person-to-person contacts and work to resolve differences that separate us.

However, it is important to note that while President Khatami is pursuing more moderate domestic policies, it is not clear how much control he exercises or what his real intentions are

with respect to foreign and defense policy. We cannot ignore the threat Iran's weapons programs and support for terrorism pose to regional peace and American interests in people. We should not change our policy toward Iran without seeing significant changes in Iran's behavior.

Iran's weapons of mass destruction programs continue to be of grave concern. U.S. officials have said publicly that Iran has a large and increasingly self-sufficient chemical weapons program and probably has produced biological warfare agents as well. Administration officials have publicly confirmed that Iran is trying to acquire a nuclear weapons capability.

And while Iranian President Khatami has categorically rejected terrorist attacks against civilians, he has yet to back his words with action. According to State Department's most recent report on terrorism, Iran remains the most active state sponsor of terrorism. Last fall Iran hosted representatives of numerous terrorist groups at a conference of liberation movements where they discussed greater coordination and support for some of the groups.

When the administration waived the Iran and Libya Sanctions Act of 1996, sanctions on European companies and Malaysia, it said that it did so because it wanted to focus on preventing proliferation rather than preventing investments in the Iranian oil industry. While I do not endorse the administration's rationale for the ILSA sanctions waiver, I cannot help but note that the Iran Missile Proliferation Sanctions Act does what the administration says it wants. It focuses on proliferation.

It would be incongruous for the administration to veto this bill, because we can already see the consequence of the administration's waivers of the ILSA sanctions. The President should welcome this legislation, not decry it.

□ 2100

On too many occasions in the past 3½ years, the leadership in this House has tried to tie the President's hand in foreign policy and overrule his prerogative to lead on national security matters. This is not such an effort.

Although the President must make a classified report to Congress of "credible information on foreign entities which have transferred missile technology to Iran," it is the President who determines what is credible. Thirty days later he must impose sanctions on those entities. These sanctions are not targeted against any country or government, but are narrowly targeted against the companies themselves, and the President may waive the imposition of sanctions, either because he is persuaded that the information contained in the report to Congress is incorrect or if he determines that the waiver is essential to the national security. And what are the sanctions that we are talking about? Simply that the entity or company that has proliferated this missile technology to Iran faces the loss of exports.

The bill has been significantly improved since it was first introduced. First, it is no longer retroactive beyond January 1998. Second, it allows for a classified report to be submitted to the Congress and permits the President to suspend sanctions. Third, it is limited to the transfer of items already contained on the Missile Technology Control Regime (MTCR) list—goods which are widely considered as benefiting a missile system—or additional items which the President determines to be of concern.

When this bill was debated last November in the House, the Administration suggested that the standard of evidence was so low that the U.S. would be forced to impose "erroneously" sanctions on foreigners. I find this to be a difficult argument to accept. The concept of this or any Administration "rushing to an erroneous judgment" on any issue subject to the availability and evaluation of intelligence data is hard to imagine. Is "credible information" so weak a standard that it would result in the erroneous imposition of sanctions when the President has the discretion to determine whether or not the information is credible? If the President has evidence that seemingly credible information is not accurate, then by definition the information is no longer credible.

With a great deal of evidence accumulated since 1994, the Administration still has not determined whether or not to sanction China for transferring entire M–11 missiles to Pakistan.

Yes, there are existing sanctions laws which attempt to restrict weapons proliferation. This bill is different from some existing laws because, unlike the Iran-Iraq Arms Non-Proliferation Act of 1992, and unlike existing law, the President must report to the Congress credible information about a violation and then he has thirty days to impose a sanction unless he uses the waiver procedure. There is no doubt that this legislation makes it more difficult for the President to evade responsibility for imposing sanctions. Some may think it best to make it easier for the President to evade the intent of the Congress. That is not my view.

This bill should not be construed as anti-Russian—it applies to companies anywhere that aid Iran. Administration officials say that this legislation will damage our relationship with Russia at a time when Moscow is tightening controls over sensitive exports. If, indeed, the Russians are taking steps that comply with the Act's provisions, they will not be sanctioned. Even if Russian companies are sanctioned, U.S.-Russian relations will survive because our two countries have many shared interests and concerns. We cannot afford to stop working with each other. And the United States remains committed to strengthening Russia's democratic transition. The bill now comports with Russian law and should be construed as a cooperative tool in our joint struggle to stop the dangerous flow of illegal technology to Iran.

The Russian Government has taken many positive steps to restrict sensitive exports. On May 5th the Deputy Head of Administration of the Russian President stated that "Military and dual purpose technologies constitute the national treasure of Russia, which has been created by successive generations of our people. Therefore the export control shall completely exclude any possibility of squandering unique domestic technologies, materials, parts, intellectual property, and prevent leaks of classified state and military data." This is a very helpful statement and the additional measures that the Russians have taken to control exports are also praiseworthy. They are a tribute to the seriousness with which the Russians take this issue and a tribute to the Administration, especially Vice President GORE, who has worked extraordinarily hard with the Russians to come to a common understanding of the seriousness of the Iranian threat and to a common approach to confronting that threat.

Vetoing this bill would be a mistake, sending instead a signal that the Administration is not as committed as it claims to be in preventing Iran from threatening its neighbors and the world.

The strong support that this legislation has received indicates that should the President veto this bill, his veto will be over-ridden. This legislation makes a substantial contribution to the fight against proliferation and has the overwhelming support of the U.S. Congress.

THE IRAN MISSILE PROLIFERATION SANCTIONS ACT

The SPEAKER pro tempore (Mr. BLUNT). Under a previous order of the House, the gentleman from Texas (Mr. FROST) is recognized for 5 minutes.

Mr. FROST. Mr. Speaker, I rise to join my colleague, the gentleman from California, in support of H.R. 2709, the Iran Missile Proliferation Sanctions Act, and to urge the President to sign this most important legislative initiative.

This is an important proposal that seeks to protect United States national security interests in the Middle East by stemming the flow of missile technology and expertise to Iran. While the administration may have objections to several of the sanctions imposed by the bill, I would submit that the President's authority to make foreign policy is protected in the bill by granting him the authority to waive those sanctions under specific circumstances.

Mr. Speaker, this proposal is especially important since intelligence reports show if Iran succeeds in its efforts to acquire weapons of mass destruction and the missiles to deliver them, within a year it could have the indigenous capability to begin assembly and testing of ballistic missiles capable of hitting Israel, other targets in the Middle East, as well as parts of Europe and Asia.

Mr. Speaker, Iran already possesses chemical weapons and is intensely working toward acquiring biological and nuclear weapons capability. These are dangerous trends, Mr. Speaker, and the United States must take action to stop these developments.

What is troubling is that technology and expertise has come to Iran from

foreign companies, primarily, but not exclusively, Russian companies. In previous years, China and North Korea provided this assistance; today, Russian companies are providing highly advanced technology. In fact, Mr. Speaker, U.S. military intelligence reports, reports that have been publicly cited, have indicated that Russian entities signed contracts this year to help produce liquid-fueled ballistics missiles, such as the SS-4.

In addition, there have been sales of Russian high technology laser equipment and negotiations between the Russians and Iran for other supplies for the manufacture of missiles as well as the construction of the wind tunnels necessary to test the missiles.

Mr. Speaker, some 9,000 scientists, engineers and technicians from the former Soviet Union are currently in Iran as advisors. Some of these experts are teaching subjects ranging from missile guidance systems to firing circuitry and pyrotechnics of explosive systems. Others are aiding in the rebuilding of the Bushehr nuclear reactor, and the technical advice being given in this project could very well enhance Iran's capability to develop nuclear weapons.

Mr. Speaker, this flow of technology and expertise continues, in spite of the fact that in January of this year, then Russian Prime Minister Chernomyrdin issued a decree to restrict the export of dual-use technology. In addition, Russia is a member of the Missile Technology Control Regime, a volunteer arrangement among countries which share a common interest in arresting missile proliferation. Russia along with the 27 other signatory countries, which includes the United States, has agreed to participate in a regime which consists of common export guidelines applied to a common list of controlled items. But, Mr. Speaker, in spite of Russia's international commitments, Russian entities continue to provide this deadly technology to Iran.

So what is to be done, Mr. Speaker? There are currently sanction requirements in place for those companies which engage in this type of technology transfer. The Iran-Iraq Arms Nonproliferation Act of 1992 requires the President to sanction the governments of those countries who knowingly supply Iran or Iraq with advanced conventional weaponry or technology that contributes to their acquisition of weapons of mass destruction. These sanctions would suspend U.S. assistance to these governments, would suspend codevelopment and coproduction agreements, and would suspend military and dual-use technology agreements that might lead to the transfer of technology or weapons to either Iran or Iraq.

In addition, Mr. Speaker, the Arms Export Control Act and the Export Administration Act both require the imposition of sanctions on governments and entities that violate the Missile Technology Control Regime. Unfortunately, the administration has chosen not to apply the sanctions available in existing law, choosing rather to pursue diplomatic solutions. But, Mr. Speaker, it appears these diplomatic solutions have not cut off the flow of these dangerous technologies to a nation with whom we do not have diplomatic relations.

H.R. 2709 was introduced last fall to press for an end to Russian missile cooperation with Iran. The legislation would sanction any company involved in providing missile technology to Iran. These sanctions should provide the United States with a means to attack the spread of weapons of mass destruction in the Middle East, and, while we might find ourselves standing alone in this fight, it is a worthy stand for us to take. The Congress is on record as supporting this legislation. The bill has 271 cosponsors in the House and 82 cosponsors in the Senate, and passed both houses by an overwhelming bipartisan majority.

Mr. Speaker, if we stand alone in our willingness to stop the spread of death and destruction in the Middle East, then so be it. Our stand is morally correct and the administration should join with the Congress in supporting the imposition of sanctions on those who put financial gain ahead of peace.

SUPPORT FOR THE IRAN MISSILE PROLIFERATION SANCTIONS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, I rise to associate myself with the comments of my colleagues, the gentleman from California (Mr. BERMAN) and the gentleman from Texas (Mr. FROST), and to urge the President to sign legislation that would impose sanctions on those entities that are helping Iran develop ballistic missiles. Ballistic missiles in the hands of the government in Teheran would be destabilizing to the entire Middle East. We do not need to provide assistance to those companies that are assisting this ballistic missile program.

We should seek a rapprochement with the people of Iran. We should look at the recent elections in which a relative moderate, and I emphasize the word relative moderate, was elected President and exercises some authority within the government of Iran. The people of Iran, though, do not benefit from ballistic missiles. Ballistic missiles are not an essential element of the economic development of Iran. Ballistic missiles would simply give the Iranian Government an opportunity to create mischief and death in the entire Middle East area.

The President should welcome the most recent legislation, not as an interference, but rather as a bolstering of his own policies, to control ballistic missile technology.

Mr. Speaker, I urge the President to sign the legislation, and I associate myself with the comments of my colleagues.

DISASTER FACING AGRICULTURE BASE OF NORTH DAKOTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota (Mr. POMEROY) is recognized for 5 minutes.

Mr. POMEROY. Mr. Speaker, a year ago Grand Forks, North Dakota, was ravaged by flooding waters from the Red River. The eyes of the Nation watched with horror as this city of 50,000 suffered not just a devastating flooding event, but, in the middle of all else, fires began in the downtown that ravaged 11 of the major buildings in downtown Grand Forks as well. The attention of this body was focused on that event, and the assistance resulting in the disaster supplemental appropriations bill really played a very critical role in our ability to begin the rebuilding process, a process that continues even today.

Today I take the floor to tell you of another disaster, a disaster that, at least as far as North Dakota is concerned, is every bit as threatening, every bit as devastating, every bit as disastrous as the Grand Forks flood. But this disaster, chances are you will have never heard of, not seen a second of television footage, and be utterly unaware it is occurring. This is a stealth disaster, and it is a disaster facing the agriculture base of the State of North Dakota.

This chart tells the story, just as clearly as this story can be told. The U.S. Department of Commerce reported that in 1996, the net farm income in North Dakota totaled $764 million. One year later, that total had fallen to $15 million net farm income for the entire State, a drop of 98 percent.

The average North Dakota producer lost $23,000 last year, and the average North Dakota producer is, by the way, a family farm, relatively modest in income levels, even in the best of years; a loss of $23,000 last year. Across the State, those making loans available to farmers report that 80 of the borrowers lost money last year.

This disaster is the stealth disaster. Hopefully the remarks of my colleague, the gentleman from Minnesota (Mr. MINGE), the remarks I am making, and our ongoing effort will make it less of a stealth disaster in the weeks to come, but its depth and its consequences are as serious as I could possibly begin to tell you.

One of the consequences inevitably of the kind of economic results I have

just spoken of is revealed in this kind of cryptic gallows humor cartoon. It says "'tis spring, 'tis spring," and it has got the vultures flying over the farm auction postings, a very apt characterization of precisely what is reflected in the newspapers advertising farm auctions. Pages and pages and pages of auction sales reflecting the end of a multi-generation of family farming operations.

Typically each and every auction revealed in these many pages will be a family farm, initially homesteaded, perhaps a century ago, and then farmed successfully now for several generations, until the devastation we have now seen has made continuation of that family farming entity impossible.

Why is this happening? What could possibly be bringing this about? Well, first of all, it is a combination of disastrous production conditions, coupled with disastrous prices, and all occurring in the backdrop of a new farm policy, a farm policy of this country that essentially has substantially reduced in meaningful ways the types of support and assistance the Federal Government had previously maintained for decades to family farmers when they get into trouble.

I think it is important for us to look at the changes in farm policy and draw conclusions in terms of what we must do in the future to react. Clearly, the results shown in North Dakota show the existing safety net is not meeting the challenge facing the farmers in our area and across the country.

REGARDING THE TURKISH TRANSFER OF F-16s TO CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, on June 18th, the Turkish Government sent six F-16s to Northern Cyprus and issued a warning to Greece about its military activity on Cyprus.

The movement by Turkey of F-16s is cause for alarm, because in recent months Ankara has stepped up its belligerent rhetoric over the Cyprus problem. Last month, Turkey abruptly changed its position in the Cyprus peace negotiations and began insisting that three new preconditions be met before meaningful negotiations could take place. This unreasonable turnabout prompted a public rebuke of the Turks from Ambassador Richard Holbrooke, the President's Special Emissary for Cyprus.

With the recent deployment of F-16s to Northern Cyprus, Ankara has edged an already volatile situation that much closer to military confrontation.

□ 2115

What I find to be particularly abhorrent is that the Turks are using American weaponry to destabilize this region.

I and many of my colleagues here in the House have pointed out time and again on the House floor, in committee proceedings, and with legislation that the Turkish presence on the island of Cyprus with 35,000 troops is illegal. Turkey is the only country in the world that has recognized northern Cyprus as an independent country.

Ankara's presence in northern Cyprus, incidentally, is being bolstered by far more than American F-16s. Turkish forces are well-equipped with a laundry list of sophisticated American weaponry. The United States should not allow Ankara to use American-made weapons to enforce the illegal occupation of Cyprus. Using American weapons in this fashion may well be a violation of the Arms Export Control Act.

Turkish arms transfers are not specific to Cyprus, I should point out, Mr. Speaker. There are also illegal transfers of U.S. or NATO standard weapons and other military supplies being sent to Azerbaijan by Turkey. Turkey has long sided with Azerbaijan.

One of the major complications of the Nagorno-Karabagh conflict is the blockade of Armenia and Karabagh by Azerbaijan, and the Turkish blockade of Armenia in support of Azerbaijan. These blockades have made life hard for the Armenian people, stopping vitally needed relief supplies from the U.S. and other countries. Now Turkey is funneling military equipment to Azerbaijan, equipment I have seen myself in a previous visit to the front lines in Nagorno-Karabagh.

Just a few weeks ago I opposed the suggestion that appeared in the media that Turkey may want to transfer American F-16 fighter planes to Azerbaijan. That country already has air superiority because it inherited a lot more airplanes from the Soviet Union than did Armenia. F-16s would give Azerbaijan overwhelming air superiority.

There are now suggestions that Turkey may transfer advanced NATO howitzer or cannon artillery to Azerbaijan. Mr. Speaker, I will be asking my colleagues to join me in sending a letter to the chairman of the Committee on International Relations asking that he hold hearings on the use of American weapons by Turkey in northern Cyprus and Azerbaijan. Any use of American weaponry by Turkey that violates U.S. foreign policy and national security interests must be met with a swift and vigorous change in U.S. policy.

I would also encourage all of my colleagues to join me in pressuring Turkey to be a partner in the search for a lasting peace in the region, and not a contributor to a continuing cycle of violence and tensions.

EXPRESSING CONCERN REGARDING STATEMENT OF DR. THOMAS HOFELLER

The SPEAKER pro tempore (Mr. BLUNT). Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to express my concern for statements attributed to Dr. Thomas Hofeller, the staff director of the Subcommittee on the Census. Dr. Hofeller's comments appeared in David Broder's column in the Washington Post yesterday entitled "Playing Hard Ball on the Census."

In the article, Mr. Hofeller is supposed to have suggested that "Someone should remind Secretary Bill Daley that if he counts people the way he wants to by using sampling, his brother, Chicago's Mayor Richard M. Daley, could find himself trying to run a majority-minority city."

I am not exactly sure what that means, but if these remarks are correctly attributed to the head of the staff of the Subcommittee on the Census, then I am concerned, because I find them to be reprehensible, deplorable, irresponsible, offensive, and yes, even race-laden.

These comments give Americans a real glimpse at some of the rationale behind not using sampling techniques. The comments by Dr. Hofeller suggests that if we do the Census the way the National Academy of Sciences and other professional organizations have suggested that we do it, then someone in some places will not like the results, because minorities in some instances will become the majority.

These vile comments seem designed to put fear in the hearts and minds of non-minority Americans. The comments divide, rather than unite, at a time when we should be coming together as one America.

In addition, what is more troubling is the fact that the comments expressed do not concern themselves with a fair and accurate Census, which should be the goal of every American.

Mr. Hofeller's remarks, if true, suggest that we should continue the pattern of undercounting African Americans, Asian-Americans, Hispanics, the poor, and other minorities. His comments indicate that a fair and accurate census could shift the composition of people in Chicago and other places throughout the country.

What we are dealing with is the fact that there has been a serious undercount of minorities in this country since the first census was taken in 1790. In Chicago during the last census, over 68,000 people were missed. As a result of being missed, millions of dollars in Federal funds were lost. Residents in Chicago were short-changed. Communities throughout the country who were undercounted were short-changed on resources and funds for social services, transit, and education alike.

The reality is that the census should in fact be about a fair and accurate count; nothing more, nothing less. Let us get down with the rhetoric of politics and talk about the real deal, which is counting the American people.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4101, DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Mr. SOLOMON (during the special order of the gentleman from Michigan, Mr. BONIOR) from the Committee on Rules, submitted a privileged report (Rept. No. 105–593) on the resolution (H. Res. 482) providing for the consideration of the bill (H.R. 4101) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

UNIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan (Mr. BONIOR) is recognized for 60 minutes as the designee of the minority leader.

Mr. BONIOR. Mr. Speaker, I am joined tonight by my colleagues, the gentleman from Illinois (Mr. DAVIS) who just spoke, the chief deputy whip of our party, the gentlewoman from Connecticut (Ms. DELAURO), the gentlewoman from California (Ms. BARBARA LEE), and the gentlewoman from California (Ms. LYNN WOOLSEY), as well.

We are here this evening, Mr. Speaker, to talk about unions. We say that word with pride. Earlier this year, many of us heard powerful, real life experience stories by Betty Dumas, Cathy Sharp, and Juan Mazylmian about the challenges they faced when they tried to organize their workplace; a basic right, to organize your workplace for wages, for benefits.

For Juan, he and his fellow asbestos removal workers in New York won union recognition and a shot at a better life. For Cathy Sharp, she struggled in a hospital system where she worked in San Diego and she won union recognition, and a contract that gives nurses more input into the care of their patients.

For Betty Dumas and her fellow workers at the Avondale shipyard in New Orleans, their fight goes on. It is a brave fight, but their resolve remains stronger than ever. They will win that fight, because they are standing up for folks who they work beside every day who are deprived of decent wages and decent benefits and the things that many of us take for granted today at the workplace.

These three individuals touched us in a very special, fundamental way when they spoke to us at our conference in Virginia. We understood their fights were for basic human respect and for basic human dignity.

This week, and particularly on the 24th of June this week, many of us are lending our voices and our support to working men and women around the country. We will be speaking out about their efforts to improve their future. On the 24th, a day to make our voices heard, workers will be showcasing their ambitions and their visions and their successes, and yes, even their heartaches, in their effort to come together to form a union.

It is not easy to do. I will talk about that in a second. There are activities planned in over 70 communities to highlight workers' basic, fundamental rights to organize. From Seattle to Miami and from Burlington to San Diego there will be activities to celebrate past victories, and to remind us of the work that is yet to be done.

Some will say, how difficult is it to join a union? To give you some idea of how hard it is for workers to join together to form a union, let me try to offer an analogy. Imagine waking up the morning after the November election and reading the headlines: Challengers win; challenger wins. Incumbent files objection to the way the election was conducted. The court will issue a decision within 2 to 5 years. Incumbent to hold office pending outcome of litigation. End of headline.

This sounds absurd and profoundly undemocratic, but that is what is happening. That is what is happening to workers in our country whenever they win an NLRB election. That is the National Labor Relations Board's election.

Just winning takes tremendous courage and resolve. Employers and their sophisticated anti-union consultants commonly launch campaigns of terror and fear against workers who try to form a union. Once a worker steps onto their employer's property, their basic human rights of free speech and freedom of assembly and free press, they get left at the curbside.

Workers face union-busting tactics such as threats of being fired or taking away their health insurance; or being forced to attend a compulsory anti-union meeting, either in large groups or in one-on-one shakedown sessions; or threats of moving the plant to Mexico or other countries.

There is in this country, and I am sad to report this, but there is in the country today a multi-million dollar industry that is established just to quash organizing drives in America. Against these odds, workers need all the help they can get.

That is why more and more organizing drives have become community campaigns. Religious and community leaders are speaking out more and more to improve the quality of life of their families and friends and neighbors. There is greater recognition that these drives are part of a larger cause, the fight for human rights and for basic justice.

Organizing not only improves the lives of individual workers, but also the entire community. When those wages go up because workers can come together and band together and bargain for a good contract and good wages, that money gets circulated throughout the community and everyone benefits. It does not stay in a few pockets.

Organized workers get contracts and salaries which set the standard for other workers in the community who may not be unionized, so they bring up everybody's wages, not just union workers.

There is a huge wage gap in this country today. I think everybody realizes that that gap is growing, and it is as wide as it has been in decades. It is wider than any other western democratic society, capitalist society, today. Today the struggle to reduce the ever-expanding wage gap between the top 20 percent and the rest of us is an important struggle, and it will be the struggle that will be waged over the next decade.

The only way to restore some semblance of economic justice to this country is if the labor movement grows. When the labor movement grew after the Second World War, the pie for America was shared by all. When productivity grew 90 percent, wages grew 90 percent during the 1950s. But during the 1960s and the 1970s and 80s and 90s, we saw that productivity continue to grow but the wage level for workers continued to decline. It declined significantly. That is why we have this huge wage gap.

One of the reasons it declined is because membership in unions across the country, which was at a high of about 40 percent in the 1950s, has slipped to about 15 percent today, and about 10 percent among the private sector.

The workers' struggle for union representation and free association is deeply interlinked with overall economic disparity and participation in our democracy. In order to win, we need to build an alliance between union members, churches, progressive organizations, and public officials who care about workers.

If we can do that, if we can shed some light on union-busting activities going on in the workplace, we can win this battle. Winning takes a good deal of teamwork. Members of Congress I believe have a responsibility to speak out.

That is why about a week ago, at my alma mater, the University of Iowa, I was saddened to see that the university's hospital system is fighting the

right of 2,000 registered nurses and professionals to organize with the Service Employees International Union. Not only are they fighting it, the university has hired a known union-busting firm, Management Service Associates, MSA, to try to defeat the organizing drive.

So I called several officials at the university to ask them to terminate their association with MSA, and to take a neutral stance in the organizing drive to allow workers to determine for themselves, in a free and open and a democratic way, if in fact they wanted to band together to bargain collectively for their wages and their benefits and their work.

It is my understanding that Senator HARKIN has done the same thing.

□ 2130

The situation in Iowa is just one of the organizing drives that is being highlighted this week. There are many truly remarkable success stories throughout the country that are part of what we call "A Day to Make Our Voices Heard." I just want to mention a couple of them now, and then I will be happy to yield to my colleagues.

In Detroit, some 2,000 employees at the Detroit Medical Center won an agreement that states when a majority of workers sign cards in support of a union, the employer will recognize the union. So they will not have to go to the NLRB and wait 2 years, and 3 years, and 4 years, and 5 years to be recognized. That is the way to break unions, by not recognizing what the people democratically have voted for.

The card check, which is basically people standing up and saying, "I want it," will cut through all of that red tape and restore the economic democratic feature of union organizing.

In Dallas, 9,000 teachers won representation by the American Federation of Teachers, partially because they worked hard to elect a sympathetic school board.

In Cincinnati, 350 school bus drivers gained representation by the Amalgamated Transit Union with the help of the clergy, the NAACP, and elected school board members and other unions. They all banded together as community and said we think this is important, that people ought to have a right to come together democratically to bargain for the sweat and the work that they perform for our community.

In Washington, D.C., 700 parking lot attendants won representation by the Hotel Employees and Restaurant Employees and a first contract by gaining support from the leaders in the Ethiopian community. They went to the community that had a stake in this. Parking lot customers, property owners, the Ethiopian community all came together and said there ought to be economic justice for these people.

The list continues from Brookline, Massachusetts, to New Haven, Connecticut, to Watsonville, California, and all across the country. And that is why many of us are gathered here tonight and will participate in other activities throughout the week.

When organizing drives are successful, they empower communities in ways we cannot imagine. For workers throughout the country the fight for dignity and respect is truly a fight about basic democratic rights.

So tonight we stand with those workers who have stood together to make a difference in their communities. And we also stand with those workers who are still fighting to organize. The challenges are great and the courage that it takes so often is just mind-boggling. People standing up and saying they want to fight, knowing that in fact their wages could be gone the next day, their benefits taken away. They could be fined like Betty Dumas was fired over at Avondale.

People who rely on that check to take care of their kids every week, knowing that they are going out on a limb for economic democracy knowing the consequences. And many suffer the consequences. It takes great courage. The challenges are great, but it is worth it. Workers who build community coalitions and go through organizing drives are fundamentally participating in our democracy, taking pride in their work and building a better place to live, not only for them and their children but for future generations to come.

I think about my community in the Detroit metropolitan area, and I remember the struggle of the autoworkers back in 1936 and 1937 in the sitdown strikes in Flint and Detroit. My grandfather participated in those sitdown strikes. My father is a union man too. I remember him telling me he used to throw sandwiches into the autoworker yards to those who were sitting down and would not move until they got their bargaining rights.

What does that mean for us today? It means that that struggle that went on in 1936 and 1937 provided us with a buoyant, resourceful, strong middle-class and provided good wages and health care benefits and built the middle class in this country. What it did was that movement provided us with a decent work hour, the 8-hour day, overtime pay, workers' comp, unemployment comp, health insurance. All of these benefits, pension benefits, cost of living increases that we take for granted today, they were built by the struggle of people who had the courage to say we have the right to bargain for our work, for our sweat, as a democratic right.

It seems like every week we see another headline about this million dollar merger or that billion dollar buyout. They keep getting bigger and bigger all the time. And in the process, a handful of people at the top, the CEOs who seem to get golden parachutes just for jumping out of bed in the morning, they become less and less accountable to our country and to our communities.

That is why unions are so important. Unions give working men and women a voice. They help level the playing field. Unions build a stronger democracy by giving people a say in the decisions that affect their jobs and their future. They honor the values of loyalty, commitment, pride, and community.

So it is with deep pleasure, Mr. Speaker, that I am here with my dear friends tonight talking about this effort, and this week and I would be delighted to yield to them for any comments that they would care to make this evening. I thank them for their indulgence.

Mr. Speaker, I yield to the gentlewoman from California (Ms. WOOLSEY), my friend.

Ms. WOOLSEY. Mr. Speaker, I thank the gentleman from Michigan for yielding, and I would like to thank our wonderful minority whip for pulling this evening together and being so absolutely passionate about workers of this country. I thank him for leading the way.

Mr. Speaker, I knew the American workers were in trouble when one of the first changes that the Republicans made as the new majority was to completely eliminate, to remove the word "labor" from the committee that I served on. It was called the House Committee on Education and Labor. First they called it the Committee on Education and Economic Opportunities. Absolutely removing the word "labor." Then 2 years later, even the Republicans had trouble totally ignoring American workers so they changed the name again. This time it was to the Committee on Education and the Workforce. Again, no mention of labor.

The new name they tried to make them look softer, of course. But it did not. It did not change their negative attitude an iota. In fact, one Member of the new majority on the committee kept probing and pushing and insulting workers and those of us who supported American workers. One meeting, one hearing we had, and I will never forget it, this Member on the other side of the aisle referred to the Secretary of Labor, Robert Reich, as he was testifying before us, the Secretary of Labor, he referred to him as a Marxist and told him that he had read all of Carl Marx's writings and he had read all of Secretary Reich's writings and he saw no difference. This is the same Member who referred to me on the committee as a Communist because I was defending organized labor.

So that was a heads-up, and let me know what kind of year we were going to have and how hard we had to work, because working Americans were not

going to be represented by the majority at this time in our House of Representatives.

Mr. Speaker, well, it was all right for me. He can call me anything he wants, because I want to tell my colleagues, I am one person who is very proud to speak out for organized labor, for the working men and women of this country. It is because of organized labor that we have a middle class in the United States. That is why we are the country that we are. That is why we are this great Nation. It is because of organized labor that American workers have been able to afford to work and raise a family on their wages. And they get benefits, if it is part of organized labor, pensions as part of organized labor.

Today, some of these expectations that people have that they were able to count on are eroding. We need labor unions more today than ever before. In the "Education and Anti-labor Committee" that I sit on, we are marking up a series of OSHA reform bills that will weaken the Occupational Safety and Health Administration. If these bills were to become law, American workers would be at a greater risk of on-the-job injuries and health effects and death than ever before. Well, not ever before, but since we have had OSHA in place.

Mr. BONIOR. And, Mr. Speaker, we still have today, it is my understanding, 50,000 Americans who lose their lives on the job every year. Fifty thousand.

Ms. WOOLSEY. Mr. Speaker, that is right. But since OSHA was passed in 1970, the job fatality rate has been cut in half and injury rates have also declined significantly. That ought to be example enough that we do not weaken it. If anything, we strengthen and learn from mistakes and we fix errors and we go forward and make sure that more people are safe than fewer. But Republicans in both the House and the Senate are pushing legislation that will make it more difficult for OSHA to issue protective standards; that will limit OSHA's ability to enforce our current standards, particularly in case of willful or criminal violations. Their legislation would weaken workers' right to know about unsafe workplace conditions, and would make it harder for them to address their own safety concerns within the workplace.

My colleagues on the other side of the aisle seem to think that American workers have too many safety and health protections. Last year, 6,112 workers were killed by traumatic injuries, and that is a Bureau of Labor Statistics figure. Another 50,000 workers died, as the gentleman from Michigan (Mr. BONIOR) said, from occupational diseases. And that is a National Institute of Occupational Safety and Health, NIOSH, statistic. And more than 6.2 million workers in the private sector were injured on the job. That is an AFL-CIO statistic.

Thank goodness workers have unions to help them fight the Republicans' effort to turn back the clock on worker safety. These bills should be called "OSHA deform." It should not be called reform. They are trying to undo the progress we have made instead of build on the progress and go forward.

Unions are also speaking up for American workers against legislation that would diminish workers' wage and hour protection under the Fair Labor Standards Act. We have comp time legislation. We have sales incentive compensation acts that have been passed out of this House. Both of them would be all right if the worker had a choice. If they wanted to participate in a comp time program, then it would be their choice, not the employer's. If the worker wanted to go without overtime pay to work in a less than $20,000 a year job, that would be the worker's choice. But, no, it will be the employer's choice.

They are also working on legislation that would legalize company-formed and controlled unions, and that is called the TEAM Act. Legislation would make it impossible for unions to speak for workers in the public arena. And that is the Paycheck Fairness Act and campaign finance reform.

The gentleman spoke about the wage disparity between American workers and their bosses. He said that this disparity has never been greater. In 1960, we will go there first, the average pay for a chief executive officer of the largest U.S. corporations was 12 times greater than the average wage of a factory worker. That was in 1960. Today those CEOs receive wages and compensations worth more than 135 times the wages and benefits of the average employee at the same corporation.

In 1960, it was 12 times greater. In 1998, it is more than 135 times greater. We wonder what is happening to our middle class. It is all going to the top and the working poor are getting greater and greater.

Today, millions of Americans came to work. They came on time. They did a good job. They worked in the workplace to the very best of their ability. And they did not earn enough money to bring themselves and their families above the poverty level. These workers and millions of others all across America need to join together, need to organize so that they can have better lives and so that the lives of their families will be more secure.

□ 2145

They join labor unions so that they can improve their wages, their working conditions, their benefits, their safety conditions and their future pensions.

I am proud, because I am supported and I do support nurses and teachers, firefighters, truck drivers, waitresses, carpenters, electricians and all the other working men and women of this country, and those who belong to labor unions.

Union members work every day to keep America strong and to keep America safe. I am proud to work here in the Congress for them and for all working men and women in this country.

I thank the gentleman, again, for pulling this evening together.

Mr. BONIOR. Mr. Speaker, I thank the gentlewoman for her eloquent statement, a statement with passion.

I just wanted to pick up on one point that the gentlewoman from California made. That is the disparity that has been created because of the lack of union representation in this country today. We have a minimum wage in this country that pays $5.15 an hour. We have 12 million people working in America who earn the minimum wage, 12 million people. We have another 8 million just above the minimum wage, about 20 million people working at that minimum wage level.

For a single mom with two kids, do you know what that minimum wage pays? It pays less than $11,000 a year. That is $2,600, as the gentlewoman said, below the poverty level today for a family of three. And when we talk about unions, unions do not have folks in their organizations that make the minimum wage. Very few do. They make a good wage, but they argue for the minimum wage because they understand the moral responsibility to make sure that people live on a living wage today. So they help not only folks who belong to those organizations, union organizations, but they help others as well.

We can do a much, much better job in our country today in moving forward with decent wages and benefits than we have. So I thank my colleague from California for her comments tonight.

Ms. WOOLSEY. Mr. Speaker, if the gentleman will continue to yield, when we talk about the minimum wage, when we were voting to pass and raise the minimum wage a year or so ago, my very favorite delicatessen in Petaluma where I get my coffee, because it is the best any place, the owner came to me and said, "Oh, Woolsey, don't raise the minimum wage. How am I going to stay in business?" And all his workers were very quiet, and I said, Steve, just think how many more people could come in and afford your coffee lattes if they earned enough money so that they could have this privilege to come in here like I do. And all of his workers cheered.

Mr. BONIOR. That is a good story. It is not just the people in restaurants and coffee shops, it is the people who take care of our children at day care, take care of our parents and our grandparents in elder care and nursing homes, the folks who clean our offices,

who are cleaning them right now, a lot of folks are making wages, and they have no recourse in terms of getting a better wage or getting the benefits they need, the health care for their family or kids, because they do not have anybody representing them.

That is what unions do, they pool the resources of people together and they say, basically, we are going to work with you to help you get represented at the bargaining table for a decent wage and decent benefits.

When we had strong unions in this country that matched productivity, we had a healthy, very healthy economy. And we have watched that erode now, as union membership and other things have transpired, our trade policy and other things that have eroded the leverage of workers in our society today. I thank my colleague for her comments.

Mr. Speaker, I yield to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I am just delighted to be a part of this effort tonight to join with my colleagues and to thank the gentleman from Michigan (Mr. BONIOR) for organizing this special order and particularly the conversation, the dialogue between yourself and the gentlewoman from California (Ms. WOOLSEY) in a reminder about the early history of the labor movement, what it has created and your words, it created the middle class.

It created the place where the bulk of this country is coming from, the people who are the backbone of the United States. And what it accomplished in terms of safety in the workplace, fair and decent wages, the benefits that people enjoy today and oftentimes we forget, we forget what it was like, and we take so much for granted. That is why the notion of a June 24 and Americans honoring working men and women and helping others to remember and to organize and to get out there to help people who are trying to take some difficult first steps in trying to, one, hold on to what we have and to create new and better opportunities for working men and women in the country through unions, through a wonderful institution, the heart and soul of what the United States is about.

It is the thought of workers joining together to look at improving their living standards, their communities, their companies and making them better places. Oftentimes, as I said, we forget that, when we are together and we argue and fight, what a tremendous balancing force against runaway corporate power in this country and, again, one of your terms, economic justice. That is what the fight, that is what it is all about.

Mr. BONIOR. And also the economic democracy piece, I think people often overlook that aspect of organized workers of unions, of organized labor. What they brought to the democracy table of America. They infused America with a new group of people who were interested in government, in making sure that the city council worked, the school board worked, the State legislature worked, the Federal Government had representation that shared their views.

I think people often forget that it was a labor union movement in Poland that broke the back of Communism. It was Solidarity. Unions bring texture in many, many different ways. I think the gentlewoman from Connecticut has touched on one that moved me to respond.

Ms. DELAURO. My mother worked in a sweatshop.

Mr. BONIOR. I know she did.

Ms. DELAURO. In a sweatshop. It was because of the union movement, there are still problems, there are still sweatshops. We do not like to think about that, but that is the case. But we broke the back of that kind of work for people in this country and in this instance, in these industries, particularly for women, working for two pennies a collar or for 50 cents for making a whole dress and just slave labor. That is the guts of this.

I want to mention, you mentioned New Haven, Connecticut because we talk about what has happened in the past. We want to talk about modern day organizing and what we are about.

There was a recent, real big victory in New Haven, the labor movement, in organizing at the new Omni, the New Haven Omni hotel just this past April. The 230 employees, they won the right to openly choose their own union through a card check, union cards signed by a majority of the employees.

It was a real victory over the longstanding insistence of the corporation for a secret ballot. How did this occur in essence? It is, again, the new organizing, through community efforts, having local government, the Federal Government. I was proud to work with the union folks, civil rights groups, clergy, academics, students who worked together. They had hearings. They met with hotel managers. They threatened boycotts. But more than that, they participated in a dialogue.

It was a communitywide dialogue about why we needed for local 217 to be able to sign these cards to determine whether or not there would be a union there. That is the kind of engagement we need today. That is what is going on. And as you have said so often, we should not be afraid, as public servants, as public officials, to engage in this process, because it is not going to be something that is happening in isolation over here, where no one is paying attention, because the movement today, the union movement today is as relevant to people's lives for all the reasons that you gave and our colleague from California gave and so that it has got to be alive. It has got to be vibrant, and it has to be strong.

It is only through the engagement of those of us who oftentimes have a microphone and can serve with others that we can help to better the livelihood of those in our society today who, in fact, have seen their wages either stay the same or to go down over the last couple of decades. When we have seen the top of the scale, the CEOs, seeing their salaries increase and their stock options increase and people laid off in this country.

There are lots of other Members who want to engage in this effort. I am just truly proud to join here today, and it should not be only June 24. We ought to be speaking out. We ought to be organizing and helping to make sure that we have people with decent living wages better than that and that they have the kinds of workplace conditions that they are entitled to for their daily labor.

Mr. BONIOR. I thank my colleague for her comments. They are very apt and very well and passionately delivered.

I yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. As I listened to you and the gentlewoman, you just sort of sparked some memories of mine. And especially as we talked about how much a part of our democracy union organizing and the development of labor unions is. I am reminded that Benjamin Franklin, one of the fathers of the country, father of the Constitution, Franklin organized the printer's union and one of the very first unions that existed. I mean Benjamin Franklin, even then, understanding the need for people to come together.

Then we go down the line, Franklin Delano Roosevelt etched the right to organize into the legal component of our country, of our country. Martin Luther King was actually organizing sanitation workers in Memphis when he was killed. So there has always been a relationship between the quest for overall freedom and development of all people in this country and the organization of labor unions.

Actually, Benjamin Franklin was also an abolitionist, so there was an easing merging of the recognition of both.

One of the reasons, I think, that other nations with all of our problems, with all of our needs, but one of the reasons that other nations often seek to emulate us is because we have this ongoing component of struggle, never ending, always becoming, always recognizing, yes, we have made a lot of progress, we have come a long way, but there is still great distances to go.

□ 2200

We see plant closings all over America. We see individuals who have been

displaced by the hundreds and thousands. An interesting statistic, the individuals who are displaced, generally, many of them never ever reach the point of earning the same amount of money afterwards that they were earning before they lost their basic job.

Mr. BONIOR. Mr. Speaker, can I share a story with the gentleman on that very point? I did not mean to interrupt, but I wanted to tell a little story that hits that very point.

I was on a bus trip down to Atlanta, Georgia with the gentleman from Georgia (Mr. LEWIS) and the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from Michigan (Mr. STUPAK), a few of my colleagues.

We visited Lucent Industries. They made telephones. This company had lured people from all over the country to come to work in this sort of center gathering factory outside of Atlanta. After a while, they closed their shops and went to Mexico to make these phones.

I remember meeting a woman in the parking lot, because 300 of them showed up to greet us to talk about how they all lost their jobs. This woman by the name of, I think it was Annie Harris, told us she was being paid $13.50 an hour. She was a member of the Communication Workers. She had a pension. She had health care. She had a good job; $13.50 an hour to make these telephones.

When they closed up shop, she lost her job. They went to Mexico and paid their workers $1 an hour to make their phones. She got, as the gentleman from Illinois (Mr. DAVIS) pointed out, another job. She worked a cash register at Target department store. She sold that same phone that she used to make for prices that are the same or more than they were being sold when she was making $13.50 an hour.

So it is right, people are working in this country. The unemployment rate has come down, but often, as the gentleman just pointed out, people who do not belong to unions today are working at levels far below what they were making when they had jobs where they were being represented by unions.

Mr. DAVIS of Illinois. The gentleman mentioned SEIU organizing, and I am reminded of an incident that recently happened in my community where I was just totally saddened.

There was an effort to organize a group of hospital workers. Some members of the African American community took the position that why should blacks join a labor union. They sort of launched a campaign by saying, well, the unions have not done anything for African Americans. I was pained, because I was saying to myself, "How little you actually know. How little you really understand."

A. Philip Randolph, who put together the Sleeping Car Porters, who became a group of very dignified individuals who traveled all over America taking not only information, not only doing their work, but oftentimes taking black newspapers to parts of the country where there were not any, taking the Chicago Defender, the Pittsburgh Courier, the Chronicle, papers and information.

So I just want to commend you, again, for putting together this opportunity for us to continue to raise our voices, to continue to recognize the need to implement those men and women who are on the firing lines every day, working to raise the quality of life and the level of living not only for themselves, but for all of America.

I certainly am pleased to join with the gentleman. I want to see the minimum wage raised to what becomes what we call a livable wage. I think America will flourish as we continue to organize and develop our people.

Mr. BONIOR. Mr. Speaker, I thank the gentleman very much for his thoughtful statements and his historical perspective on one of our Founding Fathers.

Mr. Speaker, I am happy to yield to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, first, I want to express my appreciation for the leadership that the distinguished gentleman from Michigan (Mr. BONIOR), the Democratic whip, has consistently given on the difficulties that working people experience in this country.

The gentleman's deep commitment to economic justice for wage earners is reflected in the work that he has done in this House, of which the special order on "A Day To Make Our Voice Heard" is a part. This is my first time, really, that I have participated in a special order since being elected to the House of Representatives.

Mr. BONIOR. We welcome the gentlewoman, and we appreciate her participating and speaking out on this issue.

Ms. LEE. Yes. I am proud that my first time out is about the importance of labor unions and working men and women and how they have enhanced and continue to struggle to enhance the quality of life for all Americans.

On June 24, working women and men all over this country will rise to speak out about their efforts to improve their and their families' lives. Many of these working people have joined with others in unions to strengthen their individual efforts to better their lives.

In organizing as groups of workers, there are many stories of successes, but there are also tragic stories of heartaches in these attempts. Some of us forget, and younger ones have not been taught, that part of the American economic miracle of our country is the value placed on labor.

With the enormous exception of the labor forced from captured, enslaved Africans and indentured labor from Asia and other continents, the price of labor in the United States, as compared to the rest of the world, was high.

African Americans have a proud history of organizing. We know that early labor organizers suffered broken bones and death on the picket line. As difficult as these battles were, we know that it was even more trying for African Americans.

We can be proud of brother C. L. Dellums, the uncle of my predecessor, Congressman Ronald V. Dellums. C. L. Dellums, from Oakland, California, was one of the primary organizers of the Sleeping Car Porters Union and the California counterpart to the A. Philip Randolph Trade Union Movement.

The Sleeping Car Porters Union was the first black union. The establishment of this union changed the perception of African Americans in America. Prior to that time, African Americans were brought in to break strikes by taking advantage of their financial oppression. We just heard from the gentleman from Illinois (Mr. DAVIS) that this is still occurring in this country. Employers use the classic strategy of pitting oppressed worker against oppressed worker, black, white, Asian, Latino.

The formation of this black union changed the whole labor dynamic in America because black labor could see that we could be part of a union movement, and thus this was a very significant step in the American labor movement.

These bloody battles waged by our labor progenitors brought better wages, health care, pensions, housing for workers. But we also know that battles, even those that were won at great costs, were not known or valued by those who did not struggle. So we have to learn and fight anew.

We do have recent successes. One, of course, is the defeat of Proposition 226 in California in the last June primary.

Mr. BONIOR. Mr. Speaker, it was a fascinating effort and wonderful effort by workers coming across California to make this happen. Someone told me that 26,000 people were activated to defeat this antiworker provision.

Ms. LEE. Mr. Speaker, the gentleman is absolutely correct. But it was not only defeated by labor unions and workers, it was a coalition of young people and unemployed. It was a fabulous coalition. I believe that is a testament as to what is really going on in this country.

This was an attempt to block employee contributions to unions. Yet, it would have continued to allow corporate contributions to political campaigns. The issue alarmed and energized voters all over California and all over the country and brought out 7 percent more voters actually in my district. Proposition 226 was defeated 53 percent to 47 percent.

Flowing from that success is the failed attempt now to place a similar

bill on Nevada's ballot. A Nevada court ruled that the proposal was a violation of the First Amendment right of free speech. But workers who try to gain decent, living wages and working conditions oftentimes have to pay dearly for their successes.

Were working conditions and wages adequate, working people would not spend the time or the money or expose themselves to the dangers, and there are some real dangers that come with fighting for economic justice.

A decision to strike only follows when workers collectively blow the whistle on work conditions. It is really the final straw used to get the attention of the employer.

The employer's retaliatory lockouts, business closures, and transfers of operation to Mexico, Indonesia, and China, with their pools of exploited labor, threaten the very livelihood of workers and their families here in America.

Workers take action knowing that the cost of gaining dignity at work is the likely destruction of their livelihood and family economic security. We need international unions to protect workers all over the world.

Let me just tell you, in California, workers who live in my district and who work in Burlington Northern/Santa Fe's Richmond Intermodal Yard were fired because they joined the ILWU last September. As soon as they negotiated decent wage and benefits at $12 an hour, the railroad took away the contract to load and unload its trains and gave it to another contractor, Parsec, a company with a long history of union busting.

According to the 1998 newsletter called Labor Notes, a worker named Sabrina Giles went to work 7 years ago keeping track of huge shipments at the yard. Over the years, she trained one worker after another in the difficult art of tracking the million-dollar cargos shipped by giant corporations.

But while others moved up to better jobs and higher pay, she stayed on in one place watching her wages inch slowly from $8 to $9.50 an hour. The people she saw moving ahead were mostly white, she says, the friends and relatives of supervisors. According to Giles, who is an African American woman, this yard was full of favoritism, racism, and sexism.

A couple of points on the farm workers in California I would like to mention. Farm workers have been struggling for decades for the right to organize and have minimally decent working conditions. The situation of the strawberry workers in Watsonville, California is extreme and has consequences not only for the workers but for their children.

The most dangerous life-threatening aspect of their work is constant exposure to a wide range of very powerful pesticides and insecticides. Women farm workers suffer the additional burden of sexual harassment.

A third problem concerns not only the health of the worker, but the health of the consumers of strawberries and other produce because of the lack of toilet facilities in the field. Why do we wait until we have a severe epidemic of hepatitis before we react? The problem has persisted over and over and over again.

Also we are looking at the issue of janitors on the West Coast that are mostly immigrant men and women. They work for minimum wages, for no benefits, more than the normal workload, and many of these workers are employed by contractors who sometimes keep up to 50 percent of their wages.

We held hearings when I was in the California Senate, and we found that contractors negotiated a dollar amount for the contract. Subsequent to that, they paid the workers about 50 percent less than what they were being reimbursed for. Unfortunately, these workers now have no benefits. And now they are trying to circumvent the unions by having their employees form company unions, which offer substantial benefits and circumvent any effort to improve the working conditions.

So the Janitors for Justice effort to improve working conditions continues, and we will not rest until each and every janitor is treated with justice and with fairness.

Finally, and let me just say, most of my colleagues I know serve constituents, the majority of whom are not CEOs and millionaires. So I urge this Congress to react by enacting legislation that supports working people.

I want to thank the gentleman from Michigan (Mr. BONIOR) for allowing the American people to hear stories tonight of the importance of our labor union movement and the actual successes and the struggles of working men and women in this country.

Mr. BONIOR. I thank the gentlewoman from California (Ms. LEE) for her comments and her passionate concern about this issue and for talking about 226 and the farm workers and the janitors that need justice and for her comments. We thank her for participating tonight.

Mr. Speaker, I yield to my friend the gentleman from Texas (Mr. GREEN), my good friend, for comments.

Mr. GREEN. Mr. Speaker, I thank our Democratic whip for organizing this special order in recognition of June 24, when American workers will use the day to celebrate victories we have had in protecting the right to organize and bargain collectively to improve living standards and working conditions. This is an important day I think we need to remember but also recognize we still have a long way to go.

The right to join a union is a basic civil right, and unions are an avenue to equity, fair treatment, and economic stability for working people. I know hearing my colleagues tonight, and the gentleman mentioned it earlier, around the world, the right to bargain collectively and independently is so important to industrialized democracies; in Poland, the success of the solidarity union. Around the world, in China and some of our, both competitors and countries we try to work with, the right to organize and bargain collectively is so important.

□ 2215

Let me just give a small commercial. I have a bill, H.R. 2848, the Labor Relations First Contract Negotiations Act. The bill was introduced to allow rights of employees to organize and bargain collectively for living standards. This bill would require mediation and ultimately arbitration if an employer and newly elected representative had not reached a collective bargaining agreement within 60 days. We have time after time in our country right now where there is an election, yet there is no contract months and months afterwards. Yet the workers have voted to have union representation. That bill is important. I would like to see if we had a bill this session I could at least have a debate on that piece of legislation so we can move that further, so they do not necessarily get bogged down in NLRB by both sides oftentimes, and either management or labor could exercise that right.

Let me talk about something that is happening in Harris County, in Houston, Texas on the 24th. Our Harris County AFL–CIO is having a Justice Bus Tour. Let me talk about the five stops they are going to have. One of them is our new baseball stadium that a lot of us supported in downtown Houston that is being predominantly built by nonunion labor. The building trades are fighting for fair wages and a voice for those workers. In fact, the International Union of Operating Engineers is currently conducting an organizing campaign with the crane operators there at that site. All of us love baseball. I know the gentleman does, too. I love the Houston Astros. We would like to make sure that the people building that stadium are being paid a fair wage.

The second stop is not actually in my district, where the Oil, Chemical and Atomic Workers Union, Local 4–227 has been locked out of Crown Petroleum for 2 years. I have been out there for those anniversaries of that lockout, I have spoken at the union hall about Crown Petroleum's not being able to negotiate with their workers who are my constituents and live all over Harris County but the plant is actually in my district. That is so wrong for those workers there.

The third stop will be at Union Tank Car Company. Last April, the United

Steel Workers won an election for the workers by a two to one margin. The company disregarded the workers' choice and used delaying tactics and legal challenges to overturn the election. The workers there will speak to the fact that Union Tank Car disrespected the decision made by its workers and is using a variety of tactics to keep the union out. Over 100 workers are expected to meet that justice bus there at that location. The event is also being coordinated with one of the company's headquarters in Chicago, so between Houston and Chicago hopefully we will get Union Tank Car's attention.

The fourth stop will be at a Kroger grocery store represented by United Food and Commercial Workers, both Locals 408 and 455. The grocery store workers will award Kroger for being such a good employer that respects their workers. They will also thank Kroger for its support for the United Farm Workers in their organizing efforts for the strawberry workers in California.

Mr. BONIOR. Mr. Speaker, I think that is a really important point, that we recognize the corporations and the companies who respect their workers and treat them with dignity. I am glad that part of the justice bus tour in Houston is going to do that, is going to let the community know that these people are really part of the community, they care about it, they care about the workers and the people who shop in their store. Kroger deserves a lot of credit.

Mr. GREEN. There is both positive and negative reinforcement in this tour. Another stop will be at Columbia Lighting, represented by the IBEW, International Brotherhood of Electrical Workers Local 716. The company tried to decertify, but they lost the election and so that company shut down that plant. That is so wrong at Columbia Lighting. The workers will talk about that company's attempt to get rid of the union. They failed on decertification but now they are just shutting the plant down.

We have a long way to go. We have a lot of success, a great history in our country of recognizing workers, their right to organize. We have a long way to go. I want to thank the gentleman from Michigan (Mr. BONIOR) for his effort tonight and look forward to continue working with him to make sure that not only do we fight for justice all over the world for workers but we also recognize we have to fight for it in our own country.

Mr. BONIOR. Mr. Speaker, I thank the gentleman from Texas for all his support and help and for coming and staying late this evening to express his views on this.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. I thank the gentleman for yielding.

Mr. Speaker, let me congratulate the gentleman from Michigan (Mr. BONIOR) for the outstanding work that he continues to do and my colleagues who have taken time tonight to talk about this very important issue. I applaud working Americans, because on Wednesday, June 24, we will support workers' rights to organize a union. We know that this voice will be heard nationwide. They will share with us their desire to improve the working conditions and how unions help them achieve their goals for a better workplace.

Unions are good for America. They emphasize the fact that organizing unions is the basic American way. I believe that it is also important that we come together to promote policies which will help working people.

It has been documented that 77 percent of employers distribute anti-union literature, and that 50 percent of employers in one study threatened to fire all workers if they joined a union. Such anti-union efforts harm working Americans. First, on average, nonunion workers earn 33 percent less than their union counterparts. Second, these activities hamper the ability of working Americans to express their views on their work experience to their employer.

Mr. Speaker, we have seen this Congress try to suppress the voices of workers. They have attempted to pass legislation which would eliminate the ability of working families to participate in political activity cloaked under the guise of campaign reform. They have attacked the National Labor Relations Board, the body responsible for enforcing the National Labor Relations Act. Because those efforts have been unsuccessful, they have sought to overturn the National Labor Relations Act itself.

ON WORKERS' RIGHTS TO ORGANIZE

The SPEAKER pro tempore (Mr. BLUNT). Under a previous order of the House, the gentleman from New Jersey (Mr. PAYNE) is recognized for 5 minutes.

Mr. PAYNE. Mr. Speaker, as I had indicated, there are a number of moves that have been done in this Congress.

I started to talk about the fact that there is a Section A(2)(a) in the National Labor Relations Act which gives the board equal footing. It is pro-labor, it is pro-corporate. But there is an attempt now to weaken the labor part of the National Labor Relations Act.

We have seen the TEAM Act, which is a bill that would allow the employer, the boss, to select a negotiating team. I think that we know that if you have the ability to pick the people who will negotiate with you, you will indeed select the weaker person.

There is an attempt in the District, in an appropriations bill, there was an attempt to eliminate Davis-Bacon on school construction in the District of Columbia. Davis-Bacon was a bill passed by two Republicans who wanted to keep the prevailing wage for working people when scalawags and carpetbaggers came in to drop the wages from the South into the North. Here we see an attempt to repeal the Davis-Bacon Act.

We have seen an attempt to end salting. Salting is simply a union worker who works in a nonunion shop, holds a card and on his time off, after work, on lunch hour, he may talk to other employees about perhaps becoming a member of a union. There is a bill working its way through the House to make it illegal for a person who is a salter to work.

We have seen the comp time. I worked on the clock. I drove a truck. I was a warehouseman, I was a lumber worker, I was a longshoreman, I was a waiter. Overtime was what was important as I worked my way through college and worked to keep my family's income high enough to support my family. The comp time bill will eliminate overtime. You will then get time off when the employer finds that there is time that things are slow. That is not fair. People need overtime. Low wage workers look forward to overtime. That is the only way they are able to make ends meet.

Mr. Speaker, I would just like to say that we must continue to push. June 24 is a time that we should all come together.

Mr. Speaker, I yield to the minority whip to allow him to wrap up this outstanding job that he has done.

Mr. Speaker, I rise this evening to applaud working Americans who on Wednesday, June 24th will make their support for the right to organize a union heard nationwide. They will share with us their desire to improve their working conditions and how unions have helped them achieve their goals for a better workplace. They will emphasize the fact that organizing unions is a basic legal right of all Americans. I believe that it is also a basic need for working Americans. Workers need to have the ability to join together and promote policies which advance their best interests. If workers are unable to express their views in an organized way, their voices will be silenced. Many companies and industry leaders support unions.

However, still others work to keep unions out of their shops and factories in an effort to silence the voices of their employees. For example, it has been documented that 77 percent of employers distribute anti-union literature and 50 percent of employers in one study threatened to fire all workers if they joined a union. Such anti-union efforts harm the working American in many ways. First, on average non-union workers earn 33 percent less than their union counterparts.

Second, these activities hamper the ability of working Americans to express their views on their work experience to their employer. And most importantly, anti-union efforts block

working Americans from being involved with industry decisions that affect their lives and the lives of their families.

The Republican-led Congress has done their part to suppress the voices raised in support of working Americans. They have attempted to pass legislation which would have eliminated the ability of working families to participate in political activity cloaked under the guise of campaign finance reform.

They have attacked the National Labor Relations Board, the body responsible for enforcing the National Labor Relations Act. And because those efforts have been unsuccessful, they have sought to overturn the National Labor Relations Act itself. We have seen the TEAM Act which allows the employer to select the negotiating team for the employees which would give the employer, the boss, unfair advantage in the negotiations. In an attempt to repeal *Davis-Bacon,* the prevailing wage law here in the District of Columbia for school construction there is a move to pass a law which will eliminate salting, a person who is a union member working at a non-union shop who on his or her own time tries to encourage people to consider becoming a member of a union. The Republican Party is opposing the proposed increase in the minimum wage. The Comp Time Bill which eliminates overtime because workers will be required to work overtime at straight time and will be given comp time at a later time.

The stakes are high. With all the anti-union sentiment among employers and the support that they have here among the Republican leadership in Congress, workers now more than ever before, must be empowered to advocate for and effect change in their working conditions.

There is no doubt that without unions, we will silence the average hard-working American. Such silence will only widen the income gap and increase the number of dissatisfied workers. That is why June 24th is important.

On that day we must celebrate those who have come together and worked for better representation and respect through union involvement. We also must make more Americans aware of their right to organize and help them not to be discouraged by their employers in their effort to organize.

In closing, I urge my colleagues here in Congress to support American workers everywhere by recognizing and celebrating the importance of union organization on Wednesday, June 24th.

Mr. BONIOR. I thank the gentleman for yielding.

Mr. Speaker, let me just conclude with this final remark. The people that we are talking about tonight are the people who take care of our children in day care, the right for them to organize; the people who take care of our parents and grandparents in elder care, the people who clean our offices, the people who make our roads and our bridges and build our buildings. These are the workers of the country. They have a right, a fundamental American, democratic right to come together and to organize and to bargain for their work, for decent wages, for good benefits. They are a part of the community. What we are saying this evening is that their rights to bargain collectively together, to organize, are being impeded in a way that none of us thought was possible nor would happen when the laws were developed, taking 2, 3, 4, 5, sometimes 6 and 7 years to get organized by the National Labor Relations Board because of all the loopholes in the law today. We need to come together as a community, religious leaders, civic leaders, political leaders, and stand up and say, "This is wrong. Folks have a right to come together and to organize."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. OWENS, (at the request of Mr. GEPHARDT) for today, on account of business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MINK of Hawaii) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, for 5 minutes, today.
Mr. FILNER, for 5 minutes, today.
Mr. MINGE, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mr. BERMAN, for 5 minutes, today.
Mr. FROST, for 5 minutes, today.
Mr. POMEROY, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Mr. DAVIS of Illinois, for 5 minutes, today.
Ms. JACKSON-LEE of Texas, for 5 minutes, today.
Mr. BONIOR, for 60 minutes, today.
Mr. OWENS, for 60 minutes, today.

(The following Members (at the request of Mr. FOX of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. INGLIS of South Carolina, for 5 minutes, on June 23.
Mr. MILLER of Florida, for 5 minutes, on June 23.
Mr. FOX of Pennsylvania, for 5 minutes, today.
Mr. SMITH of Michigan, for 5 minutes, on June 23.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PAYNE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. MINK of Hawaii) and to include extraneous material:)

Mr. KANJORSKI.
Mr. LIPINSKI.
Mr. PASCRELL.
Mr. ROTHMAN.
Mr. MCDERMOTT.
Mr. BERMAN.
Ms. JACKSON-LEE of Texas.
Mr. KIND.
Mr. ACKERMAN.
Mr. MILLER of California.
Mr. PAYNE.
Mr. CONYERS.
Mr. RAHALL.

(The following Members (at the request of Mr. FOX of Pennsylvania) and to include extraneous material:)

Mr. BOB SCHAFFER of Colorado.
Mr. MCCOLLUM.
Mr. GILMAN.
Mr. DELAY.
Mrs. EMERSON.
Mr. HORN.
Mr. GUTKNECHT.
Mr. COBLE.
Mr. BLILEY.

(The following Members (at the request of Mr. BONIOR) and to include extraneous material:)

Mr. PRICE of North Carolina.
Mr. HALL of Texas.
Mr. ABERCROMBIE.

ADJOURNMENT

Mr. BONIOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 28 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 23, 1998, at 9 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

9773. A letter from the Assistant Secretary, Office of Special Education and Rehabilitative Services, Department of Education, transmitting a notice of the Final Funding Priorities for Rehabilitation Research and Training Centers, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

9774. A letter from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Notice of Final Funding Priorities for Fiscal Years 1998–1999 for Certain Centers and Projects—received June 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9775. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards [Docket No. NHTSA 98–3949] (RIN: 2127–AG58) received June 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9776. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory

Commission, transmitting the Commission's final rule—License Applications for Certain Items Containing Byproduct Material (RIN: 3150–AF76) received June 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9777. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 15–98 which is regarding Amendment 2 to the Agreement between the U.S. and Israel for the Arrow Deployability Program (ADP), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9778. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report of Political contributions by nominees as chiefs of mission, ambassadors at large, or ministers, and their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on International Relations.

9779. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

9780. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–369, "Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

9781. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–370, "International Fuel Tax Agreement Amendment Act of 1998," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

9782. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–368, "Public Employee Relations Board Amendment Act of 1998," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

9783. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–359, "Uniform Statutory Form Power of Attorney Act of 1998," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

9784. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–362, "Eastern Market Open Air Retailing Second Temporary Act of 1998," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

9785. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–361, "Moratorium on the Issuance of New Retailer's Licenses Class B and Closing of a Public Alley in Square 5259, S.O. 92–45, Applicant Extension Temporary Amendment Act of 1998," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

9786. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–360, "Designation of Excepted Service Positions Temporary Amendment Act of 1998," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

9787. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–358, "Library and Public Housing Drug Free Zone Amendment Act of 1998," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

9788. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–373, "Health Insurance Portability and Accountability Federal Law Conformity, Motor Vehicle Insurance, Regulatory Reform, and Consumer Law Temporary Amendment Act of 1998," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

9789. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List; Additions and Deletions—received June 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

9790. A letter from the Acting Chair, Fish and Wildlife Service, transmitting the Service's final rule—Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—1998–1999 Subsistence Taking of Fish and Wildlife Regulations (RIN: 1018–AE12) received June 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9791. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Mothership Sector [Docket No. 971229312–7312–01; I.D. 052898A] received June 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9792. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Model 182S Airplanes [Docket No. 98–CE–59–AD; Amendment 39–10598; AD 98–13–10] (RIN: 2120–AA64) received June 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9793. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in accounting periods and in methods of accounting [Revenue Procedure 98–39] received June 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9794. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Certain Transfers of Stock or Securities by U.S. Persons to Foreign Corporations and Related Reporting Requirements [TD 8770] (RIN: 1545–AP81; RIN: 1545–AI32) received June 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. House Joint Resolution 113. Resolution approving the location of a Martin Luther King, Jr. Memorial in the Nation's Capital (Rept. 105–589). Referred to the Committee of the Whole House on the State of the Union.

Mr. LIVINGSTON: Committee on Appropriations. Report on the Suballocation of Budget Totals for Fiscal Year 1999 (Rept. 105–590). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. H.R. 4103. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes (Rept. 105–591). Referred to the Committee of the Whole House on the State of the Union.

Mr. KOLBE: Committee on Appropriations. H.R. 4104. A 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 (Rept. 105–592). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 482. Resolution providing for consideration of the bill (H.R. 4101) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes (Rept. 105–593). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SCHUMER:

H.R. 4102. A bill to establish an early childhood education services referral hotline; to amend the Child Care and Development Block Grant Act of 1990 to authorize additional appropriations and to authorize activities to improve the quality of child care services; to amend the Internal Revenue Code of 1986 to provide credit for employer expenses in providing certain dependent care services, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Florida:

H.R. 4103. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

By Mr. KOLBE:

H.R. 4104. A 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.

By Mr. COX of California:

H.R. 4105. A bill to establish a national policy against State and local interference with interstate commerce on the Internet, to exercise congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, to establish a national policy against federal and state regulation of Internet access and online services, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Commerce, Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ABERCROMBIE:

H.R. 4106. A bill to amend the Internal Revenue Code of 1986 to allow businesses a deduction for meals provided employees on premise, and for other purposes; to the Committee on Ways and Means.

By Mr. MCCOLLUM:

H.R. 4107. A bill to establish the United States Immigration Court; to the Committee on the Judiciary.

By Mr. GANSKE:

H. Con. Res. 293. Concurrent resolution expressing the sense of the Congress on the importance of enacting patient protection legislation; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS (for herself, Mr. CONYERS, Mr. CLAY, Mr. STOKES, Mr. RANGEL, Mr. DIXON, Mr. OWENS, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. PAYNE, Ms. NORTON, Mr. JEFFERSON, Mrs. CLAYTON, Mr. BISHOP, Ms. BROWN of Florida, Mr. CLYBURN, Mr. HASTINGS of Florida, Mr. HILLIARD, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. RUSH, Mr. SCOTT, Mr. WATT of North Carolina, Mr. WYNN, Mr. THOMPSON, Mr. FATTAH, Ms. JACKSON-LEE, Mr. JACKSON, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, Ms. CARSON, Ms. CHRISTIAN-GREEN, Mr. DAVIS of Illinois, Mr. FORD, Ms. KILPATRICK, Mr. MEEKS of New York, and Ms. LEE):

H. Con. Res. 294. Concurrent resolution recognizing the 50th Anniversary of the integration of the Armed Forces, and for other purposes; to the Committee on National Security.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII,

Ms. LEE introduced a bill (H.R. 4108) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel SARAH B; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 306: Mr. TAYLOR of Mississippi, Mr. MENENDEZ, and Mr. PAPPAS.

H.R. 687: Mr. POSHARD and Ms. LEE.

H.R. 902: Mr. PICKERING.

H.R. 953: Mr. LEVIN and Ms. LEE.

H.R. 1061: Ms. STABENOW and Mr. LAFALCE.

H.R. 1126: Mr. MINGE and Mr. ROEMER.

H.R. 1134: Mr. LAZIO of New York.

H.R. 1202: Ms. HOOLEY of Oregon, Mr. KIND of Wisconsin, and Mr. BARRETT of Wisconsin.

H.R. 1689: Mr. ANDREWS.

H.R. 1712: Mr. HILL.

H.R. 1858: Ms. LEE.

H.R. 2124: Mr. BLILEY.

H.R. 2198: Mr. LAZIO of New York.

H.R. 2281: Mr. PICKERING.

H.R. 2380: Mr. NUSSLE.

H.R. 2733: Mr. BARCIA of Michigan, Ms. WOOLSEY, Mr. MORAN of Kansas, Mr. STARK, Ms. HOOLEY of Oregon, Mr. BILBRAY, and Mr. ROTHMAN.

H.R. 2923: Mr. BLUMENAUER.

H.R. 3179: Mr. NADLER.

H.R. 3240: Mr. FILNER.

H.R. 3293: Mr. LANTOS and Ms. KILPATRICK.

H.R. 3396: Mr. BISHOP, Mr. MINGE, Mr. METCALF, and Mr. LAMPSON.

H.R. 3400: Ms. JACKSON-LEE and Mr. FORD.

H.R. 3514: Mr. POSHARD.

H.R. 3594: Mr. PAUL and Mrs. EMERSON.

H.R. 3604: Mr. STARK.

H.R. 3605: Mr. BRADY of Texas.

H.R. 3634: Mr. HOYER, Mr. BEREUTER, Mr. MCINTYRE, Mr. CHAMBLISS, Mr. BOYD, Mrs. CLAYTON, Mr. BENTSEN, Mrs. MYRICK, Mr. PRICE of North Carolina, Mr. CAMPBELL, Mr. LEWIS of Kentucky, Mr. SOUDER, Mr. EHLERS, Mr. KNOLLENBERG, Mr. BACHUS, Mr. WATTS of Oklahoma, Mr. THORNBERRY, Mr. BAESLER, Mr. WALSH, Mr. HAYWORTH, Mr. SESSIONS, Mr. LARGENT, Mr. COMBEST, Mr. JOHN, Mr. SMITH of New Jersey, Mr. TANNER, Mr. SMITH of Texas, Mr. MANZULO, and Mr. RAHALL.

H.R. 3636: Mr. FARR of California.

H.R. 3684: Mrs. CUBIN.

H.R. 3722: Mr. REDMOND.

H.R. 3736: Mr. THORNBERRY and Mr. CAMPBELL.

H.R. 3783: Mr. DOOLITTLE.

H.R. 3795: Mrs. LOWEY and Mrs. ROUKEMA.

H.R. 3875: Ms. ROYBAL-ALLARD, Mr. DIXON, Mr. BLUMENAUER, and Mr. STARK.

H.R. 3923: Mr. BAESLER and Mr. BUNNING of Kentucky.

H.R. 3940: Mr. FILNER, Mr. TORRES, and Mr. MCDERMOTT.

H.R. 3941: Mr. BAESLER.

H.R. 3949: Mr. HOSTETTLER, Mr. NETHERCUTT, Mr. TURNER, Mr. GOODLING, Mr. BARTLETT of Maryland, Mr. BURTON of Indiana, Mr. BLILEY, Mr. PETERSON of Minnesota, Mr. GORDON, and Mr. PORTMAN.

H.R. 3975: Mr. SOUDER.

H.R. 3980: Mr. SANDLIN.

H.R. 3985: Ms. CARSON, Mr. LUTHER, and Mr. RILEY.

H.R. 3990: Mr. KANJORSKI and Mr. MANTON.

H.R. 4019: Mr. TAYLOR of North Carolina and Mr. PACKARD.

H.R. 4070: Mr. MCGOVERN.

H.R. 4078: Ms. CHRISTIAN-GREEN, Mr. PASCRELL, Mr. JACKSON, and Mr. SISISKY.

H.J. Res. 123: Mr. DUNCAN, Mr. CHAMBLISS, Mr. LEACH, Mr. WATTS of Oklahoma, and Mr. FOLEY.

H. Con. Res. 55: Mr. SAXTON.

H. Con. Res. 203: Mr. LAHOOD and Mr. WALSH.

H. Con. Res. 274: Mr. MCCOLLUM, Mr. SCARBOROUGH, Mr. FROST, and Mrs. MORELLA.

H. Con. Res. 278: Mr. FOSSELLA, Mr. PETERSON of Pennsylvania, Mr. HEFLEY, Mr. WATTS of Oklahoma, Mr. KIM, Mr. CHRISTENSEN, and Mr. HILLEARY.

H. Con. Res. 287: Ms. KILPATRICK.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2908: Mr. WATT of North Carolina.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4101

OFFERED BY: MR. BASS

AMENDMENT NO. 2: Insert before the short title the following new section:

SEC. (a) LIMITATION ON USE OF FUNDS.—Not more than $18,800,000 of the funds made available in this Act may be used for the Wildlife Services Program under the heading "ANIMAL AND PLANT HEALTH INSPECTION SERVICE."

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for salaries and expenses under the heading "ANIMAL AND PLANT HEALTH INSPECTION SERVICE" is hereby reduced by $10,000,000.

H.R. 4101

OFFERED BY: MR. DOOLEY OF CALIFORNIA

AMENDMENT NO. 3: Add after the final section the following new section:

SEC. ___. The amounts otherwise provided by this Act are revised by reducing the amount made available for the Department of Agriculture for special grants for agricultural research under the heading "RESEARCH AND EDUCATION ACTIVITIES-COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE" and providing an additional amount for the Department of Agriculture (consisting of $49,273,000 for section 401 of the Agricultural Research, Extension, and Education Act of 1998 notwithstanding section 730), both in the amount of $49,273,000.

H.R. 4101

OFFERED BY: MR. FOLEY

AMENDMENT NO. 4: Page 69, after line 14, insert the following section:

SEC. 739. None of the funds made available in this Act to the Food and Drug Administration may be expended to implement or enforce any rule that prohibits the manufacture, distribution, or sale of metered-dose inhalers that use chlorofluorocarbons.

H.R. 4101

OFFERED BY: MR. HALL OF OHIO

AMENDMENT NO. 5: Page 13, line 14, insert "(reduced by $8,000,000)" after the dollar figure.

Page 14, line 24, insert "(reduced by $8,000,000)" after the dollar figure.

Page 15, line 18, insert "(reduced by $9,000,000)" after the dollar figure.

Page 17, line 4, insert "(reduced by $9,000,000)" after the dollar figure.

Page 48, line 9, insert "(increased by $10,000,000)" after the dollar figure.

H.R. 4101

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 6: Add after the final section the following new section:

SEC. ___. None of the funds appropriated or otherwise made available by this Act may be used to make available or administer, or to pay the salaries of personnel of the Department of Agriculture who make available or administer, a nonrecourse loan to a producer of quota peanuts during fiscal year 1999 under section 155 of the Agricultural Market Transition Act (7 U.S.C. 7271) at a national average loan rate in excess of $550 per ton for quota peanuts.

H.R. 4101

OFFERED BY: MR. OBEY

AMENDMENT NO. 7: Strike out section 736.

H.R. 4101

OFFERED BY: MR. PETRI

AMENDMENT NO. 8: At the end of section 736 (page 68, line 2), add the following new sentence: "Notwithstanding section 147(3) of the Agricultural Market Transition Act (7 U.S.C. 7256(3)), congressional consent for the Northeast Interstate Dairy Compact shall terminate on April 4, 1999.

H.R. 4101

OFFERED BY: MR. PETRI

AMENDMENT NO. 9: Add after the final section the following new section:

SEC. ___. None of the funds made available in this Act may be used to assist or cooperate with, or to pay the salaries of personnel of the Department of Agriculture who assist or cooperate with, the Northeast Interstate Dairy Compact referred to in section 147 of the Agricultural Market Transition Act (7 U.S.C. 7256) after April 4, 1999.

H.R. 4101

OFFERED BY: MR. SANDERS

AMENDMENT NO. 10: In the item in title I relating to "RESEARCH AND EDUCATION ACTIVITIES" under the heading "COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE", insert after the dollar amount relating to "sustainable agriculture research and education" the following: "(increased by $2,000,000)".

In the item in title I relating to "RESEARCH AND EDUCATION ACTIVITIES" under the heading "COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE", insert after the final dollar amount the following: "(increased by $2,000,000)".

In the item in title I relating to "SALARIES AND EXPENSES" under the heading "ANIMAL AND PLANT HEALTH INSPECTION SERVICE", insert after the first dollar amount the following: "(reduced by $2,000,000)".

H.R. 4101

OFFERED BY: MR. SANDERS

AMENDMENT NO. 11: Page 35, line 3, insert after the dollar amount "(increased by $10,000,000)".

Page 53, line 13, insert after the second dollar amount "(reduced by $10,000,000)".

H.R. 4101

OFFERED BY: MR. SANDERS

AMENDMENT NO. 12: In the item in title III relating to "SALARIES AND EXPENSES" under the heading "RURAL BUSINESS-COOPERATIVE SERVICE", insert after the first dollar amount the following: "(increased by $5,000,000)".

In the item in title V relating to "EXPORT CREDIT" under the heading "FOREIGN ASSISTANCE AND RELATED PROGRAMS", insert after the dollar amount the following: "(reduced by $5,000,000)".

H.R. 4101

OFFERED BY: MR. SANDERS

AMENDMENT NO. 13: In the item in title IV relating to "FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS", insert after the dollar amount "(increased by $10,000,000)".

In the item in title VI relating to "FOOD AND DRUG ADMINISTRATION—SALARIES AND EXPENSES", insert after the second dollar amount "(reduced by $10,000,000)".

H.R. 4101

OFFERED BY: MR. SANDERS

AMENDMENT NO. 14: Add after the final section the following new section:

SEC. ___. For an additional amount for the Department of Agriculture (consisting of an additional $10,000,000 for "RURAL COMMUNITY ADVANCEMENT PROGRAM"), and none of the funds made available in this Act may be used to implement or otherwise carry out the amendments made by section 737, $10,000,000.

H.R. 4101

OFFERED BY: MRS. LINDA SMITH OF WASHINGTON

AMENDMENT NO. 15: Add after the final section the following new section:

SEC. ___. None of the funds made available in this Act to the Department of Agriculture may be used to make available or administer, or to pay the salaries of personnel of the Department of Agriculture who make available or administer, any crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or noninsured crop disaster assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for tobacco.

H.R. 4103

OFFERED BY: MR. SANDERS

AMENDMENT NO. 1: At the end of title VIII (page ___, after line ___), insert the following new section:

SEC. ___. None of the funds appropriated or otherwise made available by this Act may be used to enter into or renew a contract with any company owned, or partially owned, by the People's Republic of China or the People's Liberation Army of the People's Republic of China.

H.R. 4103

OFFERED BY: MR. SANDERS

AMENDMENT NO. 2: At the end of title VIII (page ___, after line ___), insert the following new section:

SEC. ___. The amounts otherwise provided by this Act are revised by reducing the total amount provided in title IV for research, development, test, and evaluation for federally funded research and development centers and increasing the amount provided in title II for the StarBase National Guard program by $9,000,000 and $6,000,000, respectively.

H.R. 4104

OFFERED BY: MR. SANDERS

AMENDMENT NO. 1: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ___. None of the funds made available in this Act may be used to pay the salary of any officer or employee of the Federal Government (including any officer or employee of the Executive Office of the President) who certifies, approves, or processes any loan or credit to a foreign entity or government of a foreign country from any amount in the exchange stabilization fund under section 5302 of title 31, United States Code.

H.R. 4104

OFFERED BY: MR. SESSIONS

AMENDMENT NO. 2: In title III, in the item relating to "OFFICE OF ADMINISTRATION—SALARIES AND EXPENSES", after the dollar amount, insert "(reduced by $5,000,000)".

In title III, in the item relating to "FEDERAL DRUG CONTROL PROGRAMS—HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM"—

(1) after the first dollar amount, insert "(increased by $5,000,000)"; and

(2) after "designated High Intensity Drug Trafficking Areas," insert the following: "of which $5,000,000 shall be for a High Intensity Drug Trafficking Area in Dallas-Fort Worth, Texas, designated in compliance with existing law;".

H.R. 4104

OFFERED BY: MR. SESSIONS

AMENDMENT NO. 3: In title III, in the item relating to "OFFICE OF ADMINISTRATION—SALARIES AND EXPENSES", after the dollar amount, insert "(reduced by $5,000,000)".

In title III, in the item relating to "FEDERAL DRUG CONTROL PROGRAMS—HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM", after the first dollar amount, insert "(increased by $5,000,000)".

EXTENSIONS OF REMARKS

OUR NATION'S DEFENSE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to address the important topic of our nation's defense. One of America's leading experts in national security issues and U.S. defense strategy lives in my home state of Colorado. Mr. James H. Hughes of Englewood, Colorado, has written countless articles concerning this topic. I would like to submit Mr. Hughes' latest article entitled "Defense: America's Decision" for the RECORD.

DEFENSE: AMERICA'S DECISION

(By James H. Hughes)

President Clinton's blatant efforts aiding the proliferation of ballistic missiles and nuclear weapons technology, selling U.S. satellite and ballistic missile technology and foreign policy in return for political campaign contributions from the Chinese army and other questionable parties, has manifested itself in the escalating tension and aggressive nuclear testing between India and Pakistan.

Pakistan's six nuclear tests were a response to India's five nuclear tests in May 1998, including India's test of a thermonuclear device (hydrogen bomb). India's nuclear tests were in turn a response to Pakistan's flight test on April 6, 1998 of its new intermediate range ballistic missile called the Ghuari. The significance of Pakistan's flight test of its Ghuari intermediate range ballistic missile deserves our understanding.

The Ghuari ballistic missile increases Pakistan's ability to deliver nuclear warheads from a range of 186 miles (using Pakistan's Chinese-made and designed M–11 missiles) to 930 miles. In one step the Ghuari enables Pakistan to strike targets from along its border to targets deep inside India, threatening practically the entire Indian subcontinent. Pakistan's flight test of the Ghuari precipitated India's nuclear tests, especially as Pakistan belligerently claimed the Ghuari could strike many Indian cities.

India correctly perceives President Clinton could care less about the risks India faces from Pakistan's new ballistic missile. Indeed, President Clinton could care less about our own defense against long-range ballistic missiles. Since taking office in 1993, President Clinton has cut and stripped down our advanced ballistic missile efforts, and insists we remain undefended against intermediate and long-range ballistic missiles.

President Clinton, rather than even attempting to reassure India diplomatically against Pakistan's aggressive stance with its Ghuari ballistic missile, has played the role of a stooge for the proliferation of ballistic missile and nuclear weapons technology by China and Russia. India had little choice but to test its nuclear weapons to deter Pakistan.

China provided Pakistan with the ballistic missile technology and expertise to build the Ghuari and its nuclear weapons program, in violation of nonproliferation agreements with the U.S. President Clinton has not sought to enforce nonproliferation agreements with China, rather President Clinton has sought "inventive legal interpretation to avoid sanctions under U.S. proliferation laws" (Majority Report of the Senate Subcommittee on International Security, Proliferation, and Federal Services, January 1998, p. 10).

We should enforce our nonproliferation agreements with China and halt our transfers of advanced technology. If we deploy a ballistic missile defense in space where it could defend against ballistic missiles launched from anywhere including India or Pakistan, we would provide for our own defense and could defend other countries from ballistic missiles. A ballistic missile defense in space would increase our prospect for peace.

Mr. Speaker, I think Mr. Hughes has issued another thoughtful report and it is important that we take a good look at our current defense policy and focus on the safety of Americans now and in the future.

TRIBUTE TO THE GREATER WILKES-BARRE LABOR COUNCIL

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1998

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to the Greater Wilkes-Barre Labor Council, the United Way of Wyoming Valley, and the City of Wilkes-Barre, the most populous city in Pennsylvania's Eleventh Congressional District. These three entities were recently honored by the AFL–CIO at its National Conference on Community Services. I am proud to bring this outstanding alliance to the attention of my colleagues.

1998 marks the 50th anniversary of the partnership between the Greater Wilkes-Barre Labor Council and the United Way of Wyoming Valley. The AFL–CIO award recognizes outstanding community services, activities and programs provided by the United Way and the Labor Council. The City of Wilkes-Barre was named a Model City in Community Services for the Northeast Region for its affiliation with the partnership.

Some of the programs recognized by the award included: union counseling, blood drives, services to retirees, food drives, and a wealth of other volunteer activities.

Mr. Speaker, the Labor Council consists of more than forty unions of a diverse nature and has active standing committees on Community Services, Education, and Political Action and Legislation.

My good friend Sam Bianco has been the President of the Labor Council for the past 19 years and an active United Way volunteer for nearly 40 years. Betty Friday has been the Chair of the Labor Council's Community Services Committee for 17 years and a United Way Volunteer for 40 years. Another good friend Lois Hartel, the Council Secretary, has been an active United Way Volunteer for 25 years and a past recipient of the prestigious United Way of America's Joseph Beirne Community Services Award.

These hard-working, dedicated people and the others working with them on countless volunteer committees deserve our gratitude and respect. I join with the community in congratulating the Greater Wilkes-Barre Labor Council, the Wyoming Valley United Way, and the City of Wilkes-Barre for sharing this outstanding honor and bringing pride to Northeastern Pennsylvania.

IN SUPPORT OF FUNDING THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1998

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H. Res. 399, a resolution urging Congress and the President to fully fund the Individuals With Disabilities Education Act.

In passing IDEA in 1975, Congress required the Federal, State and local governments to share the cost of educating children with disabilities. When enacted, the Federal Government was to assume 40 percent of the national average per pupil expense for such children.

While Congress has authorized this amount since 1982, the appropriation amount has never come close to the stated goal of 40 percent. Last year, it reached the highest level ever at 11 percent. The balance has been left to the State and local governments.

The result has been an enormous unfunded mandate on State and local school systems to absorb the cost of educating students with disabilities. In doing so, local school districts must divert funding away from other students and education activities. This has had the unfortunate impact of draining school budgets, decreasing the quality of education and unfairly burdening the taxpayers.

Mr. Speaker, it is time for both Congress and the President to demonstrate that they are truly interested in our Nation's children's education. By fully funding IDEA, Congress will simultaneously ease the burden on local school budgets while ensuring that students with disabilities receive the same quality of education as their non-disabled counterparts.

THE 25TH ANNIVERSARY OF FATHER JOE ORLANDI'S ORDINATION TO THE PRIESTHOOD

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1998

Mr. PASCRELL. Mr. Speaker, it is with great pleasure that I call to your attention the 25th anniversary of Father Joe Orlandi's ordination into the priesthood.

Joe Orlandi was born in Subiaco, Italy on December 8, 1947, the child of Augusto and Teresa Orlandi. He studied at the Pontificio College Leoniano in Rome. On July 25, 1970 at the invitation of the diocese of Paterson, Joe continued his theological studies at the Immaculate Conception Seminary, Darlington, New Jersey. In 1971 while still completing his studies, Joe was assigned to our Lady of Pompeii Church in my hometown of Paterson, New Jersey. All who met him there found him to be a caring friend and a trusted spiritual advisor.

In 1973, following the completion of his theological studies, Joe was ordained a priest in Paterson by Bishop Lawrence B. Casey. His first assignment was Mt. Carmel Parish in Boonton. It wasn't too long before his parishioners at Mt. Carmel grew to know and love Father Joe, and many families invited him into their homes for traditional Italian meals and warm conversation. Father Joe was the determining factor in several parishioners' tour to Rome in 1975.

That same year, Father Joe was appointed associate pastor of St. Brendan Church in Clifton. His extraordinary leadership qualities were soon recognized and in 1978 he was appointed co-pastor of St. Brendan. As moderator of the Youth Group, Father Joe had a positive impact upon many young people whose successful adult lives today reflect his advice and guidance. Father Joe gives selflessly of his time and energy. He is a Boy Scout Moderator, Teacher of Religious Education in St. Brendan School, bingo chairman, as well as director of the Diocese of Paterson Engagement Encounter weekends.

Deeply grateful to his adopted country, Father Joe joined the United States Army Reserve as a Chaplain in 1980, counseling countless soldiers and their families, during times of peace and times of heightened tensions. Father Joe continues to minister to the spiritual needs of the men and women who serve in our nation's Army Reserve.

On June 15, 1990, our dynamic Priest brought a new spirit to the nationally recognized historic parish of St. Michael, Paterson. Father Joe has been an ever-watchful guardian of the public good, never failing to speak out in the interests of the larger community he serves. Many a newcomer to our shores and many a senior citizen can also thank Father Joe for freely sharing with them his extensive knowledge and expertise in immigration and social security matters.

Mr. Speaker, I ask that you join me, our colleagues, his parishioners, and the State of New Jersey in recognizing Father Joe Orlandi's exceptional contributions to our society on this 25th anniversary of his ordination.

A TRIBUTE TO SUSAN WESTERBERG PRAGER, DEAN OF THE UCLA SCHOOL OF LAW

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1998

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Susan Westerberg Prager, who is stepping down after 16 years as Dean of the UCLA School of Law. Dean Prager has compiled an extraordinary record. Under her leadership, the UCLA School of Law enhanced its reputation for excellence in scholarship, achieved diversity among the student body and added exceptional faculty members.

By any measure UCLA is now among the elite law schools in the United States. As an alumnus of the UCLA School of Law, I take great pride in Dean Prager's many noteworthy accomplishments.

Dean Prager started her career in politics and then made the transition to law. Her political work included stints with Sen. Thomas Kuchel and Rep. Paul McCloskey. Her distinguished academic life includes both a B.A. and M.A. in history from Stanford University and, in 1971, a law degree from UCLA. Two years later she joined the faculty at the UCLA School of Law.

Dean Prager's areas of expertise include family law, real property, community property and historic preservation law. The last is especially appropriate as she is the co-owner of two Los Angeles Cultural-Historic Monuments. She has also lectured and written extensively on such subjects as women's rights, legal education, marital property law and affirmative action. Her frequent public appearances in Southern California have helped boost the profile of the law school.

Dean Prager has an impressive résumé of honors, awards and commendations. To name but a few: she received the Legal Services Award from the Mexican American Legal Defense & Educational Fund; was presented the BayKeeper Circle Award by the Santa Monica BayKeeper and was given a "Women of Action" Award by the Israel Cancer Research Fund. This year the UCLA Law Alumni Association is presenting Susan with the Lifetime Achievement Award.

I ask my colleagues to join me in saluting Susan Westerberg Prager, who leaves behind an unparalled record of achievement as Dean of the UCLA School of Law. Her contributions to the field of law and legal education will never be forgotten.

TRIBUTE TO KOREAN WAR VETERANS

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1998

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to the Korean War veterans of New Jersey, who gathered on May 31, 1998, to designate Kinderkamack Road as the "Korean War Veterans Roadway." This wonderful dedication ceremony was organized at the suggestion of Mr. Richard T. Bozzone, Commander of the Chorwon Chapter of the American Korean War Veterans of New Jersey.

On June 25, 1950, North Korean forces invaded South Korea, setting the stage for the men and women of America's armed forces to enjoin a crucial battle against communist expansionism. Battle by battle, skirmish by skirmish, America's fighting forces heroically pushed back the North Korean aggressors.

The sacrifice and valor displayed by America's Korean War veterans should never be forgotten. And for this reason the designation of the "Korean War Veterans Roadway" will serve as a daily reminder to the residents of northern New Jersey of the American soldiers who served, and those who died, in defense of liberty on the Korean peninsula.

I want to thank Commander Bozzone and all the members of the Chorwon Chapter of the American Korean War Veterans for initiating this project. Their successful effort to name a major roadway, which runs through nine Bergen County towns, in honor of America's Korean War veterans, is a tribute that will long endure.

FORMER ACLU LEADERS ARE WRONG

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1998

Mr. DELAY. Mr. Speaker, when it comes to the issue of freedom of speech and campaign reform, the New York Times and so-called "reformers" take a curious position. They ignore the warnings of the ACLU and argue the Shays/Meehan bill is constitutional because former leaders of the American Civil Liberties Union (ACLU) have changed their position and now support overturning the Buckley decision.

The attached statement by the current ACLU leadership sets the record straight. On the issue of campaign reform and freedom of speech the current board of the ACLU is absolutely correct—overturning Buckley is a threat to the First Amendment of the Constitution. These former ACLU leaders are pushing proposals that run counter to our first freedom—freedom of speech. These former leaders do not have the support of the ACLU's national board and do not represent the over 250,000 members of the ACLU. These former leaders are wrong.

ACLU CAMPAIGN FINANCE POSITION PROTECTS FREE SPEECH

(Statement of Nadine Strossen, President; Ira Glasser, Executive Director; and Laura W. Murphy, Legislative Director)

WASHINGTON.—Nine former leaders of the American Civil Liberties Union today released a statement saying that they have changed their positions on campaign finance and now disagree with legal scholars, Supreme Court Justices and the ACLU's longstanding policy to seek the highest constitutional protection for political speech.

In their statement, these leaders argue that the Supreme Court misread the First Amendment in 1976 when it issued its ruling in *Buckley v. Valeo*, which struck down legislative limits on campaign expenditures in a

holding that reflected many legal precedents and has been repeatedly reaffirmed. Our former ACLU colleagues say that our opposition to current legislation allows members of Congress to hide behind an unjustified constitutional smokescreen.

We are untroubled by the questions they raise and believe that it is they who allow members of Congress and President Clinton to hide behind so-called reforms that are both unconstitutional and ineffective. As long as measures like McCain-Feingold or Shays-Meehan are allowed to masquerade as reform, neither Congress nor President Clinton will get serious about adopting *true* reform, which we believe lies in the direction of fair and adequate public financing.

Just last year, we offered Burt Neuborne, a former ACLU Legal Director and one of the principal opponents of our campaign finance policies, the opportunity to argue his position before the ACLU's 83-member National Board. After hours of debate and discussion, Neuborne completely failed to shift the ACLU Board to his view. Many Board members in fact argued that Neuborne's position was in direct conflict with the First Amendment rights that form the foundation of our democracy. Ultimately, the one Board member who had offered a motion to radically alter our long-standing policy withdrew it rather than allowing it to come to a vote.

Yet our former ACLU colleagues persist, offering sweeping proposals that would constitute a wholesale breach of First Amendment rights and that ignore the real-world impact of limits on speech. They speak approvingly of efforts to impose "reasonable limits on campaign spending" without saying specifically what such regulations would do. But when we look at those consequences it becomes clear that current campaign finance measures would do immeasurable damage to political speech. The devil as the cliche goes, is in the details.

A key provision of both McCain-Feingold and Shays-Meehan would, for example, establish limits that effectively bar any individual or organization from explicitly criticizing a public official—perhaps the single most important type of free speech in our democracy—when the official is up for re-election within 60 days. If that kind of law had governed the recent New York City mayoral election, it would have effectively barred the ACLU (and other non-partisan groups) from criticizing incumbent Mayor Giuliani by name on the subject of police brutality in the wake of the horrific Abner Louima incident precisely during the pre-election period when such criticism is most audible. That prohibition would have gagged us even though the ACLU has never endorsed or opposed any candidate for elective office and is barred by our non-partisan structure from doing so. Similarly, anti-choice groups like the National Right to Life Committee would be effectively barred from criticizing candidates who support reproductive freedom. Yet such criticism of public officials is exactly what the First Amendment was intended to protect.

In contrast, there are many reform measures the ACLU supports that would protect and increase political speech. These include instituting public financing, improving certain disclosure requirements, establishing vouchers for discount broadcast and print electoral ads, reinstating a tax credit for political contributions, extending the franking privilege to qualified candidates and requiring accountability of and providing resources to the Federal Elections Commission. None of those proposed reforms would run afoul of the First Amendment.

Still, our former ACLU colleagues press proposals that would inevitably limit political speech. We continue to shake our heads, wondering how such measures can be regarded as "reforms" by anyone who is genuinely committed to the First Amendment.

REP. BELFANTI RECOGNIZED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1998

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to my colleague and close friend, State Representative Robert E. Belfanti, Jr. Bob will be honored by the Susquehanna Valley Boy Scouts Council at the Council's July 7 American Distinguished Citizen Dinner. I am pleased and proud to be able to participate in this prestigious event.

Mr. Speaker, Bob Belfanti represents parts of my congressional district in Northumberland County, Montour County, and Columbia County. I have been proud to work with him on numerous occasions since I was first elected in 1984. I consider him a close personal friend.

Born in 1948 to Robert and Rose Belfanti, Bob attended local schools in Mount Carmel, Pennsylvania, in what is part of the District he now represents. He was active in Scouting and became an Eagle Scout in 1961. He graduated high school in 1966 and enlisted in the United States Marine Corps the following July. Bob served in Vietnam and was decorated six times. Following his tour of duty in Vietnam, Bob attended the University of North Carolina on a special Inservice Program. In 1971, Bob received an honorable discharge from the Corps but remained active in a Reserve unit for another two years.

In 1972, Bob began electrician school and graduated as a journeyman in 1975. He operated his own contracting company prior to his election to the Pennsylvania General Assembly in 1980.

Active in numerous local organizations, Representative Belfanti is a member of the AmVets, N.E. Economic Development Council, Lions, Knights of Columbus, Veterans of Foreign Wars, American Legion, UNICO, and various Scouting organizations. Bob was listed in Who's Who in American Politics, received the Outstanding Young Men of America Award, National Young Democrat Award, and the National Leadership Award.

Bob's legislative efforts have ranged from employment issues to the environment. He has helped his district move beyond its coal mining heritage and toward the 21st century with millions in grant money for everything from technology to sewage treatment.

Mr. Speaker, Bob Belfanti is a proven leader, an able legislator, and a concerned citizen. I am proud to join with his wife Cece, his sons, his friends, and the community in paying tribute to his outstanding career and his dedication to his community. I am pleased to have had the opportunity to bring Bob's many accomplishments to the attention of my colleagues and I wish my good friend continued success, good health, and prosperity.

HONORING NEAL BROXMEYER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1998

Mr. ACKERMAN. Mr. Speaker, I rise today to share with my colleagues in the House of Representatives the story of a man whose life, which ended all too soon in 1996 at age 43, was dedicated to the pursuit of truth.

Neal Howard Broxmeyer searched for truth with a great intensity. He was long immersed in spiritual work which brought tremendous peace. A beloved and respected leader of the School of Practical Philosophy, he played a major role in establishing its Abraham Lincoln School for Boys and Girls on the upper east side in Manhattan. His 9-year-old son is a student there, and is very proud of the role his Dad played. Indeed, it was one of Neal's precious dreams to see the school flourish and grow.

Neal's devotion to his family was exemplary. He naturally included within his family the many people whose lives intersected with his. In that sense, Neal's family included his associates and colleagues at Fairfield Properties, where he was a partner. His brothers have said that he was an excellent businessman, known for his honesty and his integrity. He was seen as the "heart and soul" of his business, and he was referred to as the "light of the office."

Neal Broxmeyer was a man who always looked beyond his own needs. He led his life in keeping with the maxim: Set no limits in service, and encouraged others to do the same. He was always available to others. He cherished the community in which he lived and was very happy to be part of the community association. He led the way in establishing the security patrol in the community, and always said "How could I not take it on?"

Neal was a simple man who was extraordinary. Always there, steady and balanced; never looking for faults in others, but instead finding the goodness in everyone. Everything and everyone who benefited from his attention, concern, insight, wisdom, counsel, and warmth understands that there was "absence of claim." Although not rigid, Neal was highly disciplined. His life, though very short, was filled with a quality beyond most. Nothing, it seems, was wasted.

Neal is survived by his loving family: His beloved wife Susan; their children, Dara, Jennifer, and David; by his parents, Muriel and Joseph; and by his brothers Mark and Gary.

June 23, 1998 will mark the inauguration of the Neal Broxmeyer Scholarship Fund. This fund will help to keep alive the memory and vision of this extraordinary man. Mr. Speaker, it is my privilege and distinct honor to bring the brief life of Neal Howard Broxmeyer to the attention of my colleagues and hope they will join me in paying tribute to an outstanding human being.

IN SUPPORT OF ADDITIONAL FUNDING AND AWARENESS ABOUT POLYCYSTIC KIDNEY DISEASE

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1998

Mr. McDERMOTT. Mr. Speaker, the Polycystic Kidney Research Foundation held a conference here on June 19–21. Four hundred patients, physicians, and researchers gathered to review the latest developments in research for a treatment and cure. Supporters visited members of the House and Senate to ask for a commitment to increased funding at the National Institutes of Health in research for this disease which affects 600,000 Americans. Polycystic Kidney Disease (PKD) is the most common life-threatening genetic disease and costs $1.5 billion yearly in Medicare funding. Scientists are hopeful that with increased funding in research the disease can be treated or cured within the next five years.

Attached is an article which describes recent gains we've made in combatting PKD and how important continued research will be to finding a cure. I urge my colleagues to take the time to read this article and learn more about this terrible disease.

[From Contemporary Dialysis & Nephrology, Sept. 1997]

GENETIC BREAKTHROUGHS TAKE CENTER STAGE IN ACCELERATING POLYCYSTIC KIDNEY DISEASE DRAMA

(By Michael D. O'Neill)

INTRODUCTION

"I believe the future holds the prospect of fundamental breakthroughs that will allow us to develop treatments that will change the basic biology of polycystic kidney disease (PKD)."

This hopeful message was delivered by Josephine Briggs, MD, director of the Division of Kidney, Urologic, and Hematologic Diseases in the National Institutes of Health's National Institute of Diabetes and Digestive and Kidney Disease (NIDDK), in her luncheon address at the 8th Annual Conference on PKD, sponsored by the Polycystic Kidney Research (PKR) Foundation, in Nashville, TN.

In 1982, Joseph H. Bruening and Jared J. Grantham, MD, founded the PKR Foundation to determine the cause, improve clinical treatment, and discover a cure for PKD. Today, the organization is the major funder of private PKD research grants and the disseminators of information about the disease worldwide to physicians, researchers, patients, and the general public.

Briggs' optimism was based on a continuing series of dramatic discoveries related to the genetics and molecular biology of PKD. These discoveries have come at an ever-increasing pace following identification of the PKD1 and PKD2 genes in 1994–1995 and 1996, respectively, and have roughly paralleled an increasing rate of PKD-directed research funding by both the NIH and the PKR Foundation.

ADDITIONAL ADVANCES

Additional advances in the last few months have generated even more excitement. Gregory Germino, MD, a nephrologist at The Johns Hopkins University School of Medicine, Baltimore, MD, has shown evidence that a two-hit mechanism initiates cyst formation in PKD and suggested that intervention to prevent the second hit may impact the course of the disease.

Germino has shown that the normal PKD1 and PKD2 proteins physically interact with each other in the cell membrane and probably participate in a common cellular path way. This finding may explain why defects in either of these genes, located on different chromosomes, can cause the same clinical disease.

Briggs termed these discoveries "enormous, dramatic, and, in some cases, very surprising." She said that "have implications not only for PKD, but perhaps for other diseases as well."

Germino described his findings at one of the conference's many informative workshop sessions. Attendees also heard encouraging news about the prognosis for children with autosomal recessive PKD (ARPKD), and prenatal diagnosis of ARPKD. They also received updates on numerous other areas of PKD research and treatment.

In her address, Briggs also commented on the future of funding for PKD research and stressed the need for industry involvement on the parts of both the biotech and pharmaceutical industries.

PKD BACKGROUND

PKD is a systemic disease. The most common problems are associated with the kidneys, where fluid-filled cysts can develop and lead to End-Stage Renal Disease (ESRD). As with other forms of ESRD, dialysis and transplantation are the available treatments.

There are two major forms of PKD—the more common, autosomal dominant (ADPKD) form that chiefly affects adults, and the much rarer autosomal recessive (ARPKD) form that affects children.

ADPKD affects an estimated 600,000 people in the U.S. and 12.5 million around the world. It is said to be the most common life-threatening genetic disease.

In the US, over 1,000 people die each year from PKD, and an additional 2,000 develop kidney-failure. Costs to US taxpayers from dialysis, transplants, and treatment related to this disease are estimated at more than $1 billion annually.

Defects in the PKD1 gene on chromosome 16 are responsible for 85% of ADPKD while defects in the PKD2 gene on chromosome 4 are responsible for about 15%. A third gene (PKD3), which has not yet been pinpointed, is defective in a small number of ADPKD families. The gene for ARPKD has not yet been identified, but it has been located within a small region of chromosome 6.

THE TWO-HIT MECHANISM

ADPKD patients are born with one defective PKD gene and one functional PKD gene. For PKD1-associated ADPKD, Germino has shown compelling evidence that cysts develop from a subset of kidney cells in which both PKD1 genes are defective.

Germino describes this as a two-hit mechanism. The first hit is being born with one broken PKD1 gene. The second hit is sustaining damage to the remaining functional PKD1 gene. This second hit leaves the cell with no way to produce the normal PKD1 protein, and that deficiency somehow leads to cyst formation.

This two-hit model is particularly attractive because it offers an explanation for two-fundamental puzzles of PKD, namely the highly variable course of the disease and the focal nature of cyst formation (in PKD, only one out of every 100 or 1,000 nephron tubule cells actually goes on to become a cyst—the vast majority of these cells are completely normal).

This argument proposes that the cysts develop only from those cells that experience second hits and that the variable disease course might be traceable to variable frequencies of the second hits in different individuals.

CELL MEMBRANE INTERACTION

The second dramatic finding, reported in the June 1997 issue of Nature Genetics, is that the normal PKD1 and PKD2 proteins interact in the cell membrane and probably work together in a common cellular pathway. As noted earlier, this finding may explain why defects in either of these genes can cause the same clinical disease.

"By understanding pieces of this cellular pathway and the steps involved, we hope that we can one day design safe and effective therapies for PKD," Germino said.

HOPE FOR ARPKD PATIENTS

Encouraging news concerning ARPKD was reported by Lisa Guay-Woodford, MD, a pediatrician and assistant professor of Medicine at the University of Alabama-Birmingham.

"Still, in 1997, there is a sense among the general medical community that ARPKD is a universally fatal disease," she remarked. "The answer is that it is not. While it's true that 30%–50% of these children will not survive the newborn period, results from two recent studies have shown that, if a child with ARPKD can survive the first year of life, that child has a reasonably good prognosis."

Guay-Woodford said that, if sufficient family information is available, it's possible to carry out prenatal diagnosis for this disease, using DNA-based genetic linkage analysis. With collaborators, Guay-Woodford has performed such diagnoses in a number of cases where the fetus was known to be at risk for ARPKD.

NIH AND PKD FUNDING

In her luncheon address, Briggs stressed the urgent need for the biotech and pharmaceutical industries to become more involved in the funding of PKD research. She noted that the estimated cost of taking a single drug to market is $270 million, which exceeds the entire NIH budget for kidney disease research.

"If we are going to eventually see new drugs for PKD, we also need pharmaceutical and biotech investment," she said.

While noting that NIH funding for PKD research had increased significantly—from $70,000 (one grant) in 1982 to $7.3 million (46 grants) in 1996, Briggs, a nephrologist and kidney researcher, expressed her desire for increased NIH funding in the area of PKD research. The PKR Foundation has previously stated that annual NIH funding for PKD research has trailed allocations for diseases that affect fewer people. Cystic fibrosis, for example affects 30,000 people in the US and received $61 million in annual funding from the NIH in 1996 while PKD affects 600,000 and received only $7.3 million.

In 1996, the PKR Foundation funded $536,000 in PKD research and will fund $750,000 by the end of this year.

"We directly fund individual investigators at major teaching and research institutions and heavily promote the need for increased PKD investigation at the federal level," according to Dan Larson, PKR Foundation president. "We plan to work closely with Dr. Briggs and the appropriations committees to add a zero to the current PKD research allocation of $7.3 million."

GIVE THEM AN ADULT WHO CARES

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1998

Mr. PAYNE. Mr. Speaker, as youngsters we're taught about pride and humility and how we must use them if we are to serve well and succeed in life. Today, proud and humble, I would like to join others as they honor and recognize my brother, William, for his work as a New Jersey State Assemblyman representing the 29th Legislative District. Tomorrow at an event at the prestigious law firm of Gibbons, DelDeo, Dolan, Griffinger & Vecchione in Newark, New Jersey, family, friends, colleagues and supporters will gather to thank and further encourage Assemblyman Payne on the leadership he has continuously exhibited to benefit the lives of those less fortunate among us.

Assemblyman Payne is serving his first term where he is a member of the powerful Appropriations Committee. My brother, Bill, is no stranger to the political process. He was the first African American elected as District Leader in Newark's North Ward in 1955. He unsuccessfully sought municipal elected office in 1962 when he lost by 399 votes a run-off election for Councilman-at-Large. He ran a spirited race for South Ward Councilman in 1966 which was also unsuccessful. Over the years he has assisted numerous citizens in their quest for elected office. He was among the first to encourage Kenneth A. Gibson, Newark's first African American Mayor, to actively seek political office. And, of course, I am another of his proteges. Since taking the oath of office this year in January, Assemblyman Payne has energized the New Jersey Legislative Black and Latino Caucus.

I would like to bring my colleagues attention to two pieces of legislation Assemblyman Payne has introduced—a bill establishing a 21-member Amistad Commission to develop education and public awareness programs about the history of slavery in America and the post-slavery triumphs of African Americans.

He has also introduced a bill that would require all the New Jersey's school districts to have a program that links troubled children with volunteers who promise to spend at least one hour a week with them for at least one year. Prior to his election, Assemblyman Payne has actively recruited hundreds of mentors to work with some of our troubled youth. These mentors occupations ranged from doctors and lawyers to retirees and laborers—people who knew the importance of being a caring adult in the lives of sometimes confused and troubled youngsters. Assemblyman Payne was himself a mentor to a young man who was destined to get into trouble. Today, Rahjan Williams, the mentee, is looking forward to attending college to become an accountant.

Mr. Speaker, I am sure my colleagues will join me as I extend congratulations and best wishes to my only brother of whom I am extremely proud. And I wish to thank those who are honoring him, especially his son-in-law Wilfredo Benitez, an up and coming young attorney with the host law firm

"KUDZU" CONCLUDES SUCCESSFUL WASHINGTON RUN

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1998

Mr. PRICE of North Carolina. Mr. Speaker, I would like to recognize the artistic merit and creative talents of North Carolinians Doug Marlette, Jack Herrick, and Bland Simpson, creators of "Kudzu: A Southern Musical." This musical production has been playing at the Ford's Theatre in Washington, DC for almost sixteen weeks, has received glowing reviews from the New York Times, the Boston Globe, and other publications, and has lifted the spirits of thousands who have been privileged, as I was last week, to see the show.

The musical is based on the syndicated comic strip "Kudzu," illustrated by Pulitzer Prize-winning editorial cartoonist Doug Marlette. The Red Clay Ramblers, a talented and versatile musical group from Chapel Hill, are featured along with an excellent cast. The production explores life in a small Southern town called Bypass and focuses on the life, loves, and mishaps of a character named Kudzu (which is also the name of the incredible vine that has engulfed half the town but hides wondrous treasurers beneath).

Having grown up in a small Southern town myself, I could easily identify with their portrayal of the South and instantly recognize many of the characters! However, you do not have to be Southern, or even follow the antics of Kudzu, Rev. Will B. Dunn, and the other Bypass regulars in the comics, to enjoy this family show. Doug Marlette, Jack Herrick and Bland Simpson wrote a clever and entertaining script and incorporated great bluegrass and Dixieland music to make this production enjoyable for all audiences. It's as funny as can be, but it also tugs at the heartstrings and reminds us of the things that matter most in life.

I commend this North Carolina trio, the cast of "Kudzu," and director Lisa Portes for their tremendous work in making this production such a success. They tell a great story and I am proud that they call North Carolina home.

HONORING TERRI THOMSON

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1998

Mr. ACKERMAN. Mr. Speaker, I rise today to honor and congratulate Terri Thomson, on her swearing in as the Queens member of the New York City Board of Education. She is a dynamic and energetic individual, who will work tirelessly on behalf of the thousands of students in the New York City Public School System.

Terri bagan working as a staff assistant in my Queens office when I served in the New York State Senate. I quickly became impressed with her work ethic, and her political savvy. Shortly after being elected to Congress in 1983, I promoted her to be my district administrator where she served with the utmost integrity and compassion until 1990. In this capacity, she made a difference in the lives of thousands of my constituents. Aside from being an invaluable political ally, she became the dearest of friends both to me and to my family.

After leaving my office, she was hired by Citibank as the Director of Community Relations and was eventually promoted to be the Vice President of City and State Governmental Relations. At Citibank she helped school principals with professional training and worked to integrate new technology into the public school system. Moreover, she was able to introduce students to the Internet and demonstrated its application to commercial banking.

Throughout her career, Terri has been deeply involved in the community. She also serves as the Vice Chair of the Brooklyn Sports Foundation, which seeks to create an indoor sports facility for the New York City Public School System. Terri has also been involved with the Queens Chamber of Commerce and the Queens Public Library where she sought to improve both economic and educational opportunities for the entire community.

Terri's commitment to the community, her understanding of the issues, and her public and private sector experience make her uniquely qualified for a position on the New York City Board of Education. I am fully confident that she will be thoroughly equipped to grapple with the enormous complexities of the New York City Public School System. Thus, I ask all of my colleagues in the House of Representatives to join me in honoring this extraordinary individual whose dedication to the community will continue to make a significant difference in the lives of thousands of New Yorkers.

PERSONAL EXPLANATION

HON. GIL GUTKNECHT

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1998

Mr. GUTKNECHT. Mr. Speaker, last Thursday and Friday, June 18 and 19, due to my son's graduation, I missed roll call votes 245 to 251. Had I been present I would have voted as follows:

On roll call vote number 245, on establishing the Select Committee on U.S. National Security and Military/Commercial Concerns With the People's Republic of China, yea.

On roll call vote number 246, on ordering the previous question on the resolution establishing the rule for further consideration of H.R. 2183, yea.

On roll call vote number 247, on agreeing to the resolution establishing the rule for further consideration of H.R. 2183, yea.

On roll call vote number 248, on agreeing to the resolution establishing an open rule for consideration of H.R. 4059, the military construction appropriations bill, yea.

On roll call vote number 249, on agreeing to the Thomas amendment to the Shays substitute to H.R. 2183, the Bipartisan Campaign Integrity Act, yea.

On roll call vote number 250, on agreeing to the Maloney amendment to the Shays substitute to H.R. 2183, the Bipartisan Campaign Integrity Act, yea.

On roll call vote number 251, on agreeing to the Gillmor amendment to the Shays substitute to H.R. 2183, the Bipartisan Campaign Integrity Act, yea.

U.S. IMMIGRATION COURT

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1998

Mr. McCOLLUM. Mr. Speaker, today I am introducing legislation to establish a new United States Immigration Court. The title of the bill is the "United States Immigration Court Act of 1998." This bill would remove the immigration adjudication functions from the Justice Department and invest them in a new Article I court. The court would be composed of a trial division and an appellate division whose decisions would be appealable to the Court of Appeals for the Federal Circuit.

The system for adjudicating immigration matters has matured tremendously over the last 15 years. Special inquiry judges have become true immigration judges. The Board of Immigration Appeals has been greatly expanded, and the whole Executive Office for Immigration Review has been separated from the Immigration and Naturalization Service.

Yet much of this system, including the Board of Immigration Appeals, does not exist in statute. And while separated from the INS, aliens still take their cases before judges who are employed by the same department as the trial attorneys who are prosecuting them.

It is time to take the next logical step and create a comprehensive adjudicatory system in statute. Such a system should be independent of the Justice Department. This is not a new concept—in fact, I first introduced legislation to take this step back in 1982. I continue to believe that an Article I court would allow for more efficient and streamline consideration of immigration claims with enhanced confidence by aliens and practitioners in the fairness and independence of the process.

The bill introduced today provides a solid framework on which to build debate on this important and far-reaching reform. I look forward to working with all interested parties in fine-tuning and further developing this proposal where necessary and enacting this much needed reform. It is my hope to see real progress made on this matter and I urge my colleagues to support the United States Immigration Court Act of 1998.

HONORING MEMBERS OF THE LION 4 UNIT OF WORLD WAR II

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1998

Mr. COBLE. Mr. Speaker, I would like to take this opportunity to recognize a little-known, but immensely significant, group that valiantly served our country in World War II. This heroic group of individuals, members of the "Lion 4" unit, served to supply and repair the many needs of the huge Navy presence in the Pacific theater. This unit, along with the other brave soldiers who fought the war in the Pacific, helped us defeat the Japanese and end the war months earlier than expected. We shall never forget the accomplishments of these men, some of America's true heroes.

The Lion 4 unit landed on the Admirality Islands north of New Guinea, with the daunting task of having to build a base equal to Pearl Harbor in size and function, with room to anchor over 400 ships. They landed on February 29, 1944, and by March 10, a severely damaged airfield was operational, providing pivotal air support during the war. Amazingly, at least 36 major units were operational by July, merely five months after the Lion 4 had first landed! These men had almost single-handedly created the largest and most important naval and air base in the Pacific Theatre. This in spite of knee-deep mud, torrential rainfall, 120 degree temperatures, malaria, and the constant risk of death from the ongoing war around them. They built this base so that the fighting troops could get supplies and repairs, and the time saved, in addition to the Lion 4's service, served to cut short the war and break the back of the Japanese forces.

On behalf of the men and women of the Sixth District of North Carolina, we proudly honor these men for their service to our country. The following men, members of Lion Four/Navy 3205 Association, are among the servicemen who helped keep our country free and proud:

Marlon Adrian, Albert Aguero, Edwin Anguiski, Robert Archer, Ford Basel, Leonard Bearce, Ralph Benavidez, S.Q. Berry, Donald Berry, Henry J. Bozenski, Donald Bratt, Robert Bridges, Robert Bridges, George Briggs, Ernest Brown, Harold Brown, Williams Burg, Lenard Callaway, Loran Cambell, Pat Cannavino, Harold Cazaubon, Morris J. Coe, Marion Cook, George Crosley, Jesse Daniels, Carrol Day, Fred Defield, Martin Delozier, John Dick, Augustine DiSano, Malone Downes, Irvine Downs, Earl Dressen, Robert Dunn, Frank Durbin, James Eby, Carl Eitel, Max Ellis, Howard Espenson, Joseph Frendling, D.P. Garner, Shelton Gautreaux, William Gaydos, George Gerberding, John Geschrey, John Glaser, Charles Granger, Chester Grobschmidt, Sam Guerrero, Frank Halder, E. Lee Hall, Garry Hanson, Robert Hartigan, Robert Harwood, Thomas Hatcher, Ralph Hayes, George Haymes, James Heand, Robert Hecke, Charles Heiss, Forrest Herron, Jr., John Herzog, Preston Hoalst, Frank Hogan, Charles Hoggett, Douglas Hood, Kenneth Hoyt, William Hutchison, Joe Jacob, Clifford James, James Jensen, Farris Jobe, Hal Johnson, Sylvester Kapoclus, James Kauffman, Eugene Kennedy, Chester Kershner, Andrew Kube, Herman Kuhns, Robert Laflame, Marshall Leach, Bernard Lease, Marvin Leasure, Larry Leonard, Arthur Ludwig, Daniel Lukach, Paul Mahan, Charles Majewski, Perry Martin, Ken Mathews, William Maxwell, Charles McCabe, Eugene McCardell, Joseph Melillo, Jake Miller, Thomas Miller, Frank Moesher, Lawrence Moon, Dale Mulholand, Miles Mutchler, Evan Nardone, Glen Nelson, Donald Nephew, John Newkirk, William O'Dea, Howard Olson, Richard Ostrem, James Owens, Ingert Pederson, James Pennebaker, Walter Pensak, Robert Phipps, William Piper, Donald Pittelko, I.C. Plaza, Marvin Plunkett, Floyd Prater, Melvin Rabbitt, Douglas Ragsdale, Al Raiola, George Roe, Robert Rosenburg, Irven Rustad, John Ruth, Paul Sanders, John Sarbach, Alvin Saxton, Roland Schomer, Oron Schuch, Carl Schultz, Robert Schultz, Harold Schwocho, Eldon Shomo, Paul Siler, Roy Smith, Ruben Stahl, C. Stewart, Wm. Stiffler, Phillip Storm, Robert Stower, John Streicher, Buford Swartwood, Robert Tafel, Louis Tangney, Ernest Taube, Lowell Ter Borch, John Thomas, Ronald Trabucco, Walker Treadway, Joshua Treat III, Robert Trevorah, Frank Van Poppelen, John Van Soest, Charles Vicory, John Ward, Chuck Washner, Harry Waugh, William Webb, Harry Weiss, Hal Wenick, B.F. Williams, Sherwood Williams, Loren Yates, and Frank Zehner.

Family members will be representing the following deceased members of Lion 4 at the next gathering in Williamsburg, Virginia: Herbert Banning, Edward Boyle, Mr. Daningger, Brayn Driggers, Thomas Hutchison, Bert Lancaster, Robert Riehm, Eugene Rushing, Arthur Schussler, Arnold Vann, Donald Williams, Edward Winikaitis, and Glen Zunke.

As we sit here today, a half century after World War II, the need remains to honor those brave men and women who secured our freedom. On behalf of the citizens of the Sixth District of North Carolina, we express our deepest gratitude to the members of Lion Four and all the units that helped keep America free; we shall never forget their sacrifices.

HONORING THE MEMORY OF REVEREND BOYD R. KIFER

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1998

Mr. HORN. Mr. Speaker, my community is mourning the loss of one of its most active and involved citizens, Reverend Boyd R. Kifer. Boyd Kifer was born on December 13, 1925, in Muskogee, Oklahoma. As a child in Muskogee, he and his family were active in the Church of the Nazarene, which he was to serve for the greater part of his life. His father taught him the brick-laying trade, and he used this skill in the building of several churches in the years to come.

After graduation from what is now Southern Nazarene University, Rev. Kifer began his ministerial career in Pawnee, Oklahoma. Desiring further education, he moved his family to Kansas City, Missouri, to attend the Nazarene Theological Seminary, where he graduated in 1958. Rev. Kifer had a remarkable pastoral career. He served congregations in California for twenty years. In 1978 he embarked on two careers, continuing his ministry as interim pastor throughout southern California. He touched thousands of people, ministering to over eighty congregations during times of transition.

The second career Rev. Kifer embarked upon was as administrator of the congressional office of United States Congressman Glenn R. Anderson. It was in this capacity that I knew him and valued his positive impact on everyone he met. He served as an effective liaison between Congressman Anderson and the constituents and community leaders in the district. He was a familiar and respected figure at every public event in Long Beach. After the Congressman's retirement, Boyd continued to serve the Anderson family with joy and dedication.

His experience in the church and in the community prepared him to enjoy people. Boyd was compassionate, concerned, helpful, and humorous. Boyd will be greatly missed in our community. He is survived by two daughters, Kristie Kifer and Mindy Pengilly, both of northern California; two sisters, Dorothy Sayes of Oklahoma and Neva Bozeman of Colorado, and one brother, Gene Kifer of Texas, and a multitude of friends.

PRAISE FOR MR. GERRY CALABRESE WHO IS RETIRING AFTER 43 YEARS OF SERVICE TO THE PEOPLE OF BERGEN COUNTY, NEW JERSEY

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1998

Mr. ROTHMAN. Mr. Speaker, I rise today to honor a legendary public servant in Bergen County, New Jersey, Mr. Gerry Calabrese. Through decades of service, Mr. Calabrese has distinguished himself as a gentleman who puts the welfare of the people of New Jersey above his own.

Gerry began his career in public service by fighting for the American cause of freedom in World War II. After returning a hero, Gerry turned to his education and entered St. John's University where he was honored as an All-American basketball player. Upon graduation, Gerry continued playing on the hardwood with the National Basketball Association's Syracuse Nationals. However, his true vocation of stewardship to the people of his community was just around corner.

After retiring from the NBA, Mr. Calabrese was elected to the Cliffside Park Borough Council in 1955. In 1959 he was elected to his first term as the Borough's Mayor. And since 1965, he has served continuously as Cliffside Park's chief executive. His final term will expire in 1999. During his tenure, he has opened the Mayor's office to local men and women empowering them to become active in the political process and establishing a level of constituent service previously unparalleled in Northern New Jersey. Not stopping there, he also served on the Bergen County Board of Freeholders from 1975 to 1985 (functioning as its chairman in 1984), as Bergen County Democratic Chairman from 1991 to 1998, the New Jersey delegation to the National Democratic Convention in 1988 and 1992, on the New Jersey Board of Public Utilities from 1960 to 1987 (retiring as Director of Water and Sewage for the State of New Jersey), and on the 1992 New Jersey Congressional Re-Districting Committee.

A beloved father and grandfather, Gerry Calabrese has earned the respect of men and women of all political parties and all walks of life. In reflection of his time of service, he has been honored by local chapters of UNICO, B'nai B'rith, the Police Benevolent Association, the New Jersey State Association of Chiefs of Police, the Polish American Democratic Club, the Veterans of Foreign Wars, the American Legion, the Elks Lodge, and the Amvets. It will be difficult to imagine Bergen County without him as one of our most revered and respected mayors. Cliffside Park's next Mayor will have enormous shoes to fill when Mayor Calabrese leaves the office he has held for forty years. As this chapter of Gerry's life comes to an end, I wish him, his wife Marion, and his children and grandchildren, all the very best for a long, happy, and healthy retirement.

IN RECOGNITION OF DR. GEORGE F. HAMM

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1998

Mr. HALL of Texas. Mr. Speaker, I rise today to honor a close friend, dedicated educator and great American, Dr. George F. Hamm, President of the University of Texas at Tyler, who is retiring this month following an illustrious tenure of seventeen years. Having known George throughout that time, I have had the opportunity to observe his professional accomplishments, which are considerable, and to witness the impact that he has had on higher education in East Texas. His accomplishments were not unilateral, however, for he always had his lovely and intelligent and talented wife, Jane, at his side. Theirs was a partnership that forged a plan for UT Tyler.

George has been engaged in higher education administration and teaching since 1962, including a distinguished career in student services administration at Arizona State University prior to coming to the University of Texas at Tyler. Since being named President in 1981, Dr. Hamm has provided unmatched leadership and vision to the University. In 1982, Dr. Hamm achieved the first of a long line of accomplishments, when the University surpassed the 2,000 student enrollment mark for the first time. In 1983, under Dr. Hamm's guidance, a master's degree program in public planning and administration was established. This master's program was just the first significant expansion of educational opportunities for East Texans through the addition of numerous programs at the bachelors' and graduate levels. Just a few of the graduate programs established under Dr. Hamm's direct supervision include: teaching, English, mathematics, engineering and biology. Again in 1983, UT Tyler hit another enrollment milestone, as it passed the 3,000 student plateau.

In 1984, as a direct result of Dr. Hamm's ability to further the University's stature, Texas voters added UT Tyler as a beneficiary of Texas' Permanent University Fund. In 1986, Dr. Hamm was awarded the Arizona State University Centennial Medallion, as a "Man Ahead of His Times", for providing equal educational opportunities for minorities. Then in 1990, with the University's reputation and popularity growing by leaps and bounds, UT Tyler awarded its 10,000th academic degree. Never ceasing, Dr. Hamm's vision led to the implementation of an interactive video instruction program in 1991. This state-of-the-art technology enables students in several cities to save time and money while pursuing their educational goals. In 1996, President Hamm received the International Distinguished Service Award from Sister Cities International.

Finally, after years of hard work and dedication, in 1997, the Texas Legislature approved the University of Texas at Tyler as a four-year institution, and in 1998 UT Tyler's first freshman class was accepted for admission. Also in 1997, the Texas Legislature approved development of a UT Tyler campus in Longview and UT Tyler was selected for $6.9 million U.S.-Ukraine Community Partnerships for Training and Education Project.

After seventeen years of unparalleled leadership and vision, Dr. George F. Hamm will retire as President of the University of Texas at Tyler on June 30, 1998. As President of UT Tyler, Dr. Hamm dedicated his intellect, talents and energy to build a first-rate educational institution in East Texas. His goals were for many years elusive dreams, but thanks to his vision, perseverance and leadership, these dreams have become reality.

It has been an honor and a privilege to work with George during these past seventeen years, and I will be forever grateful for the guidance and friendship he has offered me and for all that he has accomplished for Tyler and East Texas.

Mr. Speaker, when we adjourn today's session, let us do so in honor of and respect for this great American.

TRIBUTE IN MEMORY OF U.S. REPRESENTATIVE BILL EMERSON

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1998

Mrs. EMERSON. Mr. Speaker, I rise today to pay tribute to the memory of U.S. Representative Bill Emerson. On this, the second anniversary of Bill's passing, I thought that I would share with all of you the story of "Billy" Emerson. I recently wrote the following as my weekly column so that I could share these very special memories with some of Bill's closest friends and most trusted advisors—the people of the Eighth Congressional District of Missouri.

Graduation Day for our Congressional Pages was just a couple of weeks ago. As we said our fond farewells to those high school juniors who have worked long and hard in the House of Representatives since August 1997, it got me thinking about some of the wonderful stories Bill used to tell when he was a Page back in the 83rd Congress. As many of you know, Bill's first interest in having a career in government came as a result of his experience as a Page, and it was this knowledge

and love for the Congress that made him such a valuable part of the institution.

I'd like to share with you the "Billy" Emerson story—the story of how Bill became a Page in the first place.

Bill's Grandpa, W.G. "Bill" Reinemer, was for many years a local elected official in Jefferson County, Bill's home county, and lived with Bill and his mother after Bill's Grandmother died. Grandpa Reinemer was a tremendous influence in Bill's life, and Bill tagged alongside him to every political rally and event Grandpa attended. In 1952, the year General Eisenhower was running for President, Bill decided that he had to help elect "Ike" as President and did everything from manning telephones to stuffing envelopes to making speeches for him. At the same time, Grandpa promised Bill that if Ike won the presidency that he, Bill, could go to Washington for the General's Inauguration. You can imagine how that gave Bill even more incentive to do everything possible to ensure that Ike won the election!

During the campaign, Bill happened to be reading a Boys' State publication, which had a story about being a Page In Congress. This gave Bill another idea. Perhaps if he could become a Page, then he could go to Washington to help Ike run the country. So, Bill wrote letters to every Member of the House of Representatives and Senate, asking if he could be their Page. Many rejections came primarily because Bill wasn't from the same state as these Members, except for one. And the one partially positive letter he did receive came from Congressman Tom Curtis of St. Louis. Congressman Curtis told Bill that if Ike won the election and if the Republicans took control of Congress, then it might be possible that Curtis could appoint Bill as his Page. While there was an awful lot of "ifs" and "mights" in the letter, Bill was not discouraged and was hopeful that he might get the appointment.

However, once the election was over and Ike won, Bill still hadn't heard form Curtis. And it came time for him to go to Washington, as Grandpa had promised, for the Inauguration. His mom and Grandpa put him on the train to Washington (by himself), where he would be staying with family friends who lived in Alexandria, Virginia. He had his ticket for the Inaugural ceremony, and was so excited to be going to Washington to "help" Ike get inaugurated. Once there, he decided to go up to Congressman Curtis' office in the Cannon Building to see if any decisions had been made about his appointment as a Page.

When Bill arrived in Curtis' office he introduced himself to the receptionist, Marilyn, who promply replied, "You're Billy Emerson from Hillsboro, Missouri?" And he replied that he was. Marilyn said that Congressman Curtis had been looking all over for him and had tried reaching him at home in Hillsboro, but of course, he wasn't there. She then took him to see Curtis in his office, and there were several other prominent Republicans in the office too. Congressman Curtis greeted Bill, and then introduced him to the others. He said, "Folks, I'd like you to meet Bill Emerson from Hillsboro, Missouri, He's my new page." And this was the very first time Bill learned that he had indeed been appointed Curtis' Page and would be able to realize his dream of "helping" Ike run the government.

Bill didn't have a chance to go home to Hillsboro before starting work as a Page. His mom cried and cried, and had to send all his clothes to him, because he began working immediately. The highlight of his career as a Page was the very first time president Eisenhower addressed the Congress at his State of the Union speech. Bill was standing along the middle aisle where the President enters the House Chamber and as the President passed him, Bill put out his hand to shake the President's, and said, "Hi, Mr. President." The President patted Bill on the head and said, "Son, I sure need your help up here," You can only imagine how Bill felt—all he had wanted to do was come to Washington to help the President and then the President actually asked him for his help. He didn't wash his hand for a week.

I've always loved the Billy Emerson story, and have told it hundreds of times over the past 23 years. I think it captures the essence of the man Bill was. A man dedicated to his country and the principles upon which our Founding Fathers formed a government of, for and by the people. A man inspired by history who wanted to preserve our system of government for generations to come. And a man who wanted to inspire young people to get involved, to understand that you can do and be anything in life as long as you're willing to work for it. It doesn't matter where you come from, the color of your skin, or how little money your family has. The only thing that matters is you, and whether you're willing to make a commitment to do everything possible to realize your dream.

Monday, June 22, marks the second anniversary of Bill's death. But Bill lives on in all of our hearts, and a day doesn't go by when we haven't reminisced about one of his many stories and life lessons. I feel blessed to walk down the same corridors he did, and feel blessed to have spent 21 years as his wife. He was an inspiration to so many, but perhaps most of all to those of us he called family. God Bless you, Bill. We sure miss you.

PORK BARREL JOURNALISM

HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1998

Mr. RAHALL. Mr. Speaker, the term "pork barrel politics" has been in the lexicon for many, many years and is most often used by the media to cast a negative connotation to an earmark by a Member of Congress of federal funds for a specified project in his or her Congressional District or State. It is my experience that when the media uses this term it usually has no first-hand knowledge about the project itself, and instead, relies on hearsay to support its contention that the project constitutes "pork." This is what I would call "pork barrel journalism."

I submit for the RECORD an excellent example of pork barrel journalism exposed by Steven Brill, in the August 1998, edition of Brill's Content.

[From Brill's Content, August 1998]

QUALITY CONTROL

A U.S. SENATOR WRITES A LETTER TO THE WASHINGTON POST CLAIMING THAT AN EYE-CATCHING STORY ABOUT HIM IS COMPLETELY WRONG. WHAT HAPPENS? NOTHING.

Last December, I noticed a curious letter to The Washington Post from Senator Robert Byrd, of West Virginia. The subject was an article that had run in the Post detailing the senator's supposed role in getting a National Park Service project funded in his state—a role the Post cited as an example of lawmakers turning the service "into their personal pork barrel."

Here are the highlights of Byrd's letter:

"The very first paragraph of the article speaks of a renovated train depot . . . asking 'Why did the National Park Service spend $2.5 million turning a railroad station into a visitor center for a town with a population of eight? The compelling reason—Senator Robert C. Byrd . . . who glides past on Amtrak's Cardinal Limited from time to time, heading to and from his home in Sophia, a few miles south.'

"Funny thing, I do not ride the . . . train to and from Sophia and I have never done so. In fact, in the long existence of that train—which does not go to Sophia—I doubt that I have ridden it more than three times, and the last time was probably a decade ago.

"Not so funny is the suggestion that the historic preservation of that building and the town of Thurmond . . . would be undertaken as a result of such whimsy. Equally ridiculous is the falsehood that I 'slipped' the New River Gorge National River park unit into federal legislation 'unwanted' The recommendation to have the New River Gorge managed by the National Park Service was made by the Interior Department . . . [B]ecause of my concern for the costs associated with this plan . . . I have not supported the Park Service proposal for complete restoration of the town of Thurmond. And in the case of the depot, I forced the Park Service to complete the project at a cost considerably less than its original estimate."

In short, Byrd claimed that the entire story was totally, even comically, wrong. To which the Post replied . . . well, it didn't Byrd's letter ran without comment. So, who was right?

Brill's Content staff writer Rachel Taylor reached Martha McAreer an editor of the Post's letters page. No comment from the paper was added, said McAreer, because "letters to the editor allow readers to voice differences of opinion."

Could it really be a matter of opinion whether the senator had actually ridden the train or "slipped" the project in "unwanted;" by the federal agencies involved?

A discussion with the article's author, Frank Greve, the respected national correspondent for Knight-Ridder Newspapers, whose wire service had supplied the story to the Post was stranger still. "So what's the problem," Greve began, after having read Byrd's letter, which he told me he had not seen before my inquiry to him. "He's entitled to his opinion."

"Is it a matter of opinion that he rode the train to and from his home and that that's why the depot go funded?"

"Well, I heard he did," said Greve. "And I know he lives near there."

"Is it a matter of opinion that he slipped the bill in unwanted?"

"I was told that," Greve answered.

"Did you call him and ask?"

"Sure, I called his office," Greve continued.

"What did you ask them?"

"I told them I was calling because I was interested in the history of the project, so they suggested I call a former [congressional] staff guy because the project was so long ago. He was one of my sources."

Greve also pointed out that his original wire service article had included a paragraph saying that Byrd had cut the budget for the depot, but that the Post had cut that section from the version it had published.

But for Greve to call Byrd to say he was interested in the history of the project rather than to ask specifically about the train rides or about slipping the project into the budget unwanted, is like calling someone and saying you are doing a story about the history of his family when you're about to write that he has been accused of incest.

Greve finally urged me to call two of his sources for the story—a former congressional staffer and a former Park Service official—on the condition that I not name them.

The first "source" said he had talked to Greve "generally about the Park Service pork-barrel abuses" and he "heard that either Byrd or a West Virginia congressman had wanted to slip the River Gorge project in." But he was "not sure about who it was or even if it was either of them. . . . It was an old story everyone sort of liked to tell. . . . You know, an apocryphal story."

The second "source," the former Park Service official, said he told Greve that Byrd's involvement "sounded right," but that he had "no way of" really knowing because the park project "was way before my time."

When told of the accounts provided by his "sources," Greve sighed, and then said, in near-disgust, "Look everyone knows that this is the way the world works in Washington. What's the big deal?"

Actually, it is a big deal. Most of us think this indeed is the way Washington works, and I know I always thought of Byrd as the embodiment of all that. So a story like this piles on to our preconceived notions and makes us all the more cynical and ready to believe the next story. Conversely, when a story about how the world probably does work, written by a respected reporter, turns out to depend on an anecdote that doesn't seem to hold up, otherwise good journalism is discredited.

But what may be more important than whether Greve's story is correct, is what happened after Byrd wrote his letter. Which is that nothing happened.

Greve freely conceded that no one at Knight-Ridder ever asked him about the Byrd letter. Knight-Ridder Washington bureau chief Gary Blonston confirms that "I never heard anything about a letter." (Blonston also notes that he was hospitalized at the time the letter was published).

As for the Post, when shown Byrd's letter two months after he published it, executive editor Leonard Downie said, "I've never seen it. . . . In fact, I must admit I don't read letters to the editor." (As the Post's executive editor, Downie is the editor to whom an aggrieved reader presumably writes; it is he who is responsible for all news coverage.)

Wouldn't Downie likely see a letter like this from a senator? "If it were directed to me personally, I think I would," He said. "But if it is just sent to the paper I don't know who would see it on the news side [as opposed to the editorial page editors like McAteer, who oversee the letters page]. I suppose we should systematize that."

It is impossible to imagine that the producer of any other consumer product, such as a car or an appliance, could or would ignore this kind of complaint about a defective product, let alone one from someone important. If only because most other enterprises would fear embarrassment in the marketplace or a lawsuit, this absence of basic quality control would be unfathomable. (Greve would win any libel suit as long as he could show he really believed the Byrd story might be true—but that defense for a defective car or toaster would be laughed out of court.)

So what's important here is that at two of the most respected (and deservedly so) news organizations in the world, the senator's letter was a non-event.

A footnote: The original Washington Post story generated lots of editorials across the country attacking pork-barrel politics. And, two weeks after the Byrd letter appeared, one of my heroes in journalism—Charles Peters, the editor of the Washington Monthly—cited the Greve article as an example of tax dollars misspent because "the money was slipped into the budget" by Sen. Byrd. Asked how he had checked the article, or if he had called Byrd for comment, Peters, who is from West Virginia and knows Byrd, said, "It would be unheard of that this would happen without somebody's intervention. I'd be incredulous if Byrd wasn't behind it. . . . I guess it could have been a congressman, but I doubt it. But I did no checking because something like this just has the ring of truth."

"SOURCES SAY"

Let's have a contest.

I'll extend a subscription for an additional year to the reader who, by July 15, sends us the news article or transcript of a television or on-line newscast that has the most uses per 100 words of the specific phrase "sources say." The winner and the offending author will be announced next issue.

We want to stamp out the common use of a phrase that is never defensible. At the least, a reporter can always tell us if there are two sources or 20. Surely he knows. Similarly, he can almost always provide some kind of description of the unnamed source that suggests the source's knowledge or possible bias, even if he cannot be identified.

The principle is simple and, again, it has to do with quality control for this particular consumer product: providing clear information is an achievable goal, especially when journalists ask us to trust them—and their unnamed sources.

This reminds me of one of the laziest, most duplicitous things that nonfiction authors do in their acknowledgements at the beginning of a book. Here's an example: "More than 300 people were interviewed for this book . . ." Doesn't this author know how many? Was it 301 or 33,001? Why can't he tell us? Is 300 a figure of speech? Why trust him with anything else in the rest of the book if he's this lazy with that kind of easy fact?

That's a quote from the acknowledgements page of a book I wrote in 1978.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 23, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 24

9:30 a.m.

Energy and Natural Resources

Business meeting, to to consider pending calendar business.

SD–366

Labor and Human Resources

Business meeting, to mark up proposed legislation authorizing funds for human services programs.

SD–430

10:00 a.m.

Banking, Housing, and Urban Affairs

To resume hearings on H.R. 10, to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers.

SD–538

Foreign Relations

International Economic Policy, Export and Trade Promotion Subcommittee

To hold hearings to examine the Asian financial crisis.

SD–419

Governmental Affairs

To resume hearings to examine the state of computer security within Federal, State and local agencies.

SD–342

Select on Intelligence

To hold closed hearings on intelligence matters.

SH–219

2:00 p.m.

Judiciary

Immigration Subcommittee

To hold hearings on the agricultural guestworker program.

SD–226

2:30 p.m.

Indian Affairs

Business meeting, to mark up S. 1925, to make certain technical corrections in laws relating to Native Americans, and S. 1998, to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park.

SD–628

2:45 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold joint hearings with the Committee on Indian Affairs on S. 1771, to amend the Colorado Ute Indian Water Rights Settlement Act to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and S. 1899, entitled "Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1998".

SD–628

Indian Affairs
To hold joint hearings with the Committee on Energy and Natural Resources' Subcommittee on Water and Power on S. 1771, to amend the Colorado Ute Indian Water Rights Settlement Act to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and S. 1899, entitled "Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1998".
SD–628

4:00 p.m.
Foreign Relations
European Affairs Subcommittee
To hold hearings to examine United States policy in Kosovo.
SD–419

JUNE 25

9:00 a.m.
Judiciary
Business meeting, to mark up S.J. Res. 40 and H.J. Res. 54, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States, and S.J. Res. 44, proposing an amendment to the Constitution of the United States to protect the rights of crime victims, and to consider other pending calendar business.
SD–226

9:30 a.m.
Energy and Natural Resources
To hold hearings on the nomination of William Lloyd Massey, of Arkansas, to be a Member of the Federal Energy Regulatory Commission.
SD–366

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on H.r. 10, to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers.
SD–538

Labor and Human Resources
To hold hearings to examine health insurance coverage for older workers.
SD–430

Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

10:30 a.m.
Governmental Affairs
To hold hearings to examine the Defense Technology Security Administration's role in approving critical technology exports.
SD–342

2:00 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 2146, to provide for the exchange of certain lands within the State of Utah.
SD–366

Foreign Relations
To hold closed hearings to examine Chinese missile proliferation.
S–407, Capitol

Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to review the judgeship needs of the 6th and 7th Circuits.
SD–226

JULY 8

9:30 a.m.
Indian Affairs
To hold hearings on S. 1905, to provide for equitable compensation for the Cheyenne River Sioux Tribe, H.R. 700, to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians, S. 391, to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and S. 1419, to deem the activities of the Miccosukee Tribe on the Tamiani Indian Reserve to be consistent with the purposes of the Everglades National Park.
SR–485

JULY 9

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine the adequacy of procedures and systems used by the Department of Agriculture Food Safety and Inspection Service and the Department of Health and Human Services Food and Drug Administration to oversee the safety of food imported into the United States, focusing on the outbreak of Cyclospora associated with fresh raspberries imported into the U.S. from Central America.
SD–342

JULY 14

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 1515, to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, S. 2111, to establish the conditions under which the Bonneville Power Administration and certain Federal agencies may enter into a memorandum of agreement concerning management of the Columbia/Snake River Basin, and S. 2117, to authorize the construction of the Perkins County Rural Water System and authorize financial assistance to the Perkins County Rural Water System, Inc., a nonprofit corporation, in the planning and construction of the water supply system.
SD–366

JULY 15

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review a recent concept release by the Commodity Futures Trading Commission on over-th-counter derivatives, and on related proposals by the Treasury Department, the Board of Governors of the Federal Reserve System and the Securities and Exchange Commission.
SR–332

9:30 a.m.
Indian Affairs
To hold hearings on S. 2097, to encourage and facilitate the resolution of conflicts involving Indian tribes.
SR–485

JULY 21

10:00 a.m.
Judiciary
To hold oversight hearings to examine the Department of Justice's implementation of the Violence Against Women Act.
SD–226

JULY 22

9:30 a.m.
Indian Affairs
To hold joint hearings with the House Resources Committee on S. 1770, to elevate the position of Director of the Indian Health Service to Assistant Secretary of Health and Human Services, and to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, and H.R. 3782, to compensate certain Indian tribes for known errors in their tribal trust fund accounts, and to establish a process for settling other disputes regarding tribal trust fund accounts.
SR–485

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

POSTPONEMENTS

JUNE 24

9:30 a.m.
Judiciary
To hold hearings to examine fairness in punitive damage awards.
SD–226