United States
*of* America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

*Vol. 142* WASHINGTON, THURSDAY, SEPTEMBER 12, 1996 *No. 125*

# Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

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

Dear Father, in the Scriptures You have called people to pray for their leaders that they may lead, ''A quiet and peaceable life, in all godliness and reverence.'' We are thankful that throughout the land citizens began their day with this prayer. We are the recipients of this heartfelt intercession. Now our own prayer is that we may cooperate in receiving Your answer to the millions of prayers prayed for us. It is a source of awe and wonder that You have placed us in positions of authority and made us the focus of Your blessing and power. We especially think of the prayer that we may lead godly lives. As we reflect on this magnificent possibility we realize that it would mean that we make knowing You the primary priority of our lives. More than knowing about You or having a second-hand acquaintanceship with You, we renew our commitment to really know You in the intimacy of an honest, open, receptive relationship of faith and trust. With deliberate intentionality we seek Your answers to our problems. O God, make us examples to the Nation of what it truly means to live a godly life to Your glory and honor through our Lord and Savior. Amen.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Alabama, the manager of the bill, is recognized.

## SCHEDULE

Mr. SHELBY. Mr. President, on behalf of the leader, I have some information here. For the information of all Senators, this morning the Senate will immediately resume consideration of the Treasury-postal appropriations bill. There will be 15 minutes of debate time, followed by two consecutive rollcall votes starting at 9:45 a.m. The first vote will be on the Hatch amendment regarding the White House Travel Office, to be immediately followed by a vote on or in relation to the Reid amendment on the same subject.

Following these votes, the Senate will consider the remaining amendments in order to the Treasury-postal appropriations bill, according to a unanimous-consent agreement reached last evening. It is hoped that the Senate can complete action on that bill by early afternoon.

Following disposition of the Treasury-postal bill, the Senate is expected to turn to consideration of the Chemical Weapons Convention under the parameters of a previous consent agreement. It is possible that the Senate could complete action on that matter today, if debate time is yielded back. If the Senate cannot complete action on the Chemical Weapons Convention today, then votes on that matter can be expected to take place on Friday, before noon.

There will be no votes after noon on Friday, in order that the religious holiday can be observed.

I yield the floor.

## TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1997

The PRESIDING OFFICER (Mr. GORTON). Under the previous order, the Senate will now proceed to the consideration of H.R. 3756, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3756) 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, 1997, and for other purposes.

The Senate resumed the consideration of the bill.

Pending:

Kassebaum amendment No. 5235 (to committee amendment on page 16, line 16, through page 17, line 2), to express the sense of the Senate regarding communications between physicians and their patients.

Reid-Levin-Biden modified amendment No. 5256, to refer the White House Travel Office matter to the Court of Federal Claims.

Hatch amendment No. 5257, as modified (to amendment No. 5256), to reimburse the victims of the White House Travel Office firing and investigation.

The PRESIDING OFFICER. There will now be 15 minutes debate, equally divided, on the pending amendments, No. 5257 and No. 5256, with a vote on amendment 5257 to follow immediately thereafter.

The Senator from Utah is recognized.

### AMENDMENT NO. 5257, AS MODIFIED, WITHDRAWN

Mr. HATCH. Mr. President, as we have it set up, there will be two votes, one on the Hatch amendment and one on the Reid-Levin amendment. I do not see any reason for two votes. I ask unanimous consent to withdraw the Hatch amendment and the total vote be on the Levin amendment.

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

The amendment (No. 5257), as modified, was withdrawn.

Mr. HATCH. I reserve the remainder of our time.

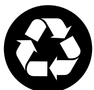
The PRESIDING OFFICER. The Senator from Nevada is recognized.

### AMENDMENT NO. 5256, AS MODIFIED

Mr. REID. Mr. President, would you advise the Senator from Nevada when I have consumed 3 minutes?

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





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The PRESIDING OFFICER. How many minutes?

Mr. REID. Three. Our side has 7½ minutes.

Mr. President, Members of the U.S. Senate should understand the amendment before this body has nothing to do with the Travel Office. The issue is whether the U.S. Senate is going to create a new precedent by reimbursing a legally indicted official who admitted, in addition to having been indicted, admitted to having done wrong.

There is a great deal of dispute about the facts in the Billy Dale matter, but there are certain undisputed facts which have already been stipulated to, agreed to, and spread across this RECORD.

First of all, Billy Dale admitted to putting 55 checks for Travel Office funds totaling some $54,000 into his personal account; and

Second, that he stole $14,000 in petty cash, and there would have been more but the fact is the records were destroyed.

Dale admitted he told no one in the Travel Office about his unique practice of depositing U.S. Government moneys, checks, into his personal account. Dale admitted he did not even tell his coworkers of 30 years about this practice. No one in his office knew about it. Of course, they did not know about it, because he was stealing the money.

After thorough investigation by the FBI, it was determined there was probable cause to prosecute Dale. Dale, thereafter, was legally indicted. Dale agreed to plead guilty to a serious criminal offense, a felony. Dale was lawfully prosecuted but Dale, like O.J. Simpson, was acquitted. Dale now appears at many Republican fundraisers. Dale was offered employment by the Dole campaign.

This body has never, never in its 200-plus-year history, reimbursed someone for attorney's fees after they have been legally, lawfully indicted.

The Senate Parliamentarian has ruled not once but twice that Billy Dale's reimbursement to be a private relief claim. There is a procedure for private relief claims to be heard by the Court of Claims. That is what we are asking be done. These facts are uncontested.

There are many new facts that we are just now learning because we recently received the prosecution's memorandum prior to indictment. They explain the reasons why we have offered this amendment today.

The issue is a patent attempt to embarrass the President in an election year. Reimbursing an admitted, indicted wrongdoer with taxpayer dollars is not something this body should be especially proud of, especially those who cry out about the need to balance the budget. Half a million dollars, $500,000, is a lot of money to throw away.

If Mr. Dale's supporters are so confident of his innocence, they should have no fear whatsoever of having this matter referred to an independent Court of Claims review. That is why we have the Court of Claims. Is it not the least we can do, before we spend half a million dollars of taxpayers money?

Mr. President, this is a good bill. This provision in the bill should be eliminated. If this is a partisan vote and this passes, I hope the conference would have the ability and, in fact, the integrity to take this out of this legislation. I hope this will be done.

I believe what has been talked about here the last couple of days gives the President every reason to veto the bill. I hope that will not be necessary. I like this legislation. I think the chairman of the subcommittee and the ranking member worked very hard to come up with a bill. This provision should not be in the bill.

The PRESIDING OFFICER. The Senator has used 3 minutes.

Mr. HATCH. Mr. President, I yield 2 minutes to the distinguished Senator from Rhode Island.

Mr. CHAFEE. Mr. President, few people had ever heard of the White House Travel Office before the Clinton administration took office. Now the White House Travel Office is a household name and its former employees have been falsely accused, they have been fired, they have been investigated by the IRS and the FBI, they have been defamed, and in one case indicted and finally, after a trial, they were fairly acquitted.

These employees served at the pleasure of the President. He could have replaced them any time he wanted. There is no argument about that. But it is the manner in which these employees were fired, the manner in which they were treated, and the web of improprieties uncovered as a result of the investigation into these firings that I find most troubling.

The White House, which promised what Newsweek magazine called, ''the most stringent ethical requirements of any administration ever,'' has been the White House that has been entangled in one ethical misadventure after another.

Instead of informing the Travel Office employees that their services were no longer required, services which they could perfectly well do when they came into office, instead, they install one Katherine Cornelius, a cousin of the President. Her duty was to monitor activities in the office, and what did she come up with? She came up with a scheme to replace all those employees with TRM, a travel agency owned by Harry Thomasson, a Hollywood friend and close adviser of the Clintons. It was on so-called evidence of wrongdoing.

The PRESIDING OFFICER. The time yielded to the Senator from Rhode Island has expired.

Mr. CHAFEE. Mr. President, I do hope this individual will be reimbursed, and that is what this is all about here today.

I thank the Chair.

Mr. GRASSLEY. Mr. President, the Clinton administration has set new standards for protecting wrongdoers at the expense of victims.

We have seen the administration advance this culture in the criminal justice system. I've spoken to this point in the past on this floor.

But we have also seen the White House practice it in its own backyard. I am talking about the issue of Travelgate. An issue in which the victims of wrongdoing in the White House were charged by the wrongdoers with a crime.

Billy Dale and the other fired Travel Office workers were dedicated public servants. They had served in the Armed Forces prior to serving at the pleasure of numerous Presidents, dating back to John F. Kennedy. Their entire careers were dedicated to serving the American people, with honor and dignity.

One day, without the slightest heads-up, the seven were summarily fired. Without a reason. Certainly not a justifiable one. Those who were there were carted off in the back of an empty van. They were treated like vermin. Others heard they were fired by listening on the news.

It was certainly not the kindest and gentlest moment in the tradition of the White House.

At the time, these seven workers had no clue what was going on or why. It was only later that we discovered all the reasons.

The first was cronyism. A rich, Hollywood buddy of the President wanted the business. That would be Hollywood producer Harry Thomasson. To get the business, he had to give Billy Dale the business. And that he did. He spread unproven and false rumors about those running the Travel Office.

The second issue was White House paranoia. They must have thought there was a conspiracy of all the dedicated career public servants. They were all out to get the White House. The paranoids needed a pretext to get these workers out, and get their own teamplayers in.

That let to a marriage of convenience. The paranoids could get rid of the career workers. They could bring in their own teamplayers to replace them. And, the cronies would get the business. What a convenient confluence of interests.

And so, the Hollywood producer, Mr. Thomasson, held the gun; the First Lady, according to available documentation, said ''ready, aim, fire!''; and the White House staff pulled the trigger.

Having thought this was the perfect crime, the perpetrators didn't expect to get caught. At first, they denied wrongdoing—just like the proverbial kid caught with his hand in the cookie jar.

Public and press criticism mounted. So the White House tried justifying its actions.

First, they said the Travel Office workers were replaced as part of a

downsizing effort under the National Performance Review. But it became clear the NPR review came after the decision was made to fire them.

So the White House spinmeisters changed gears. They turned the victims into criminals. They did so by publicly charging the seven with the very same unfounded rumors that Harry Thomasson used to get them fired.

So not only did Billy Dale and his co-workers lose their jobs. They and their families were subjected to a public smear campaign by White House zealots trying to save face.

In trying to save face, these zealots co-opted the FBI, the IRS, and the Justice Department into pursuing Billy Dale. They pursued him with more vengeance than the Dallas Cowboys' doomsday defense.

But a jury would have none of it. Following his trial, a jury took only 2 hours to return an acquittal. It recognized the trumped-up charges brought by the Justice Department.

The net effect of all this harassment took a real toll—not only on the seven employees, but their families as well.

Their reputations, their dignity, and their psychological well-being—all have suffered at the hands of irresponsible zealots in the White House.

This is a White House that, to this day, refuses to accept responsibility for its wrongdoing.

No one takes responsibility for their firing.

There is only finger pointing.

Passing the buck.

And the harassment continues. Now, it is legislative harassment.

We have before us a provision in this bill to make Billy Dale economically whole, at least for his legal expenses.

But the White House has fanned out its lieutenants to sabotage this provision.

Their objective: Kill the provision to spare the President the embarrassment of signing it.

That is what this is all about. It's politics, getting in the way of a right-and-wrong issue.

Political barriers to correcting a wrong will not stand, Mr. President.

Ultimately, public opinion will weight in against the Democrats and the White House on this issue.

All the harassment strategies to save the President from embarrassment will only make the embarrassment worse.

It is inevitable.

There is a moral to this story, Mr. President.

Nothing is politically right which is morally wrong.

That's the issue here, Mr. President.

The Travelgate bill we're considering is all about Congress taking the initiative to right a wrong.

And those trying to block it are conspiring against the President taking responsibility for his mistakes.

I would urge my colleagues on the other side to save the President any more embarrassment.

Stop the legislative shenanigans.

Work with us to do what little we can to repair what was unjustly done to Billy Dale and the other dedicated servants of the people.

Mr. President, I urge my colleagues to reject the amendment to strike the reimbursement for Mr. Dale.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I ask for 3 minutes. How much time does the Senator from Nevada have?

The PRESIDING OFFICER. Four minutes 30 seconds.

Mr. LEVIN. Mr. President, will the Senator yield me 4 minutes?

Mr. REID. The Senator can have 4 minutes.

Mr. LEVIN. Mr. President, the issue here is not these individuals. The issue here is one individual who was properly indicted, properly prosecuted, properly tried. There is no evidence that the FBI investigation was improper. There is no evidence here that the prosecution by the Department of Justice was improper. There is no evidence here that the trial was defective. The judge at this trial, a distinguished Federal judge, ruled that the evidence was significant and substantial enough to convict this defendant.

As far as the other people who were fired, their legal fees have been paid and should be paid. That is not the issue. The issue is not errors by the White House in the firing of those employees. Those errors were made. They were conceded years ago. The legal fees relative to those employees have been paid, should be paid, and $50,000 of the amount of money in this appropriations bill completes that payment.

The issue here is whether or not Billy Dale should get $450,000 for his legal fees when it wasn't the White House who investigated him, it was the FBI. And that investigation has been ruled proper by four different entities. It wasn't the White House which prosecuted Billy Dale. It was the Department of Justice, and their prosecution was perfectly appropriate based on what Billy Dale did, not on what the White House did.

The prosecution of Billy Dale was based on the fact that he deposited $54,000 in checks meant for the Travel Office in his own personal account that he had with his wife back in Clinton, MD, that he intermingled those funds belonging to the Travel Office without notice to anybody. No one at the Travel Office knew that that is what he was doing.

The prosecution of Billy Dale wasn't based on White House actions, it was based on the fact that he cashed $14,000 that was supposed to go into the petty cash fund but which didn't and which is unaccounted. It was his actions for which he was being tried.

There is a hypothesis here that somehow or another the prosecution was improper. Test that hypothesis. Let the Court of Claims make the determination that there was something inequitable, in which case not only will they be paid those legal fees, but he should be paid.

But the proponents of this, what looks to be a complete gratuity, keep talking about some inequity perhaps in the prosecution. There has been none, no suggestion of any in the investigation or the prosecution of Billy Dale in a criminal proceeding.

We have never paid legal fees for somebody who was legally indicted. Never. This Senate would be setting a precedent which is unwise in the absence of any record, and in order to test what we are doing, what we are saying is, refer it to the Court of Claims. That has been done with regularity on claims against the Government.

The Court of Claims has been given that jurisdiction by us. Let the Court of Claims test this hypothesis that there was something inequitable in the prosecution of Billy Dale, not the firing of these seven people. We already know there was inappropriate behavior by White House staff in that area. We are talking about the prosecution by the Department of Justice of Billy Dale for depositing $54,000 of Travel Office checks in his own personal account and telling nobody about it.

Test that hypothesis to see if there was something wrong with that. Let the Court of Claims approve this before taxpayers' moneys are paid.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, how much time does the Senator from Utah have?

The PRESIDING OFFICER. The Senator from Utah has 5 minutes remaining.

Mr. HATCH. And on the other side?

The PRESIDING OFFICER. Thirty-seven seconds.

Mr. HATCH. Mr. President, I am appalled by this debate. Relying on confidential documents, some of my colleagues have continued, in my opinion, the public smearing of Billy Dale. I am astonished that they would use such a tactic in the U.S. Senate, one that I think they have historically reserved for Presidential nominees and accused Communists.

I have little doubt that some of my colleagues would have been tempted to read Billy Dale's tax returns and medical files into the RECORD if they thought it would advance their objective to win at any cost.

I believe there is substantial evidence to suggest the decision of the Justice Department to indict Mr. Dale was tainted by a political context in which the case was referred to the Clinton Justice Department. I don't think anybody doubts that.

No. 1, when the case first came to the Justice Department, prosecutors ignored information that there was insufficient evidence to prove that Mr. Dale had committed the crimes for which they were seeking to charge him.

No. 2, my Democratic colleagues spoke of an FBI financial analysis that showed Mr. Dale was improperly moving Travel Office funds. This was directly refuted by an accountant that even the FBI used to train its agents. This important information was not reflected in the prosecution memo and was, therefore, not considered by the grand jury.

No. 3, the audit my colleagues have referred to conducted by Peat Marwick after the Travel Office firings found no evidence of wrongdoing. Despite a White House directive to find wrongdoing, Peat Marwick found no improper action. In fact, one of them commented the conclusion was reached before they even did their work.

No. 4, critical evidence was ignored, again, when prosecutors failed to interview Mr. Dale's children until after the prosecution memo was written and the indictment returned.

No. 5, also overlooked was the outstanding record that Billy Dale had established in his years working in the White House Travel Office. His colleagues and members of the media he served characterized him as a professional and an honest man.

Again, this evidence was left out of the prosecution memo and not presented to the grand jury.

I mentioned that Sam Donaldson testified in his behalf. The moneys that were involved were the media's moneys, and they had no complaints over the way he handled it.

In closing, I want to point out that at the same time my Democratic colleagues are on the floor besmirching Mr. Dale and accusing him of being guilty after he was acquitted by 12 jurors who were peers of his in a formal trial, the White House has maneuvered a way in which its own people, those loyal first and foremost to the Clinton administration, will be reimbursed for legal expenses: Bruce Lindsey, Mack McLarty, and George Stephanopolous.

I personally don't have any problem with that, but I think it hypocritical for them seeking reimbursement of their own but not seeking reimbursement for a person they pretty well admit they smeared and they took apart from a reputation standpoint.

I am not here today to comment on the propriety of that reimbursement to those 23, other than what I said. In fact, if the law allows it, fine with me. My point in raising the issue is to show the sheer hypocrisy of the Clinton administration. The Clinton White House victimized Billy Dale and the other members of the Travel Office leading to an unprecedented political prosecution costing Mr. Dale upward of $500,000 in legal fees. Even the White House admitted that it lacked proper judgment in the handling of the Travel Office employees.

I would like to quote again from a document produced to the Judiciary Committee by the White House. This is a document advocating a certain position. This was produced by the White House:

You may all dimly remember the Travel Office affair in which a number of White House staff—many immature and self-promoting—took impulsive and foolhardy actions to root out problems at the beginning of the Clinton administration and to gallantly recommend that they take over its operation. The White House has the nerve to request the payment of legal fees to its own people but not to those that they victimized.

Mr. President, that is the height of hypocrisy. I urge all of my colleagues to defeat the Reid-Levin amendment and do justice here. I hope some on the other side feel the same way. No American deserves the treatment Billy Dale has gotten and received from the White House, nor did he deserve the treatment he received from some of my colleagues last night on this floor. We should right this wrong which has been lingering for the last 3 years and lift the cloud above Mr. Dale's head and allow him to get on with his life.

Mr. President, I ask unanimous consent that two letters, dated August 13, 1996, from Jack Quinn to Helene M. Goldberg, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
*Washington, DC, August 13, 1996.*

HELENE M. GOLDBERG,
*Director, Torts Branch, U.S. Department of Justice, Washington, DC.*

Re: Investigations by Congress and the independent counsel into the Travel Office and related matters.

DEAR MS. GOLDBERG: This letter supplements my letter to you of July 5, 1996, concerning reimbursement of White House officials for legal fees and expenses incurred in connection with the Travel Office and related matters. A copy of the July 5, 1996 letter, together with attachments, is enclosed. I understand that you need some further information with respect to the duties of each individual requesting reimbursement. That information is provided here. We have developed this information essentially based upon the letters sent to the White House requesting reimbursement; White House records describing the responsibilities and job titles of the witnesses; and deposition transcripts that are now publicly available. We have enclosed those transcripts where we believe it might be helpful in understanding the role of the witness in the Travel Office matter.

1. Nelson Cunningham is the General Counsel in the Office of Administration. As such, he has been asked to testify about the chain of custody of the David Watkins memorandum concerning the Travel Office matter, which was located in the archives of the Office of Administration in December 1995.

2. Bruce Overton is the Deputy General Counsel of the Office of Administration. He also was asked to testify about the chain of custody of the David Watkins memorandum.

3. Douglass Matties is the Special Assistant to the Director of the Office of Administration. He was also asked to testify about the chain of custody of the David Watkins memorandum.

4. Nell Doering is a Supervisory Management Analyst in the Office of Administration. She is responsible for maintaining documents in the archives. She also was asked to testify about the chain of custody of the David Watkins memorandum.

5. Charles Easley is the Security Office for the Executive Office of the President. He was recently been given responsibility for personnel security for White House staff. He has been asked to testify about the matters relating to personnel security in connection with the Congressional inquiry into the obtaining of FBI background investigation files of former White House employees, an inquiry that grew out of the Travel Office matter. A copy of his disposition testimony is enclosed.

6. Carolyn Huber is a Special Assistant to the President and Director of Personal Correspondence. Her office is responsibility for personal correspondence of the First Lady. In response to the House Committee's subpoena for documents related to the Travel Office and other matters, Ms. Huber identified a letter from David Watkins to the First Lady that was located in her office and that was potentially responsive to the subpoena. She was asked to testify about the identification and chain of custody of this document. A copy of her deposition testimony is enclosed.

7. Ed Hughes was the Executive Assistant in the Office of Personnel Security. He served as the Executive Assistant to Craig Livingstone. As a result of this position, he has been asked to testify about the operation of the Office of Personnel Security in connection with the FBI files matter.

8. Jonathan Denbo was the Security Assistant in the Office of Personnel Security. He served as an assistant to Craig Livingstone. As a result of his position, he has been asked to testify about the operation of the Office of Personnel Security in connection with the FBI files matter.

9. Dee Dee Myers was the White House Press Secretary. As a result of her responsibility as press secretary, Ms. Myers participated in press briefings and responded to press inquiries about the Travel Office matter. She has been asked to produce documents to the House Committee, including her notes, and has been asked to testify about her knowledge of the Travel Office matter. A copy of her deposition testimony is enclosed.

10. Ashley Raines is the Customer Service Program Director of the Office of Administration. She was the custodian of certain documents and lists requested by Congress in connection with the FBI files matter and has been asked to testify about those documents and lists.

11. Ricki Seidman was the Assistant to the President for Scheduling and Advance. Prior to holding that position, she served as Deputy Communications Director and Counselor to the Chief of Staff. She has been asked to respond to the subpoena from the House Committee and, according to her counsel, has been asked to testify concerning her knowledge of the Travel Office matter as a result of her (1) editing the Management Review; (2) attendance at any meetings where the matter was discussed; and (3) in connection with any discussions she may have had with other White House officials at the time. A copy of her deposition testimony is enclosed.

12. Clifford Sloan was an Associate Counsel to the President. As such, he participated in various investigations of the Travel Office matter and has been asked to produce documents and testify about these investigations.

I have no reason to believe that the conduct of any of the above individuals, all of which was performed in the course of their official duties, was not performed in good faith. Accordingly, it is in the interest of the United States to reimburse these officials for their legal fees and expenses.

Sincerely,

JACK QUINN,
*Counsel to the President.*

THE WHITE HOUSE,
*Washington, DC, August 13, 1996.*

HELENE M. GOLDBERG,
*Director, Torts Branch, U.S. Department of Justice, Washington, DC.*

Re: Investigations by Congress and the independent counsel into the Travel Office and related matters.

DEAR MS. GOLDBERG: I am writing pursuant to Frank W. Hunger's letter to me of May 22, 1996, concerning the payment or reimbursement of fees and expenses incurred by current and former White House officials in conjunction with the House Committee on Government Reform and Oversight's investigation of the Travel Office matter.[1] In addition, I am forwarding for consideration a request for reimbursement for fees and expenses incurred by a current White House staff member in connection with the investigation by the Independent Counsel into the Travel Office matter. We understand that this request will be considered separately by the Department.

The information provided below has been developed essentially based upon the letters sent to the White House requesting reimbursement; White House records describing the responsibilities and job titles of the witnesses; and deposition transcripts that are now publicly available. We have enclosed those transcripts where we believe it might be helpful in understanding the role of the witness in the Travel Office matter.

Enclosed are requests for reimbursement submitted on behalf of the following officials:

1. *Kelli McClure.* Ms. McClure is the White House Personnel Liaison in the Office of Management & Administration. She has been asked to testify before the grand jury empaneled by the Independent Counsel in connection with Travel Office related matters as a result of her official responsibilities with respect to personnel issues and maintenance of personnel records.

2. *Lisa Caputo.* Ms. Caputo was the Deputy Assistant to the President and Press Secretary to the First Lady. She has been asked to produce documents and to provide deposition testimony to the House Committee in connection with her responsibilities as the First Lady's Press Secretary. As such, she was involved in press briefings and discussions related to Travel Office matters. A copy of her deposition testimony is enclosed.

3. *Thomas F. McLarty, III.* Mr. McLarty was the Chief of Staff and now serves as Counsel to the President. As Chief of Staff, Mr. McLarty has been asked to produce documents and to provide deposition testimony to the House Committee concerning his knowledge and participation in the events leading up to the firing of the Travel Office employees and his role in the White House investigation of the matter. A copy of his deposition testimony is enclosed.

4. *Kathleen Whalen.* Ms. Whalen is an Associate Counsel to the President. As a member of the Counsel's Office, she has responsibilities for Presidential Appointments. She has been asked to provide deposition testimony to the House Committee in connection with her knowledge of procedures relating to the use of FBI background files for Presidential Appointments.

Each of these officials has described in the enclosed correspondence the requests that have been made and the responses required by the Congressional Committee or Independent Counsel. In each case, the Committee and/or the Independent Counsel has requested documents and testimony from these individuals about conduct performed in the course of their official duties. I have no reason to believe that the conduct of any of the above individuals was not performed in good faith.

I recommend that each of these requests be approved and that reimbursement be provided. I believe that reimbursement is in the interest of the United States since these individuals should be not be compelled to pay private counsel, out of their own resources, to represent them in connection with activities performed as part of their government service.

I have advised these individuals that you will communicate directly with them, or their counsel, in responding to their requests.

Sincerely,

JACK QUINN,
*Counsel to the President.*

[1] Since Mr. Hunger's letter of May 22, 1996, the "Travel Office Matter" has grown to include investigations by Congress into requests by the White House Office of Personnel Security for FBI files related to former White House employees.

Mr. HATCH. Mr. President, I reserve the balance of my time.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Maybe there are those who wish that there were impropriety. There was not any. The people referred to by my friend from Utah were not indicted. There has never been any hint of any in this case, in the prosecution, of impropriety. He agreed to plead to a felony. This matter should be referred to the Court of Claims, an independent tribunal, if they believe their case is so just. We believe it is not. The Court of Claims would handle the case properly.

Mr. HATCH. Mr. President, do I have any time left?

The PRESIDING OFFICER. The Senator from Utah has 3 seconds remaining. The Senator from Nevada has 12 seconds remaining.

Mr. HATCH. Mr. President, let us do justice here. Let us reimburse this man and give him his reputation back.

The PRESIDING OFFICER. All time has expired.

The question is on amendment No. 5256, as modified. The yeas and nays have not been ordered.

Mr. HATCH. Mr. President, I ask for the yeas about nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified. 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 New Hampshire [Mr. SMITH] is necessarily absent.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness in the family.

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

The result was announced—yeas 46, nays 52, as follows:

[Rollcall Vote No. 286 Leg.]

YEAS—46

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| Akaka | Feinstein | Lieberman |
| Baucus | Ford | Mikulski |
| Biden | Glenn | Moseley-Braun |
| Bingaman | Graham | Moynihan |
| Boxer | Harkin | Murray |
| Bradley | Heflin | Nunn |
| Breaux | Hollings | Pell |
| Bryan | Inouye | Reid |
| Bumpers | Johnston | Robb |
| Byrd | Kennedy | Rockefeller |
| Conrad | Kerrey | Sarbanes |
| Daschle | Kerry | Simon |
| Dodd | Kohl | Wellstone |
| Dorgan | Lautenberg | Wyden |
| Exon | Leahy | |
| Feingold | Levin | |

NAYS—52

| | | |
|---|---|---|
| Abraham | Frist | McCain |
| Ashcroft | Gorton | McConnell |
| Bennett | Gramm | Murkowski |
| Bond | Grams | Nickles |
| Brown | Grassley | Pressler |
| Burns | Gregg | Roth |
| Campbell | Hatch | Santorum |
| Chafee | Hatfield | Shelby |
| Coats | Helms | Simpson |
| Cochran | Hutchison | Snowe |
| Cohen | Inhofe | Specter |
| Coverdell | Jeffords | Stevens |
| Craig | Kassebaum | Thomas |
| D'Amato | Kempthorne | Thompson |
| DeWine | Kyl | Thurmond |
| Domenici | Lott | Warner |
| Faircloth | Lugar | |
| Frahm | Mack | |

NOT VOTING—2

| | |
|---|---|
| Pryor | Smith |

The amendment (No. 5256), as modified, was rejected.

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

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

The motion to lay on the table was agreed to.

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

The Senate will be in order.

Mr. LOTT. Mr. President, was the motion to reconsider laid on the table?

The PRESIDING OFFICER. It was.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, if I could have the Senators' attention, maybe I can outline where we are and begin to think about where we hope to go today and the balance of the week.

The Senate began consideration of this Treasury-Postal appropriations bill at 4 p.m. on Tuesday of this week and has spent approximately 15 hours considering the legislation. This is not a bill that really is that controversial. I was a little bit taken aback when Senators on both sides of the aisle came up with, I guess, about 97 amendments last night. Most of the 97 amendments are nongermane to this bill. And 15 hours has already been spent on it. We need to get serious now and narrow this list down to the ones we really do feel are important, hopefully germane, and deal with them in a quick, reasonable period of time.

Most of the time in this 15 hours has been spent considering nongermane issues. As it stands now, on the majority side of the aisle, we have not more than 12 amendments that have to be

considered in some way or other before passage, and I think less than a half dozen of those actually would require any time and the possibility of a recorded vote. I think we can get it down below that. Frankly, where we ought to be is a couple of amendments on each side and then move to final passage of the bill.

I understand that on the Democratic side of the aisle they still have 35 amendments that remain to be offered. Again, many, or most of those, are nongermane. I know that the minority leader has been working with his leadership team, and they have had some amendments removed from the list. But right now we are still looking at somewhere, I guess, between 35 and 40 amendments. I really have to say that I think that is ridiculous.

I hope all Members will exercise restraint with regard to offering amendments in an effort to reach final passage early this afternoon. The Senate must also consider the chemical weapons today, which has a time limitation of up to 12 hours. And, needless to say, the Senate begins that this afternoon. The earlier the Senate concludes this business, the better.

All Senators should be aware that we must continue to make progress on appropriations bills. That is our job. We should do it in regular order, with cooperation. But I am getting very concerned about what we are going to be able to do on these final four appropriations bills.

I would like to see the Senate do something that has not been done more than once or twice in 25 years: complete all the appropriations bills before the beginning of the fiscal year. I can only do so much. There are a lot of other bills that Members on both sides would like to have considered. Some would only take a couple hours. We have to focus on the appropriations bills. Members who insist on offering nongermane amendments to the appropriations bills are delaying enactment of very important spending measures that will have an impact on us being able to complete our work by the first of the month.

So, with that in mind, and in order for the managers to assess what truly remains to be considered, I ask unanimous consent that all remaining amendments in order to H.R. 3756 must be filed at the desk by 12 noon today.

Mr. DASCHLE. Reserving the right to object, let me just say, for the Record, that in the last Congress all the appropriations bills were finished on time. We would like to see if we can do that 2 years in a row. I have indicated my desire to work with the majority leader to see if we can get that done.

We have gone through our list and find about 18 amendments that may require action. So we have our work cut out for us in order to get this bill done. I think this is a good suggestion. I would like to see if we can't work through the next couple of hours to have the amendments filed, so we can look with some serious understanding of what it is we have left to do. And if we require amendments to be filed, we will have a much better understanding of that. So I hope that both sides can agree.

Mr. LOTT. I think that is a fair thing to do. Everyone knew this bill was coming. If you have an amendment that you are serious about, surely, you have it developed. So file it, and we can see who is serious. At 12 o'clock we can assess what we can do with regard to this bill, how we can wrap it up, and when.

But it would be my intent, probably around noon, to go to the Chemical Weapons Convention. We all knew this has been coming. I made a commitment to bring it up by the 14th. The administration wants it. Of course, it is ready to go. So we are going to have to do that. I am going to do my very best to request a number of Senators to finish it today and have the vote tonight, so we won't have to go over to tomorrow. Again, it takes cooperation. So let's go forward now for the next hour and a half, or so, and assess where we are, and we will announce at that time exactly when we are going to go to the chemical weapons treaty. Was there objection to that request?

Several Senators addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. KERREY. Reserving the right to object, I would like to ask the majority leader. One of the biggest problems that we have stuck in our throat on this bill right now is the Kassebaum sense-of-the-Senate resolution followed by a second Wyden amendment. If we could wrap those two up, if we could get unanimous consent to vote on those right away, we could move on.

There are a lot of these amendments that have been offered with Senator SHELBY and I working with Republican and Democratic Members trying to see if we can reach some accommodation so that we get this thing done. We have been on the bill 2 days. We have, as I said, the Kassebaum sense-of-the-Senate resolution and the Wyden amendment. If we could add those to the unanimous consent and vote on those right away, we think we have a pretty good chance of resolving most of this.

Mr. LOTT. If the Senator will yield, I would like to ask the managers to get with the Senators involved—Senators KASSEBAUM and WYDEN, and the assistant majority leader, Senator NICKLES, and those who are interested in this issue. We debated this yesterday. I would like to see if we can come to a conclusion on that. But I am not prepared to propound a unanimous consent on that right now because I do not know where everybody is. I believe, if we could go ahead and get started to move forward on the bill and any other amendments, we can work on that, and maybe we can come to an agreement to get a vote on that at 11:30. We will work on that with you.

Mr. KERREY. Unless we propound a unanimous consent to agree on those two amendments, I think it is going to be difficult to proceed. We just won't be realistic about it. If leadership will help us get that done—I don't know why—I personally don't understand. We are prepared to accept both amendments, by the way, to be cleared on this side. I would be prepared to accept both of the amendments. We are going to conference, for God's sake. Everybody knows what that means.

Mr. LOTT. Mr. President, again, if the Senator will yield, I know the managers of this legislation can come up with a good recommendation to the leadership.

Mr. KERREY. I am making a recommendation. I recommend that we modify the unanimous-consent request to include these two amendments for rollcall votes immediately. That is what we have to do to get these votes up and out and get our business done. We have been talking about it for a couple of days. I say let us start voting.

Mr. LOTT. I feel a need at least to have a chance to talk with the Senators involved in this issue. I do not see Senator KASSEBAUM on the floor.

Mr. KERREY. If we can go into a quorum call for about 5 minutes and get it resolved. We have work to do. We know what needs to be done. Let us get the votes. For gosh sakes, one is a sense-of-the-Senate resolution. It is hardly what I would call Earth shattering.

Mr. DASCHLE. Mr. President, I think the Senator from Nebraska makes a very good point. It might be in our interest just to check. I would be compelled to object at this point to the request, even though I have already expressed myself with regard to how I feel about the request, just to accommodate our ranking member in this regard. So I will not object if we go into a quorum call to clarify whether or not we can do what the Senator from Nebraska has suggested. That would be my hope so we can resolve at least that matter. Otherwise, I will be compelled to object, and we can just continue to work.

Mr. LOTT. Mr. President, that is why we should have asked for this request yesterday. We should have had all the amendments that are serious filed yesterday. We had the hotline even on the request to ask you to file your amendments.

So we are going to go into a quorum call, and we are going to have a time out, instead of doing business while their conversations are going back and forth. I do not think it is unreasonable to ask the people involved to get together and let us talk about how we can work it out. At the same time we are again extending the time, or I guess we would have to extend the time for Senators to file their amendments. The intent is that all amendments be filed by 12 o'clock. I hope that Senators will proceed on that assumption. I have

no problem with our getting together to see if we can work out this problem, and I cannot make a commitment because I have not followed the issue enough to be able to say right now that we ought to do this or that. I have to consult with people who are familiar with the subject on both sides.

Mr. KERREY. Mr. President, with respect, I think the unanimous consent request is good. I would love to get it approved. I do not object to the unanimous consent. But the next pending business is the Kassebaum sense-of-the-Senate resolution.

Mr. LOTT. Mr. President, let me renew my unanimous consent request and get an agreement on that so the Senate is on notice. We can take the quorum call, and we will right now and try to come to a conclusion of the issue.

Mr. LAUTENBERG. Will the majority leader yield for a question?

Mr. DASCHLE. Let me respond, if I could, to the majority leader, and then I will be happy to yield to the distinguished Senator from New Jersey. I think that we have to resolve the matter the Senator from Nebraska has presented to us prior to the time we enter into a unanimous-consent agreement. If we can do that, I think that is a good-faith indication that we are able to resolve at least that part of it, and then we can go on to the next step. Let us do that.

Mr. LOTT. If we can go into a quorum call—but during that quorum call I will also consider putting this bill down right now and proceed to the Chemical Weapons Convention. This is the kind of thing that makes it impossible for us to do our work in a reasonable and cooperative way. I am saying that we should meet and discuss how we can solve this problem. But 15 hours on the Treasury-postal appropriations bill with all of the work we have pending, it is time that we get serious. To have 40 amendments pending on this bill now is not serious.

I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. DEWINE). WITHOUT OBJECTION, IT IS SO ORDERED.

Mr. SHELBY. Mr. President, I also ask unanimous consent that the pending committee amendments be temporarily laid aside.

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

Mr. SHELBY. Mr. President, I ask unanimous consent that the UC agreement earlier propounded by Senator LOTT, the majority leader, be withdrawn.

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

AMENDMENTS NOS. 5261, 5262, 5263, AND 5264 EN BLOC

Mr. SHELBY. Mr. President, I send a number of amendments to the desk which have been cleared on each side of aisle.

I ask unanimous consent that these amendments be considered and approved, en bloc, and that accompanying statements be placed at the appropriate place in the RECORD.

Mr. President, the amendments are as follows: for Senator GRAMS, to improve the IRS 1–800 help line service; for Senator FAIRCLOTH, regarding color printing of tax information; for Senator LEVIN, a sense-of-the-Senate resolution in support of the U.S. negotiators' position on autos and auto parts with Japan; for Senator THOMPSON, for the GSA to create a pilot program for States to participate in the FTS 2000 program.

The PRESIDING OFFICER. Is there objection to the request for the amendments to be considered en bloc?

Mr. KERREY. Mr. President, we have reviewed the amendments. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments by number.

The assistant legislative clerk read as follows:

The Senator from Alabama (Mr. SHELBY) proposes amendments numbered, en bloc, 5261 through 5264.

The amendments (Nos. 5261 through 5264), en bloc, are as follows:

AMENDMENT NO. 5261

(Purpose: To require the Internal Revenue Services to allocate sufficient funds and staff for providing improved IRS 1–800 help line service to taxpayers)

At appropriate place insert the following section:

**"SEC. . IMPROVEMENT OF THE IRS 1–800 HELP LINE SERVICE**

"(a) Funds made available by this or any other Act to the Internal Revenue Services shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line for taxpayers.

"(b) The Commissioner shall make the improvement of the IRS 1–800 help line service a priority and allocate resources necessary to ensure the increase in phone lines and staff to improve the IRS 1–800 help line service."

Mr. GRAMS. Mr. President, this is a simple and straightforward amendment. All it does is ask the Commissioner of the Internal Revenue Service to make improvement of the IRS 1–800 help line service a priority, and allocate the necessary resources to ensure the American taxpayers receive the assistance they need from the IRS.

Mr. President, although IRS spending increased from $2.5 billion in fiscal year 1979 to $7.5 billion in fiscal year 1996, the level of service provided to the taxpayers has not grown proportionally. In recent years, the IRS has invested billions of taxpayer dollars in its efforts to modernize its operations, including its information systems—but the results have been described by the GAO as "chaotic." As an ironic consequence, the Nation's tax collector remains perhaps the least taxpayer-friendly agency in the entire Federal Government.

Meanwhile, the Federal tax system has grown more complicated than ever before. In the mid-1950's, the Federal Income Tax Code was comprised of 103 sections and 400,000 words. Today, it has ballooned to 698 sections—a 578-percent increase—and nearly 1.4 million words. Adding to the aggravation of the Nation's taxpayers, tax regulations have multiplied just as rapidly. Between 1955 and 1994, the number of words in the regulations of the Internal Revenue Code increased more than 550 percent, from just over 1 million words to 5.7 million. Even if you are a trained speed reader who can read 1,000 words a minute, and you did not do anything else but devote every hour of every business day to reading these regulations, it would take you almost 3 years to complete them.

The rapid growth of the Federal Tax Code and its regulations has dramatically increased the complexity of our tax system, to the point where no one but a very few tax specialists can understand it. Even IRS agents are often confused by their own tax laws. The complexity of the Federal tax system means that tax assistance for ordinary American taxpayers is even more urgent now than ever before.

But this desperately needed assistance has not been adequately and effectively provided. For example, my State office receives complaints daily from constituents frustrated they cannot get through to a human being at the toll-free lines established by the IRS: the lines are constantly busy. In some cases, my constituents have tried for 3 or 4 days before they finally got through.

Mr. President, we enact laws and require the people to obey them. But in this case, the IRS has failed to provide sufficient assistance to enable average Americans to understand and comply with the laws. And when innocent non-compliance occurs due to the complexity of the tax system, we punish the taxpayers by imposing all sorts of penalties. This is simply not fair.

Mr. President, this amendment is a small but important step to improve our service to the American taxpayers. All it does is urge the IRS to use existing funds to provide more IRS 1–800 help line servive. I urge my colleagues to support it.

AMENDMENT NO. 5262

(Purpose: To prohibit the Internal Revenue Service from using color printing for purposes other than to call attention to changes in tax law or to make tax forms easier to use)

On page 26, after line 9, insert the following:

SEC. . No funds made available by this Act, or any other Act, to the Internal Revenue Service may be used to pay for the design and printing of more than two ink colors on the covers of income tax packages, and such ink colors must be the same colors as used to print the balance of the material in each package.

AMENDMENT NO. 5263

(Purpose: Sense-of-the-Senate resolution in support of U.S. negotiators' position in Framework Agreement on Autos and Auto Parts with Japan consultations)

At the appropriate place, insert the following:

That the Senate finds: on June 28, 1995, the United States and Japan finalized the text of the U.S.-Japan Framework Agreement on Autos and Auto Parts in Geneva.

That the 30 page text spells out a wide-ranging set of commitments by the Government of Japan to meet the Framework objective of ''achieving significantly expanded sales opportunities to result in a significant expansion of purchases of foreign parts by Japanese firms in Japan and through their transplants, as well as removing problems which affect market access, and encouraging imports of foreign autos and auto parts in Japan.''

That the commitments to action by the Government of Japan and statements by the Japanese private sector address the major barriers to access that have frustrated U.S. producers of competitive autos and auto parts in their efforts to sell in Japan and to the Japanese transplants, and

That the Framework Agreement represents an unprecedented, enforceable set of commitments to open the Japanese market to foreign competitive autos and auto parts and to increase the opportunities for competitive parts suppliers to sell to the Japanese transplant manufacturers.

Therefore, it is the Sense of the United States Senate to fully support the goals set out in the Framework Agreement and support the U.S. negotiators in their first annual consultations with Japan on September 18 and 19 in San Francisco in their efforts to obtain full compliance with the letter and spirit of the Framework Agreement.

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FRAMEWORK AGREEMENT ON AUTOS AND AUTO PARTS

Mr. LEVIN. Mr. President, as cochairman of the Senate auto parts task force, I offer, with my colleague Senator SPECTER, the other cochairman of the Senate auto parts task force, a bipartisan resolution in support of obtaining full compliance with the letter and spirit of the Framework Agreement on Autos and Auto Parts.

Last summer, the United States and Japan signed an historic trade agreement that promises to open Japan's closed markets to United States autos and auto parts and deregulate Japan's convoluted and discriminatory auto parts safety inspection process.

However, the success of this agreement pivots on its strict monitoring and enforcement. An important part of that process is the annual consultations with Japan that are built into the terms of the agreement. The first annual review of the agreement between United States and Japanese negotiators takes place on September 18 and 19 in San Francisco.

With September 18 quickly approaching, Senator SPECTER and I, as cochairs of the Senate auto parts task force, offer this resolution today in strong support of the goals set out in the framework agreement and in support of our U.S. negotiators.

With this resolution, we want to make it clear that there continues to be strong bipartisan congressional support for achievement of the commitments made in the agreement. We want Japan to know that Congress will be watching the September 18 and 19 consultations and we expect to see compliance with the letter and spirit of the framework agreement.

The success of this United States-Japan agreement lies in the level to which it is complied with. We know all too well from past experience that Japan will not open its markets without strong pressure from the United States.

The September consultations offer United States negotiators the chance to review Japan's progress and insist that the agreement be lived up to. With this resolution we stand firmly behind our negotiators in insisting that we see true progress and concrete results.

AMENDMENT NO. 5264

(Purpose: To authorize the Administrator of General Services to conduct a pilot program involving States participation in the FTS2000 program)

At the appropriate place in the bill, insert the following:

SEC. . (a) The Administrator of the General Services Administration is authorized to conduct a pilot program involving up to 10 States to provide FTS 2000 service to a State government, if:

(1) the appropriate authority of such State government makes application to the Administrator to receive FTS 2000 service and, as part of the application, agrees to pay all costs associated with access; and

(2) the Administrator finds that it would be advantageous for the federal government to provide FTS 2000 service to such State government.

(b) Nothing in this section shall be construed to authorize the Administrator of the General Services Administration to implement cooperative purchasing under 40 U.S.C. 481(b)(2).

(c) The authority provided in this section shall expire on September 30, 1998.

The PRESIDING OFFICER. Under the previous order, the amendments are agreed to, en bloc.

The amendments (Nos. 5261 through 5264) en bloc were agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, it is noon on Thursday. We have work to do. The managers of the bill are doing very constructive work here unofficially, but we need to get back to business.

We are discussing with the minority leader and, through him, with the administration on how to proceed, if at all, on the Chemical Weapons Convention. There is some indication perhaps agreement may be reached to not do that at this time, but I have to have that request from the administration. We have to have an understanding about what that means.

In the meantime, we ought to be working on the Treasury-Postal appropriations bill. I am not asking much here. I am just asking that the Senate move forward. I think the Members would like to move forward, if we could get the staff to agree.

So I feel that I must ask for these consents—and I believe Senator DASCHLE wants to cooperate with this—but as the time goes by today, we have to consider other options.

Mr. President, I ask unanimous consent, then, that there be 20 minutes remaining for debate on the Kassebaum amendment No. 5235, to be equally divided in the usual form, and following the debate, the amendment be laid aside and Senator WYDEN be recognized to offer an amendment on the same subject, the text of which Senator WYDEN will now send to the desk.

I further ask that there be 20 minutes for debate on the amendment, to be equally divided in the usual form and no further amendments be in order during the pendency of the Kassebaum and Wyden amendments.

I further ask that a vote then occur on the Kassebaum amendment, without further action or debate, to be followed immediately by a vote on the Wyden amendment.

I think this is a fair way to proceed. This is what the Senator from Oregon indicated he wanted to happen. I think this is a way to get a vote on both of these issues and other issues.

I further ask unanimous consent that this agreement be implemented at the call of the majority leader, after notification of the Democratic leader.

The PRESIDING OFFICER. Is there objection?

Mr. KERREY. Mr. President, I object.

Mr. LOTT. I regret this objection. The agreement seemed to be the best course of action involving this impasse.

Mr. President, I ask unanimous consent that the Kassebaum amendment be laid aside for consideration of one amendment, and following the disposition of that amendment, the Kassebaum amendment become the pending business.

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

Mr. LOTT. This allows us to proceed then, Mr. President, to the next amendment in order. The managers have some things they have been working on. They can do that. This makes good sense. I appreciate at least this cooperation. We will take them one teeny step at a time. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. 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. LOTT. Mr. President, I renew my earlier request, with a change of time, that all amendments must be filed by Senators by 2 p.m. this afternoon on the Treasury-Postal appropriations bill.

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

Mr. LOTT. Mr. President, I should clarify that these have to be the amendments that were on the list that we agreed to. Of course, the whole world was on the list. But this would have to be amendments on the list. And they need now to be filed by 2 o'clock in order to be considered at all. I thank the Senator from Nebraska for his help in getting that agreement. I hope now that he and the chairman can make some progress on maybe some agreed-to amendments and take up some amendment that is pending.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. 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. SHELBY. Mr. President, I, along with my colleague, Senator KERREY, encourage all Senators now who have amendments that we might be able to clear and agree on between us, that they come down here and discuss them with Senator KERREY and me, because we are working off of a list. We have already worked four or five off in the last 30 minutes. Perhaps we can, if they will come on over—it is just a few minutes after 12—in the next hour or two we can perhaps work 8 or 10 off this list. I think it would be helpful and constructive, and we would be moving forward on this bill.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. I thank the Chair.

Mr. President, as the distinguished Senator from Alabama, the chairman of the subcommittee, said, we are trying to—and we are alerting both Senators and staff—we are trying right now to identify those amendments that we can agree to accept.

We also are trying to identify those amendments where we are going to agree together that we will both oppose or move to table. Senators need to be alerted to that, that there will be amendments offered on both sides of the aisle—Democrats will offer amendments that I may move to table; and, likewise, Republicans may offer amendments that Senator SHELBY agrees to table—and we are going to be aggressive in tabling amendments that we regard in some cases as nongermane or to be incorrectly offered, to just let people have a heads-up on that.

Third, we will look for opportunities, if we can, to talk to Members that have open—that is to say, they filed a place mark in here to identify whether or not their concerns have been taken care of in other areas, so that we can begin to winnow this list of amendments down.

There is a very good chance, as we now understand it, we will be on this bill all night long and until we get it passed.

Mr. SHELBY. That is right.

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

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

AMENDMENT NOS. 5271 THROUGH 5278, EN BLOC

Mr. SHELBY. Mr. President, I send a number of amendments to the desk which have been cleared on each side.

Mr. President, the amendments are as follows: Senator GRAMM, a sense-of-the-Senate resolution regarding the border States in Laredo, TX; for Senators BINGAMAN and JEFFORDS regarding energy savings; for Senator DASCHLE regarding explosives and arson information; for Mr. D'AMATO regarding the commemorative coin programs; for Senator MCCAIN regarding the Udall Scholarship Foundation; for Senator DORGAN, Mr. CONRAD, Mr. DASCHLE, and Mr. PRESSLER regarding the transfer of excess properties to Indian tribes; for Senator BYRD regarding telecommuting; and for Senator HATFIELD to provide care funds for the Pioneer Courthouse in Portland, OR.

I ask unanimous consent that these amendments be considered and approved, en bloc, and that accompanying statements be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes amendments numbered 5271 through 5278, en bloc.

The amendments (Nos. 5271 through 5278), en bloc, are as follows:

AMENDMENT NO. 5271

Insert at the appropriate place in the bill:

(a) REDUCTION IN FACILITIES ENERGY COSTS.

(1) IN GENERAL.—The head of each agency for which funds are made available under this Act shall—

(A) take all actions necessary to achieve during fiscal year 1998 a 5 percent reduction, from fiscal year 1996 levels, in the energy costs of the facilities used by the agency; or

(B) enter into a sufficient number of energy savings performance contracts with private sector energy service companies under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 8287 et seq.) to achieve during fiscal year 1998 at least a 5 percent reduction, from fiscal year 1996 levels, in the energy use of the facilities used by the agency.

(2) GOAL.—The activities described in paragraph (1) should be a key component of agency programs that will by the year 2000 result in a 20 percent reduction, from fiscal year 1985 levels, in the energy use of the facilities used by the agency, as required by section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253).

AMENDMENT NO. 5272

At the appropriate place, insert the following:

ESTABLISHING A NATIONAL REPOSITORY FOR ARSON AND EXPLOSIVES INFORMATION

**SEC. . NATIONAL REPOSITORY FOR INFORMATION ON EXPLOSIVES INCIDENTS AND ARSON.**

(a) Section 846 of Title 18. United States Code, is amended by—

(1) designating the existing section as subsection (a): and

(2) by adding the following new subsection (b) to read as follows:

''(b) The Secretary is authorized to establish a national repository of information on incidents involving arson and the suspected criminal misuse of explosives. All Federal agencies having information concerning such incidents shall report the information to the Secretary pursuant to such regulations as deemed necessary to carry out the provisions of this subsection. The repository shall also contain information on incidents voluntarily reported to the Secretary by State and local authorities.''

(b) There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.

AMENDMENT NO. 5273

(Purpose: To reform the commemorative coin programs of the United States Mint in order to protect the integrity of such programs and prevent losses of Government funds, and for other purposes)

On page ___, strike lines ___ and ___, and insert the following:

''(I) MINT FACILITY FOR GOLD AND PLATINUM COINS.—Notwithstanding any other provision of law,''.

At the end of title V of the bill, insert the following new sections:

**SEC. 5___. COMMEMORATIVE COIN PROGRAM REFORM.**

(a) COMMEMORATIVE COIN PROGRAM RESTRICTIONS.—Section 5112 of title 31, United States Code, as amended by sections 524 and 530 of this Act, is amended by adding at the end the following new subsection:

''(m) COMMEMORATIVE COIN PROGRAM RESTRICTIONS.—

''(1) MAXIMUM NUMBER.—Beginning January 1, 1999, the Secretary may mint and issue commemorative coins under this section during any calendar year with respect to not more than 2 commemorative coin programs.

''(2) MINTAGE LEVELS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in carrying out any commemorative coin program, the Secretary shall mint—

''(i) not more than 750,000 clad half-dollar coins;

''(ii) not more than 500,000 silver one-dollar coins; and

''(iii) not more than 100,000 gold five-dollar or ten-dollar coins.

''(B) EXCEPTION.—If the Secretary determines, based on independent, market-based

research conducted by a designated recipient organization of a commemorative coin program, that the mintage levels described in subparagraph (A) are not adequate to meet public demand for that commemorative coin, the Secretary may waive one or more of the requirements of subparagraph (A) with respect to that commemorative coin program.

''(C) DESIGNATED RECIPIENT ORGANIZATION DEFINED.—For purposes of this paragraph, the term 'designated recipient organization' means any organization designated, under any provision of law, as the recipient of any surcharge imposed on the sale of any numismatic item.''.

(b) RECOVERY OF MINT EXPENSES REQUIRED BEFORE PAYMENT OF SURCHARGES TO ANY RECIPIENT ORGANIZATION.—

(1) CLARIFICATION OF LAW RELATING TO DEPOSIT OF SURCHARGES IN THE NUMISMATIC PUBLIC ENTERPRISE FUND.—Section 5134(c)(2) of title 31, United States Code, is amended by inserting '', including amounts attributable to any surcharge imposed with respect to the sale of any numismatic item'' before the period.

(2) CONDITIONS ON PAYMENT OF SURCHARGES TO RECIPIENT ORGANIZATIONS.—Section 5134 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(f) CONDITIONS ON PAYMENT OF SURCHARGES TO RECIPIENT ORGANIZATIONS.—

''(1) PAYMENT OF SURCHARGES.—Notwithstanding any other provision of law, no amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall be paid from the fund to any designated recipient organization unless—

''(A) all numismatic operation and program costs allocable to the program under which such numismatic item is produced and sold have been recovered; and

''(B) the designated recipient organization submits an audited financial statement that demonstrates to the satisfaction of the Secretary of the Treasury that, with respect to all projects or purposes for which the proceeds of such surcharge may be used, the organization has raised funds from private sources for such projects and purposes in an amount that is equal to or greater than the maximum amount the organization may receive from the proceeds of such surcharge.

''(2) ANNUAL AUDITS.—

''(A) ANNUAL AUDITS OF RECIPIENTS REQUIRED.—Each designated recipient organization that receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall provide, as a condition for receiving any such amount, for an annual audit, in accordance with generally accepted government auditing standards by an independent public accountant selected by the organization, of all such payments to the organization beginning in the first fiscal year of the organization in which any such amount is received and continuing until all amounts received by such organization from the fund with respect to such surcharges are fully expended or placed in trust.

''(B) MINIMUM REQUIREMENTS FOR ANNUAL AUDITS.—At a minimum, each audit of a designated recipient organization pursuant to subparagraph (A) shall report—

''(i) the amount of payments received by the designated recipient organization from the fund during the fiscal year of the organization for which the audit is conducted that are derived from the proceeds of any surcharge imposed on the sale of any numismatic item;

''(ii) the amount expended by the designated recipient organization from the proceeds of such surcharges during the fiscal year of the organization for which the audit is conducted; and

''(iii) whether all expenditures by the designated recipient organization during the fiscal year of the organization for which the audit is conducted from the proceeds of such surcharges were for authorized purposes.

''(C) RESPONSIBILITY OF ORGANIZATION TO ACCOUNT FOR EXPENDITURES OF SURCHARGES.—Each designated recipient organization that receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall take appropriate steps, as a condition for receiving any such payment, to ensure that the receipt of the payment and the expenditure of the proceeds of such surcharge by the organization in each fiscal year of the organization can be accounted for separately from all other revenues and expenditures of the organization.

''(D) SUBMISSION OF AUDIT REPORT.—Not later than 90 days after the end of any fiscal year of a designated recipient organization for which an audit is required under subparagraph (A), the organization shall—

''(i) submit a copy of the report to the Secretary of the Treasury; and

''(ii) make a copy of the report available to the public.

''(E) USE OF SURCHARGES FOR AUDITS.—Any designated recipient organization that receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item may use the amount received to pay the cost of an audit required under subparagraph (A).

''(F) WAIVER OF PARAGRAPH.—The Secretary of the Treasury may waive the application of any subparagraph of this paragraph to any designated recipient organization for any fiscal year after taking into account the amount of surcharges that such organization received or expended during such year.

''(G) NONAPPLICABILITY TO FEDERAL ENTITIES.—This paragraph shall not apply to any Federal agency or department or any independent establishment in the executive branch that receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item.

''(H) AVAILABILITY OF BOOKS AND RECORDS.—An organization that receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall provide, as a condition for receiving any such payment, to the Inspector General of the Department of the Treasury or the Comptroller General of the United States, upon the request of such Inspector General or the Comptroller General, all books, records, and work papers belonging to or used by the organization, or by any independent public accountant who audited the organization in accordance with subparagraph (A), which may relate to the receipt or expenditure of any such amount by the organization.

''(3) USE OF AGENTS OR ATTORNEYS TO INFLUENCE COMMEMORATIVE COIN LEGISLATION.—No portion of any payment from the fund to any designated recipient organization of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item may be used, directly or indirectly, by the organization to compensate any agent or attorney for services rendered to support or influence in any way legislative action of the Congress relating to such numismatic item.

''(4) DESIGNATED RECIPIENT ORGANIZATION DEFINED.—For purposes of this subsection, the term 'designated recipient organization' means any organization designated, under any provision of law, as the recipient of any surcharge imposed on the sale of any numismatic item.''.

(3) SCOPE OF APPLICATION.—The amendments made by this section shall apply with respect to the proceeds of any surcharge imposed on the sale of any numismatic item that are deposited in the Numismatic Public Enterprise Fund after the date of the enactment of this Act.

(4) REPEAL OF EXISTING RECIPIENT REPORT REQUIREMENT.—Section 302 of Public Law 103–186 (31 U.S.C. 5112 note) is repealed.

(c) QUARTERLY FINANCIAL REPORTS.—Section 5134 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(g) QUARTERLY FINANCIAL REPORTS.—

''(1) IN GENERAL.—Not later than the 30th day of each month following each calendar quarter through and including the final period of sales with respect to any commemorative coin program authorized on or after the date of enactment of the Treasury, Postal Service, and General Government Appropriations Act, 1997, the Mint shall submit to the Congress a quarterly financial report in accordance with this subsection.

''(2) REQUIREMENTS.—Each report submitted under paragraph (1) shall include, with respect to the calendar quarter at issue—

''(A) a detailed financial statement, prepared in accordance with generally accepted accounting principles, that includes financial information specific to that quarter, as well as cumulative financial information relating to the entire program;

''(B) a detailed accounting of—

''(i) all costs relating to marketing efforts;

''(ii) all funds projected for marketing use;

''(iii) all costs for employee travel relating to the promotion of commemorative coin programs;

''(iv) all numismatic items minted, sold, not sold, and rejected during the production process; and

''(v) the costs of melting down all rejected and unsold products;

''(C) adequate market-based research for all commemorative coin programs; and

''(D) a description of the efforts of the Mint in keeping the sale price of numismatic items as low as practicable.''.

(d) CITIZENS COMMEMORATIVE COIN ADVISORY COMMITTEE.—

(1) FIXED TERMS FOR MEMBERS.—Section 5135(a)(4) of title 31, United States Code, is amended to read as follows:

''(4) TERMS.—Each member appointed under clause (i) or (iii) of paragraph (3)(A) shall be appointed for a term of 4 years.''.

(2) CHAIRPERSON.—Section 5135(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

''(7) CHAIRPERSON.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Chairperson of the Advisory Committee shall be elected by the members of the Advisory Committee from among such members.

''(B) EXCEPTION.—The member appointed pursuant to paragraph (3)(A)(ii) (or the alternate to that member) may not serve as the Chairperson of the Advisory Committee, beginning on June 1, 1999.''.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of enactment of this Act.

**SEC. 5___. MINT MANAGERIAL STAFFING REFORM.**

Section 5131 of title 31, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

Mr. D'AMATO. Mr. President, this amendment will begin the necessary

reform of the commemorative coin programs authorized by Congress and carried out by the U.S. Mint. The amendment, supported fully by the Mint, includes many programs of H.R. 2614 passed by the House as well as recommendations for reform from the GAO. The amendment is a comprehensive substitute that enjoys widespread support.

Commemorative coins are collectibles. The coins issued for each program satisfy a number of objectives.

First, they raise awareness. Coin themes are meant to recognize significant national, and sometimes international, events, heroes and heroines, and historic sites vital to our American experience. They are expressions of our tremendous pride in all that molded this great country.

Second, they allow the Treasury a means of decreasing the national deficit through profitable programs.

Third, the sale of these coins enables worthy causes to raise money. For example, the restoration of our Nation's Capitol, the construction of memorials to our fallen heroes, and equally important for upkeep and maintenance of great homes such as Mount Vernon and the White House, and even the notable open-air home to four of our most prestigious Presidents, Mount Rushmore have been funded through commemorative coin programs.

As wonderful as these programs seem, serious problems exists—as underscored by the recent General Accounting Office report I requested last year. The commemorative coin market has been flooded with far too many coins. Overzealous programs trying to generate as many products as possible only reduce the value of coins for collecting. When mintage levels go through the roof, the value of these commemorative coins drops considerably.

More importantly and much to my dismay, taxpayers end up carrying the burden of coin programs that are not received well by the collectors. And while the sponsoring organizations may satisfy its goal of raising funds, the U.S. Mint incurs a loss which is passed on to the taxpayers.

The amendment I am offering has been crafted to augment the valuable work on commemorative coin program reforms sponsored by Representative MICHAEL CASTLE, chairman of the Subcommittee on Domestic and International Monetary Policy of the Committee on Banking and Financial Services. Congressman CASTLE's bill, H.R. 2614, which was supported overwhelmingly in the House, serves as a clear foundation for the reforms embodied in this bill. I commend him on his guidance and perseverance as it relates to this issue.

Mr. President, the reforms contained in this amendment will accomplish three major goals: Protect the taxpayer from losses incurred by the Mint, keep the number of coins in the market at a collectible level for collectors, and keep the total number of yearly programs at a manageable level for the Mint. Fulfillment of these goals will not only protect the American taxpayer, but will ensure the preservation and success of future commemorative coin programs produced by the U.S. Mint.

Mr. President, I ask unanimous consent that a summary of the amendment be printed in the RECORD.

Mr. President, I thank my good friend and colleague, Senator SHELBY, for his work in this area. As a member of the Banking Committee he is keenly aware of the necessity for these reforms.

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

SECTION-BY-SECTION ANALYSIS

Section 1. Contains a technical correction to a previous amendment to H.R. 3756 concerning exclusive use of the Mint facility at West Point to produce all gold and all platinum numismatic items and bullion products.

Section 2. Commemorative Coin Program Reform. Section (a) addresses commemorative coin program restrictions. Section ''(m)'' to be added to Section 5112 of title 31, USC, requires that the Secretary of the Treasury may mint and issue no more than two commemorative coin programs per calendar year beginning on January 1, 1999. It also sets guidelines of maximum mintage levels for each denomination of numismatic product as prescribed by the Citizens Commemorative Coin Advisory Committee. This section includes an exception for the Secretary to increase the mintage levels as he determines appropriate from results of adequate, market based research.

Subsection (c) defines designated recipient organization.

Section (b)(1) addresses the recovery of mint expenses required before payment of surcharges to any recipient organization. Section 5134(C)(2) of title 31, USC is amended by inserting '', including amounts attributable to any surcharge imposed with respect to the sale of any numismatic item'' before the period.

Section (b)(2) amends Section 5134(C) of title 31, USC by adding subsection (f), Conditions of payment of surcharges to recipient organizations. Subsection (f)(1) states no amount of any surcharge imposed shall be paid from the fund to the recipient organization unless the program costs have been recovered. Subsection (f)(1)(B) requires submission of an audited financial statement, which demonstrates to the satisfaction of the Secretary of the Treasury that the organization has raised funds from private sources in an amount equal to or greater than the maximum amount of surcharges that organization may receive from the sale of numismatic items.

Subsection (f)(2) requires annual audits beginning after the commencement of the surcharge payments. Subsection (f)(2)(A) requires these audits to begin with the first fiscal year in which the payments are received. The audit shall be in accordance with generally accepted government auditing standards and performed by an independent public accountant selected by the entity. The annual audits shall be conducted until the surcharges are fully expended. Each audit shall report the amount of surcharges received, the amount of surcharges expended, and whether the expenditures were for authorized purposes.

Subsection (f)(2)(B) sets minimum requirements for the annual audits. Required to be included in the audit shall be the amount of payments received, expenditures from the proceeds, and verification that expenditures were for authorized purposes.

Subsection (f)(2)(C) requires an accounting of surcharge monies separate from all other revenues and expenditures of the recipient organization. Subsection (f)(2)(D) calls for the submission of the annual audit no later than 90 days after the end of any fiscal year of the recipient organization. This report shall be submitted to the Secretary of the Treasury and made available to the public. Subsection (f)(2)(E) allows the recipient organization to pay the cost of the audit with surcharge funds. Subsection (f)(2)(F) allows the Secretary of the Treasury to waive the annual audit requirements, and Subsection (f)(2)(G) states that Federal entities are exempt from this paragraph.

Subsection (f)(2)(H) requires recipient organizations to provide, at the request of the Treasury Department's Inspector General or the Comptroller General of the United States, books, records and workpapers relating to receipts and/or expenditures of surcharge monies.

Subsection (f)(3) prohibits surcharge monies from being used, in any form or fashion, to attempt to influence or support Congressional numismatic legislative action. Subsection (f)(4) defines designated recipient organizations as ''the recipient of any surcharge imposed on the sale of any numismatic item.''

Section (b)(3) applies to the scope of the amendment which will involve all proceeds of any surcharge imposed on the sale of any numismatic item that are deposited in the Numismatic Public Enterprise Fund after the date of the enactment of this Act.

Section (b)(4) repeals the existing recipient report requirement as mandated by Section 302 of Public Law 103–186 (31 U.S.C. 5112 note).

Section (c) amends section 5134 of title 31, USC, by adding the new section ''(g) Quarterly Financial Reports.'' Subsection (g)(1) requires that the U.S. Mint shall provide a quarterly financial report to Congress for all authorized commemorative coin programs to be due no later than the 15th day of the month following each calendar quarter.

Subsection (g)(2) outlines the minimal requirements of these quarterly reports. Subsection (g)(2)(A) calls for a financial statement prepared in accordance with generally accepted accounting principles with information specific to action for each quarter as well as cumulative financial information relating to the entire program.

Subsection (g)(2)(B) states further requirements for all quarterly reports such as all costs relating to marketing efforts, all funds projected for marketing use, all costs for employee travel relating to the promotion of the programs, all numismatic items minted, sold, not sold, and rejected during the production process, and the costs of melting down all rejected and unsold products.

Subsection (g)(2)(B) requires the Mint to include information showing adequate market-based research for all non-circulating commemorative coin programs. Subsection (g)(2)(D) requires a description of the efforts of the Mint doing what it can to keep the price of numismatic items as low as practicable.

Section (d), the Citizens Commemorative Coin Advisory Committee amends Section 5135(a)(4) of title 31, USC, to shorten the length of service for members appointed to the Citizens Commemorative Coin Advisory Committee (CCCAC) to a term of 4 years and Subsection (d)(2)(A) allows for the Chairperson of the CCCAC to be elected by and from the Committee members by amending Section 5135(a)(6). Subsection (d)(2)(B) further states that the representative of the

Mint, or the alternate to that member, appointed to serve in the CCCAC may not serve as Chairperson effective June 1, 1999.

Section (e) defines the effective date of all sections in this amendment to take effect on the date of enactment of this Act.

Section 5, the Mint Managerial Staffing Reform provision, no longer requires a presidential appointment of the following positions at each Mint facility: superintendent, assayer and engraver at the Philadelphia Mint.

AMENDMENT NO. 5274

(Purpose: To provide for the continuation of the term of a member of the Morris K. Udall Scholarship Board after the member's term has expired until a successor is chosen)

At the appropriate place, insert the following new section:

SEC. . Section 5(c)(1) of Public Law 102–259 (20 U.S.C. 5603(c)(1)) is amended—

(1) in subparagraph (A)(iii), by striking "and" after the semicolon;

(2) in subparagraph (B), by striking the period and inserting "; and"; and

(3) by adding after subparagraph (B) the following:

"(C) a Trustee may serve after the expiration of the Trustee's term until a successor has been chosen.".

Mr. MCCAIN. Mr. President, this amendment is very simple. It ensures that trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation be able to serve after the expiration of their term until a successor is chosen.

Under the act which established the Morris K. Udall scholarships and foundation, trustees are nominated by the President and confirmed by the U.S. Senate. We all know that the nomination and confirmation process can be time consuming, and the work is not always completed in time for an efficient transition between new trustees and those whose term has expired. The resulting vacancies are disruptive to the organization and do not serve the purposes for which Congress created the foundation.

The Goldwater Foundation, also chartered by Congress, has an identical provision as this amendment, and the modification is worthy of the Senate's approval.

AMENDMENT NO. 5275

(Purpose: To allow the Department of Interior, through the Bureau of Indian Affairs, to transfer directly to Indian tribes in North and South Dakota portable housing units at the Grand Forks Air Force Base which have been declared excess by the Department of Defense and requested for transfer by the Department of Interior)

At the appropriate place in the bill, add the following:

Notwithstanding any other provision of law, the Secretary of the Interior, through the Bureau of Indian Affairs, may directly transfer to Indian tribes in North and South Dakota portable housing units at the Grand Forks Air Force base in North Dakota which have been declared excess by the Department of Defense and requested for transfer by the Department of the Interior.

Mr. DORGAN. Mr. President, I am offering this amendment to resolve a bureaucratic nightmare which has arisen in conjunction with the transfer of excess Department of Defense property from the Grand Forks Air Force Base in North Dakota to Indian reservations in North and South Dakota. I am pleased to be joined in this effort by Senators CONRAD, DASCHLE, and PRESSLER.

As a result of the realignment of the 321st Missile Group at the Grand Forks Air Force Base, housing needs were reduced and 486 existing homes were declared excess property by the Department of Defense. The Department of Interior requested these housing units with the intent of transferring them through its Bureau of Indian Affairs to certain reservations in North and South Dakota under Operation Walking Shield. When the first house was on a truck bed and ready to be transferred from the Grand Forks Air Force Base to the Oglala Sioux Reservation in Pine Ridge, SD, it hit a road block. At the last minute, we were informed that the Bureau of Indian Affairs had no authority to transfer title to these homes directly to the Indian tribes. My amendment is intended to resolve this problem.

As I am sure my colleagues are aware, the housing conditions faced by many native American communities are shocking. A recent Urban Institute study revealed that approximately 27 percent of all Indian households reside in substandard dwellings that are overcrowded and/or lack kitchen or plumbing facilities, electricity, and/or central heating.

In August, I had the opportunity to view the housing conditions on the Standing Rock Sioux and Fort Berthold reservations in North Dakota. What I saw was deplorable. Many homes fail to meet even basic safety and health standards. They lack roofs, windows, plumbing, and they smell of gas. And many Indian families have to wait for years for critical home repairs. It is truly a national disgrace.

The Senators from North and South Dakota were most hopeful that some of the critical housing shortages on the reservations in our respective States could be addressed with the transfer of this excess DOD housing to the tribes. In order to ensure that these desperately needed homes can be transferred, we must first pass this amendment.

The Department of Interior and the General Services Administration as well as the Governmental Affairs and Indian Affairs Committees have reviewed and cleared this narrowly targeted amendment, and I want to thank everyone involved for their efforts in helping to resolve this problem.

With adoption of the amendment, we have an opportunity to prevent Government waste and stretch Federal resources to meet the urgent and real housing needs of Indian families. In short, this amendment represents an example of how Government should work, and I urge its adoption.

AMENDMENT NO. 5276

(Purpose: To provide funding for the acquisition, lease, construction, and equipment of certain flexiplace work telecommuting centers)

On page 49, line 18, insert before the colon ": *Provided,* That of such amount provided for non-prospectus construction projects $250,000 may be available until expended for the acquisition, lease, construction, and equipping of flexiplace work telecommuting centers in the State of West Virginia".

Mr. BYRD. Mr. President, the amendment I am offering would make available an amount of $250,000 out of non-prospectus construction projects, for the establishment of a flexiplace work telecommuting center in West Virginia.

Mr. President, both Jefferson and Berkeley Counties of West Virginia are now considered to be part of the Washington Metropolitan Statistical Area. I am advised that officials of the Jefferson County Development Authority have been working with the staff of the General Services Administration to develop a telecommuting center in the Charles Town area. The purpose of the center is to establish a job site that could easily be linked through computer and telecommunication technologies to federal agencies in the central Washington, DC area, thus diminishing commuting time and helping to alleviate severe traffic congestion. The parties negotiated in good faith and were under the impression that funds were available for the establishment of the center. Unfortunately, the funds to establish such telecommuting centers are only available to establish such centers in Maryland and Virginia.

The purpose of this amendment is to make an amount of $250,000 available for the establishment of a telecommuting center in the Charles Town area. The amendment would not diminish the funds already available for centers in Maryland and Virginia. Rather, the funds would be derived from monies set aside in the bill for non-prospectus construction projects, that is, projects costing less than $1.5 million, including such minor projects as periodic painting and repair of mechanical, electrical, and other building components.

In summary, the amendment I am proposing would allow for the establishment of a flexiplace work telecommuting center in Jefferson County, West Virginia, which is now considered by the Department of Labor to be part of the Washington Metropolitan Statistical Area.

AMENDMENT NO. 5277

On page 55, line 11 after "Missouri" insert: ": *Provided further,* That $1,450,000 may be available for the renovation of the Pioneer Courthouse located at 520 SW Morrison in Portland, Oregon".

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AMENDMENT NO. 5278

(Purpose: To express the sense of the Senate in support of new border station construction in Laredo, Texas)

At the appropriate place, insert the following:

**SEC. . SENSE OF THE SENATE IN SUPPORT OF NEW BORDER STATION CONSTRUCTION IN LAREDO, TEXAS.**

(a) The Senate finds that:

(1) In 1995, over one-third (35%) of all U.S. exports to Mexico were processed through the Port of Laredo;

(2) Nearly two-thirds of all U.S. exports to Mexico that went through a south Texas port of entry went through the Port of Laredo in 1995;

(3) The value of imports processed through the Port of Laredo in 1995 exceeded $15 billion, and the value of all exports was $14.7 billion for that year;

(4) The number of loaded, cross-border shipments, both northbound and southbound, through the Port of Laredo is projected to double from 1995 to the year 2000, from 851,745 shipments to 1,703,490;

(5) The City of Laredo received on October 3, 1994 a Presidential Permit from the U.S. State Department to construct a third bridge in the city, and in February 1996 the U.S. Coast Guard issued a permit for the bridge's construction;

(6) Financing of the new bridge has been secured from both sponsors, the cities of Laredo and Nuevo Laredo, and in February 1997 the City of Nuevo Laredo is scheduled to begin construction of an access road connecting the bridge with the loop around Nuevo Laredo;

(7) U.S. Customs revenue generated at the Port of Laredo totaled $216 million in 1995, an increase of $13 million from the previous year, while the U.S. Government's estimated cost for operating border station facilities in Laredo is $10 million, so that the Port generated over $200 million for the U.S. Treasury in 1995; and

(8) The new bridge will greatly enhance safety in the downtown area because it will allow the diversion of commercial traffic from the two existing downtown bridges to the new bridge, since the two downtown bridges will be strictly passenger bridges, with the new bridge and the Colombia Bridge (22 miles from Laredo) devoted to commercial traffic.

(b) It is the sense of the Senate that:

(1) The construction of a third bridge in Laredo is vitally needed to accommodate increased trade with Mexico and to relieve traffic congestion, road damage, and pollution in downtown Laredo caused by commercial traffic; and

(2) The Administrator of the General Services Administration should accelerate the timetable for design and construction of a border station for the new Laredo bridge to ensure that the bridge can be opened to international traffic as soon as possible.

Mr. KERREY. Mr. President, we have reviewed these amendments, and we concur. They are all worthy amendments and we support their adoption.

The PRESIDING OFFICER. Under the previous order, the amendments are agreed to.

The amendments (Nos. 5271 through 5278), en bloc, were agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator from Massachusetts.

Mr. KERRY. Mr. President, I understand the pending business is the amendment of the Senator from the State of Oregon. Is that correct?

Mr. KERREY. Kansas.

Mr. SHELBY. Kansas.

The PRESIDING OFFICER. The pending business is the Kassebaum amendment.

Mr. KERRY. I move that the pending business be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 5279

(Purpose: To make funds available for a study of tagging explosive materials, and for other purposes)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Mrs. FEINSTEIN, and Mr. KENNEDY, proposes an amendment numbered 5279.

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

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

The amendment is as follows:

On page 14, line 6, strike ''$395,597,000'' and insert ''$416,897,000, of which $21,300,000, to remain available until expended, shall be available to conduct the study under section 732(a) of Public Law 104–132 (relating to marking, rendering inert, and licensing of explosive materials) and to conduct a study of threats to law enforcement officers from the criminal use of firearms and ammunition; and''.

On page 22, line 14, strike $4,085,355,000'' and insert ''$4,064,055,000''.

On page 25, between lines 21 and 22, insert:

SEC. . (a) Section 732(a)(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132) is hereby repealed.

(b) It is the sense of the Senate that the $21,300,000 reduction in funds available for tax law enforcement to fund the explosive materials and law enforcement officers safety study be achieved as follows:

(1) $9,700,000 from the delay required by this Act in implementing field restructuring of the Internal Revenue Service.

(2) $11,600,000 from administrative and other savings in tax law enforcement activities.

Mr. KERRY. Mr. President, this is an amendment which attempts to deal with a problem that has long been identified within the law enforcement community and which many within the law enforcement community feel is an essential ingredient in our ability to be able to improve our antiterrorist activities and our ability to be able to bring people to prosecution for terrorist acts.

Earlier this year, Congress took a very important and long overdue step toward making it easier to track the origin of explosives that are used by terrorists and other criminals when we passed the antiterrorism bill. That legislation, which was signed by the President in April, directed the Secretary of the Treasury to study the feasibility of tagging explosives for the purposes of detection and identification. We passed the provision asking for a study that would identify how we can possibly put taggants into explosives so that if there is——

Mr. SHELBY. Will the distinguished Senator from Massachusetts yield for an inquiry as to a possible time agreement?

Mr. KERRY. Mr. President, I am delighted to yield.

Mr. SHELBY. What about an hour equally divided?

Mr. KERRY. I want to inquire of my colleagues for a moment. I know the Senator from California wants to speak, and I want to see who else might like to speak. I know Senator KENNEDY may.

If the Senator will allow me, I will continue my opening comments.

Mr. SHELBY. Sure. We will come back to it.

Mr. KERRY. I will be happy to enter into an agreement if we can determine who wishes to speak.

Mr. SHELBY. I thank the Senator for yielding.

Mr. KERRY. We will touch base with a couple of offices and ascertain their intentions.

Mr. President, again, I want to emphasize that we passed and the President signed legislation that begins to deal with this question of taggants and the feasibility of using taggants as a means of tracking explosives in the aftermath of a bombing.

As I think most of our colleagues know, a taggant is a plastic tracing device—or metal—which can be placed in the explosive material and, after an explosion, these taggants can actually be scooped up either by magnetic or other means so that you can gain enough of them to be able to determine from the taggant code precisely where it was sold, when it was sold, and where it was manufactured, and begin to be able to track the person who committed the crime.

There are millions of different codes that are capable of being created, so you have this enormous ability to be able to determine when and where a particular explosive might have been made. If the study results that we have ordered already are positive, then the Secretary of the Treasury is authorized to begin to issue additional regulations that will enable us to use these taggants in explosives manufactured or imported into the United States.

Unfortunately, this provision in the anti-terrorism bill did not include all dangerous materials in the study. It explicitly excluded black and smokeless powder. One can ask why we chose to leave out these substances when they are used in 90 percent of the pipe

bomb attacks in the United States. I regret we did not include these.

I think the public has been, all too often, denied, for various reasons, its ability to try to maximize law enforcement's ability to move forward. I am not suggesting that we ought to do anything that says we are going to absolutely mandate the use of taggants, but we would like to have the study to at least analyze whether or not adding taggants to black and smokeless powder will provide us the ability to fight terrorism and safely—and I emphasize "safely"—deal with the problem of black and smokeless powder in bombs.

All we are asking for is a study. Let us study whether or not that can be done in a safe way. Why anyone would want to object to law enforcement being able to study something that they say they definitely want and need, and that they know works, is beyond me. My hope is that we will not have objection to it, that we will be able to proceed forward with the Congress unanimously saying: In the United States of America, common sense will rule. It is appropriate to have a study, an analysis independently done, of whether or not it is safe to have taggants in black and smokeless powder.

I have heard opponents suggest that taggants might not be safe because they might destabilize the powder. I personally believe this is a red herring. Taggants have been used in black powder previously without a stability problem. But that is the purpose of the study. If, in fact, it is unsafe, let the study come back and tell us it is unsafe. The purpose of the study is to determine the safety, the feasibility, and the effectiveness of adding the taggants.

Why should we do this? I was a prosecutor, and I gained great respect for the forensic laboratory during that experience. Today, it is even more extraordinary what forensic experts are able to tell us about the things which just escape the naked eye or which escape all of us who are not experts. But the experts tell us they want this technology to enable them to determine the origin of explosives and to help them work their way back to the perpetrator of a bombing.

When Pam Am 103 crashed over Lockerbie, Scotland, in 1989, the authorities determined almost immediately that the cause was a bomb, but it took them a year to find the tiny clue that led to the Libyan suspects. If the explosives in that bomb had been marked with taggants, the source of the material would have been immediately known, and the investigators would have gained a tremendous advantage.

We have recently witnessed again the horrific spectacle of a massive explosion in the air of a still as yet undetermined source, as a 747 went down. We know there was some kind of explosion of undetermined origin. We have watched the painstaking process of an effort to try to rebuild the airplane itself, recouped from the floor of the ocean, and that makes it even more difficult. But if investigators do determine that a bomb triggered the crash of TWA 800, they will then have an even more difficult investigation to find the bomber. This time the problem is exponentially more difficult because the wreckage is under water. But it does not take a forensic scientist to understand that a mechanism to determine the origin of explosive material would be a tremendous value in this explosion, too.

This investigation has already indicated evidence of holes blown through the back of seats that show the direction of that explosion. But they do not have taggants. They do not have the ability to quickly draw a conclusion of its type or origin or, even yet, whether that came from a bomb.

Attacks of the magnitude of Pan Am 103 obviously cause devastating impact. They grab our attention. So did the TWA flight. But attacks using pipe bombs are actually a much more common experience in the United States, and these devices also cause death and destruction. This was demonstrated all too vividly in July when just such a bomb exploded at the Olympic Centennial Park, causing two deaths and spreading terror through an event that was supposed to celebrate the triumph of the peaceful human spirit.

Unfortunately, the Olympic bombing was not an isolated incident. From 1990 through 1994, there were 4,095 pipe bomb attacks in the United States. Let me repeat that. From 1990 through 1994, there were 4,095 pipe bomb attacks in our country. These bombs killed 44 people, injured 384, and they caused property damage of almost $10 million. In 1994 alone, there were 862 incidents. Of these, 86 percent used smokeless and black powder.

Taggants have already proved to be a useful tool for law enforcement. The Bureau of Alcohol, Tobacco, and Firearms conducted a pilot project in the late 1970's. They added taggants to dynamite and other blasting-cap-sensitive explosives. In 1979, Nathan Allen, of Baltimore, was killed by a bomb hooked to his car ignition. The subsequent investigation found that the explosive used in that bomb contained taggants. The investigators identified the specific batch from which the explosives came. The police then used the sales records to track down and convict Mr. Allen's killer.

That should have become a routine investigative practice, post-1979, but 17 years later, here we are still talking about it. Here we are, 17 years later, and law enforcement, which managed to convict a killer by the use of taggants, is still asking us: Let us have taggants.

All we are asking today is, let us analyze and study the benefit of adding taggants to explosives so we can make an informed decision. If the study finds them to be safe, then it seems the benefits are obvious. The ability to track the origin of explosive materials is an invaluable tool for criminal investigations, and I hope my colleagues will join me in adding black and smokeless powder to the study and providing the necessary funding.

It seems to me, despite any group's opposition for reasons that they understand but which, frankly, do not bear up to scrutiny when measured against where most people in this Senate or Congress are prepared to go, we ought not delay further this analysis.

So I hope that colleagues will join with Senator FEINSTEIN, Senator KENNEDY, myself, and others in an effort to provide law enforcement with the tools that they need to combat terrorism and to track down those cowardly individuals who see bombs as a way to achieve their misguided goals.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from California, Mrs. FEINSTEIN, is recognized.

Mrs. FEINSTEIN. I thank the Chair. Mr. President, I commend the Senator from Massachusetts for what was a strong, accurate and, I think, eloquent statement, something that has become very controversial and really should not be controversial.

Mr. KERRY. Mr. President, can I ask my colleague to yield for a moment? The manager asked if we were able to enter into a time agreement. I know he wants to do that. How much time does my colleague expect to consume?

Mrs. FEINSTEIN. Give me 10 minutes, maybe a little more.

Mr. KERRY. Mr. President, can we suggest an hour equally divided?

Mr. SHELBY. Mr. President, I ask unanimous consent that there be 1 hour of debate, equally divided in the usual form, on the Kerry amendment pending a motion to table. I further ask that no second-degree amendment be in order prior to the motion to table, and no vote occur before the hour of 2:15 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Mr. President, reserving the right to object. I inquire, can we have an up-or-down vote?

Mr. SHELBY. It is going to be a motion to table.

Mr. KERRY. I heard that, which is why, Mr. President, I was wondering whether we could have an up-or-down vote.

Mr. SHELBY. We would, over here, rather have a motion to table. That is what we talked about.

Mrs. FEINSTEIN. Reserving the right to object. I think it is really time for us to go on record. Senator KERRY and I participated, as did the distinguished Senator from Idaho sitting in the back of the room, in a special effort where we tried to negotiate something and were not able to do so.

I think what we hope to do is lay out the case, and I am sure the case in opposition to studying black and smokeless powder will be laid out. We would

really appreciate an up-or-down vote, I say to my colleague.

Mr. SHELBY. If I may respond, I have talked to Senator KERREY from Nebraska. He is not on the floor. We had agreed earlier to move to table this, along with other amendments that came up that we thought we could not fund at this point. With an hour of debate—if I can just proceed a second—if we can agree on this, there will be an hour of debate. Of course, everybody knows the rules. Once we get recognized, we can move to table and there will be no debate. Whereas, we get an hour on this equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Reserving the right to object. Mr. President, do I understand, according to the unanimous-consent request, the motion to table then would be on the Kerry amendment as submitted?

Mr. SHELBY. That is right, but no second degrees.

Mr. KERRY. And no second degrees. I understand, prior to the motion to table, no second degrees.

Mr. SHELBY. Correct, and no vote before 2:15 p.m., which is an hour.

Mr. KERRY. I have no objection.

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

Mr. KERRY. Mr. President, I yield 10 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California [Mrs. FEINSTEIN], is recognized for 10 minutes.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, this amendment, which I strongly support, would repeal the prohibition of requiring or even studying the use of taggants in black and smokeless powder. What we are saying is, let's take a look, in a comprehensive, well-done, study of using taggants in black and smokeless powder. It provides the funding, $21 million, for the examination of the safety and the effectiveness of taggants, which is required before they can be used.

Why do we want black and smokeless powder? Senator KERRY was eloquent. Ninety percent of all of the pipe bombs have black and smokeless powder. Therefore, not to be even able to study it renders us impotent in ever using taggants in a meaningful way to trace those who practice terrorist incidents.

Why is this important? It is important because today—today—the United States of America is in the top 20 nations with the highest level of terrorism in the world. We have more incidents than Lebanon.

The Senator has indicated the number of incidents: well over 4,000 now since 1990. We all know of the Unabomber. We all know a pipe bomb was used at the Atlanta Olympics. We all have seen what happened in the World Trade Center. We are all deeply concerned about TWA Flight 800.

What is a taggant? A taggant is a small sandwich-shape microchip. It is color coded in different codes. When it is broken down, it looks like the smallest little flecks of sand, different colors, so small you can barely see them at all. These are put in the powder. And then depending on the color coding of the taggant, you can trace where this was purchased.

So it becomes like a fingerprint that enables somebody to go back to the source and trace a perpetrator. It is not a solution, but it is an aid to law enforcement to be able to ferret out and arrest, I think, the biggest cowards of all time—the people who use bombs on innocent people. That is why it is important.

We have heard a lot about the fact that this information to make pipe bombs is so easily available. Youngsters are making these bombs from information available on the Internet—pipe bombs, 80 percent of all of the bombings according to one study have become all too common.

Let me go back to some of the concerns. Some of the concerns are safety: There was an explosion in 1979 at a firm called GOEX Manufacturing Co. in Arkansas. I have here an affidavit, which I would like to submit for the RECORD, from a gentleman by the name of James P. Palmquist, who was the senior attorney with the office of the general counsel of 3M, Minnesota Mining and Manufacturing Co. He handled for 3M a lawsuit against 3M involving this explosion at GOEX in Arkansas in 1979.

I want to read three parts of his affidavit, and I quote:

> 4. That in the course of discovery concerning the allegations made in this lawsuit, records were discovered which identified the exact location at the time of the accidental explosion of all MICROTAGGANT materials which were then being evaluated, which records proved that there was no MICROTAGGANT materials in the booster materials that were being reworked at the time of the accidental explosion;

The point is Taggants were not in the materials that were exploded in 1979, which is the incident that the National Rifle Association most uses to discredit taggants.

> 5. That further information was discovered indicating other reasons for the increased instability of the booster materials which were being reworked at the time of the accidental explosion;
>
> 6. That based upon such facts it became clear to all involved in the lawsuit that there was no evidence whatsoever that 3M's MICROTAGGANTs could have contributed in any way to subject explosion, said lawsuit was dismissed.

It is signed by James P. Palmquist. It is notarized.

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

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

AFFIDAVIT

State of Minnesota
County of Ramsey

Known all men by these presents:

That, before me, the undersigned authority, on this day personally appeared James P. Palmquist, who, after having been duly sworn by me, upon his oath deposed and said the following:

1. That he is a Senior Attorney with the Office of General Counsel, Minnesota Mining and Manufacturing Company (''3M'') with offices located at Building 220–11E–03, 3M Center, St. Paul, MN 55144–1000;
2. That he has been employed by 3M since 1963 and has been an attorney within 3M's Office of General Counsel from 1973 to present;
3. That in such capacity he handled for 3M a lawsuit filed against 3M involving a July 25, 1979 explosion at GOEX, specifically the GOEX manufacturing plant in East Camden, Arkansas, which lawsuit alleged, among other things, that 3M's MICROTAGGANTs® which were then being evaluated as possible identification taggant materials for explosives, was a contaminet in certain booster materials that were being reworked and that the MICROTAGGANTs® contributed or caused the GOEX accidental explosion;
4. That in the course of discovery concerning the allegations made in this lawsuit, records were discovered which identified the exact location at the time of the accidental explosion of all MICROTAGGANT® materials which were then being evaluated, which records proved that there was no MICROTAGGANT® materials in the booster materials that were being reworked at the time of the accidental explosion;
5. That further information was discovered indicating other reasons for the increased instability of the booster materials which were being reworked at the time of the accidental explosion;
6. That based upon such facts it became clear to all involved in the lawsuit that there was no evidence whatsoever that 3M's MICROTAGGANTs® could have contributed in any way to subject explosion, said lawsuit was dismissed.

Further affiant sayeth not.

JAMES P. PALMQUIST.

Mrs. FEINSTEIN. Additionally, there was a study performed by the Aerospace Corp. and contracted out by ATF. This was done about 15 years ago. And I would like to read from a letter of Dr. Carl Boyars who is the manager of the Explosives and Materials Control Directorate of the Aerospace Corp. He was in charge of this study. And he says in a letter to me, dated July 31, 1996:

> The only firearms for which black powder is now used as a propellant explosive are antiques and antique replicas, both commonly referred to as ''muzzle loaders''. Black powder is sold in cans for use by hobbyists who reenact battles of prior centuries and carry out similar activities. It is also used, illegally, by some makers of pipe bombs because of its ready availability and ease of ignition. Addition of identification taggants in the final step of black powder manufacture was easily performed, involved no hazard, and performance of the tagged product in muzzle loading firearms was no different from the performance of untagged black powder in tests carried out by a muzzle loading firearms expert selected by the black powder manufacturer.

So the black powder manufacturer selected a specific expert, and that expert carried out these tests and found no difference between muzzles loaded with tagged black powder and muzzles loaded with untagged black powder.

He continues:

> Smokeless powder is also sold in cans for use by reloaders. These are individuals who

prefer to load cartridge ammunition by hand rather than use factory manufactured ammunition in their own firearms. Advantages cited by reloaders are cost (e.g., in shotgun ammunition) or greater accuracy because of more precise control of the load in each cartridge. The smokeless powder intended for reloaders is also used, illegally, by some makers of pipe bombs because of its ready availability, ease of ignition, and much higher energy content than black powder.

Unlike black powder, smokeless powder can come in a wide range of chemical compositions and physical shapes and sizes, depending on the manufacturer. The individual particles of smokeless powder may be cylindrical, flat, or spherical, although all particles within any can of smokeless powder for reloaders will have the same chemical composition and shape. This makes the development of an identification taggant for smokeless powders a more complex problem.

A test program was set up to examine the feasibility of identification tagging of spherical smokeless powder. However the manufacturer of the spherical powder biased the test conditions so greatly that failure was guaranteed.

This is from the definitive person who did the study by the Aerospace Corp., as contracted by ATF back in 1980.

The Swiss also took this study, and the Government of Switzerland began requiring their use—taggants—in all commercial explosives. The success has been outstanding. In over 10 years, they have solved 565 crimes based on taggants.

The report compiled by the Swiss Scientific Research Council stated the following:

After more than a 10 year experience in the field of marking explosives, safety fuses and detonating cords, we feel that our methods and procedures have proven highly practical and efficient. In summary, it is safe to say that Switzerland with its marking methods is on the right lines. Fears that adding marker substances might negatively influence the safety of explosives for civil use has proven unsubstantiated.

Here is my point. I have, I think, adequately debunked this incident where opponents say powder with taggants exploded. No taggants were in the powder that exploded in 1979 in that Arkansas plant.

Two, the head person of the Aerospace study found that taggants were safe for use with one exception that needs further study.

Three, Switzerland has used taggants for 10 years, made 565 arrests successfully.

Four, we are now No. 20 in terrorist incidents in the world. And 90 percent of pipe bombs use this kind of black and smokeless powder. Therefore, should not this body exercise its responsibility and do a study of black and smokeless powder? The Senator from Massachusetts and I both say, yes, let us do that study, let us spend the money. We can save lives, and we will arrest perpetrators. I thank the Chair. I yield the floor.

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

Who seeks recognition?

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. 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. SHELBY. Mr. President, I am concerned at the moment, as one of the managers of the bill, not about the study that the Senator from Massachusetts and the Senator from California discussed, because in a lot of ways that makes a lot of sense. I am concerned about the offsets—how are we going to pay for it? I understand the Senator is proposing to pay for this study.

Because of that, as I indicated, Senator KERREY and I at the appropriate time would move to table the amendment. Mr. President, this amendment proposes to appropriate $21.3 million for this study, and it is probably going to cost a lot of money to do a proper study of this kind. The offset, Mr. President, I remind my colleagues, would come from reductions in the IRS.

Now, the Secretary of the Treasury and the Commissioner of the IRS are already calling and imploring us to try to put some more money in the IRS. Senator KERREY and I believe we are properly funding the IRS, but to take an additional $21.3 million out, I think, would not be the proper time to do it, and it would not be the proper thing to do. I do not believe it is the appropriate thing to do on this bill.

I was wondering if the Senator from Massachusetts and California could find some other way to fund the study?

Mrs. FEINSTEIN. I am very happy to respond through the Chair to the distinguished Senator.

It is my understanding that the Treasury Department supports this appropriation. In other words, the Treasury Department has agreed to the offset.

Mr. SHELBY. I am not aware of that at all. I talked with the Secretary of the Treasury until 11 o'clock this morning and he certainly did not mention this to me. I do not know if he mentioned it to Senator KERREY.

Mr. KERREY. Mr. President, as I understand it, half the funding would come from savings that would occur only if the reorganization proposed by the IRS would not occur, but the reorganization is supported by Treasury. The IRS actually has objected to the reorganization delay that is contained in another amendment that is on this bill. It is not clear whether or not that reorganization amendment is going to be sustained. I had one conversation with Secretary of Treasury Rubin about that.

Mrs. FEINSTEIN. If the Senator will yield, we are verifying this at this moment. I was informed by my staff that the Treasury Department is in support of this offset. We will be happy to verify it.

Mr. KERREY. Mr. President, I have the amendment now in front of me. I did not earlier. The $9.7 million comes from the delay required by the act in implementing field restructuring of the Internal Revenue Service. We have not passed that delay yet. That delay was added as an amendment. It has not been enacted yet.

I did receive notification from Secretary Rubin that he is concerned about a delay in reorganization. I do not know, perhaps they are not going to support it. It was in the IRS recommendations that they wanted to do this reorganization.

To be clear on this, or attempt to be clear on this, the reorganization effort itself has not been fully justified to me. A reason we put the amendment on, asking for delay, was for the purpose of provoking a full justification from the standpoint of the mission of the IRS, as well as customer service of the IRS. We have some problems already with their 800 numbers and we want to make sure that this reorganization was both cost justified and was not going to produce a deterioration in service.

The second area is one that I must say, if the administration supports this, really flies in the face with things they have been talking to our committee about every single time they have come up. Mr. President, $11.6 million from administration and other savings in tax law enforcement activities—we cut back tax law enforcement activities from the levels that they requested. Tax law enforcement activities are a tool we use to try to get compliance from about, I believe, 83 or 84 percent today, and hopefully up to the 90 percent goal, which is the administration's objective.

The more, of course, we collect in taxes, the less pressure you have on people who are voluntarily complying and saying, ''I will send my taxes in; I know I owe them.'' Tax enforcement is for the purpose of relieving the burden on law-abiding citizens willing to pay their taxes without having to be jostled by the IRS.

I am interested to see what the administration says, if they are willing to make a statement on both of those things. First, I do not know how they will be able to work out the objection they raised to reorganization. Even if they do, it is not clear that will be in the law.

Second, as I said, with great respect to the Senator from California and the Senator from Massachusetts, I think they have a good proposal on that. It does, as I said, fly in the face of the recommendations. I am prepared to make an argument anyway that we are dangerously close to underfunding what we need to be able to fund on tax enforcement so that we can say to our taxpayers that 83 percent to 84 percent of American taxpayers file voluntarily the correct amount. They do not make any mistake at all. Mr. President, 85 out of 100 or 83 out of 100 Americans—Coloradans, Idahoans, Nebraskans,

Californians—are filing taxes and they are all right.

The enforcement division and the enforcement effort is to try to reduce the burden on them. Once we have decided how much money needs to be collected to pay the bills, the more compliance; the higher compliance rates we get, the lower the burden is going to be on everyone.

This is a very important effort. Again, I have great respect for the intent of the amendment but until and unless the administration or someone is able to persuade me that this would not be a good offset, I continue to oppose the amendment.

Mrs. FEINSTEIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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## UNANIMOUS-CONSENT AGREEMENT—CHEMICAL WEAPONS CONVENTION

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that the agreement entered into on June 28, 1996, with respect to Executive Calendar No. 12 be vitiated.

I further ask unanimous consent that the majority leader, after consultation with the Democratic leader, may turn to the consideration of Calendar No. 12.

Before the Chair rules, I know that the Democratic leader would like to comment, but I would like to comment, too.

First of all, just a little history on this. We worked on both sides of the aisle to come to this unanimous-consent agreement back in June. It was related to the defense authorization bill. We came to an agreement, and I felt compelled to honor that agreement. I fully intended to go to the Chemical Weapons Convention Treaty this morning, to go to conclusion today or tomorrow, as provided under the unanimous-consent agreement.

After consultation with the Democratic leader, and having gotten indications from the administration, including just now from the Secretary of State, that their preference would be at this time that we not proceed with the previous agreement, I have prepared the pending unanimous-consent agreement. I understand their request, and I am prepared to comply with it.

I want to say to the leader that I think we ought to continue working on it. The parties involved who have interest on both sides of the aisle should communicate on amendments, and examine if potential amendments to the resolution of ratification can be worked out. Hopefully that can happen. It may not happen.

We have to recognize the period of time that we are in. There are lots of interests, and lots of time pressures. The important thing is to be careful what we do and to make sure that we do it the right way with as little partisan rancor as possible. We will keep working with you on that.

I want to emphasize that we are not setting a time certain for a vote on the convention this year. I am not going to be in a position to be intimidated or to have other matters held hostage in an effort to force a vote before we adjourn. To say in the future what we can or can't do in an effort to force a vote would be irresponsible and demonstrate a lack of good faith. It is at the request of the administration that we are not voting tonight on the convention. But I will say—and I think I now have a record to back it up—that I will work with the Democratic leader, and we will see what we can do, and we will keep working to see if agreement between both sides can be reached.

I renew my unanimous-consent request.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, let me say that the decision we have made represents our best effort to try to deal with the circumstances we currently have before us. The amendments that are contemplated during the debate on the chemical weapons treaty have not yet been shown to the administration or to Members of this side of the aisle, and for good reasons. They have been working on them, and I do not fault them necessarily for not showing them to us, but we are concerned that the amendments have the opportunity to be considered carefully, that we work with the authors of the legislation over the next few days to see whether we can't resolve the differences that the amendments represent.

The administration is desirous of attempting to find some resolution to those amendments so that we can send a clear message as a country about the importance of this treaty as is possible.

I appreciate very much again the cooperation of the majority leader in coming to this conclusion. I think it is the right one. He and I had anticipated bringing the treaty up this afternoon and having a good debate, but I think a 1-hour time limit under these circumstances may not be the definition of a good debate on issues of this import.

So we will continue to work to continue to try to find ways in which to resolve these differences and, subject to the agreement of both leaders, perhaps bring it up later. It would be my hope that we will bring it up later, but that will be subject, of course, to our success in these negotiations on the amendments themselves and the schedule. But we will address that and issues relating to the treaty at a later day.

So, again, let me thank the majority leader.

Mr. LOTT. Mr. President, I renew my request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Two points I would like to make before the leader leaves. We are still requesting additional information with regard to the convention. I have been corresponding with the White House and communicating with the administration. I think that there is additional information that could be obtained and perhaps be declassified. I am going to continue to work on that. I may ask the minority leader to give me a hand with that as part of the ongoing process. I think there is some more information that could be made available and could be declassified which could be helpful on both sides, quite frankly.

The other thing is that we are going to proceed on the Treasury-Postal appropriations bill to try to make some progress on that. I am not going to try to get another unanimous-consent agreement at this point. But it is my intention to keep working on that and come back here after further consultation to see if we can't get some further narrowing of the amendments and some way to complete this bill tonight.

Is that your understanding, or your intention?

Mr. DASCHLE. Mr. President, I just came from a caucus meeting and encouraged our colleagues to come to the floor to offer the essential amendments, to wait for another day to offer those that may not be essential, to agree to time limits, recognizing there is a real possibility we could finish this bill tonight. I would like to work with that goal in mind with the majority leader and with an expectation that we can accommodate Senators' schedules on Friday and on Monday. But we will do our best to see if we cannot get additional cooperation and narrow that list more completely this afternoon.

Mr. LOTT. I thank the Senator very much.

Mr. President, I yield to the Senator from Massachusetts. He has a question.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. I should like to ask the majority leader, if I may, Mr. President, is it my understanding that it is the majority leader's intention to try to work through the amendments with the specific notion of bringing the convention, the treaty, back within the timeframe that we are here in September?

Mr. LOTT. That is not the way I stated it. I gave my assurance that we will continue to work with interested parties on both sides of the issue and to see if amendments could be agreed to or not. It was obvious that to proceed at this time was not the right thing to do.

Mr. KERRY. I understood that.

Mr. LOTT. I am not making a commitment on a specific time or even this September. It will depend on what happens.

Mr. President, while other Senators are conferring, I do want to encourage the managers of this legislation to