United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, THURSDAY, OCTOBER 3, 1996 No. 141

House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. WALKER].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 3, 1996.

I hereby designate the Honorable ROBERT S. WALKER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of St. Francis:

Lord, make us instruments of Your peace.

Where there is hatred, let us sow love; where there is injury, pardon; where there is discord, union; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy.

Grant that we may not so much seek to be consoled as to console, to be understood as to understand, to be loved as to love. For it is in giving that we receive, it is in pardoning that we are pardoned, and it is in dying that we are born to eternal life.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Mississippi (Mr. MONTGOMERY] come forward and lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

NOTICE

A final issue of the Congressional Record for the 104th Congress will be published on October 21, 1996, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–220 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m., through October 21. The final issue will be dated October 21, 1996 and will be delivered on October 23.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event, that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at ''Record at Reporters.''

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By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman.*

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills on Wednesday, October 2, 1996:

H.R. 2297, to codify without substantive change laws related to transportation and to improve the United States Code;

H.R. 3005, to amend the Federal securities laws in order to promote efficiency and capital formation in the financial market, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation;

H.R. 3118, to amend title 38, United States Code, to reform eligibility for health care provided by the Department of Veterans Affairs, to authorize major medical facility construction projects for the Department, to improve administration of health care by the Department, and for other purposes;

H.R. 3159, to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes; and

H.R. 3815, to make technical corrections and miscellaneous amendments to trade laws.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3539) ''An act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.''

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 3723) ''An act to amend title 18, United States Code, to protect proprietary economic information, and for other purposes.''

PRINTING OF GENERAL TABLE OF CONTENTS ON H.R. 3610, OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Without objection, and on behalf of the Committee on Appropriations, the Chair will submit for separate printing a general table of contents to accompany the conference report on the bill H.R. 3610, the Omnibus Consolidated Appropriations Act, 1997.

There was no objection.

DIVISION A—[APPROPRIATIONS AND OFFSETS]

TITLE I—OMNIBUS APPROPRIATIONS

Sec. 101(a). Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997:

Title I—Department of Justice
Title II—Department of Commerce and Related Agencies
Title III—The Judiciary
Title IV—Department of State and Related Agencies
Title V—Related Agencies
Title VI—General Provisions
Title VII—Rescissions—Department of Justice
Title VIII—Fiscal Year 1996 Supplemental and Rescission—Department of Justice
Title IX—Supplemental Appropriations—Department of Commerce

Sec. 101(b). Department of Defense Appropriations Act, 1997:

Title I—Military Personnel
Title II—Operation and Maintenance
Title III—Procurement
Title IV—Research, Development, Test and Evaluation
Title V—Revolving and Management Funds
Title VI—Other Department of Defense Programs
Title VII—Related Agencies
Title VIII—General Provisions
Title IX—Fiscal Year 1996 Supplemental Appropriations and Rescissions for Anti-Terrorism, Counter-Terrorism, and Security Enhancement Activities

Sec. 101(c). Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (together with NATO Enlargement Facilitation Act of 1996, and Bank for Economic Cooperation and Development in the Middle East and North Africa Act):

Title I—Export and Investment Assistance
Title II—Bilateral Economic Assistance
Title III—Military Assistance
Title IV—Multilateral Economic Assistance
Title V—General Provisions
Title VI—NATO Enlargement Facilitation Act of 1996
Title VII—Middle East Development Bank

Sec. 101(d). Department of the Interior and Related Agencies Appropriations Act, 1997:

Title I—Department of the Interior
Title II—Related Agencies
Title III—General Provisions
Title IV—Emergency Appropriations

Sec. 101(e). Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997 (including Student Loan Marketing Association Reorganization Act of 1996, and Museum and Library Services Act of 1996):

Title I—Department of Labor
Title II—Department of Health and Human Services
Title III—Department of Education
Title IV—Related Agencies
Title V—General Provisions
Title VI—Reorganization and Privatization of Sallie Mae and Connie Lee
Title VII—Museum and Library Services Act of 1996

Sec. 101(f). Treasury, Postal Service, and General Government Appropriations Act, 1997 (including Federal Financial Management Improvement Act of 1996):

Title I—Department of the Treasury
Title II—Postal Service
Title III—Executive Office of the President and Funds Appropriated to the President
Title IV—Independent Agencies
Title V—General Provisions—This Act
Title VI—General Provisions—Departments, Agencies, and Corporations
Title VII—Counter-Terrorism and Drug Law Enforcement
Title VIII—Federal Financial Management Improvement

TITLE II—ECONOMIC GROWTH AND REGULATORY PAPERWORK REDUCTION

Subtitle A—Streamlining the Home Mortgage Lending Process
Subtitle B—Streamlining Government Regulation
Chapter 1—Eliminating Unnecessary Regulatory Requirements and Procedures
Chapter 2—Eliminating Unnecessary Regulatory Burdens
Chapter 3—Regulatory Micromanagement Relief
Subtitle C—Regulatory Impact on Cost of Credit and Credit Availability
Subtitle D—Consumer Credit
Chapter 1—Credit Reporting Reform
Chapter 2—Credit Repair Organizations
Subtitle E—Asset Conservation, Lender Liability, and Deposit Insurance Protection
Subtitle F—Miscellaneous
Subtitle G—Deposit Insurance Funds

TITLE III—SPECTRUM ALLOCATION PROVISIONS

Sec. 3001. Competitive Bidding for Spectrum.

TITLE IV—ADJUSTMENT OF PAYGO BALANCES

Sec. 4001. Adjustment of Paygo Balances.

TITLE V—ADDITIONAL APPROPRIATIONS

Chapter 1—Department of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies
Chapter 2—District of Columbia
Chapter 3—Energy and Water Development
Chapter 4—Legislative Branch
Chapter 5—Department of Transportation
Chapter 6—Department of the Treasury
Chapter 7—International Security Assistance
Chapter 8—General Provisions

DIVISION B—OREGON RESOURCE CONSERVATION ACT OF 1996

TITLE I—OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA
TITLE II—UPPER KLAMATH BASIN
TITLE III—DESCHUTES BASIN
TITLE IV—MOUNT HOOD CORRIDOR
TITLE V—COQUILLE TRIBAL FOREST
TITLE VI—BULL RUN WATERSHED PROTECTION
TITLE VII—OREGON ISLANDS WILDERNESS, ADDITIONS
TITLE VIII—UMPQUA RIVER LAND EXCHANGE STUDY

DIVISION C—ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996

TITLE I—IMPROVEMENTS TO BORDER CONTROL, FACILITATION OF LEGAL ENTRY, AND INTERIOR ENFORCEMENT

Subtitle A—Improved Enforcement at the Border
Subtitle B—Facilitation of Legal Entry
Subtitle C—Interior Enforcement

TITLE II—ENHANCED ENFORCEMENT AND PENALTIES AGAINST ALIEN SMUGGLING; DOCUMENT FRAUD

Subtitle A—Enhanced Enforcement and Penalties Against Alien Smuggling
Subtitle B—Deterrence of Document Fraud

TITLE III—INSPECTION, APPREHENSION, DETENTION, ADJUDICATION, AND REMOVAL OF INADMISSIBLE AND DEPORTABLE ALIENS

Subtitle A—Revision of Procedures for Removal of Aliens
Subtitle B—Criminal Alien Provisions
Subtitle C—Revision of Grounds for Exclusion and Deportation
Subtitle D—Changes in Removal of Alien Terrorist Provisions
Subtitle E—Transportation of Aliens
Subtitle F—Additional Provisions

TITLE IV—ENFORCEMENT OF RESTRICTIONS AGAINST EMPLOYMENT

Subtitle A—Pilot Programs for Employment Eligibility Confirmation
Subtitle B—Other Provisions Relating to Employer Sanctions
Subtitle C—Unfair Immigration-Related Employment Practices

TITLE V—RESTRICTIONS ON BENEFITS FOR ALIENS

Subtitle A—Eligibility of Aliens for Public Assistance and Benefits
Subtitle B—Public Charge Exclusion
Subtitle C—Affidavits of Support
Subtitle D—Miscellaneous Provisions
Subtitle E—Housing Assistance
Subtitle F—General Provisions

TITLE VI—MISCELLANEOUS PROVISIONS

Subtitle A—Refugees, Parole, and Asylum
Subtitle B—Miscellaneous Amendments to the Immigration and Nationality Act
Subtitle C—Provisions Relating to Visa Processing and Consular Efficiency
Subtitle D—Other Provisions
Subtitle E—Technical Corrections

DIVISION D—SMALL BUSINESS PROGRAMS IMPROVEMENT ACT

TITLE I—AMENDMENTS TO SMALL BUSINESS ACT
TITLE II—AMENDMENTS TO SMALL BUSINESS INVESTMENT ACT

DIVISION E—[CALIFORNIA BAY-DELTA ENVIRONMENTAL ENHANCEMENT AND WATER SECURITY]

TITLE I—CALIFORNIA BAY-DELTA ENVIRONMENTAL ENHANCEMENT AND WATER SECURITY ACT

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, October 3, 1996.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on October 2, 1996 at 6:00 p.m. and said to contain a message from the President whereby he returns without his approval, H.R. 2909, the ''Silvio O. Conte National Fish and Wildlife Refuge Eminent Domain Prevention Act.''

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

SILVIO O. CONTE NATIONAL FISH AND WILDLIFE REFUGE EMINENT DOMAIN PREVENTION ACT—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–271)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 2909, the ''Silvio O. Conte National Fish and Wildlife Refuge Eminent Domain Prevention Act.''

This bill would prohibit the use of eminent domain authority for the protection of the public's fish and wildlife resources at portions of the Silvio O. Conte National Fish and Wildlife Refuge in the States of New Hampshire and Vermont. Because it is unnecessary and would undermine important governmental interests, I cannot support it.

First, the Conte Refuge poses no threat to property owners. Located along the Connecticut River in the States of Connecticut, Massachusetts, New Hampshire, and Vermont, it represents an entirely new kind of national wildlife refuge. Rather than relying on the traditional approach of acquiring large tracts of land, the comprehensive plan for the Conte Refuge provides that only small amounts will come into Federal ownership—a total of only 1,200 acres in New Hampshire and Vermont, along with conservation easements for an additional 760 acres. Instead of Federal land acquisition, the main emphasis for the Refuge will be on restoring the Connecticut River watershed through voluntary partnerships, cooperative agreements, and environmental education. The Fish and Wildlife Service has no intention of using its eminent domain authority.

Second, this bill would undermine a constitutionally bestowed authority of the Federal Government by prohibiting the use of eminent domain for fish and wildlife conservation. The truth is that the Fish and Wildlife Service almost never uses eminent domain for wildlife conservation purposes—on a nationwide basis, since 1989, the U.S. Fish and Wildlife Service has only used its eminent domain power with the consent of the owner to settle price or title differences. Still, eminent domain remains an important tool of last resort, to protect the public's interest in fish and wildlife resources should unforeseen circumstances arise.

Private property is a fundamental American right and value. But this bill is unnecessary and would erode a constitutional authority that has served the public interest for over 200 years. As stated during debate on this bill in the House of Representatives, H.R. 2909 is a solution in search of a problem.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 2, 1996.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the veto message and bill will be printed as a House document.

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the veto message of the President, together with the accompanying bill, H.R. 2909, be referred to the Committee on Resources.

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

There was no objection.

CALENDAR YEAR REPORTS PREPARED BY THE DEPARTMENT OF TRANSPORTATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Transportation and Infrastructure and the Committee on Commerce:

To the Congress of the United States:

I transmit herewith the 1995 calendar year reports as prepared by the Department of Transportation on activities under the Highway Safety Act, the National Traffic and Motor Vehicle Safety Act of 1966, and the Motor Vehicle Information and Cost Savings Act of 1972, as amended.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 3, 1996.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONCERN EXPRESSED OVER USE OF MILITARY PERSONNEL FOR POLITICAL PURPOSES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, yesterday I took this House floor and talked about my concern about military personnel staffing in the Speaker's office and how I felt it ran afoul of House rules. House rules are very clear about who can be allowed to be a fellow, who can be a detailee, or who can be a volunteer. Obviously my real fight is with the Defense Department. Today I will be firing off another letter to Secretary Perry who has been playing games with me for about 6 months claiming, ''Well, she's leaving town, so if we just wait long enough, this will go away.''

What I want to say to Secretary Perry is every way I read your very own staffing document, all gazillion pages of it, this is also in violation of here. They claim the people in the Speaker's office were assigned to the

Joint Chiefs of Staff legally under here. Fine, you can assign officers to the Joint Chiefs of Staff. But there is not anywhere in here that says then the Joint Chiefs can take them and do whatever they want, have them work in bakeries, filling stations, day care centers, or the Speaker's office. Absolutely not. And when you are talking about very high-priced military staff, that is indeed a concern.

So yesterday we talked about the House rules. Today I must say I do not accept DOD's explanation at all that this is valid. But let me go one step further and say what I think everyone in America should be concerned about other than the money is the fact that do we want military officers engaged in partisan political activities.

Let me read you something from George Will. George Will's column today was praising the 104th Congress, which I do not think I would do, I would disagree with some of those facts, but he goes on to say in his column that this record has been obscured by the fog of war rhetoric from its leader, the Speaker, and for whom politics of war has been carried on through his office.

He goes on to talk about the different tapes that have been obtained with the Speaker's conversations with Army officers in which they are filled with military jargon about ''politics is war'' and ''our budget fight is like the Duke of Wellington's peninsula campaign,'' and I could go on and on and on. But I think people are scared when they think we are up here playing war games with their lives, or war games with Medicare, Social Security, the budget or whatever we are doing. This should be a civil place and not a place where we are trying to incite civil war between two parties. I think it is very wrong to use military officers to come over and engage in that.

Today in Roll Call—and I will put in the RECORD the Roll Call editorial which is a newspaper editorial that I think is very valid—it talks about this issue and lays out many more facts about it. It goes on and says, it is a very serious matter for GINGRICH to systematically use Army personnel and facilities to train House Republican membership and leaders and top leadership staff in skills that they are to use to defeat the Democrats in partisan warfare.

I ask you, is that what we want our military officers doing? Do we have so many military officers we are now going to deploy them into the Republican and Democratic parties—although the Democrats did not get any—and fight it out here?

I say as I leave this institution that I care so much about, I think this is a huge cloud, and I hope we get it cleared up. I think the bottom line still lays with the Defense Department who clearly wanted to get on the new leadership's good side, and I suppose if they had asked them to clear out the Pentagon and let them use it for staffing or send cars over here or anything else, it looks like they would because they sent helicopters, officers, or anything they asked for. That is wrong. We have always kept our military separate and nonpartisan. These staffing rules are very clear that the military on active duty that are getting paid by the taxpayers are not supposed to be engaged in partisan activities.

As I say this, I chuckle because a couple of years ago I worked very hard in transferring my military base from military to civilian status, and in May before the election, I was not allowed on the military base because it was considered too partisan, the May before the November election, by DOD. So you could not go to help transfer something that you had spent probably 18 months working on because that was partisan and yet they can send military officers over here, helicopters, facilities, train people, and be in all this dialog? No. Something is terribly amiss here. I really am sorry to have to keep taking the floor and pounding away, but I think it is very important to let Secretary Perry know I am not going to let this go, I hope the press does not let this go, and I hope the American people do not let this go.

WAR AND POLITICS

From Sun-tzu to Clausewitz to Mao Zedong, there's been an intimate connection between war and politics. House Speaker Newt Gingrich (R–Ga) has every right to be fascinated by the connection, to the point of famously declaring that ''politics is war without bloodshed.'' As a legislative leader, he also has every right and responsibility to familiarize himself with the strategies the Army is developing to protect the country's national security. If some of what he learns about war is intellectually applicable to his political pursuits, he's clearly free to adopt it.

It's another matter entirely, however, for Gingrich top systematically use Army personnel and facilities to train House Republican Members and top leadership staff in skills they can use to defeat Democrats in partisan warfare. Yet this, according to a two-part series to articles by Roll Call's Damon Chappie, is what Gingrich did from 1993 through 1995, using the US Army Training and Doctrine Command at Fort Monroe, Va. TRADOC's contribution to the art of war: a new fighting doctrine emphasizing operations that are ''rapid, unpredictable, violent, and disorienting to the enemy.''

According to documents obtained by Roll Call under the Freedom of Information Act, Gingrich arranged for at least seven separate TRADOC sessions for 15 Republican leadership aides and six Members serving on a task force headed by Rep. Pete Hoekstra (R-Mich). Costs were paid for by the Army, although the purpose of the sessions seems to have been to help Republicans maintain their House majority—i.e. defeat the Democrats in ''bloodless'' war.

The documents indicate that Army officials became concerned—legitimately so—about being used for such a purpose, especially after Hoekstra mentioned to one Army colonel that the program was to be expanded to Senate Republicans. The colonel suggested that Gingrich should hire a retired Army officer to conduct the seminars or ''as a minimum, suggest to the Speaker that we have to, in some way, make this more bipartisan.

Exactly so. Gingrich could have used Republicans party finds had he chosen, but instead he used taxpayer resources—inappropriately, we believe. But there is an even more troubling aspect here. As of January 1995, Gingrich ceased being merely a Republican leader and became a constitutional officer. For a House Speaker to use the Army to make ''war'' on his political opposition is a misuse of the military and his own office.

FAREWELL TO REPRESENTATIVE SCHROEDER AND STICKING UP FOR THE MILITARY

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

Mr. SOLOMON. Mr. Speaker, the gentlewoman that just spoke is leaving this body and we are going to miss her. She has been a very valuable Member even though we have disagreed quite often. I happen to agree on this particular issue. I am just afraid that the way it was presented, that I know that she did not mean this intentionally but that it would criticize our military. The people that serve in our military, they usually start out when they are 18, 19 years old or after they have gone through college and ROTC, they become officers in any branch of the military, and they are some of the most respected people in all of America.

□ 1415

I think we always have to look at that, especially if they serve in the Pentagon, if they are the Joint Chiefs of Staff. They did not get there by having their integrity questioned.

I would just like to stick up for them and say they are, to my knowledge, some of the finest people I have ever known, not only this Joint Chiefs of Staff, but all of those that have preceded them. I just wanted to say that for the record, and wish the gentlewoman good-bye.

MILITARY BEING PUT IN DIFFICULT POSITION

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

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from New York for his nice comments. If I was doing anything to demean military personnel, please, let me apologize over and over again. You know and I know that DOD directive 1344.10 is absolutely opposed to partisan activities on active duty, and yet if they are sent there by the Joint chiefs and get used that way, what do they do?

It is because of whistleblowers in the military that we are very concerned about this and raised red flags. Yet, apparently, the Secretary of Defense said put them down, we are going to do this, and told them to do it anyway.

So I salute them for coming forward, and I thank the gentleman. The Sergeant Bilco thing of bilking the taxpayer, we do not want. I do think they

are some of the finest people that have been around, and I do think that they get put in a very difficult position when we use them.

So I thank the gentleman for his support on this. We will work hard to get it straightened out.

RECESS

The SPEAKER pro tempore (Mr. WALKER). Pursuant to clause 12 of rule I, the House stands in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 16 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1701

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. WALKER] at 5 o'clock and 1 minute p.m.

HOUR OF MEETING ON TOMORROW

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. tomorrow.

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

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. SCHROEDER, for 5 minutes, today.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On October 2, 1996:

H.R. 543. An act to reauthorize the National Marine Sanctuaries Act, and for other purposes;

H.R. 1734. An act to reauthorize the National Film Preservation Board, and for other purposes;

H.J. Res. 198. Joint resolution appointing the day for the convening of the first session of the One Hundred Fifth Congress and the day for the counting in Congress of the electoral votes for President and Vice-President cast in December 1996; and

H.R. 2579. An act to establish the National Tourism Board and the National Tourism Organization to promote international travel and tourism to the United States.

On October 3, 1996:

H.R. 2297. An act to codify without substantive changes laws related to transportation and to improve the United States Code;

H.R. 3005. An act to amend the Federal securities laws in order to promote efficiency and capital formation in the financial markets, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation;

H.R. 3118. An act to amend title 38, United States Code, to reform eligibility for health care provided for the Department of Veterans Affairs, to authorize major medical facility construction projects for the Department, to improve administrative of health care by the Department, and for other purposes;

H.R. 3159. An act to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes; and

H.R. 3815. An act to make technical corrections and miscellaneous amendments to trade laws.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2297. An act to codify without substantive change laws related to transportation and to improve the United States Code;

H.R. 3005. An act to amend the Federal securities laws in order to promote efficiency and capital formation in the financial market, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation;

H.R. 3118. An act to amend title 38, United States Code, to reform eligibility for health care provided by the Department of Veterans Affairs, to authorize major medical facility construction projects for the Department, to improve administration of health care by the Department, and for other purposes;

H.R. 3159. An act to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes; and

H.R. 3815. An act to make technical corrections and miscellaneous amendments to trade laws.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, October 4, 1996, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5415. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—1996 Marketing Quota and Price Support for Burley Tobacco (RIN: 0560–AE47) received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5416. A letter from the Director, Administration and Management, Department of Defense, transmitting the Department's final rule—DFAS Privacy Act Program (Defense Finance and Accounting Service) [DFAS Reg. 5400.11 R] received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

5417. A letter from the Director, Administration and Management, Department of Defense, transmitting the Department's final rule—Privacy Program (Defense Special Weapons Agency) [DSWA Instruction 5400.11B] received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

5418. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Control of Air Pollution from New and In-Use Motor Vehicles and New and In-Use Motor Vehicle Engines: Certification and Test Procedures [FRL–5618–02] received September 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5419. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision; Kern County Air Pollution Control District, Santa Barbara County Air Pollution Control District, South Coast Air Quality Management District [FRL–56–4] received September 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5420. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, Mojave Desert Air Quality Management District; South Coast Air Quality Management District [FRL–5616–6] received September 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5421. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Arizona—Maricopa Nonattainment Area, Carbon Monoxide [FRL–5628–6] received September 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5422. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Interim Approval of Operating Permits Program; Delegation of Section 112 Standards; State of New Hampshire [FRL–5619–4] received September 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5423. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of State Implementation Plan for North Dakota; Revisions to the Air Pollution Control Rules; Delegation of Authority for Colorado Standards of Performance for New Stationary Sources [FRL–5618–8] received September 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5424. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act

Final Interim Approval of Operating Permits Program; Delegation of Section 112 Standards; State of Vermont [FRL–5612–6] received September 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5425. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices; Effective Dates of Requirement for Premarket Approval for Class III Preamendments Devices (RIN: 0910–AA31) received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5426. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Interim Guidance for 10 CFR 50.65—The Maintenance Rule and Steam Generator Tube Inspections (EGM 96–002 and EGM 96–003) received September 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5427. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered or Threatened Status for Four Southern Maritime Chaparral Plant Taxa from Coastal Southern California and Northwestern Baja California, Mexico (RIN: 1018–AC01) received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5428. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Three Plant Species (Cyanea dunbarii, Lysimachia Maxima, and Schiedea sarmentosa) from the Island of Molokai, Hawaii (RIN: 1018–AD49) received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5429. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Endangered Status for the Plant Delissea undulata (RIN: 1018–AC56) received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5430. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Twenty-Five Plant Species from the Island of Oahu, Hawaii (RIN: 1018–AD50) received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5431. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered or Threatened Status for Nineteen Plant Species from the Island of Kauai, Hawaii (RIN: 1018–AD46) received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5432. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status or Threatened Status for Fourteen Plant Taxa from the Hawaiian Islands (RIN: 1018–AD58) received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5433. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Thirteen Plants from the Island of Hawaii, State of Hawaii (RIN: 018–AD25) received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources,

5434. A letter from the Secretary of Transportation, transmitting the annual report on the status of the public ports of the United States for calendar years 1994–1995, pursuant to 49 U.S.C. 308(c); to the Committee on Transportation and Infrastructure.

5435. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Model 4101 Airplanes (Federal Aviation Administration) [Docket No. 96–NM–129–AD] (RIN: 2120–AA64) (1996–0235) received October 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5436. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–203–AD] (RIN: 2120–AA64) received October 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5437. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland Model DHC–8–100 and –300 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–72] (RIN: 2120–AA64) (1996–0230) received October 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5438. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A3000 Airplanes (Federal Aviation Administration) [Docket No. 92–NM–225] (RIN: 2120–AA64) (1996–0229) received October 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5439. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 1000, 2000, 3000, and 4000 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–152] (RIN: 2120–AA64) (1996–0228) received October 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5440. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Model 4101 Airplanes (Federal Aviation Administration) [Docket No. 2120–AA64] (RIN: 2120–AA64) (1996–0227) received October 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5441. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Aircraft SA26, SA226, and SA227 Series Airplanes (Federal Aviation Administration) [Docket No. 94–CE–22–AD] (RIN: 2120–AA64) (1996–0233) received October 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5442. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW2000 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 95–ANE–37] (RIN: 2120–AA64) (1996–0198) received October 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5443. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 96–51: Emigration Policies of Mongolia, pursuant to 19 U.S.C. 2432(a); to the Committee on Ways and Means.

5444. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare Program; Update of Ambulatory Surgical Center Payment Rates Effective for Services on or After October 1, 1996 [BPD–874–N] received October 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); jointly, to the Committees on Commerce and Ways and Means.

5445. A letter from the Director, Audit Oversight and Liaison, General Accounting Office, transmitting a report entitled, ''Financial Audit: Independent Counsel Expenditures for the Six Months Ended March 31, 1996'' (GAO/AIMD–96–166), pursuant to 28 U.S.C. 591 note; jointly, to the Committees on Government Reform and Oversight and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3534. A bill to authorize the Secretary of the Interior to renew certain permits in the Mineral King Addition of the Sequoia National Park and to protect historic and cultural resources in that National Park, and for other purposes; with an amendment (Rept. 104–866). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONDIT (for himself, Mr. DOOLITTLE, Mr. CUNNINGHAM, and Mr. RADANOVICH):

H.R. 4339. A bill to amend the Clean Air Act to impose certain requirements on areas upwind of ozone nonattainment areas, and for other purposes; to the Committee on Commerce.

By Ms. DELAURO:

H.R. 4340. A bill to prohibit, in connection with the termination of Army activities at the Stratford Army Engine Plant, the expenditure of Federal funds to cover the costs of relocating a Government contractor located at that installation; to the Committee on National Security.

By Mr. SCHUMER (for himself and Mr. CONYERS):

H.R. 4341. A bill to establish felony violations for the failure to pay legal child support obligations, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER:

H.R. 4342. A bill to amend title 18, United States Code, to extend certain statutes of limitation: to the Committee on the Judiciary.

By Mr. UNDERWOOD:

H.R. 4343. A bill to prohibit the Secretary of Defense from making American communities noncompetitive by using shipping cost differentials attributable to the application of the Merchant Marine Act, 1920; to the Committee on National Security.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 38: Mr. ANDREWS.

H.R. 609: Mr. KENNEDY of Massachusetts.
H.R. 2011: Mrs. MEEK of Florida.
H.R. 2119: Mr. BARTON of Texas.
H.R. 2522: Mr. RADANOVICH.
H.R. 2652: Ms. PELOSI.
H.R. 3078: Mr. CAMP.
H.R. 3104: Mr. CAMP.
H.R. 3277: Mrs. SEASTRAND.
H.R. 3355: Ms. DELAURO.
H.R. 3443: Mr. SCHUMER, Mr. ACKERMAN, Mr. PAYNE of New Jersey, Ms. BROWN of Florida, Mr. SPRATT, Mr. ENSIGN, Mr. OBERSTAR, and Ms. DELAURO.
H.R. 3736: Mr. TATE.
H.R. 3775: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4031: Mr. METCALF.
H.R. 4052: Ms. DELAURO.
H.R. 4108: Mr. DREIER.
H.R. 4145: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4148: Mr. KOLBE.
H.J. Res. 174: Mr. BARCIA of Michigan.
H. Res. 520: Mr. FOGLIETTA.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, THURSDAY, OCTOBER 3, 1996 No. 141

Senate

The Senate met at 9 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Gracious Father, help us to live beyond the meager resources of our adequacy and learn that You are totally reliable when we trust You completely. You constantly lead us into challenges and opportunities that are beyond our energies and experience. Then You provide us with exactly what we need. Looking back, we know that we could not have made it without Your intervention and inspiration. And when we settle back on a comfortable plateau of satisfaction, suddenly You press us on to new levels of adventure in our living. You are the disturber of any false peace, the developer of dynamic character and the ever present deliverer when we attempt what we could not do on our own.

May this be a day in which we attempt something humanly impossible and discover that You are able to provide the power to pull it off. Give us a fresh burst of excitement for the duties of this day so that we will be able to serve courageously. We will attempt great things for You and expect great things from You. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator MCCAIN of Arizona, is recognized.

SCHEDULE

Mr. MCCAIN. Mr. President, on behalf of the leader, I should like to remind all Members of today's Senate schedule. This morning, the time between now and 10 a.m. will be equally divided for debate on the FAA reauthorization conference report. At 10 a.m., there will be a 15-minute rollcall vote on the motion to invoke cloture on the FAA conference report. I hope that the Senate would invoke cloture this morning so that we can complete action on this important measure. If cloture is invoked, it is possible that we may adopt the conference report at a reasonable time today.

I also remind my colleagues that there are a number of other legislative items in the clearance process including possible action on the parks bill. With the cooperation of all Senators, we can finish these items in time for sine die adjournment of this Congress today.

FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION—CONFERENCE REPORT

The Senate resumed consideration of the conference report.

Mr. MCCAIN. Mr. President, I now ask unanimous consent that the time

NOTICE

A final issue of the Congressional Record for the 104th Congress will be published on October 21, 1996, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–220 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m., through October 21. The final issue will be dated October 21, 1996 and will be delivered on October 23.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event, that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at ''Record at Reporters.''

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Congressional Printing Management Division, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman.*

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

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until 10 a.m. be equally divided between the proponents and opponents, myself managing the legislation for this side, and the Senator from Massachusetts, Mr. KENNEDY, managing for the other side.

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

Mr. MCCAIN. Mr. President, perhaps we could have information concerning the division of that time. I would guess it is less than 1 hour equally divided. Is that correct?

The PRESIDENT pro tempore. To be exact, it is 56 minutes.

Mr. MCCAIN. Mr. President, since the Senator from Massachusetts is not here, I will begin with an opening statement. I allow myself 10 minutes.

Mr. President, I want to talk about this critical aviation bill for a few minutes, and I want to begin with the most important part of it. That is the section that has to do with aviation safety.

This bill has some very important and critical aviation safety items included in it. We all know how important and compelling a problem this is and a challenge for America and the world. We continue, unfortunately, to have serious airline accidents that continue to take place not only in this country but around the world, including the latest being another tragedy in Peru just in the last several hours. There is no doubt that aviation safety is a vital and compelling issue and one on which I believe we have made important progress in this bill.

Specifically, this legislation eliminates the dual mandate and reiterates safety being the highest priority for the FAA. This legislation facilitates the flow to the FAA of operational and safety information, and the FAA may withhold voluntarily submitted information.

It authorizes the FAA to establish standards for the certification of small airports so as to improve safety at such airports.

It mandates that the NTSB, the National Transportation Safety Board, and the FAA must work together to improve the system for accident and safety data classification so as to make it more accessible and consumer friendly and then publish such accident data.

It requires pilot record sharing. It requires the sharing of a pilot's employment records between former and prospective employers to assure marginally qualified pilots are not hired.

It also discourages attempts by child pilots to set records or perform other aeronautical feats.

Also, Mr. President, it requires that the Federal Aviation Agency and the National Transportation Safety Board work together on this terrible issue, very difficult issue of notification of the next of kin. Every time there is one of these crashes, there is a problem as far as the notification of the loved ones, and it was an obligation of ours to work this out. There have been a number of hearings following these tragedies, and we hear the compelling stories of the lack of notification, wrongful notification, and lack of sensitivity in the care and services provided to the family members. We have to clean this up and we do that in this bill.

As far as aviation security is concerned, Mr. President, it requires the FAA to study and to report to Congress on whether some security responsibilities should be transferred from the airlines to airports and/or the Federal Government. I do not think there is any of us today who believe that security at airports is at the level we want it to be, and a very recent inspector general report clearly indicated that. We have to do a much better job.

The FAA in this legislation is directed to certify companies providing airport security screening.

It bolsters weapons and explosive detection technology by encouraging research and development. As you know, Mr. President, the only available technology today is very expensive, very large, very slow and sometimes not completely mission fulfilling. I believe that there is the technological capability out there in America and the world to develop the kind of weapons and explosive detection technology that we can put in place in our airports in a short period of time.

This legislation requires that background and criminal history records checks be conducted on airport security screeners and their supervisors.

It requires the FAA to facilitate interim deployment of currently available explosive detection equipment.

It requires the FAA to audit the effectiveness of criminal history records checks.

It encourages the FAA to assist in the development of passenger profiling systems.

It permits the Airport Improvement Program and Passenger Facility Charge funds to be used for aviation safety and security projects at airports.

The FAA and FBI must develop an aviation security liaison agreement.

The FAA and FBI must carry out joint threat assessments of high-risk airports.

It requires the periodic assessment of airport and air carrier security systems.

And it requires a report to Congress on recommendations to enhance and supplement screening of air cargo.

Mr. President, there is more aviation safety and security benefits in this bill which I will cover later this morning. There is a requirement to enhance airline and air traveler safety by requiring airlines to share employment and performance records before hiring new pilots, as I mentioned before.

But most important, it provides for the thorough reform of the FAA, including the long-term funding reform of the FAA to secure the resources to ensure we continue to have the safest, most efficient air transportation system in the world.

For a long period of time we worked on a bipartisan basis with the Secretary of Transportation, the Director and Deputy Director of the FAA, in trying to come up with ways to fund our national aviation system and its safety and security-related aspects. Right now the national air transportation system is primarily funded by the airline ticket tax, which accounts for more than $6 billion of the $9 billion that is necessary to fund the FAA on an annual basis. Unfortunately, the discretionary budget caps will simply not provide the budget flexibility to continue to fund today's service levels from the FAA, let alone the funding necessary over the next several years to meet the continued growth anticipated in virtually every facet of aviation. We must be able to fund the FAA and the national air transportation system in America through user fees. Those that use the system should be required to pay their fair share to provide a stable source of funding for the FAA's critical safety and operational activities and not the general taxpayer.

This bill sets up a 21-member commission which will make recommendations which will be required to be acted on in a relatively short period of time so we can come up with this very important, stable, and critical funding of the national air transportation system.

Again, I cannot help but mention one other aspect of this problem that is a clear dereliction of duty on the part of the Congress, and that is, on December 31, 1996, the airline ticket tax is going to lapse again. At the present time the airline ticket tax, with the addition of general taxpayer dollars, is the major method of funding aviation in America. Congress let it lapse last Christmas and it lapsed for a long period of time—until just a few months ago. During that time, the aviation trust fund was depleted by $5 billion. I think it will be a terrible thing, a terrible thing, to let this Congress go out of session—which we probably will—without reinstating the ticket tax, which is going to expire on December 31, 1996.

I would like to tell my colleagues and I know my friend, Senator FORD of Kentucky, feels as strongly as I do, as does the chairman and ranking member of the committee, Senator PRESSLER and Senator HOLLINGS. We are going to address this issue early in the 105th Congress in whatever way we can. We cannot allow this fund to be depleted so we are unable to fund these much-needed aviation safety, airport security, and air traffic control modernization projects in America.

I am not going to point at specific committees or specific Members of the Senate or the House. But to allow the airline ticket tax to lapse is a violation of our fundamental obligations to the American people, and that is to ensure their safety and security. We cannot do that without adequate and stable long-

term funding. So I want to again enter a plea, especially to the Finance Committee, that we address this issue as soon as possible early in the next Congress.

I reserve the remainder of my time.

The PRESIDENT pro tempore. The distinguished Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 1 minute. Then I am going to yield 5 minutes to the Senator from Illinois.

Mr. President, as we are gathered here this morning, I want to reiterate our position with regard to the FAA bill. Those of us who oppose the addition of the special interest provision are in support of the FAA conference report otherwise. We had indicated we were quite glad to put that whole conference report on the continuing resolution. We could have done that on Monday and we would not be here today.

We would have taken an independent bill, a freestanding bill without this provision, and passed it either Monday when the House was in or any other day in the belief the House would accept it.

So we do not yield to any of our colleagues in our interest in moving ahead with the FAA conference report. But what we find unconscionable is the inclusion of this special interest provision which is going to disadvantaged working men and women who are trying to play by the rules of the game and whose interests would effectively be compromised by this particular provision.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. KENNEDY. I yield 5 minutes to the Senator from Illinois.

The PRESIDENT pro tempore. The distinguished Senator from Illinois.

Mr. SIMON. Mr. President, as Senator KENNEDY said, everyone is for the FAA bill. The question is this amendment that was tacked on that was neither in the House version nor in the Senate version. Let us just go over what it does again. It benefits one company—one company. It interferes in litigation. The Presiding Officer, Senator THURMOND, for whom I have come to have great respect, has seen in the Judiciary Committee that when we interfere in litigation, with rare exceptions we make a mistake in the U.S. Congress.

Third, it interferes in a labor-management negotiation that is going on. We should not be taking one side or another. I do not know who is right. All I know is Congress should not be deciding this.

We interfere also in a competitive situation. How does this affect UPS? How does it affect the Postal Service? How does it affect other competitors? No one knows. But people can sure guess.

Then, finally, the process is wrong. We have not had a hearing on this. The committee of jurisdiction has not had a hearing on this very complicated and, obviously, controversial labor-management issue. It has been rejected. Just a few weeks ago the Appropriations Committee rejected this very amendment. Yet we see it sliding in on a conference committee here.

What it does, in essence, is it says Federal Express and all its employees are to fall under regulations that govern airlines. It so happens Federal Express has about 35,000 truck drivers who, under this legislation now, are going to be considered like airline pilots as far as labor-management relations. That is not the way to govern.

It may be this is very meritorious. Let us have a hearing. Let us go through the normal process. But it should not be stuck on in a conference when neither the House nor the Senate had it, when this has been rejected several times by both the House and the Senate.

Mr. BREAUX. Will the distinguished Senator yield for a question?

Mr. SIMON. I will let the Senator from Louisiana get his own time here.

Mr. BREAUX. I just was going to ask a question of the Senator.

Mr. SIMON. You may ask a very brief question.

Mr. BREAUX. Isn't the current situation that Federal Express in its total package is considered under the Railway Labor Act right now? Is that not the current situation? Is it the current situation that Federal Express is considered to come under the Railway Labor Act now?

Mr. SIMON. It is a matter of controversy right now before the National Labor Relations Board, as I understand it. What we are doing is we are moving in and making a decision. That is not the way we ought to operate here.

We ought to have a hearing. We ought to proceed in the normal way. This is obviously a matter of controversy. This is not how you solve controversies and how you make good legislation.

I yield the remainder of my time back to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDENT pro tempore. The Senator from Massachusetts has 22 minutes.

Mr. KENNEDY. I yield myself 13 minutes.

Mr. President, regardless of the outcome of today's vote, this week of debate has already accomplished something very important for the American people. It has placed a spotlight on a cynical Republican attempt to help one of their corporate friends at the expense of that company's employees.

They had hoped to carry out their scheme in the shadows, so that no one would recognize the injustice that was being done. That part of the Republican plan has already failed. The entire country now knows that the Republican Congress is ending as it began, with an assault on working men and women and their families. Key Republicans in Congress have conspired with Federal Express to amend the Railway Labor Act in order to deprive Federal Express workers of their right to form a local union. The company is bent on obtaining this unfair advantage before the Republican Congress adjourns, because they know that a Democratic Congress will never approve this special interest provision.

Truck drivers employed by Federal Express in Pennsylvania began organizing a union several years ago, because they had not received a raise in more than 7 years. They were also worried about worker safety and about losing their jobs to subcontractors and seeing full-time jobs cut back to part time. It is unconscionable for the Senate to intervene on the side of Federal Express management to deny those workers their basic rights under the National Labor Relations Act.

Mr. President, this is not a technical correction. Rider proponents falsely claim that this is a technical correction to an inadvertent action taken in the Interstate Commerce Commission Termination Act of 1995. This is substantive. The Congressional Research Service analyzed the ICC Termination Act and found ''The deletion of express companies from section 1 of the RLA does not appear to have been inadvertent or mistaken.'' That is an independent judgment made by the Congressional Research Service after reviewing the history, reviewing the conference itself and evaluating the various documents.

Second, the administration does not consider this to be technical. Let me, again, read the letter from the Office of Management and Budget, representing the position of the administration and the President:

> The administration believes that the provision is not a technical amendment in transportation law. In fact, it could result in a significant shift of the relationship between certain workers and management.

They recognize that it is not a technical correction.

The Democratic members of the House Aviation Subcommittee have also recognized that this is not a technical correction. Read the debate over in the House of Representatives and you will see it. Every Democratic member of the Aviation Subcommittee points out that this is not a technical correction, and the Parliamentarian of the House of Representatives made a judgment that it was not a technical correction and required the House of Representatives to have an independent vote on this measure.

Mr. President, the history of the FedEx rider in the House and Senate is out there for every Member of this body to understand. They never had a hearing on a rider in the House Aviation Subcommittee or the full Transportation and Infrastructure Committee; never had a hearing on the rider in the Senate Aviation Subcommittee or full Committee on Commerce, Science and Transportation.

House Republicans tried to attach this to the fiscal 1996 omnibus appropriations bill and failed. House Republicans tried to attach it to the National Transportation Safety Board Authorization Act, and it failed. House Republicans tried to attach it to the Railroad Unemployment Act Amendments, and it failed.

Senate Republicans supported attaching it to the Labor-HHS Appropriations bill in the Appropriations Committee, and it failed. The rider was not on the FAA Reauthorization Act when it passed the House, and it wasn't when it passed the Senate. The rider was added in the reauthorization conference committee just before the end of this conference.

Mr. President, now that we know that it is not technical, now that we know that this has been pursued constantly by the Republican leadership in the House of Representatives, supported overwhelmingly by the Republican Members in the House of Representatives, with opposition by an overwhelming majority of Democrats in the House, we will see a similar reflection of that here later on this morning.

Mr. President, this issue is in litigation. The Federal Express truck drivers started organizing in 1991. In December of 1991, the Federal Express truck drivers filed a petition with the NLRB for an election to decide whether a majority of them desire representation. This matter is currently in litigation. The number of the case is 4–RC–17968.

There are Members who say it is not in litigation. It is in litigation, and it is before the NLRB and in active consideration at this time. What we are doing by this action is wiping out the opportunity for that issue to be adjudicated by the NLRB. We are stacking the deck for one side. We are refusing to let the National Labor Relations Board make a judgment about the truck drivers.

The fact of the matter is, UPS has a situation almost exactly the same as Federal Express: Those workers who are associated with the airlines are considered employees of air carriers, and thus covered by the Railway Labor Act, while those who drive the trucks are under the National Labor Relations Act.

Federal Express has been declared an air carrier, and they should be with regard to their air operation. The question now is, what about the truck drivers who drive for Federal Express? What about Federal Express's proposed expansion, such that the principal part of their operation is going to be in trucks rather than in the air? That is a legitimate issue. It is currently before the National Labor Relations Board.

Supporters of this rider are saying that those grievances, those rights, those interests of working men and women are going to be vitiated because of the power of Federal Express, one single company. We are legislating for one single company, make no mistake about it.

Mr. President, why do I call this Federal Express amendment a Republican ploy? Let me show you the evidence, and it is overwhelming. In the House, the key advocates of this amendment were Members of the Republican leadership, and each and every time it was offered in the House, it was offered on behalf of the Republican leadership. They voted in the House and closely followed party lines: of the 218 Members who voted for it, 199 were Republicans. 198 Members of Congress opposed it; 168 of those voting no were Democrats.

On the cloture motion that we will be voting on shortly, nearly all Republicans will vote to keep the amendment in the bill, and a solid majority of Democrats will vote against cloture in order to remove the offensive Federal Express provision.

This antiworker amendment is clearly a Republican ploy for another reason. It is consistent with what they have done throughout this session, whether it has been to eliminate the Davis-Bacon Act or to gut other worker protection laws. The average construction worker—may we have order, Mr. President?

The PRESIDENT pro tempore. The Senate will be in order.

Mr. KENNEDY. Mr. President, we have seen the Republican leadership try to compromise the incomes of construction workers, the second most dangerous industry in the United States, with five times more accidents than any other group of workers in this country. The average income of a construction worker is $27,500 a year. Yet the Republicans made an effort time after time after time here in the Senate of the United States and in the House of Representatives to undermine their income.

There was opposition to the increase in the minimum wage. The story is there and has been written. Republicans fought it every single step of the way, although hard-working families who are at the bottom rung of the economic ladder, who are our teachers' aides, who work in nursing homes as health care aides, who clean buildings for the American free enterprise system—these are hard-working men and women who have families, and we believe that hard work ought to be rewarded and that we should not deny those hard-working Americans a decent income. The Republicans oppose that.

Whether it was on Davis-Bacon, the increase in the minimum wage, or the earned-income tax credit, which benefits workers who earn less than $30,000, on each and every one of those issues involving workers' rights, the Republican leadership in the House and the Senate fought us tooth and nail. They fought us tooth and nail at the beginning of the Congress, and the last act of this Congress will be to undermine the legitimate rights of working men and women who are only trying to play by the rules under the National Labor Relations Act.

The Federal Express workers may be able to persuade their coworkers to support organizing or they may not, but they shouldn't have the rug pulled out from under them as Republicans have tried to do to other workers over the period of this Congress.

Mr. President, I reserve the remainder of my time.

Mr. McCAIN addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Arizona.

Mr. McCAIN. Mr. President, I yield 4 minutes to the Senator from Texas, Senator HUTCHISON.

The PRESIDENT pro tempore. The distinguished Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, if someone is watching this debate today, they might think we are arguing about a labor bill. Mr. President, we are not arguing about a labor bill. Whether Federal Express can have one union or six unions is not the purpose of this bill, nor should it be the focus of this debate, nor should it have held up this Senate for the last 4 days.

Because the issue here is whether we are going to reauthorize the FAA and give them the tools they need to keep our airlines and our airports safe. That is the issue. That is the importance of sending this bill to the President. Because if we get bottled up in other extraneous issues and procedures, Mr. President, what we are going to lose is the ability for the FAA to immediately deploy certification of the detection equipment that is necessary to protect air traffic passengers, the protection against terrorist bombs. That is what we are talking about today.

The detection equipment we have today was put in place when we had hijacking as a problem in this country. And since that equipment has been put in place, we have not had hijackings of airlines in America. But that is not the same type of equipment you need to detect the sophisticated bombs that have been able to be put in buildings and airplanes around the world, or subway systems. So what we are trying to do is protect the traveling public.

We are seeing smokescreens here about minute labor issues, and we are seeing procedural measures taken against a very important big-picture bill that will give the FAA the tools it needs. It will allow the FBI and the FAA to collaborate in every high-risk airport city. We need the FBI to work with the FAA because they have unique capabilities that are not there in the FAA. So we need that to happen. It can start today. Baggage match, something that is done for foreign travel, will now be looked at to see if we can do it domestically, so that if a passenger gets on a plane, we will know that that passenger is matched to bags in the compartment beneath, and we will not have bags going on a plane without the passenger that checked that bag in.

We need to be able to allow the passenger facility charges and the fees

that go on the airline tickets to be used for antiterrorism and safety measures. That will be authorized in this bill.

Mr. President, we are not looking at deciding in Congress and spending 4 days of Congress' time to determine whether FedEx is going to have one union or six. Our purpose here today is to pass a bill that protects every American and every visitor to our country who is traveling in airports and on airplanes with the safety they deserve. We can do it if we will keep our eye on the ball and do what is responsible for the U.S. Senate. It would be irresponsible for us to allow some minor disagreement on a labor matter that does not have to be decided by Congress to, in fact, hold up a bill that will provide safety for flying passengers in America.

Thank you, Mr. President.

Mr. FEINGOLD addressed the Chair.

Mr. KENNEDY. Mr. President, 5 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, thank you.

There has been some confusion in this body about whether this is a big issue or little issue, technical issue or substantive issue. Well, I think the argument that this is somehow just a technical debate has been pretty well shredded by the reality of what has happened this week.

Let me just quickly read again from the letter from the Office of the President, the administration, from Franklin Raines, of the Office of Management and Budget, which says:

> The administration believes that the provision is not a ''technical amendment'' to transportation labor law. In fact, it could result in a significant shift of the relationship between certain workers and management. We hope Congress will not jeopardize aviation safety, security, and investment initiatives as it comes to closure on this issue.

Mr. President, the Senator from Texas just again tried the ploy of saying this is a minor issue. She said, a ''minute'' labor issue. Well, does anyone believe, after the almost herculean effort to keep this provision in, that this is a minor issue? This is a major, major issue to one very powerful corporation in this country.

Let us focus again on what this intense major debate is about. It is about whether one powerful corporation is going to be able to get its way in the closing hours of this Congress and push through a special interest provision aimed at only one thing —it is aimed at only one thing: protecting this powerful company from its workers trying to form a union.

Mr. President, this apparently is not the only time that this corporation, Federal Express, has used this type of procedure to benefit its own interests. Let me say here, I do not think Federal Express is a bad corporation. Obviously, it provides tremendously important services in our economy, as do other services, such as UPS. But you cannot ignore the record.

Last night, I and other Members of the Senate received a letter from Public Citizen, a nonpartisan public interest group. They express frequently a direct interest in the way this body does business. This is what Public Citizen wrote about the effort to push FedEx's special interest provision through in the FAA conference report. They said:

> This is not the first time or the second time that Federal Express has used last-minute tactics to gain passage of controversial amendments to law. In the 1990 aviation authorization bill, with no hearings, exemption from local noise requirements for aircraft were pushed through. In the 1994 aviation authorization bill, Federal Express was involved in getting preemption of State regulation of truck prices, routes and services through the Congress with no hearings in the Senate where the amendment was added to an unrelated bill and only a last-minute hearing in the House during the conference negotiations. State officials were outraged at the way this was maneuvered. In 1995, motor carrier safety standards were eliminated for Federal Express type trucks in the National Highway System legislation. In 1996, the anti-labor provision Federal Express seeks to get enacted in the aviation authority conference report is [just] the most recent in a long string of such maneuvers.
>
> These issues [they say] are major public policies that deserve appropriate hearings and evaluation. The public is already angry about the way wealthy business interests dominate the congressional decision-making process. This history of Federal Express sponsored legislation, combined with the millions of dollars it spends each year lobbying, campaign contributions, and providing air transportation services to key members of Congress, undermines our democratic system. Federal Express has a long history of opposition to government regulations. But when they want to block their employees' efforts to form a union and gain an unfair advantage over their competitors, the sky's the limit on money and political muscle they will use to get their own customized regulatory protection made into law.

Those are words by Joan Claybrook from Public Citizen. And this is not an isolated, innocent, or minor matter to the corporation pushing it.

Mr. President, let me repeat one phrase from this letter. This kind of activity ''undermines our democratic system.''

However anyone feels about the underlying merits of the issue, the process which is taking place is repugnant. As the distinguished Senator from Illinois, [Mr. SIMON] has said, if this corporation succeeds, this will be a textbook example for years to come of how special interests have perverted the democratic process. I hope we will do the right thing and just say no to this.

Mr. President, let me simply say, as a conclusion, I have heard speakers all week, and especially this morning, say that we have to pass this bill because of airline safety; we have to pass this bill because of the airline tax extension; we have to pass this bill because of airport aides. And I agree. We have to pass this bill. How can all of those things, how can all of those things be less important than this one provision for Federal Express?

It seems inconceivable to me that those on the other side, given their commitment to those issues and those concerns, would not drop this provision at this point and let the bill be passed today and be signed by the President.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, I yield 6 minutes to the Senator from South Carolina, Senator HOLLINGS.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I'll come right to the point, it is not a question of one company succeeds. It is the question of one Congress can succeed. Congress made the error, not Federal Express. Federal Express had nothing to do with the dropping of the language when we passed the ICC termination bill last December. We made that mistake. We are on trial. And this distortion: coming in here and flyblowing a wonderful company—''antiworker,'' ''a Republican attack,'' ''slash Medicare,'' ''slash education''—none of that has anything to do with it.

Let us assume that Federal Express was antiworker. That would have nothing to do with this particular issue. What we did here with my amendment—and incidentally, ''Republican,'' I have been a Democrat since 1948. I think you were just learning to drive at that time. So you can't define who is a Democrat, we will see how the Democrats vote.

At that particular time we came in here and we said, ''Wait a minute. When we left, we had a hearing. Been having a hearing quite regularly all over.'' Who is to be heard? Not the merits of workers' rights, the merits of the truth. Find somebody, some Senator, some Congressman. I have challenged him now for 3 days during this filibuster, find me anybody who says otherwise than that it was an honest mistake. It is our duty to try to correct it.

Every time we try, we go down the list, filibuster, filibuster, filibuster. Yes, you have the political power. You have held the whole Congress up for 3 days. Every time we try to get it anywhere, you are going to filibuster, filibuster, filibuster, trying to take advantage of an honest mistake.

We have heard from all the Congressmen, Republican and Democrat, all the Senators, Republican and Democrat, and we all agree that it was a mistake. You cannot find anybody who says it was not a mistake. To come in here trying to correct an honest mistake, and they flyblow a company with antiworker/Medicare/Medicaid and all that extraneous garbage—they know no shame. We are not going to filibuster. We are ready to vote. We are ready to vote and try to get a political division here today on what this Senator has been trying to clean up.

We tried to get the other side to look at the intent. I am looking at the conference report by Mr. SHUSTER, the ICC

Termination Act, last December 15. ''The enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of employees and employers by the Railway Labor Act.''

Now, that is exactly what was intended. That is the law. The Railway Labor Act is just exactly what truck drivers and pilots and Federal Express have been under since 1973 when they started business.

I felt like Archimedes, who said, ''Eureka, I found it'' when the Senator from Massachusetts cited 4–RC–17698. I ask unanimous consent to have printed in the RECORD excerpts of the final Board decision.

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

NATIONAL MEDIATION BOARD,
Washington, DC, November 22, 1995.

Re NMB File No. CJ–6463 (NLRB Case 4–RC–1698) Federal Express Corporation.

JEFFREY D. WEDEKIND,
Acting Solicitor, National Labor Relations Board, Washington, DC.

DEAR MR. WEDEKIND: This responds to your request dated July 17, 1995, for the National Mediation Board's (Board's) opinion as to whether Federal Express Corporation (Federal Express or FedEx) and certain of its employees is subject to the Railway Labor Act, as amended, 45 U.S.C. §151, et seq. The Board's opinion, based upon the materials provided by your office and the Board's investigation is that Federal Express and all of its employees are subject to the Railway Labor Act.

I.

This case arose as the result of a representation petition filed with the National Labor Relations Board (NLRB) by the International Union, United Automobile Aerospace and Agricultural Implement Workers of America (UAW). The UAW initially sought to represent a unit of Federal Express's employees including ''all regular full and part-time hourly ground service employees in the Liberty District.''[1] On December 9, 1991, the UAW amended its petition to exclude ''ramp agents, ramp agent/feeders, handlers, senior handlers, heavyweight handlers, senior heavy weight handlers, checker sorters, senior checker/sorters, shuttle drivers, shuttle driver/handlers, office clerical employees, engineers, guards and supervisors as defined in the Act [NLRA].'' The titles remaining in the UAW's petition include: service agents, senior service agents, international document agents, couriers, courier/handlers, tractor-trailer drivers, dispatchers, courier/non-drivers and operations agents.

The UAW argues that the employees it seeks to represent in Federal Express' Liberty District are employees subject to the National Labor Relations Act (NLRA). The UAW acknowledges that pilots and aircraft mechanics employed by Federal Express are subject to the Railway Labor Act. However, the UAW contends that the two-part test traditionally employed by the Board to determine whether an entity is a carrier should be applied to the unit of employees it seeks to represent in Federal Express' Liberty District. According to the UAW, the employees it seeks to represent in the Liberty District do not perform airline work and are not ''integral to Federal Express' air transportation functions.''

Federal Express asserts that it is a carrier subject to the Railway Labor Act and, as a carrier, all of its employees are subject to the Railway Labor Act. Federal Express notes that the Board and the courts have repeatedly found it to be a carrier subject to the Railway Labor Act. According to Federal Express, the job classifications remaining in the petition are integrally related to Federal Express' air transportation activities. Federal Express contends that it is a ''unified operation with fully integrated air and ground services.'' According to Federal Express, allowing some employees to be covered by the National Labor Relations Act and others to be subject to the Railway Labor Act would result in employees being covered by different labor relations statutes as they are promoted up the career ladder.

Federal Express contends that the two-part test suggested by the UAW is not appropriate in this case. According to Federal Express, the Board uses the two part test to determine whether a company is a carrier, not to determine whether specific employees of a carrier perform duties that are covered by the Railway Labor Act. Federal Express cautions that adoption of the test suggested by the UAW ''would drastically alter labor relations at every airline in the country.'' According to Federal Express, under the UAW's test, most categories of employees except pilots, flight attendants and aircraft mechanics would be subject to the NLRA.

The Board repeatedly has exercised jurisdiction over Federal Express. *Federal Express Corp.,* 22 NMB 279 (1995); *Federal Express Corp.,* 22 NMB 257 (1995); *Federal Express Corp.,* 22 NMB 215 (1995); *Federal Express Corp.,* 20 NMB 404 (1993); *Federal Express Corp.,* 20 NMB 394 (1993); *Federal Express Corp.,* 20 NMB 360 (1993); *Federal Express Corp.,* 20 NMB 126 (1993); *Federal Express Corp.,* 20 NMB 91 (1992); *Federal Express Corp.,* 20 NMB 7 (1992); *Federal Express Corp.,* 19 NMB 297 (1992); *Federal Express Corp.,* 17 NMB 24 (1989); *Federal Express/Flying Tiger,* 16 NMB 433 (1989); *Federal Express,* 6 NMB 442 (1978). There is no dispute that Federal Express is a carrier subject to the Railway Labor Act with respect to certain Federal Express employees (i.e. Pilots; Flight Attendants,[3] Global Operation Control Specialists; and Mechanics and Related Employees; Stock Clerks; and Fleet Service Employees). However, the Board has not addressed the issue raised by the UAW: whether or not certain Federal Express employees are subject to the Railway Labor Act.

The NLRB initially requested the NMB's opinion as to whether FedEx is subject to the RLA on July 1, 1992. However, on that date, the NLRB granted the UAW's request to reopen the record and the file was returned to the NLRB. The NLRB renewed its request on July 17, 1995 and the NMB received the record on July 31, 1995. The NMB received additional evidence and argument from FedEx and the UAW on August 17, 1995 and September 5, 1995.

II.

Federal Express, a Delaware corporation, is an air express delivery service which provides worldwide express package delivery. According to Chairman of the Board and Chief Executive Officer Frederick Smith, Federal Express flies the sixth largest jet aircraft fleet in the world.

Federal Express' jet aircraft fleet currently includes Boeing 727–100's, Boeing 727–200's, Boeing 737's, Boeing 747–100's, Boeing 747–200's, DC 10–10's, DC 10–30's and McDonnell-Douglas MD–11's. Federal Express also operates approximately 250 feeder aircraft, including Cessna 208's and Fokker 27's. It has over 50 jet aircraft on order.

Federal Express currently serves the United States and several countries in the Middle East, Europe, South America and Asia, including Japan, Saudi Arabia and Russia. According to Managing Director of Operations Research Joseph Hinson, Federal Express does not transport freight that moves exclusively by ground to or from the United States.

* * * * * *

III. DISCUSSION

The National Mediation Board has exercised jurisdiction over Federal Express as a common carrier by air in numerous published determinations. *Federal Express Corp.,* 22 NMB 279 (1995); *Federal Express Corp.,* 22 NMB 257 (1995); *Federal Express Corp.,* 22 NMB 215 (1995); *Federal Express Corp.,* 20 NMB 666 (1993); *Federal Express Corp.,* 20 NMB 404 (1993); *Federal Express Corp.,* 20 NMB 394 (1993); *Federal Express Corp.,* 20 NMB 360 (1993); *Federal Express Corp.,* 20 NMB 126 (1993); *Federal Express Corp.,* 20 NMB 91 (1992); *Federal Express Corp.,* 20 NMB 7 (1992); *Federal Express Corp.,* 19 NMB 297 (1992); *Federal Express Corp.,* 17 NMB 24 (1989); *Federal Express/Flying Tiger* 16 NMB 433 (1989); *Federal Express,* 6 NMB 442 (1978). In eight of those determinations, the Board exercised jurisdiction over ground service employees of Federal Express. The substantial record developed in this proceeding provides no clear and convincing evidence to support a different result.

A.

Section 181, which extends the Railway Labor Act's coverage to air carriers, provides:

''All of the provisions of subchapter 1 of this chapter except section 153 of this title are extended to and shall cover every common carrier by air engaged in interstate or foreign commerce, and every carrier by air transporting mail for or under contract with the United States Government, and *every air pilot or other person who performs any work as an employee or subordinate official of such carrier or carriers, subject to its or their continuing authority to supervise and direct the manner of rendition of his service,* 45 U.S.C. §181. (Emphasis added.)''

Federal Express is an air express delivery service which holds itself out for hire to transport packages, both domestically and internationally. Federal Express and the UAW agree that Federal Express and its air operations employees, such as pilots and aircraft mechanics, are subject to the Railway Labor Act. The disagreement arises over whether Federal Express' remaining employees are subject to the Railway Labor Act. The UAW argues that the employees it seeks to represent do not perform airline work and are not ''integral to Federal Express' air transportation functions.'' Federal Express asserts that all of the employees sought by the UAW are integrally related to its air express delivery service and are subject to the Railway Labor Act.

Since there is no dispute over whether Federal Express is a common carrier by air, the Board focuses on whether the employees sought by the UAW's petition before the NLRB are subject to the Railway Labor Act. The Act's definition of an employee of an air carrier includes, ''every air pilot or other person who performs any work as an employee or subordinate official of such carrier or carriers, subject to its or their continuing authority to supervise and direct the manner of rendition of his service''. The Railway Labor Act does not limit its coverage to air carrier employees who fly or maintain aircraft. Rather, its coverage extends to virtually all employees engaged in performing a service for the carrier so that the carrier may transport passengers or freight.[9]

In *REA Express, Inc.,* 4 NMB 253, 269 (1965), the Board found ''over-the-road'' drivers employed by REA subject to the Act stating:

[1] Footnotes at end of letter.

''It has been the Board's consistent position that the fact of employment by a 'carrier' under the Act is determinative of the status of *all* that carrier's employees as subject to the Act. The effort to carve out or to separate the so-called over-the-road drivers would be contrary to and do violence to a long line of decisions by this Board which would embrace the policy of refraining from setting up a multiplicity of crafts or classes. As stated above, there is no question that this particular group are *employees* of the carrier (Emphasis in original).''

The limit on Section 181's coverage is that the carrier must have ''continuing authority to supervise and direct the manner of rendition of * * * [an employee's] service. The couriers, tractor-trailer drivers, operations agents and other employees sought by the UAW are employed by Federal Express directly. As the record amply demonstrates, these employees, as part of Federal Express' air express delivery system, are supervised by Federal Express employees. The Board need not look further to find that all of Federal Express' employees are subject to the Railway Labor Act.

B.

In the Board's judgment, the analysis of the jurisdictional question could end here. However, Federal Express and the UAW have directed substantial portions of their arguments to the ''integrally related'' test. Specifically, the participants discuss whether the employees the UAW seeks to represent are ''integrally related'' to Federal Express' air carrier functions. The Board does not find consideration of the ''integrally related'' test necessary to resolve the jurisdictional issue, however, review of the relevance of this test is appropriate.

The UAW argues that the employees it seeks to represent are not integrally related to Federal Express' air carrier functions and therefore are not subject to the Railway Labor Act. Federal Express asserts that the NLRB and federal courts have found its trucking operations integrally related to its air operations.[10]

However, the Board does not apply the ''integrally related'' test to the Federal Express employees sought by the UAW. Where, as here, the company at issue is a common carrier by air, the Act's jurisdiction does not depend upon whether there is an integral relationship between its air carrier activities and the functions performed by the carrier's employees in question. The Board need not consider the relationship between the work performed by employees of a common carrier and the air carrier's mission, because section 181 encompasses ''every pilot or other person who performs *any* work as an employee or subordinate official of such carrier or carriers. . . .'' (Emphasis added).

Even if the Board were to assume arguendo that the ''integrally related'' test applies to the facts in this case, the Board would hold in concurrence with the recent decision in *Federal Express Corp.* v. *California PUC, supra,* at note 10, that the ''trucking operations of Federal Express are integral to its operations as an air carrier.'' 936 F.2d at 1078. Employees working in the other positions sought by the UAW perform functions equally crucial to Federal Express' mission as an integrated air express delivery service. As the record demonstrates, without the functions performed by the employees at issue, Federal Express could not provide the on-time express delivery required of an air express delivery service.

The Board has employed the ''integrally related'' test when it has examined whether to apply the trucking exemption under §151 of the Act. *O/O Truck Sales,* 21 NMB at 269; *Florida Express Carrier, Inc.,* 16 NMB 407 (1989). Specifically, the Board has applied the ''integrally related'' test when it has considered trucking operations conducted by a subsidiary of a carrier or a company in the same corporate family with a carrier. In *Florida Express, supra,* the Board found Florida Express, a trucking company which is a wholly-owned subsidiary of Florida East Coast Railroad, to be a carrier subject to the Railway Labor Act. In *O/O Truck Sales, supra,* the Board found O/O Truck Sales, a trucking and fueling company which is a wholly-owned subsidiary of CSXI (which is commonly owned with CSXT), to be a carrier subject to the Railway Labor Act. In contrast, Federal Express directly employs truck drivers, couriers and all other employees sought by the UAW's petition.

C.

The UAW argues that the Board should apply the two-part test used by the Board in other factual settings for determining whether an employer and its employees are subject to the Railway Labor Act. See, for example, *Miami Aircraft Support,* 21 NMB 78 (1993); *AMR Services, Corp.,* 18 NMB 348 (1991). The Board does not apply the two-part test where the company at issue is engaged in common carriage by air or rail. The Board applies the two-part test where the company in question is a separate corporate entity such as a subsidiary or a derivative carrier which provides a service for another carrier. In those situations where the Board applies the two-part test, it determines: 1) whether the company at issue is directly or indirectly owned or controlled by a common carrier or carriers; and 2) whether the functions it performs are traditionally performed by employees of air or rail carriers. Under this test, both elements must be satisfied for a company to be subject to the Railway Labor Act. Federal Express is an admitted carrier and the employees at issue are employed directly by Federal Express. Accordingly, the two-part test does not apply to this proceeding.

Even if the two-part test were applicable, the employees at issue here would be covered by the Railway Labor Act. Federal Express, as a common carrier, has direct control over the positions sought by the UAW. In addition, the Board has found that virtually all of the work performed by employees sought by the UAW's petition is work traditionally performed by employees in the airline industry. For example: couriers, *Air Cargo Transport, Inc.,* 15 NMB 202 (1988); *Crew Transit, Inc.,* 10 NMB 64 (1982); truck drivers; *Florida Express, Inc.,* 16 NMB 407 (1989); customer service agents; *Trans World International Airlines, Inc.,* 6 NMB 703 (1979).

CONCLUSION

Based upon the entire record in this case and for all of the reasons stated above, the Board is of the opinion that Federal Express Corporation and all of its employees sought by the UAW's petition are subject to the Railway Labor Act. This finding may be cited as *Federal Express Corporation,* 23 NMB 32 (1995). The documents forwarded with your letter will be returned separately.

By direction of the NATIONAL MEDIATION BOARD.

STEPHEN E. CRABLE,
Chief of Staff.

FOOTNOTES

[1] The Liberty District includes portions of southeastern Pennsylvania, southern New Jersey and Delaware.

[2] The dispatchers at issue do not dispatch aircraft.

[3] FedEx no longer employs Flight Attendants.

* * * * *

[9] Two courts have held that certain employees of a carrier who perform work unrelated to the airline industry are not covered by the Railway Labor Act. *Pan American World Airways* v. *Carpenters,* 324 F.2d 2487, 2488, 54 LRRM 2487, 2488 (9th Cir. 1963); *cert. denied,* 376 U.S. 964 (1964) (RLA does not apply to Pan Am's ''housekeeping'' services at the Atomic Energy Commission's Nuclear Research Development Station); and *Jackson* v. *Northwest Airlines, Inc.,* 185 F.2d 74, 77 (8th Cir. 1950) (RLA does not apply to Northwest's ''modification center'' where U.S. Army aircraft were reconfigured for military purposes). Work functions described in *Carpenters* as ''substantially identical'' to those before the Ninth Circuit were held by another court to be within the ''compulsive'' jurisdiction of the Railway Labor Act. *Biswanger* v. *Boyd,* 40 LRRM 2267 (D.D.C. 1957). The Board has not had the occasion to make a final determination regarding the appropriate application of this line of cases.

[10] *Federal Express Corporation* v. *California Public Utilities Commission,* 936 F.2d 1075, 1078 (9th Cir. 1991). *Chicago Truck Drivers* v. *NLRB,* 99 LRRM 2967 (N.D. Ill. 1978); aff'd. 599 F.2d 816, 101 LRRM 2624 (7th Cir. 1979).

Mr. HOLLINGS. This particular decision on page 2 covers every kind of driver you can think of—shuttle drivers, tractor-trailer drivers, dispatchers, courier nondrivers, courier drivers, and right on down, and I want to read to you in this limited time the final decision: ''The Board is of the opinion that Federal Express Corporation and all of its employees sought by the UAW's petition are subject to the Railway Labor Act.'' Signed, Stephen E. Crable, the chief of staff, and as a unanimous decision by the other members.

That was filed on November 22, 1995, almost a year ago. This is the initiative to try to change it. The opponents are the ones trying to pull the rug out from under that decision because it was at the NLRB—they know and we all know in 50 years and 100 decisions the NLRB has never reversed a decision that was unanimous by the National Mediation Board.

To talk about litigation, for 5 years they had wonderful lawyers. The employees were there with all kinds of hearings and everything else, but they act like what we are trying to do is change the rules in the middle of the game. We are trying to correct a mistake.

Mr. President, there is no question in my mind this is an outstanding company. I have ''The 100 Best Companies,'' and I could read it. But, simply stated, the Senator from Illinois is totally out of order with respect to this issue of the way to govern; one people, one Congress. We are the ones who made the mistake, not Federal Express. This is the way to try to correct it. We know we faced a filibuster at every particular turn you could possibly think of. We know this is partisan onslaught. We know this nonsense about working people and working families and slashing education.

Under the Railway Labor Act, you have every right and interest to organize, and in fact 65 percent of the workers under the Railway Labor Act are organized. Under the NLRA, the National Labor Relations Act, only 11 percent are organized. So they are wrong when they act like we are trying to change the rules. We are trying to get it back to exactly where the parties were. We are here now because they have the legal power to delay us for 3 days, intimidate and terrorize.

I thank the distinguished Chair.

Ms. MOSELEY-BRAUN. Mr. President, the bill before us today, H.R. 3539, the Federal Aviation Administration Authorization Act of 1996, is important legislation. It reauthorizes the Airport Improvement Program, providing needed grants to States and to airports for airway improvements, helps to improve safety and airport security, and makes a number of other important contributions to aviation.

In Illinois, O'Hare airport in Chicago could expect more than $8.5 million next year. The Peoria airport could receive $860,000. The airport in my State's capitol, Springfield, should receive more than $660,000 if this legislation is enacted. The Southern Illinois Airport Authority, which operates an airport in Carbondale, expects more than $1.5 million if this bill becomes law.

These grants are important to these and other airports in Illinois, and to airports across the country. They are what keep our airports functional and safe, and help maintain the air transportation infrastructure of our country that fuels our economy. Congress can hardly afford to adjourn without the passage of this legislation.

This bill even includes a provision that I worked very hard on, along with my colleague from Oregon, Senator WYDEN, that will allow communities to participate in the process of improving safety at their railroad crossings. Under a 1994 law, communities did not have this option. They were essentially directed to install extremely expensive safety devices, or their locally imposed whistle ban would be revoked. I am delighted that we were able to work out an amendment to this 1994 law that gives communities the flexibility they need to improve safety from the local level, and not just by Federal dictate.

It is therefore very disheartening that, despite the obvious merits of this legislation, despite the fact that this is a good, bipartisan bill, and despite the fact that it will allow communities to participate in the process of improving railroad crossing safety, I am forced to vote against this entire bill because of one sentence that was inserted by the conference committee and dubiously labeled a clarifying amendment.

Mr. President, supporters of this one sentence argue that it is, in fact, a technical correction—a clarifying amendment—and that it corrects a mistake that occurred when the Congress drafted and approved the legislation eliminating the Interstate Commerce Commission. I am not on the Commerce Committee, and I am not familiar enough with the details of the legislative language that was used when Congress eliminated the Interstate Commerce Commission to evaluate the merits of that claim.

I do know, however, that a technical correction does not provoke the kind of controversy that this one sentence amendment has provoked. Technical corrections are, by definition, noncontroversial. They change details of legislation or of law in ways that do not have substantive affects on policy.

Technical corrections do not result in my staff being bombarded by calls, faxes, and letters—which is exactly what has happened since this sentence was discovered in the FAA Authorization Conference Report.

Technical corrections do not prompt Senators to demand a full reading of the text of legislation. Yet the other night we listened while the bill clerks diligently read the text of almost the entire FAA bill for 3½ hours.

Technical corrections do not lead to filibusters, and Mr. President, I believe that is exactly where we are today, in the midst of a filibuster over a supposed clarifying amendment.

Technical corrections do not tie the Senate in knots and hold the 104th Congress in legislative session for several days after we were scheduled to adjourn sine die.

Technical corrections do not motivate press conferences, where workers express their fears that this provision will allow their company to trample their employment rights. Regardless of the substantive merit of this claim, or the claims of either side in this debate, a provision that is this controversial is not a technical correction.

Technical corrections do not require five or six attempts to be inserted into legislation. That is the history, however, of this sentence. Attempts were made to attach the provision to fiscal year 1996 appropriations legislation. Those attempts failed. An attempt was made to attach it to the NTSB reauthorization. That attempt failed. Members tried to attach it to the Railroad Unemployment Act amendments, and failed. An attempt was made to attach it to this year's Department of Transportation appropriations bill. That attempt failed. Another attempt was made to attach it to the fiscal year 1997 omnibus appropriations legislation. That attempt failed as well. This is not the legislative history of a technical correction.

This is the history of a highly contentious provision that many people believe will directly affect their lives. This is the legislative history of a provision that one company believes will give it the upper hand in negotiations with some of its employees. This is the legislative history of a provision that should be the subject of a hearing—but it has never been the subject of a hearing, in either the House or the Senate.

This provision has never even been debated in either the House or the Senate. It had never passed either body—and yet it found its way into the conference report on this important legislation reauthorizing the Federal Aviation Administration.

It is deeply unfortunate that this highly controversial sentence has been attached to such a valuable piece of legislation. It is deeply troubling that this provision has never been the subject of a hearing or been debated on its merits. I deeply regret that I must oppose this legislation, because in the 11th-hour, a highly controversial provision has been attached to the bill under the guise of a clarifying amendment.

It is my hope that the Senate will be able to clean up this FAA bill and act on it immediately, before the end of the 104th Congress. This bill is too important for airports, our transportation infrastructure, and our economy, to let it be derailed by one controversial, 11th-hour amendment.

I urge all of my colleagues to vote against cloture, and support a clean alternative to this bill.

Mrs. BOXER. Mr. President, the pending conference report is a very important piece of legislation that means nearly $4.6 billion in grants to airports across America the next 2 years and as much as $75 million in entitlement and apportionment funding this year to airports in my State of California. It also authorizes funds over the next 2 years for operations, equipment, and research of the Federal Aviation Administration.

And, in a very important change in public policy, the bill ends the FAA's dual mandate of regulation of civil aviation and promotion of air travel. After this bill becomes law, the primary mission of the FAA will be to ensure the safety of the flying public.

The bill also contains important provisions that will increase security at the nation's airports and begin implementation of the Gore Commission recommendations to enhance security. This bill will immediately authorize heightened airport employee screening checks and criminal background checks and will facilitate sharing of information on pilot records.

As far as I know, not one single senator opposes this FAA authorization bill. So why are we still here?

We are still here because of an unusual parliamentary move in the conference on this bill last week, in which a provision that was not in either the Senate-passed bill or the House-passed bill was added in conference. That move is what triggered the fierce debate we have had on this issue since last Saturday.

Had that provision—relating to labor organizing rules for employees of Federal Express—not been added in conference, the Senate would most likely have adjourned several days ago.

Those who oppose the provision have exercised their rights to debate it at length. So today there will be a cloture vote on the conference report. And while I support the FAA reauthorization bill, I will vote against cloture on this conference report for two reasons:

First, I strongly object to the procedure that was used to add this provision to the bill in conference. I understand that under the rules, the conferees had the right to do what they did. However, what is legal is not necessarily prudent and constructive.

Given the facts—that the underlying bill is noncontroversial and a very important and necessary measure to pass

this year, that we are now at the end of this session of Congress, and that the new provision is quite controversial—adding such a provision in conference was bound to cause great turmoil. The conferees should have anticipated that it might endanger, or at the least, delay, passage of the underlying bill.

I wish that the conferees had acted with greater prudence in the interest of passing the important FAA Reauthorization legislation.

Second, I strongly oppose the labor provision itself. I am not an expert on labor law or transportation law. But after reviewing the law in question and the facts of this case, I conclude that the provision that was added is in fact a special exemption from applicable labor organizing rules for one company.

The provision's supporters argue that it is merely a ''technical correction'' to the Interstate Commerce Commission Termination Act of 1995. They claim that Federal Express is an ''express carrier'', not a ''motor carrier'' for purposes of labor organizing rules.

Why is this classification so important?

For the working people, the employees of Federal Express, it makes all the difference—between being able to organize like other employees of other companies across the country, on a local basis, or having to organize nationally, drastically reducing their ability to organize.

According to the Surface Transportation Board, the agency that assumed regulatory responsiblities of the ICC when it was terminated by Congress, in a June 14, 1996 letter from Chairman Linda Morgan, Federal Express was never considered to be an ''express carrier'' by the ICC.

Chairman Morgan states in that letter that Federal Express, has always been classified as a ''motor carrier'', not an ''express carrier''.

I believe the law and the facts are clear. Federal Express is and always has been a ''motor carrier'', subject to the labor organizing rules of the National Labor Relations Act, which allows employees to organize locally.

The provision that was inserted in the conference report is a special exemption from the labor organizing rules that apply to ''motor carriers'' such as Federal Express.

If the proponents of such an exemption wish to debate this proposal, they have every right to introduce legislation, hold hearings on it, and try to move it through Congress. But I believe that it is inappropriate and imprudent to attempt to push it through in a conference report in the last hours of this session.

Mr. LEVIN. Mr. President, the conference report now before us includes language which would restore the express carrier classification within the Railway Labor Act. This rider was not included in the FAA reauthorization bill as passed by either the House or the Senate. It was inserted into the legislation in the conference. This is not the right way to legislate.

The language that was inserted by the Conference Committee into the FAA Reauthorization Act was deleted by the ICC Termination Act of 1995 (Public Law 104–88), a law passed by Congress. That deletion was included in the legislation when it was before the House and when it was before the Senate and was a part of the conference report as adopted by both Houses. It was not a modification made in the enrollment process, as has been suggested.

Concerns have been expressed that removal of this provision from the FAA reauthorization would greatly delay or kill this bill. That is not accurate. I support the FAA reauthorization. It is important for America and for Michigan. Virtually all Members of the Senate support this bill. There is a bill at the desk in the Senate which contains all of the language of the FAA reauthorization bill now before us with the single exception that it does not contain the provision causing so much controversy. The bill at the desk could be taken up and passed immediately. Regardless of the outcome of this cloture vote, the FAA reauthorization is virtually certain to be enacted before this Congress adjourns sine die, as it must be.

It is now amply clear that issue involved in the provision added in conference is a significant one. It can and should be the subject of hearings and full consideration by the appropriate committees of jurisdiction. It can and should be considered early in the 105th Congress.

For these reasons, I will oppose the motion to invoke cloture. I will vote in favor of final passage of the FAA reauthorization bill which I strongly support.

CLOTURE VOTE ON FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION

Mr. PELL. Mr. President, on the cloture vote, which was one of the last votes—if not the last—I cast in this body, I departed from my customary practice of supporting cloture. I have cast some 350 votes for cloture during my 36 years in the Senate, often at variance with my own party and usually irrespective of the issues, except in extraordinary circumstances.

The vote today was one of those extraordinary cases. At issue was a provision that would grant an exclusive benefit to the management of one corporate entity, at the expense of long established principles of fair labor relations. Moreover, the provision was added in circumstances that were at variance with customary legislative practice and rules. So, in my view, the only proper course was to oppose the cloture motion in order to allow for consideration of alternative action.

As I leave the Senate, I continue to believe that cloture is a valuable tool to prevent legislative deadlock. I recognize that in its more recent usage, it has become simply a test of supermajority strength on the one hand, and on the other, a defensive weapon for a minority. But in overall terms, the Senate does need a mechanism that will assure reasonable continuity of action and I am proud of my record of cloture votes in that regard.

Mr. KENNEDY. How much time remains on each side?

The PRESIDING OFFICER. On the side of the Senator from Massachusetts, there is 7 minutes, and 8 minutes on the opposing side.

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

Mr. President, we all know what is going on here. Make no mistake about it. We all know what is going on here. This provision that is being put in is not a technical amendment, meant to correct an inadvertent drafting change. The Congressional Research Service, the President, and the House Members who spoke on the floor explained that this is not a technical correction. Any fair evaluation of history would demonstrate that.

This rider is being added to the FAA bill for Federal Express, now and for the future. Federal Express is expanding its trucking operations. Where UPS is concerned, the air carriers are under the Railway Act and the truck drivers are under the National Labor Relations Act. Initially, all of UPS was under the National Labor Relations Act because they used only trucks. When they added aircraft, the decision was made that UPS air carriers would be considered under the Railway Labor Act.

That is the same situation we have here. Federal Express started out just as an air carrier and now it wants to go into trucks. This is a preemptive strike to make sure that workers at the local level will not be able to have the same kind of justification for National Labor Relations Act coverage as they have at UPS or other companies. They are trying to manipulate the whole process and fix the game.

The fact is, Mr. President, they are moving now, as their principal officers point out, they are now expanding. In the future, according to Federal Express, only overnight packages traveling more than 400 miles will be flown; all others will travel on the road. The question is, are all of these trucks on the road going to be considered air carriers? That is the logic. That is the logic that is being presented here.

All we are trying to say is, let the National Labor Relations Board decide whether Federal Express's truck drivers should be under the National Labor Relations Act. If the workers can convince other workers to form a union, let them vote for a union. If they cannot, then they will vote against a union. But why have a legislative interruption that strips them of their right to vote?

I come back to the fact, Mr. President, with all respect to my colleague

and friend from South Carolina, this was attempted five times by the Republican leadership over in the House of Representatives. I do not question that there will be some Democrats here who will support it. But there was virtually unanimous rejection by Democrats in the House of Representatives of this rider because it is special-interest legislation to undermine the rights of working families, and a majority of Democrats in the Senate this morning will vote likewise.

I reserve the remainder of my time.

Mr. McCAIN. I yield 2 minutes to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, once again my distinguished friend from Massachusetts has misquoted the matter of truck drivers' rights. We have been saying this for 3 days. They say a man convinced against his will is of the same opinion still, but all I can do is put in the entire decision. It is that all of the truck drivers—and they are not under the NLRA, the National Labor Relations Act. They are under the Railway Labor Act and have been, and decision after decision after decision we put in, all the decisions found them under the Labor Railway Act; none of the decisions have found them under the NLRA.

That is how they organized. Mr. President, 90 percent of their carrier is by air; 90 percent of UPS is on the surface, on the ground. That is the difference. We even had the lawyer of the Teamsters Union in a hearing here earlier this year use the expression, the difference between these companies is night and day, but here you get a political jambalaya to fit into this silly filibuster.

How can you get the truth out of everybody? Isn't their any pride and conscience in this body? A mistake was made. Everybody knows it was a mistake. We are trying to correct the mistake. We are not changing the rights of any parties whatever. But they are trying to make a Federal case out of workers' rights, slashing opportunities, and everything else that they have put on the billboards. I would be ashamed to put that thing up behind me.

I yield the floor.

Mr. McCAIN. Mr. President, I yield one minute to the Senator from Arkansas.

The PRESIDING OFFICER (Mr. WARNER). The Senator from Arkansas.

Mr. PRYOR. Mr. President, I am not going to discuss whether there was a mistake or not. I think that has been bandied around quite a bit. I would like to discuss the company itself.

I have heard many of our colleagues, or heard about many of my colleagues, talking about this being an antiworker company, or this being an antiworker cause that we are debating on the floor of the U.S. Senate. Mr. President, I would challenge any colleague of ours in the U.S. Senate to go out around this town, or around this country, and when they see a Federal Express worker I would challenge my colleagues to ask that person, that employee of Federal Express, what they think of that company. I say that because it is not only one of the hundred best companies in our country, but they have a scholarship program, and they are going to say this works wonderfully for our families. They have a reimbursement program for tuition. They have extended health care. And they have many other programs that makes the morale of this company I think second to none.

Mr. McCAIN. Mr. President, I hope that the Senator from Massachusetts would extend the courtesy to me as sponsor of the bill to make a final statement.

Mr. KENNEDY. I would be glad to. I had Senator MURRAY who is coming to the floor. I was trying to permit her 3 minutes.

Mr. LOTT. Mr. President, I want to note, if I could, that I intend to use leader time after all of the statements have been completed at approximately 10 o'clock.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes, and the Senator from Arizona has 4 minutes and 49 seconds.

Mr. KENNEDY. I yield myself 3 minutes.

Mr. President, I would just say really in conclusion to my friend from Arkansas and others that we had a series of workers that came yesterday and commented. They have worked for Federal Express over a long period of time. Every one of those workers has a deep sense of pride in their company. But every one of them wonders why we are changing the rules of the game because they believe that they ought to be able to have a vote on whether they should be able to organize or not organize.

The fact remains that, if the situation is as described by the Senator from South Carolina, these truck drivers are all working under the Railway Act, and there really is no necessity. If this decision has already been made, there is no necessity to pursue this particular legislation. But the facts belie that, and the facts belie it independent of the Senator from Massachusetts and the Congressional Research Service; independent of the Senator from South Carolina or myself; and, Mr. President, the administration has made that same finding independent of the Senator from South Carolina or myself.

This is more than a technical change. He can say it and repeat it. I can say it and say that it isn't. But let us take the independent evaluation.

Mr. President, this special interest provision is going to be of enormous value and gain to one company—Federal Express—and to the disadvantage of working families.

The point that I am making and have repeated is that attitude with regard to working families has been exemplified here on the floor of the U.S. Senate by Republican leadership, the same Republican leadership that advanced this in the House of Representatives. Five different times that were rejected. That is the same leadership that fought the minimum wage and fought working people on the earned income tax credit; who fought working families with regard to the Davis-Bacon; have fought working families' interests with regard to education, and Mr. President, pension reform. Those interests have cut back on the life blood of working families in order to have tax breaks for the wealthiest individuals and corporations.

That is the record of this attempt by the Republican leadership in the House and the Senate. It is a similar kind of attitude that we are seeing now reflected toward those workers who have legitimate grievances and are entitled to have that worked out by the National Labor Relations Board.

Mr. President, I withhold the remainder of my time.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Massachusetts has 1 minute and 30 seconds.

Mr. KENNEDY. I withhold that.

Mr. McCAIN. I take it then the Senator from Massachusetts does not intend to allow me to make a final statement.

Mr. KENNEDY. I see my colleague and friend, as I indicated before, the Senator from Washington, and I would like to be able to yield to her for a minute and a half. I will do that at this time, if the Senator would indulge. I always intended to let the Senator make it. I wanted to also extend the courtesy to my colleague from Washington.

Mr. McCAIN. I thank the Senator.

Mr. KENNEDY. The Senator from Washington has 1½ minutes.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President, and I thank the Senator from Massachusetts.

Mr. President, I rise today to support the efforts by the Senator from Massachusetts, Senator KENNEDY, and others, in telling us to slow down and take a look at what we are doing in our rush to get out of town.

To me this is an issue of fairness. I have listened carefully to the debate over the last 4 days. It is an issue of fairness for thousands of working families across this country, whether or not they will have the right to make sure that they can pay for their families' food on the table, send their children to college, to have working conditions that are fair and reached in fair agreement.

I know we all want to leave town. We want to leave quickly. Everyone wants to get home. But let us not leave a legacy of giving special treatment to one company and leaving thousands of workers for many years to come without fair treatment in their employment.

I thank the President.

I thank my colleague from Massachusetts for yielding the time.

Mr. MCCAIN. Mr. President, I will use my remaining time.

Mr. President, I hope we will invoke cloture and pass this important legislation.

This conference report is the product of 2 long years of hard work and negotiations. All was done in the open. And over that period, Chairman PRESSLER, ranking member HOLLINGS, Senator FORD, Senator STEVENS, and I have heard from countless interests. We all worked hard to balance the competing views. I believe this bill represents a thoughtful, balanced approach to this subject.

I will not repeat all that this bill would do. The conference report was not only read. But we have now debated it for over 3 days.

Mr. President, soon the Senate will vote on whether or not to invoke cloture on the FAA Reauthorization Act. I want to emphasize the importance of this vote.

A vote for cloture is a vote for airport and airline safety, for airport security, for airport construction, and for jobs. Make no mistake. This is much, much more than a vote about one provision in the bill. We must invoke cloture on this bill. It must be passed.

Mr. President, I know that some of my colleagues, especially those on the other side of the aisle, have already left town and don't want to return. While I sympathize with their plight, I want the RECORD to note that not voting on this very important legislation because of vacation plans, or campaign activities, is not a valid excuse. Vacations and campaigns can wait. They cannot and should not take precedence over the safety of the flying public.

We have all missed votes. But this is not just any vote. This is the last issue this Congress will deal with. This is an issue involving the safety of air travel in this country. This is an issue of job creation. This is an issue of helping the families who have lost loved ones in air disasters. This is an issue of improving our airports.

Simply, this is an issue that cannot be delayed until next year.

Mr. President, according to experts at the Finance Committee, the Joint Committee on Taxation, and the Congressional Budget Office, money cannot be spent on these needs unless this bill is enacted into law. We cannot wait until next year. Such a wait may result in months upon months of delay.

For the safety of the flying public, I appeal to my colleagues to support cloture and to support this bill.

I want to note that this debate should be a debate about aviation issues. It is not a partisan debate. It is certainly not a debate about one company. Those charges that this bill contains a special interest provision is simply spurious.

Yesterday, and today, the senior Senator from Massachusetts displayed a poster on the floor of this Senate entitled ''Republican Attacks on the Middle Class.'' Mr. President, this is not a partisan debate. Democrats and Republicans are all equally responsible for this bill.

Mr. President, the Senate will soon vote on whether or not to invoke cloture on the FAA reauthorization bill. I want to emphasize to my colleagues the importance of this vote. A vote for cloture is not, as the Senator from Massachusetts would have you believe, a vote against labor. A vote for cloture on this bill is an affirmative vote. It is a vote for airplane safety, for airport security, and for much-needed airport construction. It is a vote for jobs—many thousands of jobs.

The Senator from Massachusetts would like to use this bill in yet another attempt to turn the upcoming election into class warfare—using one small provision in this bill to accuse Republicans who support this critically important legislation of abandoning working men and women. Yet, as we all know, the provision which the Senator finds so objectionable was sponsored by a Democrat Member of the Senate, and enjoys the support of a number of other Senators from the other side of the aisle.

Mr. President, the election will be here soon enough.

Mr. President, I ask unanimous consent for 3 minutes of leader time.

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

Mr. MCCAIN. Mr. President, the election will be here soon enough. I think the American people have heard all of our political arguments already. Little is to be gained by using the last piece of legislation in the 104th Congress to underscore campaign slogans one more time at the cost of the security of the American people; at the cost, Mr. President, of the safety of the air travel in the United States; at the cost, Mr. President, of thousands and thousands of jobs. Is this really necessary so the Senator from Massachusetts can make one last attack on Republicans before we adjourn?

Is one last bit of disingenuous, transparent politicking really worth risking public safety? Is it really worth the cost of jobs and costs to our communities?

Mr. President, the FAA Reauthorization Act had, up until the last few days, represented what works in Washington. It is a completely bipartisan bill drafted with the close cooperation of the administration. Republicans and Democrats worked constructively in both Houses of Congress without any partisan rancor or gamesmanship to do what is in the best interests of public safety and to do what is in the best interests of our communities. We have done what the American people so obviously want us to do and what they believe we too seldom do—put their interests before our own.

Why must we now, at this late date, turn this sound, bipartisan, necessary, urgent and well-intended legislation into one last occasion to score points off each other? The people are profoundly disappointed, if not surprised, that we have done so.

The time has come, now that we have all had our fun, to interrupt our political posturing for just a moment and free the FAA bill from the 1996 election campaign. Let us at last do what the people expected us to do when they sent us to Washington—to take care of their welfare, look after their interests, protect them when they travel, and help provide their communities with the infrastructure necessary for their communities to grow.

This should not be a hard vote for any Member of the Senate. A vote for cloture should be an easy vote for us all. It is an easy vote because it is the right vote even if we must relinquish some small political advantage that might be gained in casting the wrong vote. Whatever that advantage be, its value cannot compare to the value this bill holds for all our States and for all our constituents. Let us act in the best interests of all Americans, for that is in our own best interests as well.

I urge my colleagues, all my colleagues on both sides of the aisle, to join with Senator FORD and I, with Senator HOLLINGS and Senator PRESSLER, with all the Democrats and Republicans in both Houses of Congress, with administration officials and the leadership of Congress, with all of us who abandoned partisanship for the sake of the public and vote for cloture. Let us finish the work of the 104th Congress and go home with pride, Republican and Democrat alike, in working together to improve our country in that we have made Washington work for the people.

The PRESIDING OFFICER. The time has expired.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. I yield myself as much leader time as I may consume.

The PRESIDING OFFICER. The majority leader is recognized under leader time.

Mr. LOTT. First I want to emphasize, Mr. President, this has been a bipartisan effort. I did not know the distinguished Senator from South Carolina was in the Republican leadership yet, but he has been accused of that, I guess, this morning because, in fact, it was his amendment that included this provision in the bill, and Senator PRYOR from Arkansas is supportive of this legislation and Senator MOYNIHAN, Senators MCCAIN and STEVENS. It has truly been bipartisan. There is no question about that. I think we should proceed from that standpoint.

This morning, I am thinking about the families of victims of airline incidents and accidents that have to be still horrified at what they have been through and horrified at what we have been doing for the last 3 days. We have been delaying this very important FAA

reauthorization conference report, and as a result of that delay we have threats to radar, air traffic control equipment, navigation equipment, landing systems equipment that remedies air traffic control outages, Doppler radar for wind shear, research and development, advancement of explosive detection systems, human factor research, aging aircraft.

This is big. This is important legislation, and it is, over 2 years, $19 billion for infrastructure security and safety.

This would be a senseless roll of the dice, if we did not invoke cloture this morning, bring this filibuster to a conclusion and move this legislation on through.

I remind my colleagues the House has already acted responsibly, overwhelmingly moved this legislation, and they are gone. What would be the situation if we did not bring this filibuster to a conclusion this morning? We would not have any legislation, or if we had legislation that made changes it would go back to the House and there is great concern about when or if they would be able to get action on this legislation. We should act together this morning and end this filibuster and pass this legislation.

Now, one other point. I do not understand the attacks on Federal Express. This is an outstanding company headed by an outstanding individual. They are providing services that 30 years ago we could not even comprehend. They are doing a great job, and yet they are being attacked as if they are some sort of villain. It is absolutely wrong, the rhetoric we have had to listen to over the past 3 days on a technical point.

Mr. President, I ask unanimous consent that a list of what is involved in this legislation be printed in the RECORD.

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

HIGHLIGHTS OF FAA REAUTHORIZATION CONFERENCE REPORT (H.R. 3539)

Reauthorization of FAA—FY 1997, $9.7 billion; FY 1998, $9.9 billion.

[In billions of dollars]

	Fiscal year—	
	1997	1998
Airport grants	$2.3	$2.4
Radar, air traffic control equipment, navigation equipment, landing systems [ILS] equipment that remedies air traffic control outages doppler radar for wind shear	2.1	2.2
Operations	5.2	5.4
Research and development, advancement of explosive detection systems, human factor research, aging aircraft, air traffic control safety issues	(1)	(2)

[1] $20.8 million.
[2] No authorization.

Note: Research and Development levels include an additional $31 million for security programs consistent with the Administration's emergency request for funds.

CONSTRUCTION: PRO-WORKER BILL

Kenai Municipal Airport, AK—Alaska Regional Aircraft Firefighting Training Center ($8 million).

Anchorage Airport, AK—Rehabilitate runway and lighting ($2.1 million).

Allakaket Airport, AK—Rehabilitate runway and lighting ($5.5 million).

Deadhorse Airport, AK—Construct aircraft rescue and firefighting building ($3.5 million).

Yuma Intl. Airport, AZ—Cargo apron expansion, cargo security, new terminal, enhanced security for new terminal.

Scottsdale Airport, AZ—Aircraft rescue and firefighting vehicle and fire station ($1.2 million).

Phoenix Sky Harbor Intl. Airport, AZ—Construction of 3rd runway and residential soundproofing.

San Bernardino County-Chino Airport, CA—New runway construction ($10 million).

Buchanan Airport, CA—Taxi-ways and aprons near total failure ($5 million).

Oxnard Airport, CA—Replace aircraft rescue and firefighting vehicles ($247,000).

Greely-Weld County Airport, CO—Construction of new runway ($32 million).

Boulder Municipal Airport, CO—Security lighting.

Mr. LOTT. I also ask unanimous consent that an explanation of the fact that this is a technical point be printed in the RECORD.

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

FACT SHEET—CONFERENCE REPORT TO ACCOMPANY H.R. 3539, THE FEDERAL AVIATION AUTHORIZATION OF 1996

A provision is contained in the Conference Report to accompany H.R. 3539 which makes a technical correction to a drafting error which was contained in the Interstate Commerce Commission Termination Act of 1995.

The following outlines the problem, the facts and the solution:

PROBLEM

A drafting error in the Interstate Commerce Commission Termination Act of 1995 (P.L. 104–88) created an ambiguity affecting the status of express carriers under the Railway Labor Act.

One provision (Sec. 10501) states the intent of Congress: ''the enactment of the ICC Termination Act of 1995 shall neither expand or contract coverage of the employees and employers by the Railway Labor Act. . .''

However, a second provision drops ''express carriers'' under the Railway Labor Act. This was clearly inadvertent and in contradiction to the stated intent of Congress.

FACTS

Since the inception of the Railway Labor Act, ''express carriers'' have come under the law's jurisdiction.

The Railway Labor Act is designed to protect the interests of employees covered by that Act and is not an ''anti-labor'' law.

For 62 years, employers and employees have been successfully governed by the provisions of the Railway Labor Act.

SOLUTION

A provision in the Conference Report to accompany H.R. 3539, the Federal Aviation Authorization Act of 1995, states that if an express company was under the Railway Labor Act prior to the enactment of the ICC Termination Act, then that express company shall remain under the purview of the Railway Labor Act.

Mr. LOTT. It is a small point. It reaffirms what has been the law for 62 years. This is not a grab. This is not an effort to stomp somebody. This is an effort to be fair, to correct a clear oversight; a mistake was made. We are trying to correct that. That is all.

This is so important. We should this morning act together to stop the filibuster, pass this legislation and go home for the sake of the American people. I urge my colleagues, let us vote together. Let us invoke cloture and pass the legislation in an expeditious manner.

I yield the floor, Mr. President. I ask for the yeas and nays.

The PRESIDING OFFICER. The Chair wishes to advise the distinguish leader that under rule XXII the yeas and nays are automatic.

Mr. LOTT. I thank the Chair.

CLOTURE MOTION

The PRESIDING OFFICER. The clerk, under the previous order, will report the motion to invoke cloture.

The assistant legislative clerk read as follows.

CLOTURE MOTION

We, the undersigned Senators, in accordance with rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 3539, the Federal Aviation Reauthorization bill:

Trent Lott, Don Nickles, Strom Thurmond, Jon Kyl, Judd Gregg, Slade Gorton, Paul D. Coverdell, Frank H. Murkowski, Craig Thomas, Harry Reid, Wendell Ford, Conrad Burns, Kay Bailey Hutchison, John Breaux, Tom Daschle, Arlen Specter.

CALL OF THE ROLL

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

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the conference report accompanying H.R. 3539, an act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration shall be brought to a close? The yeas and nays are automatic under rule XXII. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana [Mr. COATS], is necessarily absent.

I also announce that the Senator from Colorado [Mr. CAMPBELL], is absent due to illness.

Mr. FORD. I announce that the Senator from Vermont [Mr. LEAHY], is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 66, nays 31, as follows:

[Rollcall Vote No. 304 Leg.]

YEAS—66

Abraham	D'Amato	Hatch
Ashcroft	Daschle	Hatfield
Baucus	DeWine	Heflin
Bennett	Domenici	Helms
Bond	Dorgan	Hollings
Breaux	Faircloth	Hutchison
Brown	Feinstein	Inhofe
Bryan	Ford	Inouye
Bumpers	Frahm	Jeffords
Burns	Frist	Johnston
Chafee	Gorton	Kassebaum
Cochran	Graham	Kempthorne
Cohen	Gramm	Kyl
Conrad	Grams	Lott
Coverdell	Grassley	Lugar
Craig	Gregg	Mack

McCain	Pryor	Snowe
McConnell	Reid	Stevens
Murkowski	Roth	Thomas
Nickles	Shelby	Thompson
Nunn	Simpson	Thurmond
Pressler	Smith	Warner

NAYS—31

Akaka	Kennedy	Pell
Biden	Kerrey	Robb
Bingaman	Kerry	Rockefeller
Boxer	Kohl	Santorum
Bradley	Lautenberg	Sarbanes
Byrd	Levin	Simon
Dodd	Lieberman	Specter
Exon	Mikulski	Wellstone
Feingold	Moseley-Braun	Wyden
Glenn	Moynihan	
Harkin	Murray	

NOT VOTING—3

Campbell	Coats	Leahy

The PRESIDING OFFICER. On this vote, the yeas are 66, the nays are 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader, Senator LOTT, is recognized.

POINT OF ORDER

Mr. LOTT. Mr. President, I understand that if a point of order were raised that the pending FAA conference report exceeds the scope of the conference committee, that the Chair would rule that the conferees did exceed the scope with respect to the so-called Federal Express provision. If the point of order is raised and sustained, the conference report would then fall.

This would mean, as we pointed out earlier, billions of dollars lost in construction funds, hundreds of thousands of lost jobs, and a significant reduction in air traffic safety. That would be jeopardized.

Needless to say, the Senate should not let this vital piece of legislation be killed on this point of order, and having just had a vote of 66 to 31 to cut off the filibuster. In order to facilitate the vote, I raise a point of order that the conference report exceeds the scope of the conference committee and ask unanimous consent that there now be 20 minutes for debate prior to the Chair's ruling, to be equally divided between Senators KENNEDY and STEVENS. Senator MCCAIN will participate in that. I have discussed this with Senator KENNEDY. He understands that I would make this point of order.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. Reserving.

The PRESIDING OFFICER. Reserving.

Mr. KENNEDY. I do not intend to object. I want to point out that the rejection of the conference report does not mean the loss of money or jobs or safety. If the report is rejected, the Senate can quickly and unanimously pass the bill that is at the desk, enacting the FAA bill without the Federal Express provision. The House is still in session to receive and pass that bill. Having made that point of order, I have no objection to the unanimous consent request.

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

Mr. LOTT. Parliamentary inquiry. I understand there would be the debate time which would be followed by a ruling from the Chair.

The PRESIDING OFFICER. That is correct.

Mr. LOTT. I yield the floor, Mr. President.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. As I understand it, I have 10 minutes. Is that correct?

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for a period not to exceed 10 minutes.

Mr. KENNEDY. Mr. President, we are moving toward the conclusion of this issue. But this is an extremely important issue, and I would invite our colleagues' attention.

Mr. President, in just a few moments the Chair will rule whether this particular provision is inside the scope or outside the scope of the conference. I have every expectation that the Chair will rule that it was outside the scope of the conference. Then we are going to be asked whether we are going to sustain the Chair or overrule the Chair. I would like to address that issue and what it means in terms of the future of this institution and the future of various conference reports.

Mr. President, I want to remind my colleagues of the long-term significance of a vote to overturn the ruling of the Chair on this important point. Last year the junior Senator from Texas, Senator HUTCHISON, offered an amendment regarding the Endangered Species Act to an appropriations bill. The Chair ruled that the amendment would constitute legislation on an appropriations bill, but the body overturned the ruling of the Chair.

That vote set a precedent. As a result of that vote, a point of order that an amendment constitutes legislation on an appropriations bill is no longer available to Senators. To pass that single amendment, the Senate gave up an important aspect of our rules, one that has served to protect the rights of all Members of this body. The point of order before us right now provides an even more important protection to all Members.

The rule that a conference committee cannot include extraneous matter is central to the way that the Senate conducts its business. When we send a bill to conference we do so knowing that the conference committee's work is likely to become law. Conference reports are privileged. Motions to proceed to them cannot be debated, and such reports cannot be amended.

So conference committees are already very powerful. But if conference committees are permitted to add completely extraneous matters in conference, that is, if the point of order against such conduct becomes a dead letter, conferees will acquire unprecedented power. They will acquire the power to legislate in a privileged, unreviewable fashion on virtually any subject. They will be able to completely bypass the deliberative process of the Senate.

Mr. President, this is a highly dangerous situation. It will make all of us less willing to send bills to conference and leave all of us vulnerable to passage of controversial, extraneous legislation any time a bill goes to conference.

I hope the Senate will not go down this road. Today the narrow issue is the status of one corporation under the labor laws. But tomorrow the issue might be civil rights, States' rights, health care, education, or anything else. It might be a matter much more sweeping than the labor law issue that is before us today.

So for this vital institutional reason, I strongly urge the Senate to uphold the ruling of the Chair on the point of order. This vote is not about the FAA, and it is not even about Federal Express; it is a vote about whether this body is going to be governed by a neutral set of rules that protect the rights of all Members, and by extension, the rights of all Americans. If the rules of the Senate can be twisted and broke and overridden to achieve a momentary legislative goal we will have diminished the institution itself.

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

Mr. STEVENS. Mr. President, this is a rather difficult situation. We have just passed, recently, a Defense appropriations bill. I was the chairman of that conference. Before it was over, we had a whole series of other bills, a series of legislative items. It was not necessary to raise a point of order. Everybody knew we exceeded the scope of the conference.

I ask any chairman of a conference if he or she has ever really been totally restricted by this rule? This is an extraordinary time where we are in the last hours of this Congress. When the leader became aware that Senator KENNEDY was going to raise this point of order, the leader determined to raise it himself. I take it that having done that, there is no question this is a rather significant occasion. I hope it will be a rather narrow precedent.

I point out to the Senate that this provision is not the only matter that exceeds the scope of the conference. We had to include, at the administration's request, special authority for the executive branch to purchase and deploy explosive detection devices. We put in here the provisions that pertain to the rights of survivors of victims of air crashes. We put in provisions requiring passenger screening companies to be certified by the FAA. That is not required under any existing law. We put

in restrictions on underage pilots, following the one disaster that involved a young girl who was a pilot. We put in a provision requiring the FAA to deal with structures that interfere with air commerce.

My point is, as we get to the end of a session, we, of necessity, include in a bill extraneous matters totally beyond the scope. We know they are beyond the scope. As the chairman of the Defense Appropriations Committee, I knew all those items we brought to the floor earlier this week were beyond the scope of the conference, but we did not anticipate anyone would raise a point of order.

Anticipating that Senator KENNEDY would bring this point of order before the Senate, the leader made this point of order. I ask the Senate to keep in mind this will be a rather limited precedent, in my opinion. I do not know whether the Chair will agree with me, but clearly when you get to the end of a Congress some things have to be done. We did not have time to take up separate bills. We held a hearing on the bill in the Senate Commerce Committee dealing with the rights of victim-survivors of air disasters. They pleaded with us to include that bill in this legislation. We have done so.

In other words, this point of order is not only valid, in my judgment, against the amendment offered by Senator HOLLINGS, but against the other provisions where we have exceeded the scope in various matters on this bill. I ask the Senate, when the time comes to vote, to overrule the Chair. It will not be debatable, but I clearly expect a ruling from the Chair that this report does exceed the scope of the conference under the rules and, in these circumstances, I ask that the ruling of the Chair be overturned.

I yield to Senator MCCAIN.

Mr. MCCAIN. Mr. President, I yield such time as remains to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, with respect to this particular point of order, it would not set any precedent relative to anything dealing with the merits of the matter. It is dealing, once again, basically with a fundamental mistake made in the drafting of a measure that was caught some 2 months later, never discussed, never voted on and, of course, there were no hearings, or what have you.

So what we have done is taken this opportunity on a very germane matter, Federal Express is the sixth largest airline in the country, and brought in this particular correction. It has nothing to do with the merits of anything and no precedent will be set when we overrule this Chair.

Mr. President, I can tell you categorically, if this kind of a point of order was made on Monday, we would have had to close down the Government. You can go down and list the various things—$249.8 million emergency appropriations for counterterrorism that was not in the bill or in the conference. The measure under discussion here was at least in the conference. The FBI with $60 million, the Prevention Council, various appropriations for the EDA, the SBA, I could go down the list.

I am confident I can get support now when I remind the distinguished Senator from Massachusetts—the Massachusetts Biotechnology Research Institute, I am constantly getting a little card from my distinguished friend, and I love to do it. He said, you have to take care of me up there in Boston, and I said, I am glad to do it. It was not in either the House or the Senate, but I think we can get it in. We do that. I hope he can vote with me on this particular overriding of the Chair's ruling.

Mr. STEVENS. Mr. President, on another matter, I announce we will have a Governmental Affairs Committee meeting as soon as this vote starts in S–128 to consider reporting a nomination at the request of the administration, for the Administrator of the General Service Administration, and other nominations. I ask unanimous consent that be in order.

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

Mr. KENNEDY. Mr. President, I will not delay the resolution of this issue, but the issue is not germaneness. That is not the issue, whether this is germane. The issue is whether this material is outside the scope of what was sent to the Congress in the House and the Senate. That is the issue.

Today, it is a labor provision. Tomorrow, it may be water in the West, it may be land in the West, it may be civil rights, it may be health care, it may be any other issues which Members have some interest in. There is no such thing as a narrow precedent. We have had the precedent that was established about legislation on an appropriation by KAY BAILEY HUTCHISON. That has changed.

Certainly, the rules that govern this institution for the better part of my service in the U.S. Senate—now we are talking about a very significant and important difference—whether these matters are outside the scope. That is the issue, not whether it is germane or not germane, but whether it is outside the scope. The House Parliamentarian ruled it was outside the scope, and that is why the House of Representatives had to have a separate vote.

Now we are going to have a judgment about whether it is inside the scope or outside the scope. If the judgment is made that it is inside, I hope that would support the Chair. If it was made that it was outside, that we would support the Chair as well. It reflects, and will reflect for years to come, the whole basic institutional integrity of this body and how it will consider conference reports into the future. It is very important, significant, and powerful.

How much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes remaining.

Mr. KENNEDY. I yield such time as the Senator may consume.

Mr. FEINGOLD. I want a moment to say a word about the point-of-order issue. A point was made by the Senator from South Carolina, I believe, that the same type of point of order could have been raised with regard to the continuing resolution earlier this week. I have not examined the issue closely, but I imagine that is true. But we should reflect a moment on the concept of what that was about versus the willingness of this body, perhaps, to overturn its own rules on something that is so specific to one corporation that it seems almost astonishing.

To what extent are we going to go as a body in the future in changing our rules, undoing our rules, overruling a point of order, to accommodate one provision that only has to do with one matter? I think there is a huge difference. I am not even sure it was appropriate with regard to the continuing resolution. I happen to have voted against it in part for that reason.

Surely, for us to start engaging in overruling points of order to benefit the needs of one corporation to try to overturn what is a continuing litigation or to affect the results of continuing litigation is a very troubling precedent for this body, as the Senator from Massachusetts has indicated.

I thank the Chair.

RULE 28 CHALLENGE TO THE FAA CONFERENCE REPORT

Mr. PRESSLER. Mr. President, the Senate soon will be voting on the motion to overrule the decision of the Chair with respect to the ruling that section 1223 of the conference report pending before the Senate violates rule 28 of the Senate by exceeding the scope of the authority of the conference committee. As chairman not only of the Committee on Commerce, Science, and Transportation which is the committee of jurisdiction in the Senate, but also as chairman of the conference committee that produced this report, I rise to ask my colleagues to overturn the ruling of the Chair in this matter.

Do I do so because I believe the provision was, in fact, within the scope of the conference? No, Mr. President, I admit this section, added by an amendment offered by the distinguished Senator from South Carolina, and the ranking member of the Commerce Committee, Senator HOLLINGS, was not contained in the legislation as initially passed by either the House or the Senate. I am also fully aware that Rule 28.2 of the Standing Rules of the Senate clearly states a conference committee ''shall not insert in their report matter not committed to them by either House.''

However, Mr. President, those on the opposite side of the issue know full well that this is done with some frequency when a particular situation necessitates such action. Those Members also know that as a result, sections in

many, if not most of the conference reports considered in this body would be subject to this same point of order. Do we raise such points of order? No, Mr. President, we do not. Why? Because all Members know full well that this is how we conduct our business and have done so throughout our history.

Indeed, in this very conference report, if we are to fully and fairly adopt the line of reasoning that section 1223 exceeds the scope of the conference, we need to look at several other sections of the report added by the conference committee I chaired that were in neither the House nor Senate passed versions of the underlying legislation. Let me give a few examples.

Section 302 of the conference report directs the Administrator of the Federal Aviation Administration to certify companies providing security screening and to improve the training and testing of security screeners through development of uniform performance standards. Mr. President, this provision appears in neither the House nor the Senate bill. It was added in conference after it was made as one of the recommendations of Vice President GORE's Commission on Aviation Security, of which I am proud to be a member. It was included by the conferees because it was determined to be important enough for this Nation's airline security that Congress should not wait until next year to enact the recommendation.

For similar security reasons, the conference included Section 305(b) giving the FAA Administrator authority to deploy Government purchased explosive detection devices. Mr. President, I would point out that this provision was considered by the conferees at the request of the administration. Both the administration and members of the conference knew it was an important part of efforts to improve aviation security in this country. I have to admit, Mr. President, as such not much thought was given to whether it was technically within the authority of the conference committee to act.

As final examples I would cite section 503 concerning studies of minimum standards for pilot qualifications and of pay for training and section 1220 concerning structures interfering with air commerce. Again, neither was in the House or Senate bills. Again, the conference acted because it was important that Congress deal with the matters.

Mr. President, no Member has risen to raise a rule 28 point of order against these provisions. Why? Because none has become so unfairly politicized as section 1223. Indeed, the fact that the Senator from Massachusetts has raised the scope issue only against this one section of the report seems to indicate he may be less interested in the sanctity of the Senate rules than he is in making a political statement. I certainly will not waste the Senate's time by rehashing the arguments made over the last 3 days. Lord knows we have wasted far too much time already on this point.

I will simply summarize what I have already said. This is not about unfairly granting a special interest provision to a single large corporation. Interestingly, none of the Members that have raised that point on the floor of the Senate over the last 3 days served on the ICC conference last December that started all this. Thus, they simply are not in a position to know the facts.

Who does know the facts, Mr. President? Those of us who actually served on the ICC conference. Those of us who were actually in the room. Those of us who actually wrote the conference agreement. I was there, Mr. President. I know what did and did not happen and what was and was not agreed to. The Senator from South Carolina was there, Mr. President. He too, knows what we were about. We made a mistake. We inadvertently changed a section of Federal law we never voted to change. That is why Senator HOLLINGS offered this amendment in conference and why we included section 1223 in the conference report. We needed to correct our mistake. It starts there and it ends there Mr. President. We were doing nothing more or less than fixing an unfair situation we created in another bill.

Finally, Mr. President, those supporting the ruling of the Chair warn us that we are setting a very dangerous precedent if we overrule the Chair on this point of order. We are warned this will only be the beginning. That soon we will be faced with conference reports changing civil rights laws and making major revisions to health care. Mr. President, I prefer to give my colleagues more credit than that. Obviously, if, for example, a conference committee on a Commerce Committee bill like this one produces a report that rewrites our civil rights laws a point of order surely will be raised. Just as obviously, such a point of order would likely be sustained by a huge majority of the Members of this body. But that is not what we are talking about. What we are voting on today is whether to allow this Conference Committee to fix an honest mistake. It is that simple. I urge my colleagues to vote to overturn the ruling of the Chair.

Mr. President, let me also take just a moment to thank those individuals who have been so instrumental to the passage of this critical legislation. As has already been said, this process has taken the better part of the last 2 years. It would not have been possible without a great deal of dedication and hard work on the part of many of my colleagues and some very talented staff work.

My good friend from Arizona, Senator MCCAIN, has been a driving force behind this legislation. Senator MCCAIN skillfully managed this legislation and his outstanding work and leadership helped make this significant legislative accomplishment possible. I also want to commend my good friend from Alaska, Senator STEVENS, whose legislative skill and leadership contributed greatly to this legislation. Senator STEVENS' dedication to improving aviation safety and improving the treatment of families of aviation disaster victims is exemplary.

Let me also commend and thank my good friend from South Carolina, the ranking member of the Commerce Committee Senator HOLLINGS, who provided important leadership on this bipartisan legislation. Also, let me acknowledge the efforts of Senator FORD, the ranking member of the Aviation Subcommittee.

Mr. President, I would be remiss if I failed to acknowledge the outstanding contribution staff from the Commerce Committee and personal offices made in this process. For the past 2 years, staff has worked literally thousands of hours on this legislation. From the Commerce Committee, I wish to commend the outstanding efforts of Paddy Link, Tom Hohenthaner, Mike Reynolds, and Mike Korens from the majority staff and Kevin Curtin and Sam Whitehorn from the minority staff. I also want to commend the outstanding efforts of Chris Paul of Senator MCCAIN's staff, Mitch Rose and Earl Comstock of Senator STEVENS' staff, Amy Henderson of Senator HUTCHISON's staff and Tom Zoeller of Senator FORD's staff.

I thank them all for all the professionalism, dedication and hard work during both good times and bad. I think the final bill embodies the true spirit of bipartisan compromise and cooperation that is the mark of excellence in the legislative process. All involved should be proud.

Mr. LOTT. Mr. President, parliamentary inquiry. Has all time expired?

The PRESIDING OFFICER. The Chair wishes to inform the Senate that the Senator from Alaska has 3 minutes 37 seconds; the Senator from Massachussets has 2 minutes 50 seconds.

Mr. LOTT. We are prepared to yield back.

Mr. STEVENS. I yield back the remainder of my time.

Mr. KENNEDY. I yield my time.

The PRESIDING OFFICER. All time having been yielded, it is the opinion of the Chair that the conference report exceeds the scope, and the point of order is sustained.

Mr. LOTT. Mr. President, I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? On this question, the clerk will call the roll.

Mr. KENNEDY. Mr. President, parliamentary inquiry. A ''yea'' vote is to sustain the Chair?

The PRESIDING OFFICER. The Senator from Massachusetts is correct.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

Mr. NICKLES. I announce that the Senator from Indiana [Mr. COATS], the Senator from Texas [Mr. GRAMM], and the Senator from New Hampshire [Mr. GREGG], are necessarily absent.

I also announce that the Senator from Colorado [Mr. CAMPBELL] is absent due to illness.

Mr. FORD. I announce that the Senator from Vermont [Mr. LEAHY] is absent on official business.

The result was announced—yeas 39, nays 56, as follows:

[Rollcall Vote No. 305 Leg.]

YEAS—39

Akaka	Glenn	Moseley-Braun
Baucus	Graham	Moynihan
Biden	Harkin	Murray
Bingaman	Heflin	Nunn
Boxer	Helms	Pell
Bradley	Kennedy	Robb
Bumpers	Kerrey	Rockefeller
Byrd	Kerry	Santorum
Daschle	Kohl	Sarbanes
Dodd	Lautenberg	Simon
Dorgan	Levin	Specter
Exon	Lieberman	Wellstone
Feingold	Mikulski	Wyden

NAYS—56

Abraham	Ford	Mack
Ashcroft	Frahm	McCain
Bennett	Frist	McConnell
Bond	Gorton	Murkowski
Breaux	Grams	Nickles
Brown	Grassley	Pressler
Bryan	Hatch	Pryor
Burns	Hatfield	Reid
Chafee	Hollings	Roth
Cochran	Hutchison	Shelby
Cohen	Inhofe	Simpson
Conrad	Inouye	Smith
Coverdell	Jeffords	Snowe
Craig	Johnston	Stevens
D'Amato	Kassebaum	Thomas
DeWine	Kempthorne	Thompson
Domenici	Kyl	Thurmond
Faircloth	Lott	Warner
Feinstein	Lugar	

NOT VOTING—5

Campbell	Gramm	Leahy
Coats	Gregg	

The ruling of the Chair was rejected as the judgment of the Senate.

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

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

The motion to lay on the table was agreed to.

REVENUE DIVERSION

Mr. FORD. Mr. President, I want to bring to my colleagues attention a very grave situation involving the illegal diversion of revenues at Los Angeles International Airport. As I understand it, the Mayor of Los Angeles transferred $31 million from the airport treasury to city coffers last week. Senator MCCAIN and I have worked together on legislation to prevent illegal revenue diversion. During our deliberations, we were very aware of the City of Los Angeles' efforts. I want to make clear that the action taken last week is clearly illegal. The amount paid is apparently based on an age-old dispute over how much the airport owes the city. I understand that the debt has already been repaid to the city once.

The Secretary of Transportation must recognize that he has the tools to enforce the law against illegal revenue diversion. First, he has the power to withhold grants for other, nonaviation purposes. The Federal Aviation Reauthorization Act contains even broader discretion for the Secretary and I urge him to send the message, loud and clear, that revenue diversion will not be tolerated. Under our bill, the Secretary may withhold grants and apportionments from any airport sponsor, or any multimodal transportation agency to which the sponsor is a member, if the sponsor diverts revenue illegally off of the airport. Furthermore, the Secretary is empowered to redeposit that money with the airport. The Secretary should exercise this authority and restore the money to LAX so that the important safety and security work needed on the airport can move forward.

Finally, I want to state that H.R. 3539 contains a pilot program for five airports. It would allow the Secretary to approve a long-term lease, which would include permitting revenue diversion. The conferees were very concerned about the ability to divert revenues under a privatization scheme. However, Los Angeles was the real concern. As a result, we limited the number and type of airports eligible for the pilot program. The Secretary should be aware that a large airport that continually frustrated the clear intent of Congress would clearly not meet the criteria for privatization contained in H.R. 3539.

Ms. SNOWE. Mr. President, I want to express my support for the conference report before the Senate which will help improve the safety and security of air travel in this country. I wish to commend Senator PRESSLER, Chairman of the Senate Commerce Committee and Senator MCCAIN, Chairman of the Aviation Subcommittee for their diligent work in bringing this bill to completion prior to the adjournment of the 104th Congress.

In the past 5 months, the Federal Aviation Administration [FAA] has come under intense scrutiny. After ValuJet flight 592 was swallowed by the silt and tall grass of the Everglades in May, the issue of FAA's ability to ensure the safety of the traveling public was brought into question. On July 17, the explosion of TWA flight 800 minutes after leaving New York's Kennedy Airport heightened public concern over not only the safety of our airplanes but the security of our airports as well.

This conference report cannot answer all of the questions surrounding these two devastating tragedies, but it does give the FAA the guidance and many of the tools it needs to regain the public's trust. And it reaffirms the commitment of the Congress to end that status quo at the agency.

First and foremost this bill will once and for all eliminate the question of the FAA's mission. On June 18, the Secretary of Transportation, Federico Peña, called on Congress to "* * *change the FAA charter to give it a single primary mission: safety and only safety." By removing the "dual and dueling missions" of safety and air carrier promotion, both the FAA and the public will know that safety is the sole mission of the agency. I introduced S. 1960 earlier this year with Chairman PRESSLER to carry out the Secretary's request, and the Senate-passed version of this bill included provisions I authored that established a process for elimination of the mandate. I am pleased that the conference report will lay this issue to rest, once and for all by allowing the FAA to focus solely and deliberately on assuring the safety of air travel.

Another important aspect of this bill addresses an area that has been tragically overlooked—the needs of the families of crash victims. The loss of a loved one in any accident is devastating. But this loss should not be compounded by the careless treatment of their family, and we have all heard heartbreaking stories of family members who learned of the death of their loved one from CNN because the airline could not or would not verify that they were on the plane. I believe that we can and must change the way families of plane crashes are treated. This bill will take some very important steps—such as requiring airlines to have a disaster plan in place, putting the National Transportation Safety Board [NTSB] in charge of overseeing family advocacy and requiring that airlines have adequate toll-free phone lines available for families in order to ensure they can get through when emergencies occur. We still need to do more, but these provisions are a necessary first step.

Regardless of the outcome of the investigation into the causes of the crash of TWA flight 800, the fact that it could have been downed by a bomb shocked us all. The conference report returns our attention to the need to address the serious issue of security at our airports. Again, it is only a first step, and the 105th Congress will be tasked with following through on the guidelines we have laid down in this bill, as there is much that needs to be done and many questions the FAA still has to answer about why we do not have one explosive detection device ready for installation at our airports—despite the provisions of the 1990 Aviation Security Improvement Act which required their installation by 1993.

Mr. President, I hope my colleagues will join me in supporting passage of the FAA reauthorization conference report.

Mr. HOLLINGS. Mr. President, the Senate Commerce Committee and its Aviation Subcommittee have worked hard to put together the Federal Aviation Authorization bill. The conference report on H.R. 3539 represents a fair compromise on many issues. My colleagues, Senator MCCAIN and Senator

FORD, have spent a lot of time and effort to develop the legislation. It is a complex bill that seeks to provide a future foundation for the Federal Aviation Administration [FAA], for air service to small communities, and for our Nation's airports. The bill addresses the fundamental needs to the national air travel system. Passengers must be sure that safety is the FAA's primary mission, that security measures are improved, that we have enough safety inspectors with the tools to do their job, and that our Nation's airports have the money to remain safe. This bill does that. The bill also establishes a series of task forces to determine the best way to fund the agency.

Key provisions in the bill will make the FAA a more autonomous agency—with the ability to make its own decisions concerning regulations, personnel, and procurement. The bill changes the funding formulas for the Airport Improvement Program, providing more money for those airports most in need of Federal help. The beneficiaries, mainly smaller airports, will receive higher entitlements. In South Carolina, some airport projects are underway and need funding to continue. Other worthy projects in my State cannot begin without money from the Airport Improvement Program. Security, a critical issue, also is addressed. The bill for example, requires that security screening companies be certified by the FAA. The bill will facilitate the installation of explosive detection equipment.

There is one section in the bill on privatization that the conferees spent a good deal of time discussing. The provision continues to trouble me. Under the legislation, an airport can be privatized and still receive a Federal grant. If the private sector believes it can suddenly revitalize airports with claims of new money, why does the Federal Government have to provide corporate welfare? The Federal Government has a clear interest in our Nation's airports. We have helped design them, have provided all sorts of equipment to make them safe, and have funded them. The U.S. Government and U.S. taxpayers have an investment in them. The provision that allows airport privatization permits airports to be turned over to a private company. The Federal Government does not get a dime back, while a private company can make a profit partly from the Federal investment. This is wrong.

H.R. 3539 incorporates much of the text of S. 1994, the FAA reform bill, reported by the Commerce Committee last June. Those provisions call for an independent review of the precise needs of the FAA, followed by the submission of a funding proposal to finance the agency. We know that the Federal budget will continue to be cut, but some programs must be funded—like the FAA. The financing reform sought by the bill will help us figure out a better way to provide needed funding—whether it is by placing it off budget, by fees, or by taxes. The goal is to make sure money collected from passengers on air carriers goes to the FAA.

AVIATION SECURITY

Aviation security is an extremely complex issue. It involves technology, personnel, intelligence information, national security, and a recognition that there are people willing to commit heinous crimes aimed at our Government and our citizens. The bill provides for a safety commission. I want to make clear that the commission is intended to complete the work of the Vice President's task force.

Investigators in New York have not yet identified the cause of the crash of TWA flight 800, and numerous options are being considered. We have to let the investigators complete their mission. The National Transportation Safety Board, the Navy, the FBI, and State and local personnel are working hard to determine the cause of the accident. We do know this, however—the public deserves the best technology operated by the best trained individuals, to reduce the risks of a terrorist attack.

Another thing is clear—security is going to be costly. The FAA has estimated that it will cost as much as $2.2 billion to install up to 1,800 machines at 75 airports. Today, there are approximately 14,000–18,000 screeners, paid an average of $10,000 to $15,000 per year. These screeners are one line of defense, but a critical one in the fight against terrorism. They need training, and they need to be paid in accordance with their responsibilities. The present turnover rate among these employees is extremely high. Unless we change the way we provide security, we cannot upgrade it. All the technology in the world still requires a person to watch a screen, listen to alarms, and be able to recognize materials that should not go on board an aircraft.

No matter what we do, safety comes first. Nothing should go onto an aircraft without being screened. Cargo, company material, and baggage all should be subject to inspection.

Security changes may require a fundamental alteration in the way air carriers provide services. Longer lines can be expected. Unfortunately, it is a price we must pay to deal with people in this world willing to stop at nothing.

Mr. President, let me thank our Commerce Committee Democratic staff—Sam Whitehorn, Clyde Hart, Jim Drewry, Kevin Curtin, Becky K. and Sylvia Cikins for all their hard work in the resolution of these issues.

I urge my colleagues to adopt the conference report.

Mr. GLENN. Mr. President, I do not wish to delay adjournment of the Senate nor hold up passage of the Federal Aviation Administration [FAA] authorization bill. Absent the provision we have been discussing these past few days, the FAA bill could pass the Senate with near unanimous, if not unanimous, support. However, I cannot acquiesce in this ploy to circumvent normal Senate procedure, and thus will vote against cloture at this time. There have been no hearings on the so-called express carrier provision. Until it was presented to us as a non-germane provision in an unamendable conference report, it was never debated on the floor of the Senate. The provision was not included in either the House or the Senate version of the FAA authorization bill, nor had it been approved as part of any other legislation passed by the House or the Senate. Hence I believe it was most irregular for the conference committee to even have taken up this issue, much less to have inserted it into this conference report.

If the debate on the Senate floor these past few days has told us anything, it has told us quite clearly that this rider is anything but a noncontroversial technical issue. Hearings should be held, the ramifications of this change in the law should be fully explored, interested parties should be given an opportunity to express their views, and Members of Congress should be able to offer amendments.

Mr. President, it is my understanding that there has been no designated express carrier operating for some 20 years and that Federal Express was not when the ICC existed, and is not now, an express carrier. Hence the action of the Congress in deleting this obsolete designation, in the course of terminating the Interstate Commerce Commission, last year still seems entirely appropriate. If there is a case to be made for the resurrection of this outdated designation, then let us see a separate piece of legislation, let us see some hearings, let the normal legislative process make the case for why the change is needed. The very process by which this matter is finally presented to the Senate—in a conference report at the very end of the session—makes me suspect that the issue deserves a much closer look than we are able to give it in this setting.

Mr. DASCHLE. Mr. President, I would like to thank Senator FORD, the ranking member of the Commerce Subcommittee on Aviation, and Senator MCCAIN, the chairman of that committee, for all the time and effort that they have put into the FAA reauthorization bill. The fact that the Senate unanimously approved the bill last month is a testament to their ability to work together with the common goal of improving the safety and security of our air transportation system.

Like many of my colleagues, I question whether the Federal Express provision should be included in the FAA reauthorization bill. I think this controversial issue merits further consideration at another time. When the 105th Congress convenes next year, I am hopeful that the Senate Labor Committee will hold hearings on this matter.

But the facts are these: We cannot remove this provision without killing

the FAA reauthorization bill. We must pass this bill before we adjourn for the year. And the FAA's ability to enhance safety and security at our Nation's airports is contingent upon enactment of this important legislation.

The House has already passed the conference report to the FAA reauthorization bill as well as the omnibus appropriations bill. For all practical purposes, the other Chamber has closed its doors for the remainder of the year. There should be no misunderstanding. Our House colleagues have no intention of returning to Washington to consider additional legislation. Any change that we make to the FAA reauthorization bill at this point would most certainly require unanimous consent in the House. Needless to say, convincing the House to give unanimous consent to amending the conference report to the FAA reauthorization bill is simply not possible.

Whether we agree with the Federal Express provision or not, we must pass the conference report to the FAA reauthorization bill. At the latest, the Senate should have been passed this legislation on Monday, and we cannot delay passage of this bill any longer.

Our colleagues on the Senate Commerce Committee have worked for more than 2 years on this bill. The committee cannot and should not be forced to start that process all over again in a new Congress. We must finish our work today and provide the FAA with the tools it needs to improve the safety and security of our air transportation system.

The FAA reauthorization bill includes several safety provisions that should have been authorized earlier this week. Among those, the bill authorizes $2.28 billion in fiscal year 1997 and $2.3 billion in fiscal year 1998 for the Airport Improvement Program. As my colleagues well know, this critical funding allows airports throughout the country to make much-needed safety improvements. Without authorization, however, construction on these important projects will remain idle.

The bill also allows the FAA to respond directly and more promptly to safety problems without needless bureaucratic delay or second-guessing. The bill also establishes a framework for airlines to obtain background information on a pilot's previous employer. The National Transportation Safety Board recommended these background checks as a result of a number of airplane accidents that were caused in part by pilots with poor performance records. Again, without authorization, these important safety provisions will not be implemented.

The FAA reauthorization bill also includes a number of important security provisions proposed by the Senate Commerce Committee, Vice President AL GORE's commission on aviation safety, and many other Members of the Senate. For instance, the bill gives the FAA the authority to permit criminal background checks on baggage screeners at our Nation's airports.

The bill also gives the FAA the authority to facilitate the interim deployment of advance aviation security technology including explosives detection equipment. And the legislation calls for an evaluation by the National Academy of Sciences on explosives detection and aircraft hardening technology. Furthermore, the bill would authorize the FAA to conduct vulnerability assessments of individual airports and permit airlines to conduct improved passenger profiling. Again, without authorization, these critical security measures will not be implemented.

Mr. President, this bill also includes several provisions that are particularly important to rural America. Perhaps most importantly, the bill authorizes the FAA to tax foreign airlines that fly over the United States and designates half of that revenue, estimated at $100 million annually for the Essential Air Service [EAS] program. EAS is crucial to the economic stability of small communities in South Dakota and across the country. Unfortunately, EAS funding has been reduced in recent years, and service to EAS recipients has suffered accordingly. Enactment of the overflight tax will provide a much-needed new funding mechanism for the EAS program.

The bill also requires the Secretary of Transportation to conduct a study of fares charged by commercial air carriers traveling into non-hub airports in small communities. This study is critical to determining whether passengers in rural areas pay a disproportionately greater price for air service than passengers who fly between urban areas. Like my colleague, Senator DORGAN, I believe they do, and I look forward to the results of that study so we can focus on ways to improve airline service to rural communities. Again, without authorization, neither the EAS provision or the rural air fare study will move forward.

Mr. President, the bottom line is that we must pass the conference report to the FAA reauthorization bill. Whether we agree with the Federal Express provision or not, we must pass this important bill today. We cannot wait any longer. We must pass this bill so that the FAA has the ability to enhance safety and security at our nation's airports. We must pass this bill to ensure that rural America receives the kind of air service it rightfully deserves. I urge my colleagues to support the passage of the conference report on the FAA reauthorization bill.

Mr. KERRY. H.R. 3539, the FAA Reauthorization conference agreement, is, primarily, a good bill—a very good bill—and one whose contents are of great importance to the people of this country. Several Senators including Senator HOLLINGS, Senator PRESSLER, Senator FORD, and Senator MCCAIN have worked for many months to craft this important legislation. They deserve great credit for shepherding the bill through the Commerce Committee and then obtaining passage with a vote of 99–0 on the Senate floor. These Senators and their fine staffs—specifically, I would like to recognize the work of Sam Whitehorn on the minority side—produced a non-controversial, sensible bill that addresses a critical need of our Nation.

We need to pass an FAA Reauthorization bill because of the pivotal role that the FAA plays in our Nation's transportation infrastructure. We ask the FAA each year to ensure the safety of all civil aviation and to oversee the continued development of our national system of airports. Through a comprehensive program that includes a vast air traffic control network, and thousands of maintenance inspections of our Nation's civilian airlines, the FAA carries out the important task of ensuring the safety of the millions of Americans that utilize air travel each year. Significantly, this conference agreement provides to the FAA the necessary tools to carry out these important tasks. It provides $9.54 billion in total budget authority for the FAA for fiscal year 1997 including $5.16 billion for operations, $2.28 billion for the Airport Improvement Program, and $2.1 billion for facilities and equipment. This total figure represents an increase of $1.39 billion over the FAA's total budget authority for fiscal year 1996 and an increase of $1.33 billion over the administration's budget request.

In addition, Massachusetts needs Congress to pass an FAA reauthorization bill because we rely so heavily on air transport for both people and cargo and because the Airport Improvement Program is so crucial to our State. From Logan Airport in Boston to the smaller airports located in Nantucket, Hyannis, Martha's Vineyard, Worcester, New Bedford and Provincetown, airports and air transport are critical to the economic and social travel needs of the people of Massachusetts. This legislation is good for the people of Massachusetts. It contains additional AIP funding for Massachusetts airports in fiscal year 1997 beyond the amounts these airports are entitled to receive under current law. And it also increases the amount of discretionary funding that the State of Massachusetts can distribute to airports and related projects.

This conference agreement also contains an important provision to improve the security of our Nation's airports that will result in greater safety for commercial flights originating at U.S. airports. I have been pushing the FAA for several years to begin to use existing advanced technologies, far more capable than x rays and metal detectors, to screen passenger baggage for explosives before it is placed on aircraft. The conference agreement instructs the FAA to move forward in this respect. Rather than awaiting the advent of a new sensor technology that can meet all desired sensor standards perfectly or nearly perfectly, the FAA is instructed to procure and implement

use of the best currently available technology—which is the approach taken by virtually all major European airports. There is simply no reason of which I am aware for the United States not to take this important step.

Unfortunately, this important legislation, which is strongly supported by Senator KENNEDY, Senator SIMON, Senator FEINGOLD, and all others in this Chamber, became mired in a dispute over a four-line provision—tacked on to the bill in conference—that is unrelated to the otherwise important and bipartisan task of reauthorizing the FAA. This provision amends the Railway Labor Act to make it substantially more difficult for certain Federal Express employees to organize. I do not support this provision which amends labor law in a controversial way on a bill that is totally unrelated to labor law, and, because of the addition of that provision, I voted against the cloture motion to end debate on the FAA conference agreement. I hoped the Senate would reject cloture, confident that if cloture was not invoked, this FAA legislation would have been brought back to the floor without the controversial provision, and passed by unanimous consent. That is what I believe the Senate should have done.

Now that cloture has been invoked, and another effort to remove the provision because it was outside the scope of the conference committee was rejected by the Senate, we confront the great importance of passing an FAA reauthorization bill before this Congress adjourns. Once again, I compliment those who led the Senate in assembling the aviation provisions of this bill. It is a good bill that will contribute much to our Nation. I will vote for it.

Mr. ROBB. Mr. President, I rise today in strong support of passage of the conference report to H.R. 3539, Federal Aviation Authorization Act of 1996. This conference report contains provisions crucial for the safe and efficient operation of our Nation's airports. This authorization will enable vital funds to be allocated to our airports under the Airport Improvement Program for the construction of necessary runways and taxiways, installation of navigational aids, and acquisition of land for noise abatement measures. The bill also permits funds to be used for essential enhancements of airport facilities and equipment, and supports substantial Federal Administration [FAA] operations.

Mr. President, in addition to these authorizations to improve our airports infrastructure and language to improve aviation security, this conference report contains provisions which seek to resolve an important question as to the status of the Metropolitan Washington Airports Authority [MWAA]. The Airport Authority, created by Congress in 1987, has been successfully fulfilling its obligations of maximizing the development of Washington Dulles International Airport, while fully utilizing the resources at Washington National Airport.

However, Mr. President, the U.S. Supreme Court has held that the Airport Authority's congressional review board is unconstitutional. Without Congress eliminating this unconstitutional review board, the Airport Authority would not be able to continue to exercise its vital functions such as adopting an annual budget, awarding contracts, and issuing bonds. This conference report eliminates that unconstitutional board, and therefore enables the Airport Authority to move forward.

I am pleased that this provision was included, while not interfering with the perimeter rule, which allows nonstop flights into and out of Washington National only if the flight is 1,250 miles or less. This rule is critical in helping maintain the delicate balance between Washington National and Dulles International Airports. Retaining this perimeter rule will maximize the almost $2 billion of capital improvements underway at these two airports. And I appreciate the assistance of Senator ROCKEFELLER and Senator HOLLINGS and their staff in ensuring that this perimeter rule was preserved.

Mr. President, this FAA conference report is filled with provisions that not only benefit the metropolitan Washington area, but airports, large and small, throughout the nation. I am pleased with the overwhelming support the conference report has received and I'm looking forward to the benefits of this bill in Virginia.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I expect we will vote momentarily on the final passage. I want, just before that, first of all, to thank all the Members for their indulgence during the period of these past days. This issue is really not about the FAA and the conference report, outside of this very special provision. I expect to support the conference report in just a few moments.

I thank all the Members for their courtesies over the period of the last days, those colleagues of mine who supported a common position, and our worthy opponents who carried the day. I believe this particular provision would not have carried in a Democratically controlled Congress of the House and Senate, but the Senate has spoken now. The issue of workers' rights is going to very much be the issue on November 5. We have one vote today and another vote on November 5. I just hope they will understand who is on their side.

I again thank all of those in the Senate for their attention and for their courtesies on this matter. I hope at the earliest time we will go to a final vote on the FAA conference report. I intend to support it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Now that we are going to a final vote, I would like to make just a 60-second comment.

I thank Senator PRESSLER, the chairman of the Commerce Committee, whose leadership in FAA reform has been steady and tireless. I thank Senator HOLLINGS, the ranking member of the committee, and Senator FORD, who worked from the beginning, 2 years ago, to bring meaningful reform to the FAA and provide for the critical long-term and stable funding which is so necessary for modernizing the air traffic control system, and hopefully putting an end to the more than 420 power outages last year.

I also thank my friend, the Senator from Alaska, Senator STEVENS, who worked with me and Senator FORD to craft the compromise we are voting on today.

Finally, let me thank the countless number of General Accounting Office staff, the administration, Secretary Peña, the Secretary of Transportation, David Hinson, the FAA Administrator, and especially Linda Daschle, who worked tirelessly, literally hundreds and hundreds of hours, through late nights and many weekends, to build a better FAA through major reform, I am especially grateful for her outstanding work.

Mr. President, others who are very deserving of recognition, including aviation expert Dr. Jack Fearnsides, Ken Mead of the General Accounting Office, Katherine Archuleta, Secretary Peña's Chief of Staff, Bert Randall, Assistant Chief Counsel of FAA, Paul Feldman, Special Assistant to the Deputy Administrator of FAA. And, of course, Sam Whitehorn of Senator HOLLINGS' staff, Tom Zoeller of Senator FORD's staff, Mitch Rose and Earl Comstock of Senator STEVENS' staff, Mike Reynolds, Lloyd Ator, Mike Korens, Tom Hohenthaner and Paddy Link of Senator PRESSLER's staff.

I would like to personally thank the tireless efforts of those on my staff, Chris Paul and Mark Buse, who have worked so hard to make this bill a reality, and many others who have contributed so much.

Again, I want to pay special thanks to my dear friend, Senator FORD of Kentucky, who realized from the beginning, along with me and others, that the only way you pass this kind of legislation, this kind of fundamental reform, is through a bipartisan effort and in partnership with the administration, in whichever party alignment that may be.

I cannot help but express my appreciation to him for the many years of cooperation that we have had together, especially on this issue—it has characterized our relationship now for more than 10 years.

Mr. FORD. Thank you.

Mr. MCCAIN. We may do more things together in the future, but I am not sure we will ever do anything this significant.

I understand the yeas and nays will be asked for. I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I am pleased to join with my distinguished

colleague from Arizona, Senator MCCAIN, the chairman of the Aviation Subcommittee, in bringing this conference report before the Senate.

Let me also join with him in paying compliments to our staff and to the many individuals who have assisted us. As Senator MCCAIN has said, we have worked long and hard for 2 years now. It has been a bipartisan effort. We have had our disagreements, but we have not been disagreeable. We have pushed and pulled, and finally we have come to the point now where this bill is about to be passed.

The conference report before us today reauthorizes various programs of the Federal Aviation Administration, namely the Airport Improvement Program [AIP]. The AIP program provides the necessary Federal funds for the continued investment in our airport and airways infrastructure.

The current authorization for the AIP program expires on September 30. Without this reauthorization bill, the FAA would be unable to fund many worthy aviation infrastructure projects. We cannot let that happen. As we prepare to enter into a new fiscal year, the FAA needs this reauthorization in order to move ahead with the funding of many important airport improvement projects. AIP projects include construction and maintenance of airport facilities, including runways; construction of control towers; the installation of radar equipment and construction of radar facilities; and the acquisition and installation of navigational devices.

Mr. President, investment in our aviation infrastructure is at a critical point. The FAA's forecasts for the aviation industry project tremendous growth by the turn of the century. Those forecasts project an average increase of 3.7 percent in domestic passenger traffic by the year 2007. One of the big growth areas will most likely be in the regional and commuter industry. In 1995, regional and commuter air carriers carried 53.7 million passengers. By the year 2007, the FAA projects these same carriers to carry 96.9 million passengers—an annual growth of 5.4 percent.

Today, our airports are at or near capacity. Many are struggling just to keep up with today's demands. With these growth projections for the next 10 years, the Nation s entire aviation system will face even more challenges on an already heavily burdened system.

The problems posed by the growth of air traffic will be further burdened as aircraft manufacturers move toward the development of even larger wide body jets. Recently, both Boeing and Airbus Industries announced plans to introduce new airliners capable of carrying over 600 passengers. The introduction of these aircraft will require major improvements at our Nation's airports just to accommodate the size of these aircraft.

These are just a few of the many reasons that we need to pass this conference report. We cannot let the AIP program lapse. We must continue to support many worthy airport construction and improvement projects that will help to sustain and support the growing demand for air carrier services, both passenger and cargo.

During the Senate s consideration of the FAA reauthorization bill, I argued that we should keep our reauthorization simple and short. That is, we should not undertake any change in the formulas for entitlement and discretionary grants and that we should have a one year reauthorization. Part of the reasoning for this was my belief that we need to examine the best means by which to reform the FAA.

The Senate bill included provisions which would establish an independent assessment of the funding needs for the FAA. Under the terms of the Senate bill, the independent assessment would study the funding needs of the FAA within one year and report to the Congress. At that time, the Congress would have recommendations and options for the long-term financing solutions of the FAA. Then, with the reauthorization of the FAA and the AIP program, we would be able to create a better funding system for the AIP program.

However, given the late date at which we are considering this bill, we recognized that our efforts to try and have an independent assessment on the FAA s financing could not be accomplished prior to the expiration of the AIP authorization. We have compromised with the House, which had a three-year authorization, and have decided that we will have a two year authorization.

With a 2-year authorization, we have accepted the provisions of the House that will modify the funding formulas of the AIP program. Under the provisions of the conference report, this bill will provide more entitlement funds for airports throughout the country. Each airport under the AIP program is entitled to Federal funding, based on the number of passenger emplanements. The bill eliminates a number of discretionary funds and redistributes those funds to the airports as entitlements. In addition, under existing law, there is a $325 million pure discretionary fund. The FAA has the ability to use those funds to put together larger projects for airports of all sizes. This bill will reduce that pure discretionary fund to $300 million. I would note that I am somewhat concerned that the amount of money set aside for noise has been reduced from $164 million to $134 million. However, I recognize that some of the discretionary monies may be used for that purpose.

I am pleased that this conference report also includes the FAA reforms which were included in the Senate bill.

As I mentioned, the increased demands on the air transportation system require the Congress to re-examine the way in which the FAA is managed and funded. The FAA is predominantly funded through the airport and airway trust fund. The monies which are in the trust fund are distributed among specific programs and functions, including the FAA s operations account, the facilities and equipment account, research, the engineering and development account, as well as the Airport Improvement Program.

The trust fund is supported solely through revenue derived by a 10 percent passenger ticket tax, interest paid on Treasury certificates, and other taxes associated with air travel and aviation. However, on January 1, 1996, the aviation excise taxes lapsed. That lapse in taxes resulted in a loss of $500 million a month in trust fund revenues. With the enactment of the minimum wage and small business tax credits act, the aviation excise taxes were reinstated, but only to the end of this calendar year.

This experience has highlighted some problems and concerns with the FAA. Without a steady and reliable source of revenue, the FAA cannot fulfill its mission to promote a safe and reliable aviation system.

Both the Senate and the House bills had separate panels to examine the issues of safety and security in the National air transportation system and the financing of the FAA. The conference report adopts both task forces to separately examine these issues.

The conference report adopts the Senate provisions which creates an 11-member panel to conduct an independent assessment of the FAA financing and cost allocations through 2002. This independent panel shall include individuals who have expertise in the aviation industry and who are able, collectively, to represent a balanced view of the issues which are important to all segments of the aviation industry, including: general aviation, major air carriers, air cargo carriers, regional air carriers, business aviation, airports, aircraft manufacturers, the financial community, aviation industry workers, and airline passengers.

This independent assessment is required to complete its work within 12 months. At which time, the panel will make a report to the Secretary of Transportation. The Senate bill included some provisions for expedited consideration of these recommendations. However, during the Senate's consideration, at the request of the Finance Committee, those provisions for expedited consideration were modified to provide for an automatic sequential referral to the Senate Finance Committee.

The Senate bill also included similar expedited procedures for the House. Unfortunately, during our conference, the House conferees objected to the inclusion of any expedited procedure for the House. Consequently, the provisions included in the Senate bill for expedited procedures in the House are not included in this conference report.

I will admit that I am somewhat reluctant to include provisions in a bill that bind only one House of the Congress. The expedited procedures that

were originally included in S. 1994 as reported by the Commerce Committee were designed to make the Congress act quickly to address the crucial funding needs of the FAA and our aviation infrastructure. Without these expedited procedures, I am concerned that in 2 years time, we may find ourselves in the same position we are in today. During the conference, our House counterparts gave us their assurance that the House would act expeditiously in considering the funding recommendations of the independent panel.

I appreciate the commitments from our House colleagues. I can assure the Members of the Senate that when we get to the point that a comprehensive FAA financing reform package is presented to the Congress, I will be equally dedicated to the expeditious consideration of that proposal.

Mr. President, this funding study will build upon personnel and procurement reforms already in place at the FAA, which were included in the Transportation Appropriations Act for fiscal year 1996.

In addition to the independent study on funding solutions for the FAA, the bill also includes provisions for the creation of a Management Advisory Council. Mr. President, I think we all acknowledge that the FAA has been an agency with its problems. Some of that criticism is well-deserved. But, I think that most Members will also acknowledge, that under the current leadership of Administrator David Hinson and Deputy Administrator Linda Daschle, the FAA is beginning to respond to the challenges. We want to build on these improvements and we want to enable the FAA to improve its management so that it is prepared to face the challenges of the 21st Century.

The Management Advisory Council [MAC] will be composed of 15 members to provide the Administrator with input from the aviation industry and community. Membership on the MAC will include representatives from all government and all segments of the aviation industry; all of whom will be appointed by the President with the advice and consent of the Senate. Members of the MAC should be selected from individuals who are experts in disciplines relevant to the aviation community and who are collectively able to represent a balanced view of the issues before the FAA. It is important to note that selection for MAC membership is not required to be based on political affiliation or other partisan considerations.

Among the issues that we expect that the MAC to examine are: air traffic control modernization; FAA acquisition management; rulemakings and cost-benefit analysis; review the process by which the FAA determines to use advisory circulars and service bulletins; and a review of old rules, including FAR part 145.

The conference report also includes the Senate bill's provisions on improving safety and security in our air transportation system.

The tragedy of TWA flight 800 has forced us to once again re-examine our aviation security measures. As we all know, following the TWA tragedy, President Clinton created the White House Commission on Aviation Safety and Security and asked that Vice President GORE head this commission.

The President should be commended for the swiftness of his actions and his determination to improve our aviation security and safety. The President moved quickly to reassure the traveling public and the Nation, that we continue to have the safest air transportation system in the world. I appreciate and applaud the efforts of the President and the Vice President on this issue.

The so-called Gore Commission issued an initial report to the President on September 9. That report made a number of recommendations including the purchase of explosive detection equipment; the placing of security equipment at our major airports; increasing the use of passenger profiling through the use of existing data bases and air carrier computer reservation systems; criminal background checks and FBI fingerprint checks for all security screeners and other airport and airline personnel with access to secure areas; increasing funding to be used to facilitate a greater role for the U.S. Customs Service and other law enforcement agencies; designate the National Transportation Safety Board to deal with the families and relatives of crash victims; and provide additional funds for the training of airport security screeners.

The conference report adopts a number of the recommendations of the Gore Commission which required legislative action. I am pleased to say that within our conference, there was unanimous support for the Senate s provisions on safety and security.

Title III of the conference substitute includes legislative language that will give the FAA the legal authority to undertake and implement the recommendations of the Gore Commission.

These provisions include the following:

A report by the Administrator of the FAA to the Congress on how to transfer certain security responsibilities of the air carriers to the Federal Government. Under current Federal law, air carriers are responsible for the security and screening procedures at airports. The Gore Commission and other experts believe that aviation security is a national security issue. As the Federal Government will be asked to assume more responsibility, we believe it is prudent to have a careful study of this issue to examine how and to what extent the Federal Government should assume these duties. This report will be due to the Congress within 90 days of enactment of this bill.

The FAA will certify companies that provide security screening at our Nation's airports to ensure uniformity and consistency in screening operations. The certification process is intended to improve the training and testing of security screeners through the development of uniform performance standards.

It will accomplish many things:

A study on the detection of weapons and explosives conducted by the FAA and the National Academy of Sciences.

Require criminal background checks on all individuals who will be responsible for the screening of passengers and property as well as any other individual who exercises a security function associated with baggage or cargo. In addition, this bill directs the FAA to conduct periodic audits on the effectiveness of these criminal record checks.

Direct the FAA to require the interim deployment of commercially available explosive detection equipment.

Direct the FAA to work with the intelligence and law enforcement communities to assist the air carriers in developing a computer-assisted passenger profiling program.

Report to the Congress on a pilot baggage match program if such a program is undertaken as a result of the Gore Commission.

Mr. President, I think it is important to note that the Gore Commission has not completed its work. In fact, the review of aviation security and safety is a dynamic and evolving process. While we have attempted to include security provisions within this bill, it is anticipated that the Congress will be considering further security recommendations and enhancements as the Gore Commission continues its work.

In addition to the provisions included in this bill, the conferees adopted a House provision which establishes an aviation safety task force. This task force will be required to submit a report to the FAA which sets forth a comprehensive analysis of aviation safety. This task force is not intended to duplicate the work of the Gore Commission. Rather, it is intended and anticipated that the safety study will build upon the experience and recommendations of the Gore Commission.

As this bill includes provisions relating to improving security systems throughout our air transportation system, it also includes provisions which ensure that the FAA's highest priority is air safety. Following the ValuJet tragedy, there was intense scrutiny of the FAA's mission in promoting air safety. Much of that attention focused on the so-called dual mandate of the FAA to promote air commerce and air safety. Both the Senate and House bills included provisions which would clarify that the FAA's highest priority is the promotion of a safe and secure air transportation system. This provision does not require any changes to the management, organization, or functions of the FAA. Rather, it corrects any public misconceptions that might

exist that the promotion of air commerce by the FAA would create a conflict of interest with the FAA's safety mandate.

In addition, this bill includes provisions to assist the FAA in its safety mission by clarifying the way in which safety and accident information is classified by the National Transportation Safety Board. Under the provisions of the bill, the NTSB will develop a classification of accident and safety data in a manner that will provide clearer descriptions of accidents with air transportation. In addition, the NTSB is directed to widely disseminate this information. As we note in the conference report, one way in which this information could be widely publicized by the NTSB is through the Internet. I hope that once the NTSB develops the new classification system, it will consider placing its reports on the NTSB web page.

The conference report also includes provisions which direct the NTSB to take the lead in assisting the families of victims of air disasters. Recent experiences have demonstrated that it is of tremendous comfort for the families of victims to have someone addressing their concerns and needs. While the Senate bill included a provision on family assistance, the House bill did not. However, the House did consider and pass a separate bill, H.R. 3923. The conference report has adopted that bill as the basis for the provisions of the conference report. This section not only requires that the NTSB establish a program to provide family advocacy services, but also directs that all domestic air carriers submit their disaster plans to the NTSB. The NTSB will develop guidelines for such plans which are intended to serve as a guide to other air carriers.

Mr. President, this conference report is an omnibus aviation bill. In addition to the FAA reform provisions and reauthorization of the AIP program, it includes provisions on the sharing of pilot records; provisions on child pilot safety; strong provisions prohibiting airport revenue diversion; provisions relating to the Metropolitan Washington Airport Authority; and provisions which support and enhance the Essential Air Service Program.

There is one provision included in this conference report which concerns me and that relates to the creation of a pilot program for the privatization of airports. When we considered the FAA bill in the Senate, I expressed my strong reservations and objections to the privatization of airports. I am a strong opponent to the privatization of airports because I believe that it will result in the diversion of airport revenue and will harm air carriers and general aviation. In addition, many of these airports were built with substantial Federal funds. Despite my strong objections to privatization—and I might add, the strong objections of the Senator from Arizona—the conference report includes a pilot program for privatization. It is important to note that this is a pilot program for 5 airports.

At the insistence of the Senate, the pilot program includes a number of provisions which address the concerns about revenue diversion.

The pilot program will only permit long-term leases of commercial airports. The Secretary of Transportation must agree to the privatization plan and at least 65 percent of the air carriers must agree to the plan. This protects other air carriers at commercial airports where a dominant carrier may control 65 percent of the landed weight. That means that a dominant carrier cannot control the fate of an airport. While the pilot program permits AIP grants, it requires a 60-percent match of private money. The Secretary of Transportation can disapprove a plan if he finds that privatization would result in anticompetitive or unfair and deceptive practices.

I want to assure my colleagues that the inclusion of a pilot program for privatization in this conference report does not mean that this Senator's opposition to privatization has been lessened. We have made an accommodation to our House colleagues who strongly support this idea. We have compromised on this issue. That is what a conference committee is supposed to do—to fashion acceptable compromises so that legislation can be enacted. And in making those compromises, you have to give a little. And sometimes you have to accept things with which you may have opposed. Compromise is hard. As Henry Clay used to say, ''Compromise is mutual sacrifice.'' Well, Mr. President, I may be somewhat bruised and hurt by this compromise, but this bill is too important to fail because of my opposition to privatization.

We have created a 2-year pilot program with many protections. We will have the opportunity to review whether this program truly brings new investment and capital from the private sector as the supporters of privatization claim. I want to assure my colleagues that I will be vigilant in my attention to the developments of this pilot program.

Overall, Mr. President, I believe that this conference report is an excellent bill for the FAA and for the entire aviation community. This conference report represents the bipartisan efforts on the part of the House and Senate, between Members and staff. Many long hours were spent to create this conference report. That hard work has produced a conference report that I am proud to support. I am proud of the work of our staff for their dedication to produce this conference report.

On a personal note, this is somewhat of a bittersweet moment for me. As many of my colleagues know, a year ago, my longtime aide and aviation expert, Martha Moloney, passed away after a very courageous battle with breast cancer. Many of the provisions of this bill include proposals that Martha and I considered and proposed for many years. I know that many of us miss her and her experience and advice. I am sure that she would be equally proud of the efforts that we have made today.

And if I may, I would like to dedicate this bill to her memory.

Mr. President, this bill truly is a must pass piece of legislation. It is a comprehensive and bipartisan bill that deserves the support of the Senate. In addition, the administration has been intimately involved in the development of this bill and strongly supports its provisions.

I urge my colleagues to join me in supporting adoption of the conference report.

Mr. President, I want to add a personal note to the discussion on the FAA bill. Yesterday, Senator STEVENS expressed his gratitude to David Hinson for all of his work at the FAA. David has worked hard to bring us a new FAA. He has worked hard to correct many of the past mistakes. New equipment is being installed and the system is being modernized. Without his thoughtfulness and devotion to aviation, many of the changes at the FAA would not have occurred.

I also want to thank Linda DASCHLE, the Deputy Administrator. Linda has spent her career in the aviation field, and the FAA has benefited from her experiences. There were many long nights and heated debates over this aviation bill. Throughout those negotiations, Linda kept pushing all of us forward. I may not have always agreed with her, but in the end, her strength and conviction wore us all out. Without her efforts, this bill would not be before this body today.

The staff of the FAA and DOT also must be thanked for all of their efforts. David and Linda are keenly aware of the dedication of the FAA staff. Steve Palmer and the DOT staff watched over us constantly, to make sure that all issues were address appropriately.

The Vice President's efforts also cannot go unmentioned. The President and Vice President are extremely interested in ensuring that the air traffic control system is modernized and that the system is as safe and secure as possible. We have worked with the President's and Vice President's staff throughout this process, and I appreciate the aid and advice provided.

Finally, I want to thank my House colleagues, who worked with us for many long nights to craft a compromise on critical Aviation issues. Mr. SHUSTER, Mr. DUNCUN, Mr. OBERSTAR, and Mr. LIPINSKI, and their staffs, are to be congratulated for a good aviation bill. I also want to note that Congressman OBERSTAR and I have waged a few wars together on the aviation front over the years. This time, but for one or two provisions, we had another good meeting of the minds.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Members of the Senate for

taking this extraordinary step to make certain this important legislation passes and goes to the President. As I said many times, this is probably the most important bill to my State that we have considered in this Congress.

As the Senator from Kentucky just stated, I believe that we are indebted to the Administrator of the FAA, David Hinson, for constant, tireless work on this matter.

As a result of what we are doing, I announce to the Senate, in my office right now are the safety people who are going to carry out this new law and try to find a way to reopen the airport at my capital city of Juneau. There are many other airports that are going to be open because of the action we have taken and, above all, Mr. President, I think we can say to the American people that the skies will be safer. There will be competent people in charge of disasters, should they, God forbid, occur again, and we will have a way to deal with people who are survivors of victims of air crashes in the manner that the coalition of survivors has recommended to the Congress.

This is responsive legislation, and it is responsible legislation. I am grateful to the two managers of the bill, my good friend from Arizona, Senator MCCAIN and Senator FORD and, of course, to the chairman, Senator PRESSLER, and the ranking member, Senator HOLLINGS, for their constant commitment to see to it that this Congress passes this landmark legislation for aviation.

The PRESIDING OFFICER. Is there further debate?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report to accompany H.R. 3539, the Federal Aviation Administration Reauthorization Act. 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 Missouri [Mr. BOND], the Senator from Indiana [Mr. COATS], the Senator from Texas [Mr. GRAMM], and the Senator from New Hampshire [Mr. GREGG] are necessarily absent.

I also announce that the Senator from Colorado [Mr. CAMPBELL] is absent due to illness.

Mr. FORD. I announce that the Senator from Vermont [Mr. LEAHY] is absent on official business.

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

The result was announced—yeas 92, nays 2, as follows:

[Rollcall Vote No. 306 Leg.]

YEAS—92

Abraham	Ford	Mack
Akaka	Frahm	McCain
Ashcroft	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Grams	Murkowski
Boxer	Grassley	Murray
Bradley	Harkin	Nickles
Breaux	Hatch	Nunn
Brown	Hatfield	Pell
Bryan	Heflin	Pressler
Bumpers	Helms	Pryor
Burns	Hollings	Reid
Byrd	Hutchison	Robb
Chafee	Inhofe	Rockefeller
Cochran	Inouye	Roth
Cohen	Jeffords	Santorum
Conrad	Johnston	Sarbanes
Coverdell	Kassebaum	Shelby
Craig	Kempthorne	Simpson
D'Amato	Kennedy	Smith
Daschle	Kerrey	Snowe
DeWine	Kerry	Stevens
Dodd	Kohl	Thomas
Domenici	Kyl	Thompson
Dorgan	Lautenberg	Thurmond
Exon	Levin	Warner
Faircloth	Lieberman	Wellstone
Feingold	Lott	Wyden
Feinstein	Lugar	

NAYS—2

Simon	Specter

NOT VOTING—6

Bond	Coats	Gregg
Campbell	Gramm	Leahy

The conference report was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

THANKS TO THE PRESIDING OFFICER

Mr. LOTT. Mr. President, I thank the Presiding Officer [Mr. WARNER] for the way in which he has presided over the last couple of hours. It could have been a very tense time. He kept order and helped us to get through the very important final actions of the Senate.

THE FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION BILL

Mr. SPECTER. Mr. President, I have sought recognition to comment on the three votes which we have had today, and to express my very deep concern about the precedents which the Senate has established in attaching to a conference report a highly controversial provision which was not subjected to hearings, or analysis, or the legislative process, and which was rammed through here today without real due process or a real legislative process.

What has happened here—this is somewhat esoteric for someone who may be watching on C-SPAN II—is that the Federal Aviation Administration bill was passed by the House and Senate, and then it went to conference. In the conference there was an addition of a provision to determine which Federal labor agency would have jurisdiction over express companies. That provision was added into the conference report without having been considered by either the House or the Senate. It was not considered in hearings, it was not considered in debate, and it was not voted on, but it was in effect rammed through, and has become law because it was attached to a bill which has some $8 billion of Federal airport expenditures—a matter of enormous importance for America generally, and a matter of enormous importance for my home State, Pennsylvania—which has so many airports involved with this necessary funding that comes out of the aviation trust fund.

It does not add to the deficit. It does not come out of general revenues. It is paid for out of an airport trust fund. But what we have done today, I would suggest, is a very, very serious perversion of Senate procedures. What can happen in the future is that under the overruling of the ruling of the Chair, any measure can be added in any conference report at any time, and if the conference report overall touches a subject of sufficient importance it will outweigh a provision which has been added without appropriate consideration.

I voted against cloture—that is, I voted against cutting off debate on the underlying bill—because it seemed to me that provision required analysis, consideration, and debate. It affects thousands of jobs in Pennsylvania because it could determine which agency will govern the issue of labor matters and labor certification, and which representation will be in effect.

It was represented that it was a mistake that it was left out before. I am skeptical about that, Mr. President because we have that representation made all the time. It was represented that it would only apply to one company. Well, that may be one company too many, if it is a bad provision not subjected to analysis, debate, nor hearings in our regular legislative process. But on the face of that provision, it is entirely likely and highly probable that the provision will apply to many companies. And, therefore, I voted against cutting off debate.

Then on the issue of overruling the Chair, the Chair ruled that this provision should not have been in the bill under Senate rules. The Senate overruled the Chair by a vote of 56 to 39. There is talk that we can change the rule. But any time we have set a precedent in this body on allowing an extraneous measure to come in on a conference report, that is a precedent of overwhelming importance. Any time 51 Members think that the matter is so important that it ought to be passed to disregard the rules and the procedure, there is a precedent which has been established.

It is very important to proceed in a principled way, and we have not done that here.

I feel so strongly about that, Mr. President, that I voted against the

overall bill. Only two Senators voted against the measure on final passage—Senator SIMON and ARLEN SPECTER. If we do not follow the rules and don't proceed in a principled way, we are doing serious damage to the institutions and procedures which are set up not for one special case but to govern our conduct generally.

I think it is especially important because this breach of our rules comes within 3 days of our passage of the omnibus appropriations bill where again we breached the rules. The Constitution calls for a separation of powers. It calls for the Congress to legislate on appropriations, and submit appropriations bills to the President for his consideration. If he signs it, it is law. If he vetoes it, the Congress can override the veto by a two-thirds vote. But that wasn't done on the omnibus appropriations bill.

The President's Chief of Staff, Leon Panetta, sat in on the deliberations and negotiations with the Congress, which is a serious constitutional breach. The President had delegated to the Chief of Staff authority to act for the President. What Chief of Staff Panetta said became the President's conclusion, but the President does not have the authority to delegate his responsibility under the United States Constitution.

In the end, that was an important bill. It had provisions for funding for education, which I supported; provisions for funding for Health and Human Services, which I supported; provisions for funding workplace safety, which I supported—all of which come under the jurisdiction of the subcommittee which I chair, the Subcommittee on Labor, Health, and Human Services.

I think, Mr. President, as we rush to leave Washington that we are setting some very bad precedents and creating some very bad rules. I was one of, I think, 14 Senators to vote against the omnibus appropriations bill because I thought we were doing violence to the U.S. Constitution. We did that because we couldn't move through the legislative process in due course. Extraneous amounts were added, something I spoke to at length last Saturday and on Monday. So I shall not repeat it here. There are other colleagues waiting to speak. But these rules are established.

I believe that the most precious gift America has is the U.S. Constitution. That sets the framework for our Government. Then we establish rules for our courts—our civil courts and our criminal courts. And we establish rules for the Congress. They are established in order to give due process. They are established in order to have a measure introduced, analyzed, and subjected to hearings where people can come in on both sides, testify. Then we can make an informed judgment. But when that is not done and when we violate those rules, we put our entire system at jeopardy. And that is wrong.

That is why I was one of the few Senators voting against the omnibus appropriations bill, and one of only two Senators voting against this Federal Aviation Administration bill, recognizing the importance to my home State of Pennsylvania and to the entire country.

Mr. SPECTER. I thank the Chair.

SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, the Senate now has a few other items that must be considered prior to the adjournment sine die. Most important of these, of course, is the Presidio parks issue, and the adoption of the adjournment resolution. I understand that there is no Senator that now has requested a vote on either of those, either the Presidio parks bill or the adjournment resolution.

With that in mind, there will be no further votes for the remainder of the 104th Congress. We hear some celebration on that.

I want to thank Senators who have been involved in that parks legislation, and the Senator from Alaska, particularly. He is very anxious to get that completed. He has worked hard at it. It has not been easy for him. He has made major concessions. But we were able to reach an agreement this morning that he can accept and the administration can accept, and that all Senators are comfortable with.

I thank the distinguished assistant majority leader, DON NICKLES, for his effort and time in this.

Mrs. BOXER. We are not finished quite yet on that.

Mr. LOTT. We are not quite finished. We are working at this very moment. And I think that is appropriate. The Senator from New Jersey and the Senator from California are here still working on this. We should get it done, and complete all of our action.

THE 105TH CONGRESS

Mr. LOTT. Mr. President, Senators should be aware that the 105th Congress will convene at noon on Tuesday, January 7.

There had earlier been an indication that we would not need to do that on the 3d. But we have made a change and have agreed that it will be January 7 immediately following the swearing in of the newly elected Members of the 105th Congress.

A live quorum will occur. All Senators are requested to be present for this live quorum on January 7.

Also, Senators should be aware that Congress will count the electoral votes in the House Chamber at 1 p.m. on Thursday, January 9.

THANKS TO COLLEAGUES

Mr. LOTT. Mr. President, I thank all of my colleagues for their cooperation throughout this Congress. It has been quite a learning experience for me as the majority leader. But I have learned a great deal, and I had a lot of cooperation from a lot of Senators.

I thank the Democratic leadership, Senator DASCHLE and Senator FORD for their cooperation, and our leadership over here.

There has been a lot of patience all around. I thank them for that.

LEADERSHIP ELECTIONS

Mr. LOTT. Mr. President, also, one final note: Leadership elections for the 105th Congress will take place on Tuesday, December 3, and organizational and orientation meetings will occur throughout the day on Wednesday, December 4.

So we will have the organizational meetings December 3 and 4, and we will reconvene on the 7th of January for the necessary swearing in and for the counting of the electoral college votes then on the 9th.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I thank the Chair.

CONGRATULATIONS TO THE LEADERSHIP

Mr. DODD. Mr. President, let me congratulate the leadership as well on the conclusion of the 104th Congress. And, once again, to all of our retiring Members, I wish them all the very best in the coming years.

HARTFORD PRESIDENTIAL DEBATE

Mr. DODD. Mr. President, this coming Sunday, the eyes of 75 to 80 million Americans will be squarely focused on the city of Hartford and the State of Connecticut as they host the first Presidential debate of the 1996 campaign between President Clinton and Senator Dole.

For Hartford and the people of my home State of Connecticut the unique opportunity to host this debate is both a great honor and a significant economic and cultural shot in the arm. I salute all those in the Hartford community who have played integral roles in bringing the Presidential candidates to our capital city.

In particular, I want to commend the Bank of Boston, Phoenix Home Life Mutual Insurance, Trinity College, and Southern New England Telephone played critical roles as the four founding sponsors of the debate.

In addition, Daniel Papermaster, who has labored tirelessly to bring a Presidential debate to Hartford, deserves

special praise. Without his persistent efforts, this debate would never have become a reality.

For Hartford, the Presidential debate provides a remarkable opportunity to give the city a much needed boost of civic and community pride.

Certainly, no one would disagree that our city has seen rough times of late. And, the debate's impact on our community will be sizable.

It's estimated that the event may pump as much as 4 to 5 million dollars into the local economy.

What's more, 2,500 journalists from around the world will be descending on Hartford and will, in many cases, have their first opportunity to see the sights, meet the people, and experience the hospitality of our Connecticut and Hartford.

Most of all though, the coming Presidential debate is sparking a renewed sense of community spirit that will live on long after our visitors have said goodbye Sunday night or Monday morning when they leave the State.

But, as proud a moment as this is for the people of Connecticut it is also a critically important one for our Nation's future and our political process.

In our political process, there are few events as singular and unique as Presidential, and Vice-Presidential, debates.

Since these are the only two elected offices on which all 265 million Americans cast their ballot, Presidential and Vice-Presidential debates provide the American people a platform and context for choosing not just a political leader, but a governing philosophy for America's future.

Now, as every Member of this body knows, our Nation has a long and proud history of political debate.

More than 200 years ago, our founding fathers gathered in Philadelphia to debate, discuss and finally establish what they believed to be a ''more perfect union.'' Some 80 years later our Nation's greatest leaders gathered for some of the most storied and significant oration in American history.

From the Lincoln-Douglas debates of 1858 to the famous Breckinridge/Baker Senate debate of 1861, which one commentator called ''perhaps the most dramatic scene that ever took place in the Senate Chamber'' American leaders intensely pondered the issue of slavery and the future of a divided nation.

In 1960, this proud legacy entered the TV age with the Nixon/KENNEDY debates which set the stage for one of the most closely contested elections in our Nation's history and for the past 20 years, Presidential debates have become an autumnal tradition—an opportunity for voters to not only listen to the views of the Presidential candidates, but to come together as a nation and as a people, participating in America's vibrant political discourse.

Debates are so enshrined in our political process that for a significant portion of the American electorate they are the most important source of information for making their decisions on election day.

The events of this Sunday will be no different. If anything, they may be even more significant.

President Clinton and Senator Dole meet in Hartford against the backdrop of great technological and social change in our Nation. What's more, both men come to this debate with very different proposals and divergent beliefs for the future.

On Sunday night, when the American people gather around their televisions, they will witness not simply a competition of candidates, but a contest of ideas.

That contest of ideas will be waged by two men who may be among the most skilled debaters in American politics.

I have heard a great deal of talk in the past few weeks about our former colleague's supposed lack of rhetorical skill. Even the candidate himself has intimated that he lacks the oratorical ability to be on the same stage with President Clinton and that by just showing up in Hartford he would in fact be the victor.

Mr. President, I served in this Chamber for 16 years with Bob Dole. I have great admiration for him as a person and as a public official, and I have even higher admiration for his debating skills. Republicans are certainly not talking about someone I am familiar with when they suggest that Bob Dole lacks the ability to debate an opponent. In my time here as a Member of this body, I have never ceased to be impressed by Bob Dole's debating skills. He is a smart and experienced debater, who understands public policy issues as well, as any Member that I have encountered in public life. What is more, he has been a candidate for national office four times, once for the Vice Presidency and three times for President. He weathered a difficult and trying debate season in the Republican primaries. All told, he has held 13 debates with other candidates for national office.

I should also point out he was the chairman of the Republican National Committee back in 1972. Having held a similar position in my own party these past 2 years, I know how difficult that job can be, because of the numerous times that you must debate your opponents. In fact, one might wonder if it is Bob Dole and not Bill Clinton who has the advantage coming into Sunday's debate given the tremendous experience that our former colleague, who served in Congress for 35 years and for many years as minority and majority leader, has in rhetorical skills.

If anything, the American people should be extremely grateful to witness a debate between two candidates with such evenly matched debating skills and a similar understanding of the issues.

Not for a second do I doubt Senator Dole's ability to debate on a level playing field with President Clinton. If anything, I think his troubles will come more from trying to defend his economic policies and his votes against the Brady bill, family leave, and in support of cutting Medicare, Medicaid, education, and the environment. But that is another story. Certainly all of us look forward to the world tuning into Hartford, CT, on Sunday night to witness the first Presidential debate of the season, and we wish both of our candidates well in that process.

Mr. President, I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Massachusetts is recognized.

Mr. KERRY. I thank the Chair.

RETIREMENT OF SENATOR CLAIBORNE PELL

Mr. KERRY. Mr. President, as we approach the end of this Congress, I wanted to take a moment to say a few words about one colleague in particular, and I will add to these comments later and say a few words about a number of our other retiring colleagues. I will lead off my tribute to those who retire saying a few words about one of the U.S. Senate's finest members, and that is the senior Senator from Rhode Island, Mr. PELL.

I have had the honor of serving with Senator PELL on the Foreign Relations Committee more than 12 years that I have been here, and I have been impressed by his extraordinary breadth of knowledge about international affairs, but more than that by the special demeanor of this colleague of ours. He is a man who is deeply committed to the development of a bipartisan foreign policy, one which promotes not only America's needs and interests but also Democratic values and humanitarian traditions. He has been both chairman and ranking minority member, and Senator PELL has always been courteous, solicitous of views of other members, determined to work toward a policy that we all could support even when the differences were extremely deep. He never abandoned his gentlemanly manner and often he succeeded in following the dictum that he used to give his staff throughout the years, which was, ''The best way is to let the other fellow have your way.''

Senator PELL's accomplishments in the areas of foreign policy are many and far-reaching. I will highlight just a couple of them. He was present at the creation of the United Nations, having served on the International Secretariat at the San Francisco conference which drew up the U.N. Charter. His commitment to the United Nations was really symbolized by the fact that he always carried the U.N. Charter in his pocket, though he really did not need to because he could tell anybody what it said.

Senator PELL's belief in the United Nations reflects his long-held belief, part of which came from his exposure in the Foreign Service, both through his father as well as his own service in the Foreign Service, that problems

ought to be resolved through diplomacy and negotiation rather than through the barrel of a gun.

When I came before the Foreign Relations Committee 25 years ago this year to testify against our involvement in Vietnam, he gave me much welcomed support at that time and even then invited me to join him in the Senate. It was my first invitation and probably the best I ever received. I will always appreciate the fact that he was on the dais that day and that he understood and shared our views about the war.

In view of Senator PELL's steadfast opposition to armed conflict as a means of achieving our national interests, it is not surprising that he has always been one the Senate's foremost arms control advocates. He has been instrumental in negotiating several arms control agreements, including the Environmental Modification Treaty and the Seabed Arms Control Treaty. He was at the forefront of the effort to create the Arms Control and Disarmament Agency, and in 1994 he authored legislation to strengthen and revitalize that agency to meet the growing challenges in arms control and nonproliferation. He led the fight in the Senate's passage of treaties such as the Intermediate Range Nuclear Forces Treaty, the Threshold Test Ban Treaty, the Peaceful Nuclear Explosions Treaty, and START I and II. He shepherded these treaties successfully through the Senate and today the United States is party to all of them.

Senator PELL's achievements in the realm of foreign affairs are paralleled by numerous accomplishments in the domestic area. He left his mark on the arts, particularly through his sponsorship of legislation to establish the National Endowment for the Arts and the National Endowment for the Humanities, on the area of high-speed transportation and on the environment. Besides his many years of work on the law of the sea, he was also the Senate author of the National Seagrant College and Land Act, legislation which brought much needed money not only to the University of Rhode Island but also to universities in other coastal States such as my own. He was the driving force behind the Federal legislation to help crack down on drunk driving.

Thanks to CLAIBORNE PELL, thousands of young Americans today go to college on Pell grants. His love of education and of those seeking to be educated are epitomized by the annual picnic that he holds at his home for all the students from Rhode Island who are here at college, and come rain or shine or votes on the Senate floor, Senator PELL and his wife, Nuala, are always there to greet the students and show them a little bit of the friendly hometown side of Washington. Senator PELL has always had his personal and committee staffs present so that students could learn from them.

Throughout his years in the Senate, Mr. President, CLAIBORNE PELL has served the people of Rhode Island ably and diligently, and I think all of our colleagues have been deeply impressed by the personal affection that so many Rhode Islanders have shown to Senator PELL. That is not only reciprocation for the affection he has clearly shown for them but it reflects his longstanding tradition of never closing his door to any Rhode Islander who wished to meet with him.

Senator PELL has now decided that the time has come to leave the Senate and undertake new challenges. I for one will miss him, as I know many of my colleagues will. He brought great grace and charm to whatever he did here, and I know that everyone believes we have lost a true gentleman whose accomplishments are in the highest tradition of the Senate.

I yield back whatever time I have.

The PRESIDING OFFICER. The Senator from Oregon.

THE EXTRAORDINARY SERVICE OF SENATOR MARK O. HATFIELD

Mr. WYDEN. Mr. President, I have decided to wait until the end of the session to take a few moments to talk about the extraordinary service of our senior Senator, MARK O. HATFIELD, because in a very real sense, it is almost impossible for citizens in our State to imagine that MARK O. HATFIELD is not involved in a public way in service to our State.

His career has been truly extraordinary. I was 2 years old when Senator HATFIELD began his remarkable service to the people of our State. At that time he was a State legislator. He moved quickly through leadership positions in our State—State senator, secretary of state, Governor—and his career has been marked by several qualities that I think have been so important in public service and that he will always be remembered for, not just by the people of our State but by the people of our country.

When Senator HATFIELD ran in his first campaign for the Senate, it was after there had been a great debate among the citizens of our country and the Governors. Senator HATFIELD was the lone voice of dissent in his party with respect to the Vietnam war. When he ran for the Senate, billboards were put up at that time with just one word, and that word was ''courage.'' If there has been anything which has marked Senator HATFIELD's service to the public, it has been courage; not just on issues with respect to peace, but, again and again, Senator HATFIELD was the one who would tell both political parties, both Democrats and Republicans, ''You are not going at it the right way. There is a better approach.'' That is true, whether it was national service or the motor voter program—just a couple of examples of recent vintage where he has bucked the tide in his party—or numerous other instances. It is always possible to see that courage in MARK O. HATFIELD. We know that courage is always a trait that will be important to the people of our country and to the people of Oregon.

In addition to those special votes and public acts that showed great courage, Senator HATFIELD is also known for his effort to bring civility to politics. Maybe we call it the second ''C'' in terms of what is important for politics in the next century. Courage is important, but so is civility.

In our State as well as in the Halls of Congress, it is well understood that when there is a serious problem and tempers are short, Senator HATFIELD has been the one who has been able to bring parties together, been able to find common ground and find a solution simply because he refused to lose his temper, refused to yield to the pressures of the moment. I hope others will try to emulate those special qualities of civility that Senator HATFIELD has brought to his service.

There are several substantive areas that I would like to mention because they are important to the people of the Northwest, but I think they are important to our country as well. The first is that, as we seek to balance the budget—and we all understand that, as citizens at home have to balance their budgets, they have made it crystal clear they want the Federal Government to balance its budget—we still have to figure out a way to make a handful of key investments in our future while we still move to balance the budget. That is what Senator HATFIELD's service on the Senate Appropriations Committee has been all about. It is to try to figure out ways to keep the deficit down, to get us to a balanced budget, while at the same time making that small number of key investments in transportation, in education, in communications that really will pay great dividends for our country. The spirit of the West and the history of the West has been that private investment has always followed those well-targeted public investments, and that is what Senator HATFIELD has tried to do in his service on the Appropriations Committee.

Let me also add that he has brought an approach in that service to try to reward imagination and creativity in government. We are especially proud of the pioneering work that we have done in our work on the environment and with our Oregon health plan. This session, Senator HATFIELD led the effort to get our innovative welfare reform proposal approved. I think it is important to stress that, in his service on the Appropriations Committee, what he has always tried to highlight is the importance of rewarding States, private citizens, and communities that are willing, as has been the Oregon tradition, to get out in front, to take a bold approach, to try to break out of the old ways of doing business. I think it is especially important that this Senate follow that approach in the days ahead.

Let me say in concluding, in his departure from the U.S. Senate, MARK O.

HATFIELD leaves a lasting and inspirational model for all citizens, regardless of party, who aspire to public service. I am going to miss his advice and counsel. His service is going to be greatly missed by the people of Oregon and by the country.

We wish him and his wife Antoinette the best for the days ahead.

I yield the floor.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Missouri, observes the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE RETIREMENT OF MANY GOOD FRIENDS

Mr. STEVENS. Mr. President, I have come to the Senate to make some comments on a sad occasion, as I witness the retirement of many good friends.

For instance, Senator MARK HATFIELD came to the Senate just 2 years prior to my arrival. We served in World War II during the same period, 1943–1946.

As a matter of fact, at one time we compared notes and we decided jointly he was probably the commander of a Navy vessel that was in Tsingtao Bay, China, when I flew into Tsingtao at the end of the war.

After the war, MARK became a college professor who displayed a great deal of independence. I have a photograph that I gave him a copy of the other day which was of MARK HATFIELD, when he was Governor of Oregon, John Tower, when he was just a new Senator from Texas, and I when I was a candidate for the Senate. It was when we met up at a conference former President Eisenhower held in Gettysburg. We have shared a great many concerns as Senators from Western States, and Senator HATFIELD has been very helpful to me over the years I have served as one of Alaska's first Senators.

I was actually the third Senator to represent my State and as a Western Senator and former Governor, he has been very helpful to me throughout the time we have served together. We went to the Appropriations Committee on the same day, and I have served with him as he has been chairman of that committee during the eighties and, again, during this Congress.

It has been a great privilege to serve with him. I have had the role on the defense side of the Appropriations Committee, and he has been very kind to me in allocating the funds necessary to fulfill that responsibility.

He was the author of a compromise in 1980 of great importance to my State on the issue of subsistence for rural people in Alaska. It has been a very controversial compromise, but without that compromise, the bill that allowed Alaska and Alaska Natives to go forward with the selection of their lands would not have passed. It was a difficult situation through the 7 years of debate on what we call the D–2 legislation, and Senator HATFIELD was on the Interior and Insular Affairs Committee at that time and served as an Alaska surrogate, really, in many ways.

I have cherished my relationship with Senator HATFIELD and his wife, Antoinette. We have really shared many private occasions together and visited each other's homes. It is the kind of friendship that is hard to witness coming to an end.

Now it is my hope that I will become chairman of the Appropriations Committee next year. He has left a great mark on the Senate in his terms as chairman of the Appropriations Committee and also when he was the ranking member.

I know that the Senate joins this Senator in wishing MARK and Antoinette Hatfield farewell as they return to their native State, and we hope they have many fine years there.

I am certain MARK HATFIELD is not going to retire. We will hear from him again and again as he pursues his former career as a professor and is involved in educating the people of his State, particularly in sharing with them the knowledge he has gained in the Senate.

Another Senator I find it hard to say goodbye to is Senator SAM NUNN. SAM came to the Senate in 1972. He had been a member of the U.S. Coast Guard prior to becoming a Senator. He has had a consistent commitment to our military forces and to a strong national defense. We have traveled together on many occasions throughout the world attending NATO meetings and, in particular, I remember the trips that we took into the Persian Gulf during the Persian Gulf war.

Actually, we have not talked too much about it, but Senator NUNN, Senator INOUYE, Senator WARNER and myself were in the Israeli defense ministry one night when it was subject to attack by Scud missiles from Iraq. It was a very memorable occasion.

The next morning, we went out to look and see what happened to that Scud, and it had fallen short of coming into the center of Tel Aviv. We were fortunate. Those who lived in the homes where it fell were not that fortunate. But we both remembered the Patriot missile system and its deployment to Israel. Had it not been there, I am confident Senator NUNN and I would have departed the Senate much earlier.

I also thank he and Senator HATFIELD for the many wonderful mornings we have had together at the Senate prayer breakfast. And like my friendship with Senator HATFIELD, my wife, and I have had a wonderful relationship with Colleen Nunn and SAM, and have also joined them at their home for private occasions. It has been the kind of relationship, as I said, that is very difficult to see come to an end. I spoke to Senator NUNN as he was leaving here, and I know we will see him again and again.

Senator KASSEBAUM has decided to retire. She brought to the Senate a legacy established by her father who had been a candidate for President in the thirties.

After coming to the Senate, Senator KASSEBAUM became the first woman Senator to chair a major Senate committee. Senator Margaret Chase Smith chaired a special committee back in the fifties, but NANCY KASSEBAUM was the first to chair a permanent committee, and demonstrated to the Senate the real skill and capabilities of a woman Senator as she chaired her committee and used her soft-spoken approach. I find that her approach works very well, particularly since we know her as a very tough, resilient negotiator. Whether she is an opponent or ally, depending upon the issue at hand, she is well known for her skills as a mediator, and we all admire her very much.

As chairman of the Labor and Human Resources Committee, she brought to us on a bipartisan basis the best possible health care insurance legislation we could have, and she was very effective as part of the Republican health care task force as we studied for over 3 years the problem of our health care and health insurance systems.

I know her deep interest in education legislation, and she has repeatedly helped us in Alaska with the various problems we face because of the rural nature of our State and the real demands on our State and local governments for job training programs.

I recall very pleasantly NANCY KASSEBAUM's trip to Alaska, and we hope that she will return and visit us again and again.

Her deep interest in aviation product liability legislation brought us changes in that area of the law so that we hope we will, once again, start having small planes constructed in the United States of the type that we very much need in Alaska.

I know that she has indicated she is leaving to spend more time with her five grandchildren. I have to tell the Senate, I think we will see her most in airports, because one of her grandchildren lives in South Carolina, three live in Connecticut and one lives in Kansas. Our great lady Senator has a good reason in her grandchildren to travel the country, Mr. President.

She has been a good friend, and Catherine and I are sad to see her leave, also.

Senator EXON came in 1978, a year that I also was candidate for reelection, and in that year we also had the disastrous air crash that the Senate knows of in which I lost my first wife.

It was following that time that Senator EXON, having served in the Army in World War II and in the Army Reserve for many years, became one of

my traveling companions, in the early 1980's, as I was chairman of the Defense Appropriations Subcommittee, and we went to many different meetings that related to the defense of our country and with the defense establishments of other nations.

I have to say, however, Senator EXON's fame in my State was overshadowed by his wife, Pat, who is a much better fisherman, I mean fisherwoman; in my State we say ''fisherperson'' now. When they came to Alaska we enjoyed having them with us. I note, now that he is leaving the Senate, he may be able to come up and meet the challenge and be able to leave a little bit better record and surpass the records established by his wife when she was fishing with us in Alaska.

In terms of a Senator whom I have known for many years, Senator ALAN SIMPSON—I actually met him before he came to the Senate, as the son of the late Senator Milward Simpson. He was very active in Wyoming affairs, and prior to being here in the Senate, I remember meeting him at a Republican event in Wyoming. I have gotten to know him very well since he has been in the Senate.

Senator ALAN SIMPSON has served the Senate as the Republican whip longer than any Senator in our history. He served 10 years. As a westerner with particular understanding of the problems that are experienced by those of us who come from the West, he represented us very well with his knowledge of small population, public land States. With his very quick wit and his pithy observations of the circumstances that we face, he has always been able to find a solution that was acceptable to the Senate on issues that affected our Western States. He has generated a bipartisan solution in many instances when many of us thought there was no way out. It has taken real courage on his part in many instances to find that bipartisan solution.

The Senate has witnessed that just recently in the immigration issue. Knowing his departure was coming upon us, many of us have worked with him long and hard to try to help him achieve his goal of the passage of sound legislation in the immigration field.

We wish him and Ann, his lovely wife, the very best as they now return to Wyoming and to other endeavors. ALAN SIMPSON is also a person we are going to hear more about.

The PRESIDING OFFICER. The Chair informs the Senator that the Senator's time has expired.

Mr. STEVENS. Mr. President, I ask unanimous consent that I continue until someone comes. There is another Senator here. I will continue my comments later. Thank you very much.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

SENATOR BRADLEY'S SPEECHES

Mr. BRADLEY. Mr. President, the Senate floor is a place where speeches are made, sometimes longer than they should be, sometimes shorter than they should be. I have made my share of speeches on the Senate floor in the last 18 years. But a Senator is also called upon to speak off the Senate floor in gatherings in his or her State and in sites across the country.

I have often thought of the Senate speech as a form of communication, as a way of educating, as a way of leading. I have tried to do that on the Senate floor. In the last 2 years, we have had a number of restrictions that have made this kind of speech that I would give, which would be a very lengthy speech, more difficult in morning business as we have 10-minute time limits. For that reason, in the last 2 years I have given a number of speeches that have not been reflected in the RECORD but have been given at other forums across the country.

I believe that these were speeches that I worked on as a Senator. These were speeches that I thought about as a Senator and delivered as a Senator. Therefore, I believe that it is important that I share them with the Senate and for the RECORD. I see the Chair twitching a little bit. He need not worry that I am going to deliver all these speeches at this moment.

I would like to submit for the RECORD a speech called ''America's Challenge: Revitalizing Our National Community,'' ''After the Revolution: Rethinking U.S.-Russia Relations,'' ''Race Relations in America: The Best and Worst of Times,'' ''Harry Truman: Public Power and the New Economy,'' and the speech to the National Association of Radio Talk Show Hosts on the occasion of the Freedom of Speech Awards Gala Dinner. I ask unanimous consent that all of these speeches be printed in the RECORD and that they be my last official act as a U.S. Senator on the floor of the Senate.

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

AMERICA'S CHALLENGE: REVITALIZING OUR NATIONAL COMMUNITY

(By Senator Bill Bradley)

Two nights ago I attended a dinner in St. Louis, Missouri to honor former U.S. Senator Jack Danforth. Fifteen Senators from both parties attended along with several thousand Missourians. Nearly a million dollars was raised for an organization called Interact, to which Jack Danforth will dedicate much of his post-Senate energies. The organization's charter is to coordinate efforts by the religious community in St. Louis to support programs which will improve the life chances of inner-city, predominately African children.

When I left Missouri for college back in 1961 the number of children in St. Louis born to a single parent was 13%; now it is 68%. Among black children it is 86%. Senator Pat Moynihan points out that this social crisis is taking place across the North Atlantic world (English out-of-wedlock births are 31%, and in France, 33%) and Jack Danforth has waded into this crisis in hope of developing a strategy that can turn these tragic numbers around.

I begin with this story because Jack has chosen to leave government to tackle one of the nation's most intractable problems and he has chosen to do it through institutions of religious faith. His efforts may offer us a fresh perspective on our commitment to address not only single parenthood in poor neighborhoods, but what is happening to our sense of family and community in suburbs, cities and small towns across America.

Never in American history has a new vision begun in Washington. Never has it been the sole property of either political party. In fact, to initiate a frank discussion of our current American condition requires us to throw off many of the barnacle-encrusted categories with which we are accustomed to talking about this nation's problems. This could seriously disrupt the respective moral allegiances and political turfs of both the Democrats and Republican parties. I would like to start making that disruption happen, for out of such ferment might emerge the fresh ideas of a better American future.

Our contemporary political debate has settled into two painfully familiar ruts. Republicans, as we know, are infatuated with the magic of the ''private sector'', and reflexively criticize government as the enemy of freedom. Human needs and the common good are best served through the marketplace, goes their mantra.

At the other extreme, Democrats tend to distrust the market, seeing it as synonymous with greed and exploitation, the domain of Jay Gould and Michael Milkens. Ever confident in the powers of government to solve problems, Democrats instinctively turn to the bureaucratic state to regulate the economy and to solve social problems. Democrats generally prefer the bureaucrat they know to the consumer they can't control. Of course, both parties are somewhat disingenuous. Neither is above making self-serving exceptions. For example, Republicans say they are for the market, but they support market-distorting tax loopholes and wasteful subsidies for special interests as diverse as water, wheat, and wine. Then there are the Democrats who say that they want an activist government but won't raise the taxes to fund it or describe clearly its limits or its necessity. Still, these twin poles of political debate—crudely put, government action versus the free market—utterly dominate our sense of the possible, our sense of what is relevant and meaningful in public affairs. Yet, the issues that most concern Americans today seem to have little direct connection with either the market or government. Consider the plague of violence, guns, and drugs; the racial tensions that afflict so many communities; the turmoil in public education; the deterioration of America's families.

Today I will suggest that any prescription for America must understand the advantages and limits of both the market and government, but more importantly, how neither is equipped to solve America's central problems; the deterioration of our civil society and the need to revitalize our democratic process.

Civil society is the place where Americans make their home, sustain their marriages, raise their families, hand out with their friends, meet their neighbors, educate their children, worship their god. It is the churches, schools, fraternities, community centers, labor unions, synagogues, sports leagues, PTAs, libraries and barber shops. It is where opinions are expressed and refined, where views are exchanged and agreements made, where a sense of common purpose and consensus are forged. It lies apart from the realms of the market and the government, and possesses a different ethic. The market is governed by the logic of economic self-interest, while government is the domain of laws with all their coercive authority. Civil

society, on the other hand, is the sphere of our most basic humanity—the personal, everyday realm that is governed by values such as responsibility, trust, fraternity, solidarity and love. In a democratic civil society such as ours we also put a special premium on social equality—the conviction that men and women should be measured by the quality of their character and not the color of their skin, the shape of their eyes, the size of their bank account, the religion of their family, or the happenstance of their gender.

What both Democrats and Republicans fail to see is that the government and the market are not enough to make a civilization. There must also be healthy, robust civic sector—a space in which the bonds of community can flourish. Government and the market are similar to two legs on a three-legged stool. Without the third leg of civil society, the stool is not stable and cannot provide support for a vital America.

Today the fragile ecology of our social environment is as threatened as that of our natural environment. Like fish floating on the surface of a polluted river, the network of voluntary associations in America seem to be dying. For example, PTA participation has fallen. So have Boy Scout and Red Cross volunteers. So have labor unions and civic clubs such as the Lions and Elks. In the recent ''Mood of America'' poll taken by the Gannett News Service, 76 percent of those surveyed agreed that ''there is less concern for others than there once was.'' All across America, people are choosing not to join with each other in communal activities. One recent college graduate even volunteered sadly that her suburban Philadelphia neighbors ''don't even wave.''

Every day the news brings another account of Americans being disconnected from each other. Sometimes the stories seem comical, such as that of the married couple in Rochester, New York who unexpectedly ran into one another on the same airplane as they departed for separate business trips and discovered that each had, unbeknownst to the other, hired a different babysitter to care for their young daughter. Often the stories are less amusing, such as that of the suburban Chicago couple who, unbeknownst to their indifferent neighbors, left their two little girls home alone while they vacationed in Mexico. Or the story in New York City of the murder of a young woman in a running suit whose body went unidentified, unclaimed, and apparently unwanted for a week before she was identified by her fingerprints as a New Jersey woman wholly estranged from her family.

It is tempting to dismiss these stories as isolated cases. But I think they have a grip on our imaginations precisely because they speak to our real fears. They are ugly reminders of the erosion of love, trust, and mutual obligation. They are testimony to a profound human disconnectedness that cuts across most conventional lines of class, race and geography.

That is one reason, perhaps, that we love the television show, ''Cheers.'' It is the bar ''where everyone knows your name.'' How many of us are blessed with such a place in our lives? How many of us know the names, much less the life stories of all the neighbors in our section of town or even on several floors of our apartment building?

To the sophisticates of national politics, it all sounds too painfully small-time, even corny to focus on these things. After all, voluntary local associations and community connection seem so peripheral to both the market and government; both the market and the government have far more raw power. Government and business are national and international in scope. They're on TV. They talk casually about billions of dollars. In many ways the worlds of politics and business have de-legitimized the local, the social, the cultural, the spiritual. Yet upon these things lie the whole edifice of our national well-being.

Alongside the decline of civil society, it is a sad truth that the exercise of democratic citizenship plays, at best, a very minor role in the lives of most American adults. Only 39% of the eligible voters actually voted in 1994. The role formerly played by party organizations with face to face associations has been yielded to the media, where local TV news follows the dual credos, ''If it bleeds, it leads, and if it thinks, it stinks,'' and paid media politics remains beyond the reach of most Americans. Whey only the rich, such as Ross Perot, can get their views across on TV, political equality suffers. The rich have a loudspeaker and everyone else gets a megaphone. Make no mistake about it, money talks in American politics today as never before, and no revival of our democratic culture can occur until citizens feel that their participation is more meaningful than the money lavished by PACs and big donors.

Then, there are the campaigns that we politicians run which short-circuit deliberative judgment. People sit at home as spectators, wait to be entertained by us in 30-second pre-polled, pre-tested emotional appeals and then render a thumbs up or a thumbs down almost on a whim. Outside the campaign season, we, the elected leaders, too often let focus groups do our thinking for us. Public opinion does not result from reasoned dialogue, but from polls that solicit knee-jerk responses from individuals who have seldom had the opportunity to reflect on Bosnia, GATT, property taxes or public education in the company of their fellow citizens.

From the Long House of the Iroquois to the general store of de Tocqueville's America to the Chautauquas of the late 19th Century, to the Jaycee's, Lions, PTA's and political clubs of the early '60s, Americans have always had places where they could come together and deliberate about their common future. Today there are fewer and fewer forums where people actually listen to each other. It's as if everyone wants to spout his opinion or her criticism and then move on.

So what does all this imply for public policy?

First, we need to strengthen the crucible of civil society, the American family. Given the startling increase in the number of children growing up with one parent and paltry resources, we need to recouple sex and parental responsibility. Rolling back irresponsible sexual behavior (sex without thought for its consequences), is best done by holding men equally accountable for such irresponsibility. Policy should send a very clear message—if you have sex with someone and she becomes pregnant, be prepared to have 15% of your wages for 18 years go to support the mother and child. Such a message might force young men to pause before they act and to recognize that fatherhood is a lifetime commitment that takes time and money.

And, given that 40% of American children now live in homes where both parents work, we have only four options if we believe our rhetoric about the importance of child-rearing: higher compensation for one spouse so that the other can stay home permanently; a loving relative in the neighborhood; more taxes or higher salaries to pay for more daycare programs; or, parental leave measured in years, not weeks, and available for a mother and a father at different times in a career. The only given is that someone has to care for the children.

Secondly, we need to create more quality civic space. The most underutilized resource in most of our communities is the public school, which too often closes at 4:00 pm only to see children in suburbs return to empty homes with television as their babysitter or, in cities, to the street corners where gangs make them an offer they can't refuse. Keeping the schools open on weekdays after hours, and on weekends, with supervision coming from the community, would give some kids a place to study until their parents picked them up or at least would provide a safe haven from the war zone outside.

Thirdly, we need a more civic-minded media. At a time when harassed parents spend less time with their children, they have ceded to television more and more of the all-important role of story-telling which is essential to the formation of moral education that sustains a civil society. But too often TV producers and music executives and video game manufacturers feed young people a menu of violence without context and sex without attachment, and both with no consequences or judgement. The market acts blindly to sell and to make money, never pausing to ask whether it furthers citizenship or decency. Too often those who trash government as the enemy of freedom and a destroyer of families are strangely silent about the market's corrosive effects on those very same values in civil society. The answer is not censorship, but more citizenship in the corporate boardroom and more active families who will turn off the trash, boycott the sponsors and tell the executive that you hold them personally responsible for making money from glorifying violence and human degradation.

Fourth, in an effort to revitalize the democratic process, we have to take financing of elections out of the hands of the special interests and turn it over to the people by taking two simple steps. Allow taxpayers to check off on their tax returns above their tax liability up to $200 for political campaigns for federal office in their state. Prior to the general election, divide the fund between Democrat, Republican or qualified independent candidates. No other money would be legal—no PACs, no bundles, no big contributions, no party conduits—even the bankroll of a millionaire candidate would be off-limits. If the people of a state choose to give little, then they will be less informed, but this would be the citizens' choice. If there was less money involved, the process would adjust. Who knows, maybe attack ads would go and public discourse would grow.

Public policy, as these suggestions illustrate, can help facilitate the revitalization of democracy and civil society, but it cannot create civil society. We can insist that fathers support their children financially, but fathers have to see the importance of spending time with their children. We can figure out ways, such as parental leave, to provide parents with more time with their children, but parents have to use that time to raise their children. We can create community schools, but communities have to use them. We can provide mothers and fathers with the tools they need to influence the storytelling of the mass media, but they ultimately must exercise that control. We can take special interests out of elections, but only people can vote. We can provide opportunities for a more deliberative citizenship at both the national and the local level, but citizens have to seize those opportunities and take individual responsibility.

We also have to give the distinctive moral language of civil society a more permanent place in our public conversation. The language of the marketplace says, ''get as much as you can for yourself.'' The language of government says, ''legislate for others what is good for them.'' But the language of community, family and citizenship at its core is

about receiving undeserved gifts. What this nation needs to promote is the spirit of giving something freely, without measuring it out precisely or demanding something in return.

At a minimum, the language of mutual obligation has to be given equal time with the language of rights that dominates our culture. Rights talk properly supports an individual's status and dignity within a community. It has done much to protect the less powerful in our society and should not be abandoned. The problem comes in the adversarial dynamic that rights talk sets up in which people assert themselves through confrontation, championing one right to the exclusion of another. Instead of working together to improve our collective situation, we fight with each other over who has superior rights. Americans are too often given to speaking of America as a country in which you have the right to do whatever you want. On reflection, most of us will admit that no country could long survive that lived by such a principle. And this talk is deeply at odds with the best interests of civil society.

Forrest Gump and Rush Limbaugh are the surprise stars of the first half of the '90s because they poke fun at hypocrisy and the inadequacy of what we have today. But they are not builders. The builders are those in localities across America who are constructing bridges of cooperation and dialogue in face to face meetings with their supporters and their adversaries. Alarmed at the decline of civil society, they know how to understand the legitimate point of view of those with whom they disagree. Here in Washington, action too often surrounds only competition for power. With the media's help, words are used to polarize and to destroy people. In cities across America where citizens are working together, words are tools to build bridges between people. For example, at New Communities Corporation in Newark, New Jersey, people are too busy doing things to spend energy figuring out how to tear down. In these places there are more barn-raisers than there are barn-burners. Connecting their idealism with national policy offers us our greatest hope and our biggest challenge.

Above all, we need to understand that a true civil society in which citizens interact on a regular basis to grapple with common problems will not occur because of the arrival of a hero. Rebuilding civil society requires people talking and listening to each other, not blindly following a hero.

I was reminded a few weeks ago of the temptation offered by the ''knight in shining armor'' when the cover of a national magazine had General Colin Powell's picture on it with a caption something like, ''Will he be the answer to our problems?'' If the problem is a deteriorating civic culture, then a charismatic leader, be he the President or a General, is not the answer. He or she might make us feel better momentarily but then if we are only spectators thrilled by the performance, how have we progressed collectively? A character in Bertolt Brecht's Galileo says, ''Pity the nation that has no heroes,'' to which Galileo responds, ''Pity the nation that needs them.'' All of us have to go out in the public square and all of us have to assume our citizenship responsibilities. For me that means trying to tell the truth as I see it to both parties and to the American people without regard for consequences. In a vibrant civil society, real leadership at the top is made possible by the understanding and evolution of leaders of awareness at the bottom and in the middle, that is, citizens engaged in a deliberative discussion about our common future. Jack Danforth knows that, and so do thousands of other Americans who have assumed their responsibility. That's a discussion that I want to be a part of. The more open our public dialogue, the larger the number of Americans who join our deliberation, the greater chance we have to build a better country and a better world.

RACE RELATIONS IN AMERICA: THE BEST AND WORST OF TIMES

(By Senator Bill Bradley)

Slavery was America's original sin, and race remains its unresolved dilemma. For the last year, three Black males have dominated the nation's focus on race. They are OJ Simpson, Louis Farrakhan and Colin Powell. Each in his own way fed America's appetite to live vicariously and to shrink from confronting our racial reality. Each said something different about the state of race relations in America. They allowed White Americans to either ridicule, demonize, or idealize Black Americans. The OJ case conveyed an almost irrevocable division between Blacks and Whites with the same disparate percentages of Blacks and Whites feeling he was guilty before and after the trial. Louis Farrakhan allowed Whites to attack the messenger rather than confront the part of his message about the desperate conditions in much of Black America. Colin Powell permitted White America to fantasize that an answer to our racial divisions amounted to no more than, ''We like you; you do it for us.''

Any person, Black or White, touched by the media becomes bigger than life so that, as with the latest athletic virtuoso, the rest of us become spectators. Little of the media attention on these men recognized the kind of work necessary for individual Americans, Black and White, to bridge the racial divide. In each of their stories, the media, with its need to oversimplify, was crucial in building them up or tearing them down or both in sequence. Each of them became more a symbol than a human being.

The real heroes, however, are not the ones that the media churns up and then discards. The real heroes are the parents who lead every day in their homes (as Barbara Bush said. ''What happens in your house is more important than what happens in the White House''), and the citizens and community leaders who are not courting fame, but producing results, who give of themselves because they hold certain values about people in America.

For example, there were other African Americans this year—Anna Deavere Smith, Mark Ridley-Thomas, Kimberle Crenshaw and Harlon Dalton—who hardly made a ripple in our mass culture. If you know their names, raise your hand. Yet, each in his or her own way through art, government, writing and the law was confronting the hard facts of our reality and raising the deeper questions of race related to identity and to our common humanity. Anna Deavere Smith, a professor and playwright, was writing and acting the voices of Jews and Blacks in Crown Heights, New York and, in the work called Twilight: Los Angeles, finding rich strains of diversity in Black America itself as well as the words of White Americans who are part of the racial dialogue. L.A. city councilman, Mark Ridley-Thomas was conceiving, organizing and carrying out racial dialogues during some of the tensest race moments in Los Angeles' history. Law professor, Kim Crenshaw, through an analysis of the legal history of civil rights, was brilliantly revealing the attitudinal antecedent to today's White backlash against affirmative action and in so doing, asking us all if we really want to head down that road again. Finally, Harlon Dalton, author, singer, and professor, was challenging people of good will in both races to risk candor and build a new political vision that could dry up the fear and heal the wounds of racial division.

What each of them was saying in different ways was that the issue of race can never be a Black issue alone—not only because America is blessed by an abundance of Asian Americans, Latino Americans, and Native Americans, but because a racial dialogue cannot take place without White Americans becoming full participants. White Americans have a race too. Black separatists flourish where Whites shut their doors to dialogue and assume no responsibility for their own stakes in racial healing.

As America heads into a presidential election year and California confronts affirmative action in one of its ballot initiatives, the racial landscape of America seems full of land mines. Yet it is precisely at such moments of heightened awareness that we can make the greatest progress because it is at those moments that the necessary pain of candor can be endured and then transcended. So let us ask people who run for president to give us their pedigrees on race, including the real life experiences that led them to their present understanding. Let us urge them to step up to the subject regularly, not just when there is a racial explosion somewhere in America. Let us urge Republicans not to play the race card and Democrats to do more than the minimum to ensure a strong Black voter turnout. Above all, let both parties stop demagoguing the tragic issue of welfare, and start digging deeper into themselves about America's racial future. To expect less is to admit that our politics has failed us on one of America's most important issues.

So what is the state of Black-White relations in America? Both Black and White America are caught in a traumatic economic transformation in which millions of Americans feel insecure about their future and for good reason. There are 130 million jobs in America and 90 million of them involve repetitive tasks, which means that a computer can displace any of those jobs. In a world where credit departments of 300 people are routinely displaced by 10 computer workstations, more and more Americans will lose good paying jobs along with their health insurance and often their pensions, so that corporate profits can rise and productivity increase.

During the first six months of 1993, the Clinton Administration announced that 1.3 million jobs had been created, to which a TWA machinist replied, ''Yeah, my wife and I have four of them.'' And indeed, over half of the newly created jobs were part-time.

If you're African American, you've seen it before. In the 1940s the cotton gin pushed Black field hands off the farms of the South and to the cities of the North. Labor-intensive manufacturing jobs seemed to be the Promised Land. Then automation arrived and the last hired were the first fired and millions of unskilled Black workers lost their jobs. Still, many hung on in the manufacturing sector. Then, with the advent of information technology and foreign competition, labor unions, such as the multiracial steelworkers saw their membership plummet from 750,000 in 1979 to 374,000 in 1990. Finally, in the 1960s and '70s, government began to employ African Americans in sizable numbers, but in the 1980s and 1990s, with the fiscal crunch in full progress, government employees were let go. In the midst of the information revolution, just as in the midst of any recession, tough economic winds become a hurricane for African Americans.

Many White Americans who have been caught in the cold winds for the first time feel disoriented. Many become easy prey for politicians who want to explain deteriorating standards of living by stigmatizing Black Americans. ''You have lost your job,'' these

mischief makers say, ''because of affirmative action or because of the money government spends to help the poor.'' Instead of seeing the demographic reality-that only as all Americans advance will White Americans advance—they often fall into the scapegoating trap. It's an old story.

In California, a white-collar worker named Ron Smith who lost his job at McDonnell-Douglas two years ago, told a journalist how his sense that he was ''starting to lose my grip'' feeds into the divisiveness that is tearing our country apart: ''I get angry, and a lot of anger is coming out,'' he said. ''I'm blaming everyone—minorities, aliens coming across the border. I don't know how much truth there is to it. I mean, I don't think there are any planners and engineers coming across the border. But it hurts when you go to an interview and you know damn well you can do the job, and you know they are looking at you and thinking, 'Forget it.'''

The fact is that, economically, Black America is in the best and worst of times. Roughly a third of Black America can now be called middle class. Black Americans distinguish themselves in virtually every field of endeavor. But more than 30% of Black Americans live in grinding poverty. Many can't find a job, can't get credit to buy a house or start a business, and increasingly can't make ends meet for necessities, much less save for the future. Indeed, the unemployment rate for Blacks is routinely twice that for Whites. Also, the earnings of Black college-educated men have only recently reached parity with those of White men with high school diplomas. Of greater significance is the fact that 46% of Black children live below the poverty line, compared with 17% of White youngsters.

Without question, disintegrating family structure contributes to Black poverty. The average income for a two-parent Black family is three times the income of a single-parent White family. But poverty is more than a Black problem. It is a broad national systemic issue flowing from inadequate economic growth unfairly shared. Indeed, there are 16 million more White Americans in poverty than there are Black Americans in poverty. But many Whites feel it is primarily a Black problem. Because of lingering racial attitudes and stereotypes, marshaling resources to cope with it becomes more difficult. In that sense, racism contributes to Black poverty and to White poverty, too.

The conflict between generations in the Black community is real and the primary responsibility for bridging it rests with the Black community. There is a breakdown in communication and a breakdown in values. When I left Missouri for college in 1961, the number of children in St. Louis born to a single parent was 13%; now it is 68%. Among Black children it is 86%. In some cities, such as Baltimore, 55% of the African American males between the ages of 18 and 34 are either in jail, on probation, or awaiting trial. The idealistic call of Martin Luther King, Jr. or the disciplined march of Muslims who have declared war on Black self-destruction, can't compete with the latest gangsta rapper who from the TV screen calls young people to a life of crime, violence, White hate, and female abuse. Increasingly, a generation with little to lose pulls the trigger without remorse, risks nothing for their neighbor and invests little in their own futures. They live for today, some because that's all they have ever done and others because they believe that their tomorrow will only be worse.

Is the plight of this element of young Black America an isolated cancer, or a harbinger of all our futures? Is the message of these young black Americans pathological or prophetic? Will the rest of America respond or turn its back?

White Americans seem to have ignored the devastation in many American cities. Both government and the private sector have proven inadequate to the task of urban rejuvenation. It's almost as if the kids with AIDS, the gang members with guns, the teenagers lost to crack cocaine, the young rape victim whose only self-respect comes from having another child, don't exist for most White Americans. That is why the Million Man March was so important. Although it was based on the premise that White Americans won't help, it was itself I think a remarkable moment in American history. First, in a country where murder is the number one cause of death among young African American males, and where single-parenthood continues to rise, and where drugs and dealing drugs are sometimes the profession of choice for the young as opposed to teaching or becoming a minister of any faith, it is enormously positive to have a million African American men come together and say, We're going to take individual responsibility to change these circumstances. But, similar to Promise Keeper, a group of the Christian community that gathers 50,000 predominantly White middle-class men in a stadium where they pledge to be good fathers and husbands, the hard part is living the pledge every day. The test will be whether the million men return to their communities, reduce the violence and drugs and become meaningful figures in the lives of fatherless children.

My Senate office legal counsel, who is African American, attended the Million Man March on the National Mall. He told me that the atmosphere was electric and that it reflected great diversity. For example, a Korean American woman was selling soda and ice-cream and at one point during the day, up came a Black man to purchase a drink. Another Black man was standing nearby with his arms folded, and he said, ''No, not today brother; today you buy from a brother, not from her.'' Another one came up and said, ''Not today brother; today you buy from a brother, not from her.'' A third guy came up and said the same thing, but the third guy replied, ''What do you mean, 'I buy from the brother'? Don't you realize you're doing the same thing to her that was done to us for 200 years. I'm buying from her!'' And he does. Another one came up, the same experience, an argument: ''I'm buying from her because why should we discriminate against her the way we've been discriminated against?'' The Million Man March was not of one mind; it was a million minds whose faces happened to be Black.

Minister Louis Farrakhan has said things that are on many levels despicable. But more importantly, in practical terms, his separatist message is a dead end. If he succeeds in countering self-destructive behavior while also separating the Black community from the White community, what he will have created is the equivalent of many a segregated neighborhood prior to the civil rights revolution. Ultimately, the question is not only how do we counter the poverty, violence and family disintegration, but how do we all live together?

Although some Black Americans resent it, White Americans also have a view on how we can resolve the problem of race. Although some White Americans resent it, Black Americans can challenge us to reflect on our own race. Among other things, that means that we have to recognize that the flip side of racial discrimination is racial privilege, which consists of all those things that come to White Americans in the normal course of living; all the things they take for granted that a Black person must never take for granted. Race privilege is a harder concept to grasp than racial discrimination, especially for Whites, because it is more subtle. It is rooted in assumptions about every day, yet there is no denying it. For example, if I'm looking to buy a house and I'm White, I never fear someone will say no to me because of my race, but if I'm Black, I constantly make assessments about what is possible, problematic or impossible. That freedom from fear is a White skin privilege. If I'm White, I know that if I meet the economic criteria I'll get the loan. If I'm Black, I know I might not. Skin privilege means that I don't have to worry that my behavior will reflect positively or negatively on my race; it will reflect only on me and on my family. Skin privilege means that I can relate to a stranger without first having to put them at ease about my race. I know Black males who walk the street whistling classical music to let Whites know they're not dangerous.

As long as White America remains blind to its own racial privilege, Black Americans will feel that the focus falls too heavily on them. I never thought much about my skin privilege until I became a professional basketball player. That was a time when pundits asserted that the reason some teams drew sparse crowds was because they had five Black starters. Suddenly, in my first year, I began to receive offers to do commercial endorsements. I felt that they were coming to me instead of my Black teammates not because I was the best player; I wasn't. No, they were coming because of skin privilege, because I was me and I was White and marketers still believed, like the teams that hesitated to start the five best players because they might be Black, that a White public would never buy from a Black salesman. Some companies still believe that. That's why Bill Cosby's Jell-O ads were so important and why Michael Jordan must never forget who paved the way.

As long as White America believes that the race problem is primarily a Black problem of meeting White standards to gain admittance to White society, things will never stabilize and endure. But the flip side of White skin privilege is negative Black attitudes—reflected in even small things, such as coldness in daily interactions at work, slowdowns in providing services to Whites, or gathering at separate tables in cafeterias—that cast any attempts by Whites at racial dialogue as disingenuous and illegitimate. African Americans have to open up their worlds to Whites just as Whites have to open up their worlds to Blacks. Without that kind of candor, the dialogue will be phoney. Without that kind of mutual interest, the ties will not bind. Without that kind of mutual commitment, racial hierarchy will persist.

I believe most White Americans are not racist. Mark Fuhrman is, thank God, the exception, not the rule. Most White Americans easily reject the crude stereotyping and violent race hate of a Fuhrman. We are no longer living in a time where a group of German prisoners of war could be served at a Kansas lunch counter, while the Black soldiers guarding them could not sit next to them. We are no longer living at a time when in Washington, D.C. a priest refused to continue his sermon until a Black worshiper moved to the back of the church. Today there is something much more subtle afoot in America. As Harlon Dalton writes of the African American experience:

Instead of having doors slammed in our faces, we are cordially invited to come on in. Instead of being denied an application, we are encouraged to fill one out. Instead of failing to make the first cut, we make it to the final round. And when the rejection letter finally arrives, it has a pretty bow tied around it, (Something like: ''We were not able to make you an offer at this time, but we really enjoyed having the chance to get

to know you.'') Similarly, we hardly ever run into Bull Connor or even David Duke anymore. Instead, we encounter people who are ostensibly on our side and who seek to protect us from the stigma of affirmative action and the dependency created by too much government support. Instead of confronting nasty people intent on using our color against us, we are surrounded by perfectly nice people who embrace the colorblind ideal with a vengeance.

All of this poses a question I raised in 1992 at the Democratic Convention. The silence of good people in the face of continuing racism is often as harmful as the actions of bad people. While most people aren't racist, there are some White and Black people in America who do remain racists, spewing hostility toward another person simply because of his or her race. There are White politicians who play the ''race card'' and there are Black politicians who play the ''racist card.'' But the word racist is over used. Most people aren't brimming over with race hatred. To say that someone who opposes affirmative action is racist denies the possibility that the person may just be ignorant or unknowledgeable. If one hurls the epithet, ''racist'' a meaningful dialogue is unlikely to follow and it is only out of candid conversations that Whites will discover skin privilege, Blacks will accept constructive criticism from Whites and progress will come steadily.

But let us not abandon the quest to end racism. Let us root out what Harlon Dalton calls those ''culturally accepted beliefs that defend social advantage based on race.'' To do that however, takes individual initiative and involvement. That begins with a President and doesn't end until all of us as individuals become engaged. Ronald Reagan denied that there was any discrimination in America, much less racism. George Bush was a little better, but then he appointed Clarence Thomas to the Supreme Court who, in an odd twist, turned the clock back on the whole issue. And now Bill Clinton says, Yes, there is racism; yes we need affirmative action; and yes, I'll give my own pedigree in terms of my own experience. I believe he is strongest when he talks about conviction related to race because I do think he has that conviction. But the question we need to hear him answer is, What are we going to do about it? One would like to see him talk about it more, to remind people of our history, to educate Americans about why it's important that we get beyond these stupid divisions that diminish our possibilities as individuals and as a nation.

Affirmative action takes on such a disproportionate place in our national politics because many Whites cannot conceive of White skin privilege and because discrimination, when it occurs, remains largely unaddressed. Why not deal with the underlying issue which is discrimination and facilitate remedies for discrimination? Affirmative action is a response to a discriminatory pattern over many years in institutions run by individuals who are confident that they don't have to change. To the extent that you don't remedy individual discrimination early and forcefully, then you are going to have thousands of judges around this country making broad brush rulings that often seem unfair to Whites. And then you're going to have other self-interested groups in the name of affirmative action asking for things that are not affirmative action. It's beyond me for example, how giving a group of investors who have an African American participant a tax subsidy in the purchase of a radio or television station is affirmative action; it's not. But it's easier to say no if you can say yes to facilitating the battle against discrimination. You cant say no unless you realize that in some place affirmative action is the only way we can balance White skin privilege. For example, the US military, even after President Truman's desegregation order, remained a bastion of White, often Southern, officers. It took Jimmy Carter and his African American secretary of the Army, Clifford Alexander, to change the way promotions were granted so that Black officers had a chance to become generals. In other words, without Cliff Alexander, there would be no Colin Powell. If you don't believe me, ask Colin Powell. If you believe that that was then and this is now, and that there is no need to look at other institutions, I refer you to the report of the Glass Ceiling Commission. I ask you only to answer why there are no Black CEOs of major corporations and why major New York law firms still have only a minuscule number of Black partners.

To understand what needs to be done requires knowing a little history. The issue arose during the consideration of the 1964 Civil Rights Act: Do we put an administrative enforcement mechanism in the law to remedy discrimination in employment? The Republicans in the Senate said they would join the Southern Democrats and filibuster the bill if President Johnson gave the soon-to-be-created EEOC an administrative enforcement mechanism, so he dropped it out. Now, if there is an act of discrimination, what you do is file a petition with the EEOC. But there is no way to bring the issue to a conclusion. So, the case languishes indefinitely. There are now 97,000 cases backlogged at the EEOC. Imagine you're a competent mid-level clerk in a company that has promoted Whites, but rarely a Black, or you're the 25th African American who's applied for a job with a police department in a city that is overwhelmingly African American, and not one has ever been accepted and so you decide to bring a case at the EEOC. After five years you get no remedy. So then you go to court for another five years, at the end of which you may or may not get a remedy, which means for people of modest means, you don't have a remedy for discrimination because you can't afford a lawyer for ten years in order to get your promotion from a $30,000 to $40,000 a year job.

The EEOC should have the same power that the National Labor Relations Board has, which is cease and desist authority, the ability to bring a case to a conclusion and say, Yes, there was discrimination and this is a remedy, or say, no, there was no discrimination, this is frivolous. With a more streamlined procedure for resolving charges of discrimination, companies would pay less to lawyers defending them against frivolous cases and individuals who have a legitimate claim would get a more timely resolution to the problem of discrimination. But once given real power, the EEOC has to resist ridiculous interventions that allow Americans who don't want to fight discrimination an excuse to discredit the whole EEOC effort. Self-indulgence at the EEOC breeds disrespect for what should be a mechanism of our national self-respect.

Finally, when it comes to attacks on affirmative action, it is important to see how similar they are to the legal justification for segregation in the 19th Century. As Kimberle Crenshaw points out in a brilliant paper, treasured American values such as autonomy, freedom, individualism, and federalism were deployed in support of discrimination. For example, the Supreme Court ruled that a White person deciding to prohibit a Black person from riding in a certain train car was exercising his individual freedom of contract. Decades later, Thurgood Marshall and other freedom fighters argued before the court that even though the acts of individual discrimination might be protected as private rights of contract, the discriminatory practices were so widespread that they acted as an impediment to interstate commerce for Black people as a group. Individual freedom yielded to group remedy for group discrimination. Thus, the interests of the national community to prevent racial discrimination took precedence over the individual right to bar Black Americans from enjoying the benefits of full citizenship.

Today, many of the people who oppose affirmative action and state a preference for color blindness and justify their position by reference to the American tradition of considering individuals equal before the law are often the same people who seldom have Black friends and who will choose the White teacher for their children every time. when people shout reverse discrimination they ignore our history, the continuation of subtle White skin privilege, and the fact that more White people lost their jobs in the 1982 recession than blacks have gained jobs from court-ordered affirmative action since its inception. When people diminish real, not imagined, Black contributions to our society as if they were a threat to our historical canon, they diminish their own understanding of themselves and their country. What is at work here is the attempt to again distort traditional American values to slow down progress on race.

During the civil rights era, the message was that Black Americans wanted to make something of themselves through hard work, religious devotion, political activism and educational attainment. White America had only to do what was in its own long-term interests anyway and remove the architecture of racial oppression. The movement had the high moral ground. Today, with murder, AIDS and drugs running rampant through the black community, with many blacks unwilling to accept some of the responsibility for their predicament, White Americans seem more and more unwilling to make sacrifices to change the abysmal physical conditions. When black separatists come across more like Governor Wallace than Martin Luther King, they give those Whites who are only marginally interested in Black folks in the first place a reason to turn off.

To counter the human devastation in parts of urban America, chronicled so vividly by Jonathan Kozal in Amazing Grace and Savage Inequalities, will take an heroic effort by thousands in the Black and White communities working together. It will take police departments that do their jobs conscientiously and with adequate resources. It will take schools that are teaching institutions, not simply warehouses for storing our children. It will take surrogate families who will express some small love for a kid without parents. It might even take boarding schools for kids that can't make it in the neighborhood. Above all, it will take a new biracial political vision that acts, because to fail to act will stain our ideals, diminish our chances for long-term prosperity, and short-change our children—all our children.

In the 1960s the Civil Rights movement thrived on the assumption that an America without racism would be a spiritually transformed America. That, after all, is what affirmative action affirms—that America can get over its racial nightmare; that few in America should be poor or dumb, or violent because the rest of us have cared too little for them; that no one in America should have a racial limit set on where their talents can take them; and that the process of seeing beyond skin color and eye shape allows us not to ignore race but to elevate the individual. A new political vision requires people to engage each other, endure the pain of candor, learn from each other's history, absorb each other's humanity and move on to higher ground. Such is the task of those who care

about racial healing. It won't happen overnight nor will one person bring it, however illustrative his career, nor will one person destroy it, however heinous his crime or poisonous his rhetoric. It can never be just about numbers. It must ultimately always be about the human spirit. What will be built has its foundation in the individual interactions of individual Americans of different races who dialogue and then act together to do something so that like a team, a platoon, a group building a home or cleaning up a park, something is transformed because of the common effort. Slowly, with acts of brotherhood transforming physical circumstances even as they bind the ties among the participants, we can say that racial progress has ceased retreating and is once again on the advance. In other words, only together can we chart a brighter future.

HARRY TRUMAN: PUBLIC POWER AND THE NEW ECONOMY

(By Senator Bill Bradley)

I understand that I am getting this award because the Truman Award Commission felt that I exemplify at least some of the traits of President Harry S. Truman. I came up with three that I know both he and I share: We were both born in Missouri of Scotch Irish heritage; neither of us were considered natural public speakers; and, occasionally, we could be considered just a little bit stubborn. As Bess Truman would point out if she were here today, some of these traits are shared with old Missouri mules, except that a mule might have given a better keynote speech that I did at the 1992 Democratic National Convention.

That I should receive the Truman Award is a great honor because I have been long been an admirer and a student of his political career. Truman's come from behind Senate reelection campaign in 1940, which in many ways was a precursor to the 1948 presidential race, was the subject of my Princeton senior thesis, entitled ''On That Record I Stand.'' I had wanted to read my entire 140-page senior thesis today but fortunately for all of you, there isn't the time.

Some thirty years after I wrote my college thesis, I found myself again thinking about the 33rd president and remembering a conversation I had with a couple of ''good ole boys'' from North Carolina. They had told me how they didn't like Jesse Jackson, whom they considered a ''rabble-rouser,'' nor Jesse Helms, whom they considered ''a disgrace to the state.'' So, I asked them for their favorite president. ''Harry Truman,'' one shot back, ''because he was one of the people, and when he spoke we could understand him. Just because some is President, you know, doesn't make him better than me.''

There it was. To be a leader that good old boys related to, you had to have a fierce egalitarian spirit, the spirit that made Harry Truman ''the man of the people.'' Truman's view was that a person should be judged without regard to material possessions or social position. Each individual has an inherent and independent worth, regardless of knowledge or wealth. Nobody has a monopoly on morality or wisdom. No American should be expendable. Each man and woman in our democracy should have a voice in charting our collective future.

I, too, believe in these values and have tried to infuse them in my pubic service. But Harry Truman was not the first person to preach these ideals; they come directly from the Declaration of Independence, which to me is our most important historical document. Times have changed since July 4, 1776, but the idea that all people are equally imbued with the right to life, liberty and the pursuit of happiness and that no individual is more important than another remains at the heart of what makes America special. And, indeed, national government is constituted in part to guarantee this individual right through the exercise of public power.

In further reflection on Truman's career, characteristics other than his ''common touch'' also stand out. He sent comprehensive civil rights legislation to Congress when it was supported by only 6% of the national public, according to one Gallup Poll. He acted on his own authority to desegregate the armed forces. Speaking as the first President to address the NAACP, he declared that all Americans were entitled to, not only civil rights, but decent housing, education, and medical care. Such political courage is all too rare.

Today, people have become so cynical about politics that they think all elected officials are controlled—by special interests who give them campaign money, by pollsters who tell them that thought is not as important as focus group phrases, by political parties which often stifle their independent judgment, and by their own ambition which rarely permits them to call things like they really see them, for fear of angering a constituency group that will be needed for a future election. While most politicians do not knowingly say something false, they tend to emphasize the issue that the group to which they are speaking agrees with. That is commonly referred to as ''good politics,'' but it is the exact opposite of the Truman way of ''telling it like it is.''

But perhaps Truman's most important characteristic was that he stood up for the working American in a way few politicians have. In 1947 and 1948, Truman issued dozens of vetoes on legislation passed by a reactionary Republican congress not unlike the one we have today. In mid-1947, Truman vetoed two popular Republican tax cut proposals because they would have favored the right and penalized the middle-class through higher inflation.

Truman's most famous veto of the anti-labor Taft-Hartley Act, was overridden by a Congress responding to polls that showed most Americans believed the unions—then representing 24% of the workforce—had become too powerful and needed to be restrained. Truman felt that Taft-Hartley went too far and would, he said, ''take fundamental rights away from our working people.'' He did not flinch. He acted as a truly progressive president, unafraid to use public power.

At the end of World War II, Harry Truman needed to find a way to cushion the effects of the armed forces demobilization. War contracts would be canceled, price controls would be ended, war-time labor agreements would expire, and millions of service men and women would come home looking for jobs. Some predicted a return of the Depression.

His solution was a 21-point program offering economic security to every American citizen. Truman's reconversion plan urged an extension of unemployment compensation, an increase in the minimum wage, expansion of social security, extension of the GI Bill, universal health insurance, and what he called ''full-employment'' legislation that would guarantee a job to every able-bodied American willing to work. Parts of the program were considered radical even in the era just after the New Deal. And while many of Truman's proposals never became law, the breadth of his approach showed that he was thinking of the well-being of all classes in America. And indeed, all classes shared in the boom: Unemployment all but disappeared. Real living standards were higher when he left office than when he took over from F.D.R.

I believe that America is at a similar economic crossroads today as we move into the information age and that we again need approaches of breadth and innovation to assure the American dream for our people. They start with a reinvigoration of public power—our power.

The use of public power still has a valid role to play in ensuring fairness and economic security for all Americans. We need to use our collective power to help individuals cope with changing economic times, to ensure competition among market participants and to prevent harm to the general welfare. There is simply no other way to check the excesses of private power except through public power.

Such a willing use of public power disputes the Republican notion that the private sector has all the answers and will automatically relieve the fears of working Americans. It is also different from the belief that to every social problem in America there is an answer which has as its centerpiece a federal bureaucracy delivering services through regional and state bureaucracies. For example, there are 58 federal programs for poverty and 154 federal programs for job training. Yet, worker retraining without new jobs being available leads nowhere.

Idealism without resources is impotent. Just ask anyone who thought that charitable giving could end poverty. Idealism without accountability wastes money. Just ask anyone who thought that HUD was sufficient to stabilize the decline of urban America.

I start with the belief that the market is the most efficient allocator of resources and frequently the most powerful undefined force in American life. It rewards those with the highest skills, best processes and most desired products. An ideal market would deliver the best quality at the lowest price in the shortest time. But the market is impartial and can be cruel in its verdicts, with the result that many people get hurt. To cushion the impact of the market is not easy to do and remain fair. Usually those who escape the judgment of the market in our current political system are not broad classes of similarly situated individuals, but rather companies or individuals with the best-connected lobbyist. Such is the inequality of the administrative state, full of rules and exceptions, definitions and effective dates. How to benefit from the market's dynamism while protecting against the dislocation that it sometimes causes remains our dilemma.

I have always believed that the message of America is that if you work hard you can get ahead economically, if you get involved, you can change things politically and if you reason patiently enough you can extend quality to all races and both genders. Today, many Americans doubt these basic American precepts. In the information economy, four computer workstations replace 300 people in a credit department no matter how hard they work. In our political dialogue, money drowns out the voices of the people. In our social interactions, few risk candor to create racial harmony.

For nearly 20 years, the rhetoric of economic conservatives has demonized government. Without making the distinction between federal programs and public power, they labeled government programs as waste and government rules as limitations on freedom. The result has been that millions of Americans concluded that government took their money in taxes but worked for someone other than them. What most people have missed is that, while government can be distant and ineffective, public power can speak to people where they live their lives.

Public power isn't labor intensive; it doesn't require massive decentralized programs delivering services to millions of people; it won't guarantee full employment. But

applied in the right way at the right time in the right place, it can balance private power. Public power works only if individuals are better off when it is exercised; only if it enhances an individual's prospects for life, liberty and the pursuit of happiness. Public power often means preventing the ethos of the market from dominating other equally important ethics—democratic, environmental, human, spiritual. Public power can never replace the memories, places and stories of these other ethics, but it can prevent the cacophony of modern life from drowning out their voices. Public power must always focus on the long-term; it must always be accountable; it must never be exercised arrogantly; it must always be a balancing force so that life can be whole and market economic forces, while giving us low prices and high quality, do not control our beings or destroy our humanity.

Workers caught in the midst of wage stagnation and economic downsizing need public power to balance private power. Millions of Americans are one or two paychecks away from falling out of middle-class status and are never able to put away enough so they feel comfortable. During the first six months of 1993, the Clinton Administration announced that 1.3 million jobs had been created, to which a TWA machinist replied, ''Yeah, my wife and I have four of them.''

The heavy footsteps of relocation, part-time jobs, temp jobs, middle age without health care and retirement without a pension have made their way to the doorsteps of too many American families. Millions of Americans no longer look to the single workplace of the family's main breadwinner as the site where their standard of living will improve. Wages have been stagnant for too long. Too many good jobs have disappeared. Too many expectations have been shattered.

Who can an individual turn to for help when caught in this economic trauma? The Church doesn't have resources or temporal power; the unions now represent only 11% of the workforce. The same man who things his deteriorating economic circumstance is caused by government finds that only government has the power to counter corporate power. When the AT&T worker loses his job (as 7,000 have in New Jersey during the past three months), his rugged individualism is no match for the company's power. When a downsized IBM engineer who formerly earned $60,000 takes a job for $45,000, a $300 tax cut is a poor substitute. To work hard, play by the rules and take your reward without worrying about your fellow workers sounds fine until the rules change and the pink slip arrives. Only then does the solitary individual sense his powerlessness.

Only public power can reduce the trauma for people being thrown out of work without pensions, health care, or a chance of getting another job at equal pay. People need an economic security platform that will allow them to ride the rapids of this economic transformation. That platform should consist of the following: a year of company-paid health care for the family of the downsized worker who has been employed by a company of at least one hundred workers for at least ten years. If you have a pension, it ought to be portable. Why should a person who worked 22 years in one place still be unable to have a pension simply because the place was owned by three separate companies in those 22 years, and he vested in none of them.

In addition to health care and pensions, people increasingly need educational opportunity throughout their working lives. Professor Albert Einstein once monitored a graduate physics exam and a student ran up to him and said, ''Professor, these questions are the same as those on the test that was given last year,'' to which Einstein replied, ''Well, that's okay, because this year the answers are different.'' In the information age, the answers are going to be different every year and unless you have lifetime education, you're not going to be able to come up with them.

But issues of public power—the collective expression of the people's power—extend to areas beyond the need for an economic security platform in the midst of economic turmoil. Take for example America's public lands—the one third of the land mass of America that is owned by the federal government. It belongs to all of us; it is our patrimony. The miners, ranchers, loggers and corporate farmers of irrigated land do not own it. From the beautiful Red Rock wilderness of Utah to the majestic peaks of Alaska's Brooks range, there are places that mankind has not yet altered. They are as they have been for thousands of years. And if we want our children to experience them in their pristine form, we must, as the Iroquois did, think of the effect of our actions seven generations ahead. The only way to prohibit the natural resource industries from forcing the timeless expanses of wilderness to fit a calendar of quarterly earnings is for public power to say ''no,'' acting in behalf of all of us and for the generations to come.

Another example of public power lies in our ability to reduce the role of money in our democratic process and to better inform the voters so they can shape our collective future. Today, candidates, in order to get their story across, collect campaign contributions from special interests and the wealthy and then give the money to local TV stations to run campaign TV ads that often malign the character, distort the record or overwhelm the prospects of a hapless opponent with less money. Yet if one were only to think about it, the solution to this national embarrassment is commonsensical. TV largely comes over the airwaves. The public—all of us—own the airwaves. They don't belong to local network affiliates. We have the power to require time to be available to political candidates for president and the Senate. If democracy suffers from inadequately informed citizens and citizens are disdainful of politics in part because of campaign money then public power should require local TV stations to give a specific amount of free time to Senate candidates to make their case. The public airwaves are not private property.

Even on the issue of race, there is a role for public power. Some institutions resist change. Some companies deny white skin privilege. Even some governmental institutions have needed additional pressure to level the playing field. Yet there is no timely enforcement mechanism for the civil rights laws that declare discrimination in job promotions illegal. Because individuals are being hurt by discrimination only public power can counter it. That is why the Equal Employment Opportunity Commission should be given cease and desist authority to being discrimination cases to a close.

In all these areas—the guarantee of an economic security platform for individuals caught in the turmoil of economic transformation; the protection of pristine public lands for generations of individuals to enjoy as our forefathers did; the requirement to devote some of the public airwaves to the dialogue of democracy; the ability of public entities to determine if discrimination exists and to rectify it—you do not need government programs and vast service-delivery bureaucracies. You simply need what Harry Truman never shied away from—a willingness to use public power for those with relatively less power and to do so in the name of the people, so that each individual will have a better chance for the realization of his or her inalienable right to life, liberty and the pursuit of happiness.

One final area where the American people have latent power concerns the American corporation itself. The American corporation exists because the people gave it status and limited liability. Such a grant was thought to be in the public interest. Yet we measure the performance of a corporation narrowly, by the financial balance sheet, even though we all know that the corporation affects all of us in many ways apart from the financial balance sheet.

As we are entering the information age, it is important to find a way to report not only financial data but information on the impact of the corporation on its workers, its community, and on the environment. We need something similar to the form of the financial balance sheet developed by the Financial Accounting Standards Board, but for the worker, the community, and the environment. The requirement that corporations adhere to standards for the full disclosure of financial information has made U.S. capital markets the most vibrant in the world and has given every investor equal access to the same information. Full disclosure of the corporate impact on workers, communities and the environment will create unforseen pressures and innovations. The result may well be not only a country with more long-term growth in its economy, but also with more security and self-fulfillment for its citizens.

If information is available to the broadest number of people, the market can often produce the result we want without the heavy-handed intervention of government. By the year 2000 there will be one billion users of the Internet, up from today's 50 million users. There will be more global traffic on the Internet in the year 2000 than is now on telephone lines. With corporate information beyond the financial balance sheet flowing to users indiscriminately, many more people will be empowered. Hierarchy will give way as power shifts down to pension fund managers who think about the daily lives of workers as well as the highest return on investment, to churches who want to measure a company's profession of values against their real-world performance, to small investors who want to follow ''green'' investments or champion community responsibility at the same time they want to maximize profit. With newly available information, groups such as these can create a culture of accountability that will lead to a more stable and humane American society.

Power will also flow down to the knowledge worker. Wealth will come less from natural resources or even capital, because capital will follow knowledge. Microsoft—whoever heard of it ten years ago? Now it's one of the biggest companies in the world.

In such an economy, the knowledge workers—those who write the software programs, design the hardware, anticipate the new linkages of information networks—have enormous opportunity to effect change. If the brightest talent recoils from working for a corporation that pollutes, ignores it community or mistreats its laid-off employees, then the corporation will suffer because it won't attract the knowledge talent that it needs to raise the capital for its growth. As a group, knowledge workers potentially possess more power than industrial robber barons, natural resource magnates or international financiers of previous eras.

In a way, this offers the potential for a creative use of market power. If public policy objectives—clean environment, a diverse workforce, more sensitivity to the human needs of longtime employees—can be carried out by the market, results will be longer lasting. People can then do well economically and do good socially at the same time.

In my own Senate career, tax reform, which eliminated loopholes for the few while lowering rates for all Americans, allowed equal incomes to pay about equal tax at the same time the market functioned better. Reducing the subsidy for irrigated agriculture in California benefitted urban and environmental users by making them, given the functioning of a more open water market, more likely to obtain water for California's long-range nonagricultural needs. In both cases, it was a matter not of subsidizing a desired objective but of removing the subsidy for the activity that had come to have a distorting impact on the whole community. Central to achieving a better world through the market is removing subsidies from everything except those ways of thinking which are themselves not susceptible to economic calculation. How much is wilderness worth? How do we determine the economic value of a health democracy or racial harmony? How long will the hard pressed middle class believe in the American dream? These are the areas where public power, not the market, play the decisive role.

Again, I thank you for this award. Harry Truman was a leader of candor and courage with a common touch and a determination to serve all the people. The challenge to our future is to recognize, as Truman did, that well-exercised public power can benefit individuals and, as I sense, that in the new economy, information can be a tool that allows the market to serve ethics other than just the economic. This combination of the use of public power and the understanding that a market can do good socially at the same time it does well economically can build a more stable, more prosperous, more humane, more democratic America.

THE SUBJECT OF RACE

(by Senator Bill Bradley)

Tonight, I want to talk about an issue of American political life about which there is endless talk dealing with surfaces, and very little movement deep down in the body politic. Unless faced, it will prevent us from realizing our potential as a pluralistic democracy with a growing economy and instead it will foster a poisonous resentment, even a hatred that kills much of life's joy. The subject is race.

Frequently, we Americans have been unable to see deeper than skin color or eye shape to the heart and individuality of all our fellow Americans. There were times when we allowed destructive impulses to triumph over our deeper awareness that we are all God's children. Occasionally, the violence of the few elicited the fears and seething anger of the many and prevented the possibility of racial harmony. It's an old story, and a sad one, too. Let me tell you a story.

In 1963, four young African American girls in white dresses were talking prior to Sunday services in the ladies lounge of the 16th Street Baptist Church in Birmingham, Alabama. Suddenly, the church was ripped apart by a bomb which killed the young girls instantly. There had been other bombings in Birmingham aimed at halting blacks' progress toward racial equality but they had not penetrated the national consciousness. After that Sunday's explosion, people of all races and all political persuasions throughout the country were sickened in spirit. Coming eighteen days after Dr. Martin Luther King, Jr. had shared his dream for America from the steps of the Lincoln Memorial, the bombing was a stark reminder of how violently some Americans resisted racial healing. Yet the sense of multiracial outrage and solidarity that came out of this tragedy, combined with the seminal leadership of President Lyndon Johnson, led to the Civil Rights Act of 1964, and to the hope that the search for racial equality could lead to the emergence of a spiritually transformed America.

In the summer of 1964 I was a student intern in Washington. I remember being in the Senate chamber the night the Civil Rights bill passed, the one that de-segregated restaurants, hotels, and other accommodations. I watched the vote and thought, Something happened in the chamber tonight that makes America a better place. To be honest, that was the night that the idea of being a U.S. Senator first occurred to me. I thought, Maybe someday I can be in the U.S. Senate too and make America a better place.

As I recently recalled that summer of 1964, I was reminded that slavery was our original sin. Race remains our unresolved dilemma, and today, the bombers are back. From an urban church in Knoxville, Tennessee, to countless rural churches in South Carolina, Virginia, Tennessee, Texas, North Carolina, and Alabama, the flames of arson and the hatreds of racism burn again.

On the narrow subject of burning churches, there has been rare bipartisan outrage. Conservative Republican Senator Lauch Faircloth of North Carolina said last week on the Senate floor that, ''if we in Congress cannot agree that church burning is a despicable crime, what can we agree on? It's not a matter of liberals, conservatives, blacks, whites; it is about justice, faith, right, wrong.'' And he and Senator Ted Kennedy introduced a bill to toughen the laws against church arson.

Well-meaning whites have also stepped forward to help rebuild churches. The National Council of Churches and the Anti-Defamation League have established national rebuilding funds. Eight foundations have announced grants totaling $2.5 million to the National Council of Churches burned churches fund. Habitat for Humanity is coordinating the labor of volunteers who want to rebuild. Teams of Mennonites and Quakers are rebuilding churches in Alabama. Raytheon, E-Systems and AT&T have pledged $50,000 each to rebuild burned churches in Greenville, Texas. Friendship Baptist Church and Canaan AME in Columbia, Tennessee were repaired so quickly, with the aid of local whites, that no services were missed. Hundreds of callers to a Dallas radio station spontaneously offered money to help. The conservative Christian Coalition, which met with African American church leaders on Wednesday, pledged to raise $1 million to help rebuild. It is also making money available for motion detectors, alarms, floodlights, and smoke detectors for rural churches that are most vulnerable to arson attacks. The National Trust for Historic Preservation has announced a campaign to provide financial and technical support to more than two dozen African American churches hit by arson attacks. Nations Bank posted a $500,000 reward for information leading to the arrest and conviction of people responsible for the attacks. The Southern Baptists pledged $300,000 at their annual convention last week to assist in the rebuilding effort. On Wednesday, the Laborers' International Union of North America announced that it will rebuild Sweet Home Baptist Church in Baker, Louisiana.

But beyond deploring, rebuilding, toughening laws and rewarding informants, what can you do? Well, you can look deeper into the soul of America. You can be aware of the context in which these acts are taking place. You can be alert to emerging connections among white supremacist groups dedicated to racial violence. You can ponder whether you see your own reflection in the pool of indifference that has surrounded racial healing for much of the last 15 years in America.

Let's start with who is committing the burnings. The *Washington Post* has said that the perpetrators are disproportionately young white males who, although some come from the right side of the tracks, are more often economically marginalized and poorly educated. These are the children of the economic transformation and the products of a television culture surfeited with instant gratification and quick thrill violence. They are the sons of families who have forgotten the power of love.

For twenty years, wages have been stagnant for 70 percent of the workers in America. In 1973, production, non-supervisory wages were $315 per week; by 1994 they fell to $256, which confirms what most Americans know: They're working harder for less, living two paychecks away from falling out of the middle class. No matter how many jobs they work, they can never put away enough to guarantee their children a college education. With less in wages, both parents have to work. Forty percent of the kids live in homes in which both parents work. Add to that the 25% of the kids who live with a single parent and that means that for 65% of the kids there are often resource and time deficits between parent and child.

Now comes economic downsizing where hundreds of thousands, no matter how hard they work, have lost their jobs. The economic transformation has made them redundant. Three hundred people in a credit department are replaced by four computer workstations; two hundred people in Accounts Receivable are bumped by two computer workstations. The heavy footsteps of downsizing, relocation, part-time jobs, temp jobs, middle age without health care and retirement without a pension may be near or still distant, but they are heard in every home. And for the children of families that have lived through stagnant wages and downsizing, their future seems even more uncertain. A decade ago they were called latchkey kids, and now too many of them call themselves skinheads. The idea that working hard can lead to a secure future, a chance to provide for a better life for their children and an adequate retirement, is slipping away. In its place comes the quick fix of drugs and the quick thrill of violence. Add to this the need for a high quality education in order to get good jobs in the future and the absence of parental savings to pay for that education, and for many millions of young people, their future seems bleak.

Racism breeds among the poorly educated and economically marginalized. They don't see the deeper forces at work in the economy. They don't sense the self-interest in greater tolerance. They can't see the joy in brotherhood and can't escape the prison of ingrained racial attitudes. Instead, they focus on a scapegoat as the cause of the predicament. ''It's aways the other guy's fault,'' becomes their theme song, and the scapegoat often becomes the ''the other''—someone who looks different from them. In a world where politics doesn't adequately address the economic realities, fears can accelerate and demagogues can arise to manipulate those fears for their own ends.

Take affirmative action. Whether you're for it or against it, keep the numbers in mind. More white Americans lost their jobs in the 1982 recession because of terrible national economic mismanagement than lost their jobs to all the court-ordered affirmative action since its inception. The young white who feels that every time he doesn't get a job it's been taken by a black simply doesn't know the numbers. And politicians or talk show hosts who perpetrate and promote that overreaction are similar to the person who throws a match on a pile of oily rags.

Likewise, take poverty. There are thirty-six million people in poverty in America: Ten million are black; twenty-six million are white. But many young whites oppose government helping the poor because it means government helping blacks, not realizing that, given their education levels and job prospects, their opposition is often self-destructive.

In a world where people don't see the underlying forces—the economic transformation, the TV culture, the marginal numbers affected by affirmative action, the racial structure of poverty—too many people take aim at blacks or immigrants as the cause of their economic distress. But the seven thousand downsized workers at AT&T who've lost their jobs in the last six months in New Jersey did not lose their jobs because of immigrants or because of blacks, but because the company, acting rationally in a time of rapid change, could maximize profits by letting them go. When people feel desperate, they reach for the extremes that in good times they would steer away from. And when they live in the extremes, violence can be an action of first resort.

What can we do about the context of church burnings beyond having more economic growth more fairly shared and an education system that teaches tolerance as well as trigonometry?

Let's start with what politicians can do. Too often, white politicians have played the ''race card'' to get votes but, to be honest, too often, black politicians have played the ''racist'' card for the same reason. What has suffered is honest dialogue and common action. We need more candor and more voice from elected leaders who will choose to challenge their constituents morally as well as challenge their contributors financially. But without engagement you can't have candor, and without candor you can't have progress. When was the last time you talked about race with someone of a different race? Although I'm leaving the Senate, I'm not leaving public life and I intend to continue to speak out on the need for racial healing. I'll look constantly for ways to move the dialogue about race to a deeper level, as yet unattained. For example, at the Democratic political convention, I'll seek to demonstrate what is possible, and I'll call on good people in both parties to step forward in this time of confusion and rising tensions. Politicians have the obligation to play to our higher aspirations as LBJ did back in 1964.

Talk show hosts also have some responsibility. While some of you can be divisive, and maybe even racist, most of you are not. My appeal is only to remember the paradox of free speech: it can be the nutrient that allows the tree of democracy to grow strong, but if misused, it can burn the roots and deform the tree in ways no one ever expected. Civility is the key and avoidance of the easy appeal to stereotypes should be what you strive for. Remember there was once a time in America when an audience laughed simply at the appearance of a white actor in black face. Now we recognize that we are a better people than that. The potential of confusion is too great for those with the microphones not to promote a deeper dialogue on race. The misunderstandings are too deep for you not to search the heart as well as find the pulse of your audience. I know it's asking a lot, but then so do the ideals of our founders.

As a way of thinking about our responsibilities to each other let me close by asking you first to imagine that you are a black parent of a nine year-old girl, and then imagine that you are a white parent of a nine year-old son. A church bombing has occurred in your church or in your town. What does one say?

What answer does a church member give to his 9 year old African American daughter when she asks, ''Daddy, why did this happen?'' What can one say to a daughter who has written her school paper on Colin Powell, taken pride in American having a Dr. Martin Luther King, Jr. holiday, grown up eating Jell-O because of Bill Cosby and watched Michael Jordan become a worldwide marketing phenomenon. In a world where so much progress had been made, how could one explain the phenomenon of burning churches?

And what about the white parent? What does he say to his 9 year-old son? How can he explain the phenomenon of the skinheads, bold Ku Klux Klanners or the new Nazi SS clubs in high schools? How can he explain why blacks and whites can't get along in life like they appear to get along on the Chicago Bulls. What does he say about the burnings?

I imagine the black parent saying something like this to his daughter: ''There is evil in the world, and there are some people who, because of the color of your skin, do not view you as an equal member of society. These people have a problem, and the problem is called racism. There were black and white people who, decades ago, died so that black people could enjoy equal opportunities with white people in America. America is a much better place with respect to the way that black people and white people interact than it was black when brave Americans suffered to bring about equality.

''Racism is an evil and a sickness. You have the physical and intellectual capacities to achieve whatever you want to achieve, to be the best you can be. Look at Colin Powell, Toni Morrison, Cornel West. The people who burned this church are afraid of you; they are afraid to learn about you and interact with you. You must not be afraid of them. You must pray for them and ask God to forgive them. You must use your talents to achieve greatness in life, and you must work in your lifetime to help bridge the racial divide.

''Finally, try to understand what a great African-American writer James Baldwin once said in 1957 to his young nephew who was afraid of racial violence during the civil rights demonstrations of the early '60s—He said, 'it was intended that you should perish in the ghetto, perish by never being allowed to go behind the white man's definitions, by never being allowed to spell your proper name. You have and many of us have defeated this intention; and, by a terrible law, a terrible paradox, those innocents who believed that your imprisonment made them safe are losing their grasp on reality. But these men are your brothers—your lost, younger brothers. And if the word ''integration'' means anything, this is what it means: that we, with love, shall force our brothers to see themselves as they are, to cease fleeing from reality and begin to change it. For this is your home, my friend, do not be driven from it; great men have done great things here, and will again, and we can make America what America must become.'''

And what should a white parent tell his 9-year-old son about these church burnings? I imagine he would say something like this: ''The burning of the African American church outside our town is a product of racism and hatred. Racism occurs when people of one race feel themselves to be superior to those of another race for no other reason than the color of the skin. I know that sounds like a stupid thing to do, but this country has had a sad history of doing it. African Americans, Native Americans and Asian Americans, among others, have suffered because of it. It is important for you to know that racism is everyone's problem, both white and black. It's the kind of problem that no one else can solve for you. Like any other illness, you have to get over it yourself with your own resources as a good human being fighting it off. Racism is something that a person learns; it is not something that people are born with. That's why I punished you the first time you came home from school disparaging someone because of their race. Where racism exists, both black people and white people are harmed. Where it exists, white people cannot develop their full potential as individuals. To harbor racism in your heart is to deny yourself the experience of learning from someone a little different from you. And it makes you unable to share the joy of our common humanity.

''A the church burnings reveal, just as they revealed in the story I once told you about the four young girls in Birmingham in 1963, racism is ugly and evil, and God does not like evil. Sometimes, racism comes from black people who call us devils and deny our individuality as much as some white people deny theirs. Whether it comes from white or black it is wrong, and violen is never acceptable. Remember what Dr. Martin Luther King, Jr. said, 'Returning violence for violence multiplies violence, adding deeper darkness to a night already devoid of stars. Darkness cannot drive out darkness, only light can do that. Hate cannot drive out hate; only love can do that.'

''I am going to volunteer to go and help rebuild the church that was burned. I want you to come with me. I want you to bring Charlie, one of your black friends from school. I want you to work side by side with Charlie, with me, and with other blacks and whites who want to build a country that is compassionate and that treats all of its people with dignity and respect. I want you to treat everyone with respect, and I want you to work in your lifetime to bridge the racial divide.

''A Russian writer named Leo Tolstoy once said, ''many people want to change the world; only a few people want to change themselves,'' but with race you can't change the world unless you change yourself.''

And, I might add, that's as true for politicians as for talk show hosts. And when enough Americans change themselves, we will have true racial healing and then the result will be a spiritually transformed America.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be allowed to proceed in morning business for 15 minutes. I see other Senators are on the floor here, and if that is inconvenient to them, I will ask for a shorter period of time. Let me just place the unanimous-consent request, and they can feel free to state a problem, if they have it. I ask unanimous consent that I be permitted to proceed in morning business for 15 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Michigan is recognized for 15 minutes.

TRIBUTE TO RETIRING SENATORS

Mr. LEVIN. Mr. President, it is time to say farewell to a number of our colleagues and friends. These are not easy good byes. I have served with many of our departing colleagues since I first came to the Senate in 1978. We were freshmen together, had to learn the ropes as new kids on the block together. That process of learning and

growing together builds friendships and bonds that are deep and enduring.

The Senators who are retiring, Mr. President, are each individuals who have given a significant portion of their lives to public service. Cynicism has grown about Congress as an institution. Many, perhaps most, believe that Members of Congress act out of selfish motives. These departing Senators are a testament to the error of that belief.

I do not believe one of these Members, Mr. President, would prefer a reception on the Hill to an evening at home or an opportunity to read to their grandchild or shoot hoops with their teenagers or take a walk in a park with a friend. Most Members would rather have a homemade pot roast than fancy hors d'oeuvres at a reception. Why do they do what they do? Why do they work the long hours, take the redeye flights, miss the family celebrations? Because it is part of being available to our constituents, it is part of being a representative of the people of our States, and it is part of being a public servant. It is part of being a U.S. Senator.

Every one of these departing Members has worked long hours, has missed special family occasions, has flown when they have been so tired that they have had to rely on their schedule to tell them where they are and where they are supposed to go. Every one of them has had to push themselves at times to go to that one additional meeting, to take that one additional phone call, to read one more report in order to get a bill passed or an amendment adopted. They have worked to make America stronger, our people free, keep Government working at a better rate and a more efficient rate and at less cost. They have had different paths to that end, but their goals, like all of our goals, are fundamentally the same.

It is with a sense of real kinship and of great loss that I say farewell, as we all do, then to Senators PRYOR, EXON, SIMPSON, SIMON, KASSEBAUM, HEFLIN, PELL, BRADLEY, JOHNSTON, BROWN, FRAHM, and last but not least, Senator HATFIELD.

About a week ago I gave separate remarks about my ranking member and my chairman both, Senator BILL COHEN of Maine.

SENATOR PRYOR

DAVID PRYOR and I both came to the Senate in 1978 and served for most of the time on the Governmental Affairs Committee. During that service on the committee, DAVE PRYOR aggressively and perceptively challenged the Department of Defense on some of its questionable weapons systems and procurement practices. He dogged the Federal agencies to stop the excessive use of consultants at taxpayer expense and he diligently oversaw the workings of the Postal Service and the Federal work force.

He and I worked in our early years on a taxpayers' bill of rights to finally give taxpayers, who were being audited, hounded by the IRS, notice of what their rights were as American citizens.

His persistence paid off and that bill of rights is now law, mainly because of DAVID PRYOR.

As chairman of the Aging Committee, he fought price gouging by the pharmaceutical companies and pushed legislation to make drug companies give their most favorable prices to Medicare and Medicaid recipients.

DAVID did all of this with grace and charm. He made this institution a better place because of his presence. He is a man of common sense and the common touch. He was able to stay on an even keel despite the personalities and the pressures. He continually reminded us of our purpose and place and gently helped to keep our egos in check.

Perhaps the most telling characteristic of DAVID PRYOR is his genuine commitment to average men and women with whom he deals and works. He knows the name of everyone, from the Capitol Police who protect the Capitol and its occupants, to the men and women who serve us lunch on Tuesday. His connection to average people is not a political statement. It is personal, genuine human behavior.

He exudes kindness and decency whether he's asking about a personal family member who might have been sick or remembers an incident in someone's life that may have caused pain. He does so not from political calculation or from a computer disk which has stored information, but because that is the way DAVID PRYOR is.

His wife, Barbara, has been a source of inestimable strength. Barbara Pryor, my wife Barbara, DAVID and I have become genuine friends over the years and we look forward being with them many, many times in the years ahead.

DAVID PRYOR has served the people of Arkansas and this great Nation with extraordinary distinction. He will leave a large void professionally and personally. May his spirit continue to soar and he and his family be in good health as he returns to his beloved Arkansas.

SENATOR EXON

Mr. President, I have sat next to Senator JIM EXON on the Armed Services Committee for 18 years. Another member of the class of 1978, JIM has become one of my truly dear friends. We have shared more than adjoining seats. We have been comrades-in-arms even in those instances when we were on different sides of an issue. He is a straight-from-the-shoulder, tell-it-like-if-is kind of guy who uses plain talk but no malice, although he was at times frustrated by endless twists and turns and minutiae of the legislative process.

As a former governor of Nebraska, JIM demonstrated a knack of stating issues simply and directly. His conservative approach to the budget was applied consistently, and he was willing to take difficult stands on spending issues because of the genuineness of his beliefs.

These 18 years have been marked by true personal kindness to me and deep mutual friendship. He is famous for dropping a friendly or humorous note to colleagues to reduce the tension and keep us on track. He has a raucous, wonderful laugh which frequently fill, committee rooms with a reminder of our own humanity. And he would often bring us down to earth with an irreverent, but totally appropriate comment.

JIM EXON seems totally content to return to his beloved Pat, his children and grandchildren, and he has a right to be content after three notable terms in the Senate.

SENATOR SIMPSON

Mr. President, AL SIMPSON also came to the Senate with me in 1978 and immediately AL and Ann, his wife, became two of Barbara's and my best friends in the Senate. Simply stated, he has one of the best sense of humor in the Senate. I often thing he's such a special Senator because he spent 1 year, before entering college, at Cranbrook School in Michigan. He claims, however, it's all the other years he spent in the cowboy State of Wyoming.

Whatever the reason, AL SIMPSON has applied the principles that he lives by with tremendous integrity and consistency, even when politically unwise or risky. He has taken on some of the strongest interest groups in the Nation and he has done so without fear. He has taken on some of the toughest issues with his work on immigration and entitlement programs.

He has a deep sense of the limitations and fallibility that we necessarily bring to the legislative process. He punctures balloons and skewers egos; but he is the first to apologize when he thinks he has overdone it.

You can listen to AL SIMPSON tell a story for the 20th time, and like wine, it gets better each time. He too has mellowed a bit over the years, but his sharp wit and genuine, love for his colleagues has remained undiminished.

For his beloved state of Wyoming, AL SIMPSON has been a dedicated public servant. He is a big and wide open as Wyoming. He is full of life and full of fun. He is a giant of a man, and a giant of a Senator, and a giant of a friend.

SENATOR SIMON

Mr. President, another gentle and positive force in this body will be leaving us with retirement of Senator PAUL SIMON. Paul and Jean, his wife, reflect the best values of this Nation. Their public service over the decades has made our country a better place.

Education has been one of PAUL's keen interests, and he has thrown himself into the creation of education opportunity for all Americans. He was a lead sponsor of the 1994 education bill which established the important school-to-work program for non-college bound high school students. He was the moving force in the Senate for direct student loans. He has been a leader in

fighting violence on television and in the movies.

Paul is invariably decent and kind and a real gentleman. His manner of debate and his personal relationships have lifted the tone of the Senate and helped to preserve its decoum, often in the face of great odds. When PAUL SIMON comes to the floor to speak on a subject, people listen because of the simple, direct, and honest way he makes his case.

He is slow to anger and quick to understand, and he is as considerate as they come. The people of Illinois and this Nation have been well-served by PAUL's presence in this body. May he never run out of bow ties.

SENATOR KASSEBAUM

Mr. President, it is with real regret that I say goodbye to our dear colleague from Kansas, NANCY KASSEBAUM. Another member of the class of 1978, Nancy has made her mark in both foreign affairs and on the Labor and Education Committee. Nancy doesn't fit into anybody's mold or label. She is one of a kind.

She was a leader in the fight for economic sanctions against South Africa and was prescient in her opposition to $700 million in credit guarantees for Iraq before the Persian Gulf war. She has wrestled with innovative ways to make Federal programs more efficient and effective, and whether or not you agree or disagree with her on an issue, you respect her motives and her commitment.

She has been able to bridge differences of party and ideology to develop bipartisan approaches to solving problems. Her major accomplishment this year with the passage of the Kennedy-Kassebaum health-care bill epitomizes her ability to do what it takes to help people better lives.

NANCY's gentle, kind demeanor has been so important to her achievements and to the daily life of the Senate family. Kansas has been lucky to have her as their Representative in the Senate and the millions of workers now with portable health care were lucky she cared so deeply about their lives.

SENATOR HEFLIN

Mr. President, another member of the class of 1978 is Howell Heflin. Looking ever the part of the ''country judge'', Howell has played an important role in the life of the Senate. His careful attention to the facts, his thoughtful analysis, his methodical to an issue, have been the very elements needed in this body we all should like to remain the world's most deliberative body. He has taken on some of the more thankless tasks in the Senate, including the arcane issues involving bankruptcy and administrative practice. We will all miss his expertise and diligence.

Senator HEFLIN leaves behind a distinguished career as a public servant—serving 6 years as Chief Justice of the Alabama Supreme Court and 18 years as a U.S. Senator. He has proudly and diligently represented the people of Alabama—calling the shots as he sees them and doing what he thinks is about for his constituents. We need the judicial, detailed approach of HOWELL HEFLIN in the Senate. My wife, Barbara, and I have enjoyed our friendship with HOWELL and his wife, Mike. We wish him well in his retirement. It is well-deserved, for a very, very, special Member of this body.

SENATOR BRADLEY

Mr. President, about 15 years ago, I was riding in BILL BRADLEY's car coming back from a speaking engagement in Baltimore. Surprisingly, the car was a small, compact car. I say surprisingly, because the car was BRADLEY's and he is not a small person. But cramped in this small car, we were chatting about various issues we were working on and Bill mentioned the tax system. I was struck by the size of the problem he was willing to tackle, the thoughtfulness of his comments, and the ambition of his plan. That was the first I had heard of what later was to become the 1986 tax reform legislation. That's part of the legacy that Senator BRADLEY leaves behind—tackling issues head-on regardless of size and asking the big questions.

BILL BRADLEY has addressed some of the most pressing issues of our time—racial disparity, urban decay, how to achieve a civil society. If this were Plato's Republic, BILL BRADLEY would be one of the philosopher kings.

Another member of the class of 1978, we will miss his clear and original thinking, his willingness to take on the big issues, his commitment to building bridges among the diverse ethnic and interest groups in this country. I hope Bill stays in the political dialogue so we can benefit from his thoughts and ideas.

He and his wife, ERNESTINE, will both be missed by my wife and me.

SENATOR NUNN

Mr. LEVIN. Mr. President, as SAM NUNN leaves this institution, he is going to be leaving a very, very large hole. He is a person of special integrity, intelligence, and independence.

When I came to the Senate in 1979, I was assigned to the same three committees on which SAM NUNN served, and I have been with him on those three committees ever since: Armed Services, Governmental Affairs, and Small Business.

In SAM NUNN's 24 years of public service as a Senator, he has compiled an extraordinary legislative record. He has had a major influence on national security issues, he has cast over 10,000 votes, and he has established a rock-solid standard for bipartisanship that is the envy of his colleagues.

As chairman of the Armed Services Committee, SAM was a passionate advocate for a bipartisan approach to foreign policy, and as a Senator from Michigan, I can see the spirit of one of Michigan's great Senators, Arthur Vandenberg, reflected in SAM NUNN's approach.

Mr. President, I want to describe a few of the key defense and foreign policy issues on which SAM NUNN was the leader, and for which he will undoubtedly be remembered. He was the godfather of the Department of Defense Reorganization Act of 1986, more often known as ''Goldwater-Nichols''. This seminal piece of legislation helped the Pentagon to organize our military forces in a very effective manner that emphasizes the central role of the theater commanders—the commanders who actually command our forces in war—as well as the critical need for our military services to work together jointly as a single team to accomplish their missions.

Our military has often been commended for their extraordinary performance in the Persian Gulf war, and rightly so. But we should also recognize that it was the Goldwater-Nichols legislation that SAM NUNN helped put in place which assured our military was properly organized and prepared for that war. SAM NUNN has worked tirelessly to assure that the idea of joint cooperation that makes our military so effective is now ingrained as a core value throughout the military. For this, our Nation owes him a debt of gratitude.

SAM NUNN took a deep interest in United States-Soviet relations and NATO-Warsaw Pact relations during the last decade of the cold war, and helped to ensure that this dangerous ideological confrontation ended peacefully. He recognized the unique opportunity to turn this moment of history into a positive benefit for United States and international security.

After the end of the cold war, SAM NUNN saw clearly that our security was enhanced by the political developments in Eastern Europe and the former Soviet Union. He helped assure that we seized the opportunity to help the emerging democracies in Europe, and to foster democratization and stability. Perhaps the most concrete evidence of his efforts is the Nunn-Lugar program for cooperative threat reduction. This landmark legislation took advantage of the opening in United States-Russian relations and has advanced our security in a major way.

Sam Nunn helped put into practice what now seems common sense: It is easier, cheaper, and more effective to cooperate with the former Soviet Union to reduce threats to each other than it is to seek security by mutual threat. The Nunn-Lugar program has permitted the elimination of hundreds of former Soviet nuclear weapons that used to be pointed at us, and has been instrumental in helping make three former Soviet Republics nuclear-free. That is a real, tangible reduction to the threat from former Soviet nuclear weapons. The Nunn-Lugar program is still in progress and still improving our security.

SAM NUNN has also been an unequalled leader on preserving the security benefits of the United States-Soviet Anti-Ballistic Missile [ABM] Treaty, which has permitted the United States and former Soviet Union to reduce our nuclear forces significantly since the mid-1980's, including the START I and START II Treaties. When fully implemented, these two treaties will reduce former Soviet nuclear weapons by two-thirds from the level at the beginning of the 1990's. Thousands of nuclear weapons are being dismantled and will never threaten the United States again.

So it is crucial that we not undermine the ABM Treaty, because that was, and still is, the foundation upon which these critical nuclear weapon reductions are taking place. SAM has had to defend and preserve the ABM Treaty against many opponents, whether they sought to reinterpret its provisions, to undermine it or to kill it outright. Fortunately for our Nation, he has done an extraordinary job.

SAM NUNN has focused on the future threats to our Nation, as well as the cold war threats he helped to reduce so effectively, and has come up with very pragmatic and constructive steps to address those threats. Starting last year, he led the Governmental Affairs Permanent Subcommittee on Investigations on a rigorous examination of the threat of chemical, biological and nuclear terrorism, and our national preparedness to meet that threat.

He chaired a series of more than five hearings that demonstrated the seriousness of the threat of terrorists using weapons of mass destruction, and the fact that we are simply not prepared to handle such a crisis. Imagine if the World Trade Center bombing had been a chemical weapon attack.

Taking the chilling evidence from these hearings, Senator NUNN initiated new legislation designed to reduce the risk of such terrorism and to improve our defenses against such potential attacks. He joined forces with Senator LUGAR again, his partner from the original Nunn-Lugar program, and Senator DOMENICI to sponsor legislation that was supported without a single opposing vote in the Senate. That is the kind of bipartisan support that SAM NUNN commands. This legislation is a badly needed step toward reducing the threat of terrorists using weapons of mass destruction against our Nation.

And finally, Mr. President, we should remember that when the situation in Haiti was reaching a crisis point, and the military leaders were reluctant to step down, it was SAM NUNN who personally went to Haiti, with Jimmy Carter and Colin Powell, to convince the Haitian military leaders to turn over power peacefully to Aristide. And although he succeeded in his mission, it was at some personal risk because while he was still negotiating with the Haitian military, our military planes were already on their way to Haiti to launch a military operation to force the military to step aside and return Aristide to power.

There was no guarantee that Senator NUNN would not be caught in the middle of a fight and, along with former President Carter and former Chairman of the Joint Chiefs of Staff Colin Powell, be exposed to the risk of violence and chaos. So in the interest of pursuing stability and a peaceful transition of Government in Haiti, SAM NUNN was willing to put himself at considerable personal risk. In the end, he helped avert the need for a forceable U.S. military operation, which undoubtedly saved lives of U.S. military personnel.

Although not every Member agreed with him—or each other—on every issue, he was the undisputed master at bringing us together in agreement on bipartisan Defense bills.

As my colleagues on the committee will recount, this was rarely an easy feat. We were wrestling with some of the most controversial, consequential, and complicated legislation of the last decade. And yet, through it all, year after year, SAM NUNN crafted bipartisan Defense authorization bills that promoted our Nation's security and our Armed Forces.

It is often difficult to stand up against the majority of one's own party, but SAM NUNN did this when he felt it was necessary to advance the cause of American security. He stood in the same shoes that Richard Russell filled so well. And were Richard Russell here today, he would say to SAM NUNN, ''Well done, American patriot. You have faithfully served your country, America is stronger and the world is safer because you came along.''

I also want to thank Senator NUNN for his very kind words the other day about our service together on the Armed Services Committee and the Governmental Affairs Committee. In his remarks he referred to the times in conference on the DOD bill when he would deputize me to resolve a House-Senate dispute. He was complimenting me on usually getting a reasonable outcome for the Senate position. What he was too modest to reveal, was that it wasn't my talent that got results. I would go into those meetings at NUNN's request and when the going got rough, I would force the agreement by threatening to bring in SAM.

I also had the good fortune to work with Senator NUNN on the Governmental Affairs Committee. As chairman and ranking Democrat on the Permanent Subcommittee on Investigations, SAM NUNN has left his stamp on major investigations. Under NUNN's leadership PSI, as we call it, disclosed massive management problems and wasteful spending in health insurance companies; the serious and unresolved threats to our Nation as a result of insecure computer systems in DOD, other Federal agencies and private companies; the threats of black market trading of nuclear materials; vulnerabilities of our student loan programs, and a host of law enforcement challenges and problems. He has been a dogged investigator.

SAM and his wife, Colleen, will now begin a new chapter in their lives and hopefully will get some well-deserved time to themselves and with their family. All of us have come to rely on him on so many national security issues. We will surely miss the opportunity, when we come to the floor to vote on an amendment related to foreign policy or national security to look for SAM to find out what his position is on the issue. His strong legacy will require us in the future to consider the factors he would have weighed, were he still with us, before we vote on issues that are important to the security of our Nation.

SENATOR PELL

Mr. LEVIN. Mr. President, Senator PELL leaves us this year after 36 years of service in the U.S. Senate. Only Senator STROM THURMOND and Senator ROBERT BYRD have served longer. Senator PELL has served with distinction on both the Foreign Relations Committee and the Labor Committee. Thousands of young people are in his debt as they move through college because of the availability of Pell grants.

In this current culture of negativism and attack ads, Senator PELL stands out as a man of civility and gentleness. He has a wonderful inability to say anything unkind or negative about a fellow human being. He is determined to be positive about his own views and never to attack another Member. He has helped to maintain the Senate as a family institution with bipartisanship, particularly in foreign policy, as an overriding goal.

I have also been able to personally observe his belief in and support for multinational organizations as a way to move to a more peaceful world and as a way to avoid America's becoming the world's policeman.

I have had the privilege of traveling with Senator PELL to the farthest reaches of the world—including Tibet. And I know him to be a thoughtful, spiritual, caring man. His kindness and gentle ways will be deeply missed by this body as he and Nuala take a well-deserved rest.

SENATOR JOHNSTON

Mr. LEVIN. Mr. President, the Senate will lose an intelligent, capable, shrewd—and I use that term with respect and admiration—Member with the retirement of BENNETT JOHNSTON. I have been with BENNETT and opposed to BENNETT and I can tell you it's much more comfortable to be with BENNETT.

Twenty-four years of service in the Senate have made BENNETT one of the most experienced legislators in this body. He is a man of can-do spirit and one who approaches every problem with a how-to-fix-it attitude. I had the opportunity to work with BENNETT this Congress on regulatory reform. He sat on the floor day after day while that legislation was pending taking on every problem, delving into every issue, trying to craft solutions to get

the legislation moving. He was dedicated to his task and willing to put in whatever time and effort it required. His ability to work long and hard was exceptional.

We didn't succeed on that legislation, but it wasn't for want of effort. The stars weren't aligned right to reach a final product. But in working with BENNETT JOHNSTON on that legislation and several Congress' ago on similar legislation which was called the Johnston amendment, I was and continue to be impressed with BENNETT's willingness to listen to ideas and concerns and work as hard as anyone to address the problem. He's been a notable addition to the U.S. Senate.

SENATOR BROWN

Mr. LEVIN. Mr. President, HANK BROWN would be a welcome member in any organization or effort. He is thoughtful, kind, and honest. He is earnest in his concern for a Government that works, and he takes on the issues in which he believes.

To bridge the differences between the parties and develop bipartisan approaches to difficult problems, the Senate needs more Members like HANK BROWN. He leaves the Senate after only one term. A strong supporter of term limits, HANK has lived by his creed. He has done so in many other ways and leaves with the respect of every Member of this body.

SENATOR SHEILA FRAHM

Mr. LEVIN. Mr. President, we have had a very short time to come to know Senator SHEILA FRAHM. Just this past June, she was appointed by Governor Bill Graves of Kansas to serve the remainder of Senator Dole's term. Joining the Senate in midterm is a very difficult thing to do. Committees are in the midst of their work, the Senate is considering bills every day which have already had hearings and been reported by the various committees, and the requirements of representing a State, its interests, and most importantly, its citizens in the U.S. Senate is a big job which cannot await on-the-job training. Senator FRAHM quickly impressed all of her colleagues with her seriousness of purpose, her energy, and her grace in meeting this difficult task.

I served with Senator FRAHM on the Armed Services Committee where she was attentive to the complex issues of national security. She established herself immediately as a hard worker who recognizes the importance of our Nation's defense and the well-being of our Armed Forces.

Although we have just begun to know SHEILA FRAHM, I know my colleagues join me in saying that we will miss her friendly smile and her commonsense approach to the issues before us.

SENATOR HATFIELD

Mr. LEVIN. Mr. President, finally, it is with a mixed heart that I say goodbye to Senator MARK HATFIELD—mixed, because I am sad for the loss to the Senate and the people of this Nation but glad for MARK as he approaches a time of much-deserved rest and rejuvenation.

As one of the most powerful Members of the Senate, chairman of the Appropriations Committee, Senator HATFIELD has set a standard of humility and decency that few have matched. He has been able to wield great power without vanity. Indeed, he has shown us that power can be exercised with grace and genuine compassion.

A World War II veteran, one who fought at Iwo Jima and entered Hiroshima shortly after the bomb, Senator HATFIELD has dedicated his life to peace. His legacy is that of a legislative hero—bringing an end to nuclear weapons testing, protecting the valuable wilderness areas of his home State of Oregon, fighting for refugees across the globe, and opposing needless but expensive weapons like the MX missile.

I've had two opportunities to work with Senator HATFIELD in the last few years. We have both had the privilege to serve on the FDR Memorial Commission, and we have worked together on legislation to allow for greater flexibility in the implementation of Federal categorical grant programs. In both cases, Mr. President, I have been able to observe Senator HATFIELD's skill in and commitment to achieving bipartisan solutions to problems. His role on the FDR Commission has been so valuable that we were able to amend the statute creating the Commission in order to allow him to continue to serve in the year after he leaves the Senate and so he can be present at the dedication next year as cochairman of the Commission. But for him and DAN INOUYE, our other cochairman, the FDR Memorial would still be in the planning stage.

Mr. President, Senator HATFIELD has been a fighter for the underrepresented, for the compassionate use of the power of the Federal Government, and for greater efficiency and effectiveness. I congratulate him on his most distinguished record of public service. We will deeply miss his good judgment, his expertise, his decades of experience, his wisdom, and his commitment to making Government work for all the people, but most of all, his gentle manner.

I thank the Chair and my colleagues, and yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent to proceed in morning business for up to 10 minutes.

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

THE FEDERAL LAW ENFORCEMENT DEPENDENTS ASSISTANCE ACT OF 1996

Mr. SPECTER. Mr. President, I want to comment briefly about the signing into law this morning of the Federal Law Enforcement Dependents Assistance Act of 1996.

This is legislation to provide education and job training benefits to widows or spouses of Federal law enforcement officers killed or rendered totally and permanently disabled—and their children—in the line of duty.

I introduced the legislation in the Senate following my chairing of the Ruby Ridge hearings which resulted in the tragic death of Marshal Degan.

I am proud to wear today the U.S. Marshal's badge of Bill Degan which was handed out at the signing ceremonies this morning.

Ruby Ridge was a great tragedy.

It involved the loss of three lives, all very valuable, and it cost the life of Bill Degan. I have had the opportunity to sit and visit with Mrs. Degan, his widow, and their two young sons, Bill, Jr., and Brian. Our meetings focused attention on the issue so that legislation could be passed.

On the House side, companion legislation was introduced by my distinguished colleagues, Congressman JON FOX, from suburban Philadelphia, and Congressman GERRY STUDDS, from Massachusetts. It applies to many law enforcement officers who have been tragically killed, one of whom is FBI agent Chuck Reid, who was gunned down on March 22, 1996, just a few months ago, in arresting a drug suspect in Philadelphia. It tells Federal law enforcement officers and their families that the Government stands behind them, and if they are killed or totally and permanently disabled in the line of duty, we will protect their spouses and their children. As we consider this matter further, it may be that similar benefits ought to be structured for law enforcement officers generally, for they represent the thin blue line which stands between the citizenry and violence in our streets, something in which I have had extensive experience as district attorney of Philadelphia.

I ask unanimous consent that two letters be printed in the RECORD from the Federal Investigators Association and Federal Law Enforcement Officers Association commending the Congress for this legislation.

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

FEDERAL INVESTIGATORS' ASSOCIATION,
Carle Place, NY, September 30, 1996.

Hon. ARLEN SPECTER,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR SPECTER: As president of the Federal Investigators' Association (FIA), a professional and fraternal organization representing federal law enforcement agents throughout the United States, I wish to thank you, on behalf of our membership, for sponsoring Senate resolution 2101. Our Washington Director, Don Baldwin, happily reported to me last week that the bill has passed both houses of congress and is now awaiting the President's signature. We understand that there is no opposition and that the bill will be signed into law.

The Act will provide ''educational assistance to the dependents of federal law enforcement officers killed or disabled in the performance of their duties.'' We applaud

your actions in the aid to federal officers, who can no longer provide financial support to their families because of injury or death resultant from tragedies occurring in their work. The Act will relieve much of the stress which federal law enforcement officers' families deal with because a brave officer has lost his or her life or become disabled in the line of duty.

I understand that you acted immediately upon learning of the sad loss of federal officers at Ruby Ridge. You have done a great service for our federal law enforcement officers and their families, I am sure this will go a long way toward boosting the morale of all agents.

I am sure that I speak for the thousands of federal law enforcement officers and their dependents in thanking you for the sponsorship of this important legislation.

Sincerely yours,

J. MICHAEL DALY,
National President.

FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION,
September 18, 1996.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: On behalf of the over 12,000 members of the Federal Law Enforcement Officers Association (FLEOA), the largest association representing Federal criminal investigators in the nation, I am pleased to inform you that we fully support S. 1243, the ''Federal Law Enforcement Dependents Assistance Act of 1966.'' I Also want to thank you for proposing this fine piece of legislation.

As you may already know, many states and local municipalities currently have legislation which ensures that the dependents of local officers killed or disabled in the line of duty receive assistance towards education or job training. Also, many local police agencies provide for the continuing education of survivors under the same circumstances. None of this exists at the Federal level. S. 1234 will correct this oversight regarding Federal law enforcement officers.

If you or your staff wish to contact me please call 212–637–6543.

Very truly yours,

VICTOR OBOYSKI,
National President.

Mr. SPECTER. I thank my colleague from Georgia for waiting.

I thank the Chair and yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from Georgia is recognized.

Mr. COVERDELL. Madam President, I ask unanimous consent that I be allowed to speak for up to 10 minutes.

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

DATE RAPE DRUGS

Mr. COVERDELL. Madam President, there are a number of items that are still pending before the 104th Congress, one of which is legislation that could combat the surge of what is characterized as date rape drugs in the United States.

I have been working on this matter for the better part of a year. This scourge is growing in its use, particularly in the Southwest and East—Louisiana, Texas, Florida. It is an evil threat to the young people of America.

The legislation that has been winding its way through this 104th Congress makes the use of this drug or any drug as a weapon a Federal crime. With the help of Senator HATCH, it was expanded to create penalties for possession or distribution of this type drug. It ultimately came back to us in the House bill which included minimum sentencing, and the other side of the aisle took exception to that. But over the last several days, in working together, it appears that we are about to come to terms on it, and, in fact, this piece of legislation will become law. It is very important.

This is a weapon that cannot be seen, obviously cannot be heard. You cannot taste it. You cannot smell it. So the unsuspecting victim is subjected to a period for which they lose consciousness and memory, which makes it even more difficult for prosecutors to pursue the case.

I think by moving in swiftly, we are putting people on notice, we are warning potential victims, and we are setting the stage for prosecutors to take charge of anybody who would use this new drug in such an evil way.

I am standing here today encouraging all of those who are dealing with the remainder of these negotiations to get on with it and certify that, indeed, this becomes the law of the land.

OMNIBUS PARKS LEGISLATION

Mr. COVERDELL. Madam President, the Senate has in its possession the House-passed omnibus parks bill, and everybody within the sound of my voice in this Chamber has heard about the parks bill. I am very hopeful we can bring this legislation to a successful conclusion.

There are two very important features that affect our State. One is making a heritage trail out of a 150-year-old canal built in Augusta to provide power to the textile industry of that era. It is still providing power, and it is a beautiful stretch of unspoiled land that is a national heritage and a national treasure, and legislating its protection and development in such a way to enhance it is exceedingly important to that region of our State and that city of our State.

Further, it deals with Chickamauga and Chattanooga National Military Park Highway, which has been in contention for a long time and is something which must be resolved in order to deal with issues in the northeastern or northwestern part of our State.

So I guess I am just saying, here is another Senator who has not left Washington and will stay here until we put the omnibus parks bill to bed, hopefully successfully, because, as we have all said, it affects so many of our States in the Union. It is something we really need to get done.

FAREWELL TO SENATOR SAM NUNN

Mr. COVERDELL. In closing, Madam President, I once again bid farewell to one of the outstanding Members of this Senate, and that is my colleague from Georgia, Senator SAM NUNN. We are from different parties, different sides of the aisle. We have known each other as Georgia citizens for well over a quarter century.

I think he has made an exemplary contribution to his State and to his Nation. I believe he will be missed, and the authority that he brings to issues with regard to national defense and the security of our Nation will long be remembered in this Senate. I bid him adieu and safe journeys wherever his life takes him. I know we will be able to reach out and call on him on issues of national importance in the days to come. Even though he will be accessible in that way, I know this Senate is going to greatly miss the wisdom and wise ways of my colleague from Georgia, Senator SAM NUNN.

Madam President, I yield back whatever of the 10 minutes I may have.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, is the Senate now in morning business?

The PRESIDING OFFICER. Yes, it is.

Mr. DORGAN. Madam President, I ask unanimous consent to proceed in morning business for as much time as I may consume.

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

Mr. DORGAN. Madam President, as we end this legislative session, I come to the floor to say a word about those who are leaving this Congress and also to talk about a couple of pieces of unfinished business.

SALUTE TO DEPARTING SENATORS

Mr. DORGAN. Madam President, other colleagues have come to the floor to discuss the departure of those with whom we have served who are leaving this Congress. In the Senate, we will see Senator BILL BRADLEY leaving the Senate, Senator HANK BROWN, Senator BILL COHEN, Senator JAMES EXON, Senator MARK HATFIELD, Senator HOWELL HEFLIN, Senator BENNETT JOHNSTON, Senator NANCY KASSEBAUM, Senator SAM NUNN, Senator CLAIBORNE PELL, Senator DAVID PRYOR, Senator PAUL SIMON, and Senator ALAN SIMPSON.

When you read that list, it is quite a substantial list of experience that the

Senate will lose. Rather than say a lot about each of them, I just want to make some observations and take a look at those folks who are leaving the Senate this year. What they have contributed to this country is so at odds with what so many Americans think of politicians and perhaps even of the U.S. Senate these days.

There has been a public sport in the last decade or so in the negative politics of today that I suppose serves some interest. There are those who are trying to diminish or hurt this institution by suggesting that somehow the U.S. Senate, as an institution, is an unworthy place, that Members who serve in it are slothful, indolent folks who sleep till noon and perhaps then go to the club and maybe work an hour in the afternoon before they take a nap, and go home shortly after the nap.

Nothing could be further from the truth. The U.S. Senate is an extraordinary place, and the people who serve here are extraordinary people. I have never in my life had the privilege of serving with so many wonderful people, who are smart, dedicated, tough, honest, and hard-working people. They are on both sides of the aisle, Republican and Democrat.

When I look at this list of names, I think of the people here who work day and night, in many cases 7 days a week, including traveling in their States. You see them here early in the morning, you see them here late at night, always working. That is more the rule in the U.S. Senate with most all Members of the U.S. Senate.

But when I look at the people who are leaving at the end of this Congress, there are those who have been here a good number of years, and have substantial experience. They are going to be hard to replace. Oh, they will be replaced. There is no question about that. Yet it is hard to replace the kind of experience that comes with the service of SAM NUNN from Georgia or NANCY KASSEBAUM from Kansas, and I could go through the list of others as well.

I think it is interesting that in this age of discussion about term limits comes the suggestion by some that what is wrong with our country is that there are those who have too much experience. I have said it before, and I will say it again because I think it bears repeating. I wouldn't have traded one Bob Dole for all 73 freshmen House Republicans in terms of experience and service. What Senator Dole gave to this Senate for so many decades is an extraordinary commitment to public service. Now, I am not supporting him for President, and I am quick to point that out to my colleagues. But, I have a deep admiration for the extended service given our country by some of the great legislators in this country's history.

To suggest somehow that we should not have had the experience of Barry Goldwater or Hubert Humphrey, we should not have had the experience of Calhoun or Clay or Webster, the experience they gave us over so many years, really does not make much sense to me.

But, I did not come here to debate term limits. I came here to say that those who depart this Senate and who have contributed enormously to this country by their service in this Senate, demonstrate, the substantial commitment that so many people over two centuries have made to this country by serving in the U.S. Senate.

This service, for me, has been the greatest privilege of my life. I come from a town of 300 people and a high school class of 9. I never expected to be sworn in to the U.S. Senate. It is an extraordinary privilege, and I know that all of those who are leaving believe it to be so.

I add my voice to so many others who have, by name and person to person, described those who have been here and what they have contributed in the U.S. Senate. This is a remarkable group of Republicans and Democrats who have contributed greatly to our country, and I salute all of them, and I wish them well in their travels and all of their future endeavors.

TRANSFER OF SMALL BUSINESS AND FAMILY FARMS

Mr. DORGAN. Madam President, I want to mention two quick pieces of business. I have introduced a piece of legislation at the end of this Congress, intending to take it up in January again when a new Congress convenes, dealing with the estate taxes that we now have in our country. My piece of legislation deals specifically with the transfer of small businesses and family farms from parents to children.

The economy in this country is a kind of an interesting economy. We have large corporations which are given life only because we have given them life by law. We have said, by law, we will allow there to be created artificial people. They can sue and be sued, contract and be contracted with, even have names, but they are artificial. They don't live. They don't give blood. They don't have a beating heart. It is an artificial person. A corporation is recognized in law as artificial.

The interesting thing about the corporation is that it doesn't die. General Motors might get long in the tooth, but General Motors isn't going to die. It isn't going to have kidney failure or have heart disease. General Motors won't die. But a small business run by a husband and wife or a family is different. The husband and wife who start the business and run the business, they die.

So what happens when a family farm or a family business finds itself in a circumstance where the mother and the father who started that business and were running that business pass away. What happens when they want to transfer that business to the son or daughter?

Well, what happens too often is the son and daughter end up owning the business, plus a $300,000 or $400,000 tax bill from an estate tax burden that they must pay in order to run the business that their father and mother started. That does not make much sense to me.

Our incentive ought to be to try to say to the children, ''You want to continue to run the family business? We want to help you do that. It's in our interest to help you do that.'' It is in our interest to continue those jobs and to see that businesses continue, as a family farmer or family business.

I have proposed a piece of legislation which would provide for up to $1.5 million of transferred assets to the children without an estate tax obligation. Those children can then inherit a business and be able to run the business, providing they want to run it.

If they do not want to run the family business, as far as I am concerned, whatever the current estate tax is, that is the tax imposed. If they want to continue to run that business for the next 10 years, I want that family farmer or business to operate without a crushing burden of estate taxes. And my legislation will accomplish that.

The estate tax was originally conceived during the Civil War to finance the Civil War. It has had fits and starts and various turns since then. We ought to make certain the estate tax, as a revenue device, does not interrupt the continuity of a family business or family farm in which the children wish to continue as a viable family business or family farm.

That was the intent of the legislation I have introduced at the end of this session. Of course, without an opportunity for action on it, I will have to, in January or February, in the new Congress, turn to it again and see if we can make some progress on it. I expect there will be bipartisan support for legislation of this type, and I hope that we will see some success.

THE TRADE DEFICIT

Mr. DORGAN. Finally, while I will not characterize this Congress, because it would take too long, I do want to say that one of the pieces of unfinished business in the Congress deals with trade. I want to just discuss that for a moment.

There are failures in this Congress and successes; and we can point to both. The 104th Congress is one of the strangest Congresses I have ever seen operate. It had more twists and turns than a road in hilly country.

It just started out with the kind of bizarre circumstance of people saying, ''Well, we have no experience, and we're new here, and we don't intend to compromise. We got here because we bragged we have no experience, and we intend to prove we don't have any in the first 90 days. We don't intend to compromise on anything. And if you

don't like it, we'll shut the Government down.'' And it went on and on, and it was a mess.

The American people, I think, did not like it much. The first year of this Congress was not a very productive year. The second year of this Congress, I think, was a productive year, especially the last 6 months. Progress was made on a health care reform bill, on the minimum wage, on immigration reform, on welfare reform, and on a range of issues that I think are important to this country. I think the credit for that can be given to a bipartisan spirit of cooperation in the waning months of this Congress.

But the one issue that was not dealt with, and has never been dealt with by this Congress, is an issue dealing with deficits. And, no, it is not the budget deficit. It is the trade deficit.

The budget deficit is down, way down, down more than by one-half. So the budget deficit has been coming down and moving in the right direction. But the trade deficit has not. Yet, almost no one discusses the trade deficit.

As I conclude my remarks today, I want to call the attention of my colleagues to an article written by the economist Lester Thurow. I ask unanimous consent to have this article printed in the RECORD at the conclusion of my statement.

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

(See exhibit 1.)

Mr. DORGAN. It is entitled, ''Awaiting the Crisis.'' This is by Lester Thurow, MIT economist. The subtitle is, ''It's fundamental: No country can run a trade deficit forever.''

And I want to read part of it.

> When something has gone on for a long time, human beings have a tendency to act as if it could go on forever—even when they know that it cannot. Consider the triangular trading pattern between the United States, Japan, and most of the rest of East Asia. Japan runs a huge trade surplus with the United States and now an even larger one with the other countries of East Asia, most of which pay for their enormous trade deficits with Japan by running even bigger trade surpluses with the United States. The United States ends up with a current account deficit (more than $150 billion in 1995) that is mostly attributable to its unfavorable balance of trade with Japan and most of the rest of East Asia.

He does not say it, but he should also include Mexico and Canada.

> Yet if there is one thing that we know about international trade, it is that no country, not even one as big as the United States, can run a trade deficit forever. Money must be borrowed to pay for the deficit, but money must also be borrowed to pay interest on previous borrowing.

And he goes on. The merchandise trade deficit in this country last year was $170 billion. And it is growing. There was a great deal of activity on this floor during this Congress talking about the budget deficit. The Federal budget deficit is diminishing, going down, way down. The trade deficit is going up. There has been almost no discussion about this on this floor except for myself and a couple of others.

What discussion does exist on this floor is generally referred to by others, the very people who have put us in this trade position, who say, ''Well, that's simply the complaining by a few certifiable stooges that don't have any training at all.''

Lester Thurow is right. No country can run a trade deficit forever. We can see Americans who wear Chinese shirts, Mexican shorts, and Italian shoes, and drive Japanese cars, and watch television on Taiwanese television sets, and then complain about their jobs. ''What's happened to my job? I'm paid less. I don't have job security.''

It simply does not add up. To the extent we have large trade deficits, because we import more than we export, it means that the manufacturing base of our country diminishes. No world economic power will long remain a world economic power unless it has a sustainable manufacturing base. You cannot move all that you produce overseas and still believe you will remain a strong economic power.

I am not suggesting that our country ought to have a policy by which we establish walls and prevent goods from coming in. I am not saying that at all. What I am saying is that we must have a trade policy that tries to move us toward some kind of trade balance so we get rid of these crippling trade deficits.

My colleague, Senator BYRD, from West Virginia, and I introduced a piece of legislation that we had hoped would be passed by this Congress in the waning days, and it was not. It would have established an emergency commission to end the trade deficit. Under this bill a commission would be impaneled to give us recommendations on how can we tackle this trade deficit, and what kinds of policies this country can employ to reduce this trade deficit.

The trade deficit must be repaid with a lower standard of living in our country. There is not any economist that will argue otherwise. To have a trade deficit that is this large, the largest in human history, and growing, is very dangerous for our country.

That does not argue, as I said, for protectionism. It does not argue for providing consumers with fewer choices. It simply argues that you must have some kind of balance in your trade policies. It suggests to other countries that there are reciprocal responsibilities.

Let me give you an example.

China sends us an enormous amount of products to be sold in our marketplace. And that is fine with me. But then what happens when China needs airplanes. And it does, because it does not manufacture airplanes except for small airplanes, some 50-seat airplanes. It does not manufacture the large planes. When China needs airplanes, because it has a $30-billion-plus surplus with us, or we have a deficit with them of over $30 billion, you would think that China would say, ''All right, you buy the things that we produce that you need, so now when we need something you produce, airplanes, we'll buy them from you.'' It is not the way it works.

China says to us, ''We'd like to buy some of your Boeing airplanes. By the way, you must manufacturer them in China. Yes. We'll buy your products if you manufacture them in China.'' I do not understand that. It does not make any sense to me, particularly with a country that is running up a giant trade surplus with us or is putting us in a position to have an enormous deficit with them. When it intends to buy something that we produce, it has a responsibility to buy it from our country, from our workers and from our producers.

The same is true with wheat. I will use China again, although I could use others. China has this enormous trade surplus with us, growing in a very significant way. It buys wheat, and we should be thankful that it buys wheat. But, it is off price shopping with other countries to try to figure out where it can buy discount wheat. China has a responsibility to buy wheat from us. When it is running up a $30-billion-plus trade surplus or putting us in a deficit position, it has a responsibility to us to buy our wheat.

I could talk at great length about Mexico and Japan and China and Canada. These countries have the significant portion of our trade deficit, and we should talk with them about the need for reciprocal trade policies. But I did not come to the floor to do that. I came to the floor to point out that Lester Thurow, the MIT economist, has written ''No country can run a trade deficit forever.''

Those in this country who have a nagging feeling somewhere between their brain and the pit of their belly understand what it is. Unfortunately, economists in this town do not and most politicians do not. That nagging feeling of uneasiness is to see a country whose manufacturing is increasingly moving elsewhere. It is not simply the manufacturing of low-skilled circumstances. No, it is the manufacturing with high-skilled labor that is moving elsewhere. The result is we are left in this country with jobs that move from high skill to low skill, from higher pay to lower pay, and from more security to less security. That hurts this country.

My message to the Congress and the President is that we cannot continue to ignore this problem. This article I asked to have printed in the RECORD is entitled ''Awaiting the Crisis.''

I remember in the last Congress we had a significant debate about NAFTA, the North American Free Trade Agreement. We were promised by economists and others that if we would pass NAFTA with Mexico and Canada, we would see several hundred thousand new jobs in our country. It turns out we passed NAFTA. I did not support it.

I actively opposed it. We not only did not get 300,000 new jobs; we lost more than 300,000 jobs. One recent study places the job loss closer to 500,000 jobs.

It turns out the substantial new imports from Mexico are not imports resulting from low-wage, low-skill jobs. Instead, the imports are largely the result of high-skilled jobs that are still paying low wages in Mexico. They are the result of jobs in electronics, automobiles, and automobile parts. Those are jobs that used to be ours that are now south of the border.

I, personally, do not see that it advances this country's interest to put together trade strategies that result in jobs moving overseas. I might say with respect to that, just parenthetically, we not only have a trade policy that encourages that, we also have a tax policy that says, ''By the way, shut your American plant, fire your American workers, and move your jobs overseas and we will give you a big fat tax break.''

Twice I tried to get that changed on the floor of the Senate and twice I lost. But I will be back, because we will vote again on that in the next session of Congress. It might be in the interest of the largest international corporations to collect a tax break from moving jobs from Fargo or Bangor or Pittsburgh or Denver to Sri Lanka, Bangladesh, China, or Korea, but it is not in our interests. It might be in their interests, but it is not in ours. We ought to deal with that.

Madam President, this is an issue that the next Congress must tackle. Senator BYRD, the Senator from West Virginia, and I will reintroduce the legislation that we introduced toward the end of this session dealing with an emergency commission to end the trade deficit. I will continue to stimulate and agitate, if necessary, on this.

We must address this issue, but not in a way that retreats from the interests of expanded and open markets. We must address it in a way that focuses on what is in our economic interest as a country. We must not address it in a way that allows those who sloganeer about protectionism to claim anyone who does not share their view is protectionist.

How do we, at the same time as we countenance largely open markets, insist on our trading partners opening their markets to American producers and the products made by American workers? How do we do that? The failure to do that means we load our kids with debt that they will have to repay with a lower standard of living. This is not the budget debt. This is trade debt. The merchandise trade deficit this past year is close to $170 billion.

Madam President, let me again, as I conclude, pay honor and tribute to those who leave the U.S. Senate. It has been a privilege to me to serve with them.

EXHIBIT 1

AWAITING THE CRISIS

When something has gone on for a long time, human beings have a tendency to act as if it could go on forever—even when they know that it cannot. Consider the triangular trading pattern between the United States, Japan, and most of the rest of East Asia. Japan runs a huge trade surplus with the United States and now an even larger one with the other countries of East Asia, most of which pay for their enormous trade deficits with Japan by running even bigger trade surpluses with the United States. The United States ends up with a current account deficit (more than $150 billion in 1995) that is mostly attributable to its unfavorable balance of trade with Japan and most of the rest of East Asia.

Yet if there is one thing that we know about international trade, it is that no country, not even one as big as the United States, can run a trade deficit forever. Money must be borrowed to pay for the deficit, but money must also be borrowed to pay interest on previous borrowing. Even if the annual trade deficit does not grow, interest payments do until they are so large that they can no longer be financed. Americans can also sell their assets (land, companies, buildings) to foreigners to finance deficits, but that approach is also limited since eventually there will be nothing of value left to sell.

At some point the world's capital markets will quit lending to Americans (the risk of default and of being paid back in a currency of much lower value are simply too great), just as they have quit lending to everyone else. The question is not whether the end will come. It will. The question is when and how fast. Will it come as one big shock or as a series of smaller shocks that do less damage?

But no one knows, or can know, when or how fast. Economics is quite good when it comes to assessing fundamental forces, but it is horrible at timing and speed of adjustment. Economic theory simply says nothing about either.

When the ends comes, the biggest effects will be felt in most of the up-and-coming countries of East Asia. They will lose not just their United States market and trade surpluses but also their ability to run a trade deficit with Japan and finance the importation of Japanese products, including components and spare parts. Since much of what they sell in their domestic markets depends on these Japanese imports, cutbacks in production will have to be far larger than what a simple elimination of United States trade surpluses would indicate.

Many of the East Asian countries that think they have reduced their dependence on the American market in recent years will find that they have not. South Korea now sells less than it once did to the United States and more to China than ever before, but China could not afford to buy from South Korea it if it did not have a trade surplus with the United States. As China's sales fall in America, its purchases from South Korea will have to fall as well.

In addition, many of the countries in East Asia have their debts denominated in yen, even though most of their sales are denominated in dollars. As a result, when the yen rises in value vis-à-vis the dollar, the real value of their debts explodes. This effect was already apparent as the dollar slid from 120 yen to 80 yen over the last couple of years. Indonesia and China would have been in a lot of trouble if the dollar had not recovered.

As a consequence, when the United States loses its ability to finance its trade deficit, Japan will lose not just its American sales but also most of its East Asian sales. A few countries in East Asia, such as Taiwan, have large foreign-exchange reserves and will be able to continue to import Japanese components and spare parts. But most other have little in the way of foreign-exchange reserves—without their American sales these countries will become uncreditworthy. Their Japanese purchases will have to end almost instantly. Having lost their United States and Asian export surpluses, Japan's big export industries will have to undergo a big contraction.

Paradoxically, the problems will be the least severe in the United States. The standard of living there will certainly decline as imports fall back into balance with exports, but United States companies, such as auto manufacturers, will quickly add third shifts and expand production to grab the sales and market share that companies in Japan and the rest of East Asia will be forced to give up. The problems of the United States will be minor compared with those of Japan and the rest of East Asia.

Given this reality, governments should act now to rebalance trading patterns in order to avoid the crisis that will emerge if current trends are simply allowed to play themselves out. Everyone knows that a gradual readjustment that is deliberately engineered now will be a lot less painful than a sudden, market-forced adjustment at some point in the future.

But it is just as clear that these governments will fail to act in time. They will instead wait for the crisis to arrive.

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

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

DEPARTING COLLEAGUES

Mr. GORTON. Madam President, 2, or 3 days ago I had the opportunity to speak on the floor about those of our colleagues on this side of the aisle who are ending their Senate careers with the termination and adjournment of this Congress.

I wanted to take this opportunity to speak briefly about my friends and colleagues on the other side of the aisle who are doing the same thing with particular reference to one who has become a special friend.

Many people have paid well earned tribute to the Senator from New Jersey, Mr. BRADLEY, for his brilliance, dedication, and purposefulness; to a particular colleague, Senator EXON of Nebraska, with whom I have been privileged to serve on both the Budget Committee and the Commerce Committee whose wit, sense of humor, and ability to diffuse difficult situations is wonderfully welcome; to perhaps a favorite of many, Senator SIMON of Illinois who, even when one disagrees frequently with him on issues, is always unfailingly friendly, thoughtful, forgiving, and forthcoming; to the courtly and courteous Senator PELL from Rhode Island.

Madam President, all are individuals that we will miss.

SENATOR BENNETT JOHNSTON

But I want to especially pay tribute to my dear friend and colleague, the senior Senator from Louisiana, BENNETT JOHNSTON; with common interests

in many matters relating to energy, to all sorts of natural resources, to our parks, and particularly to a balanced Federal budget; the companionship that we had in search of a bipartisan solution to those questions and of the balanced budget during the course of the last year or two. We would be closer in any event.

But, Madam President, I want to put on the Record one unique set of circumstances that binds the two of us together in a way that illustrates in some respects how small this world is.

When I first came to the U.S. Senate in 1981, Senator JOHNSTON had been here for a considerable period of time and was a leading, highly respected, and very, very thoughtful Member of this body.

About 6 months after I was here, I visited at length my mother, who died just a couple of months afterward, at her home in Massachusetts, and was talking to her with great enthusiasm about this new challenge of my life and this new career; describing the friendships I had made, at which point I said, ''One of the Democrats, mother, that I like best of all is BENNETT JOHNSTON. You know, he comes from Shreveport, LA, where your sister lived and raised her children, my cousins. I just think that BENNETT JOHNSTON is a really terrific Senator.'' And my mother smiled at me, and responded, and said, ''Well, Slade, when you go back to the Senate, you ask Senator JOHNSTON whether he knows that his father proposed to me while we were undergraduates at Louisiana State University.''

Well, Madam President, Senator JOHNSTON obviously did not know that his father had proposed unsuccessfully to my mother before he met and married the Senator's mother. But that brought us close enough together that he and I have called one another cousin ever since.

Madam President, of all of the people whom I will miss in this body at the end of this Congress, I want to say that I will very, very much miss my cousin, BENNETT JOHNSTON of Louisiana.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO SENATOR BILL COHEN

Ms. SNOWE. Mr. President, I rise today to pay tribute and bid a reluctant farewell to an outstanding leader, friend, colleague, and mentor—and an individual who has been a tremendous credit to this institution and to his home State—the senior Senator from Maine, BILL COHEN.

The U.S. Senate is often referred to as the greatest deliberative body on earth, a reflection on the stature of its most outstanding individuals throughout our history. These leaders have all faced different challenges in different ages, but share the traits that bind men and women to greatness: courage, integrity, and a thoughtful approach to the issues of the day. They are people for whom public service is a calling, not a career; and a solemn trust not ever to be broken.

Senator BILL COHEN is one of these people.

BILL COHEN grew up in Bangor, ME, and would forever be instilled with the solid, common-sense, honest characteristics that are the hallmark of any good Mainer. From humble but hard-working roots, BILL COHEN would learn the values that have made him a great legislator, and a great leader.

Mainers are a proud and independent people, who believe in thinking for themselves but also in helping each other. They understand that there are no free rides—no endless summers. For every action there is a consequence, and with every right comes a responsibility. People are expected to make the most of the opportunities they have, but also to make certain those opportunities exist for others. They insist that a person keep their promises and be true to their word. And they believe the ultimate measure of any man or woman is how close they remain to their principles precisely when it is most difficult to do so.

It is against this backdrop that BILL COHEN started his political life, and he has carried these ideals with him throughout his tenure in the public arena. He entered politics knowing that he would have to make difficult decisions and willing to make them—but not knowing what or when. As it turned out, his moment would come very quickly.

It became clear early on that BILL COHEN would follow in the tradition of great Maine leaders like Margaret Chase Smith and Edmund Muskie. Indeed, from his earliest days in Congress, Representative COHEN distinguished himself as an island of reason in a stormy sea of scandal. While America was suffering a crisis of confidence, BILL COHEN charted a course straight through the heart of the storm as a member of the House Judiciary Committee considering Articles of Impeachment against a President. Although just a freshman in the House, BILL was already a man of conscience and courage—someone who was willing to make the tough calls and risk his political future for the sake of truth and America's honor.

One of our distinguished colleagues, Senator ROBERT BYRD, once said ''What we really need is a constitutional amendment that says, 'There shall be some spine in our national leaders' ''. I think Senator BYRD might agree that if we had more BILL COHEN's, we might not need such a measure.

Maine and America have come to know that they can count on BILL COHEN to approach issues with thoughtfulness and reason, and I think that Senators on both sides of the aisle have a tremendous respect for his intellect and integrity.

I think that is what Americans want in their leaders. BILL COHEN not only listens to his constituents, but has the capacity to put the day's problems and events into historical perspective. He has the intellect, the integrity, and the strength to know the right thing to do—and the right way to do it.

BILL COHEN does not rise and fall with the political tide, but at the same time he is very much aware of the issues and concerns swirling across America as well as the world. In much the spirit of lighthouse-keepers of Maine's past, BILL COHEN has always stood strong in the face of the often turbulent seas of politics, ever watchful and every ready to guide us in the right direction.

He has been a leader who believes it is his solemn responsibility not simply to echo public sentiment, but to deliberate upon the issues of the day and to add his own voice to the debate.

In fact, in 1992 he admonished that ''Those of us in Congress must be willing to tell the American people what they need to know, not just what they want to hear.'' Otherwise, as he said just Friday in his eloquent farewell speech, ''You don't need me; you just need a computer. * * *

It is that kind of powerful eloquence that has been such a persuasive voice for reason in this body. As we well know, Mr. President, BILL COHEN knows just the right thing to say for almost any occasion, and certainly has a gift for the language. Of course, it's not unusual people in our line of work to sprinkle their speeches with pithy little quotes from some famous writer. But let's be honest—most of these are usually stumbled upon by some clever speech writer leafing through ''Bartlett's Famous Quotations.'' I mean, when was the last time you were actually gazing wistfully out the window, thinking, ''You know, right now I'm reminded of that line in 'The Iliad'* * *.''

Except for BILL. He really is sitting there, thinking about the cost of some arcane weapons system relative to gross national product and how it all reminds him of that line in ''The Iliad.''

How many of us use timeless poetry and literature to inform our views? Even more remarkably, how many of us use our own poetry and writings?

That is why those of us in this Chamber are well aware that BILL is about more than rollcall votes and unanimous-consent agreements. He is about the thoughtfulness and beauty of poetry; he is about contemplating our place in history; and he is about taking the time to really think about the world around us. He knows that what is really important—what is really lasting and worthy of our attention—is not

something that can be gleaned from a briefing book. It must come from, as Plato might have said, the examined life. For Senator COHEN, the examined life is the only life worth living, and this philosophy is reflected in his public service.

Indeed, one might say that when it comes to values like honesty, integrity, and fairness, BILL COHEN helped write the book.

In the Senate, Senator COHEN has been there to defend the defenseless. He has been a compassionate pragmatist who believes, as I do, that we can balance the budget and still have room for humanity. As Woodrow Wilson once said, ''The firm basis of government is justice not pity,'' and in that spirit BILL COHEN believes that we should help give people a hand up, not a hand out. And with boundless optimism and in the best Republican tradition, he believes in the power and potential of the individual. BILL said it best in a speech he gave on the Senate floor: ''Is there anything more un-American than to deny a human being the chance to be the best he or she can be?

Indeed, there is a common thread that runs through BILL COHEN'S career in government. In 1963, Martin Luther King, Jr., wrote, ''Injustice anywhere is a threat to justice everywhere.'' It is upon that fundamental principal that Senator COHEN has based his work, and the yardstick against which he measures our quality of life—and Government—in America.

In a passionate speech he gave in the wake of the 1992 Los Angeles riots, BILL was typically eloquent and straightforward when he said: ''If we expect people to be guided by the rule of law and the hand of justice, then justice must be done. * * * We who hold positions of honor and responsibility as lawmakers have an absolute duty to see to it that laws we pass are carried out with fairness and with complete impartiality.''

Senator COHEN has been a tireless champion for justice, whether for seniors, minorities, women, and even the U.S. Government. In fact, especially the U.S. Government. BILL believes in the system—and he does not take lightly to that system being tarnished by corruption, waste, or special privileges. He was there to champion lobbying reform; he was there to ensure that criminal wrongdoing by public servants would not be tolerated; and he was there to strengthen the code of ethics for all who are entrusted with the public good.

BILL has also long been a respected and expert voice on intelligence and defense issues. As chairman of the Armed Services Subcommittee on Seapower and as former chairman of the Senate Intelligence Committee, BILL'S leadership role at a key time in history laid the groundwork for many of the successes we enjoy today—from keeping communism at bay, to helping bring about the end of the cold war.

Throughout it all, the political battles, the tough votes, the late-night sessions, BILL COHEN never forgot where he came from. Since 1969, when he was first elected to public office as the mayor of Bangor, ME people have put their trust in BILL COHEN. He has never failed that trust. He has never failed to honor us with his service and he has never failed to make us all proud to call him Senator. I have certainly been proud to call him Senator, even senior Senator, but I feel even more privileged to be able to call him my friend.

BILL set the standard in modern Maine politics for all of us to follow. Indeed, if we ever had any hope of being successful, we had to follow it. And his advice and wise guidance over the years has been invaluable to me. I will forever appreciate the kindness he has shown. He has been a colleague, a mentor, and an inspiration, and I will miss him.

Mr. President, as Senator COHEN is about to embark on an exciting and fulfilling new journey, I wish him nothing but the best. But know this: This institution, his State, and this country, will miss him dearly because he has been, as an editorial once said, ''as close to the ideal definition of a public servant as one can get.''

DEPARTING SENATORS

Ms. SNOWE. Mr. President, I also would like to add my sentiments about the number of individuals who are departing the Senate on both sides of the aisle, all of whom have contributed greatly to this country and to their States and brought us great honor, all of whom have reflected the ideals the American people rightfully expect from their elected officials. I know it is going to be a great loss to this institution, to lose the kind of individuals who have represented what, I think, is the best of what is in America, and the best of what their States have represented.

I wish them all well. I am certainly sorry to see them all go. But I want to say they have certainly served their State and their country with honor.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. 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. INHOFE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senate is in morning business, with a 5-minute limit on speeches.

SYRIAN TROOP MOVEMENTS

Mr. INHOFE. Mr. President, like most Americans, I have watched the events of the past several days in the Middle East with great concern. Through a series of miscalculations, the fragile peace process, which so many of us support and were hoping would be successful, seems to have been threatened by renewed violence.

As a strong supporter of Israel, I hope a reopening of the constructive dialog has been achieved in the White House in the past 24 or 36 hours. And I hope as well that both Israel and Palestinian leaders will renew their commitment to peace.

As they attempt to resolve their immediate differences, I urge Prime Minister Netanyahu and Chairman Arafat to act in good faith and with restraint, although I have to say, after having had a lengthy meeting with Mr. Arafat just a few weeks ago on the Gaza, I did not observe much restraint.

So often, dramatic events in one district of the world draw attention from some of the other things that are going on. I would like to call the attention of my colleagues to the concern that I have over other things that are taking place in that region of the world. I wish to call to my colleague's attention, current actions being taken by Syria, actions which may prove to be an even greater threat to the security of Israel and the stability of the Middle East.

A very dangerous game is being played by Syrian President Hafez Assad on the Golan Heights. For the past month, Syria has been conducting a series of troop movements along Israel's northern border, which will enable Syria to quickly launch an attack on Israel. Syria has redeployed up to 12,000 troops from in and around Beirut to within striking distance of the Golan Heights. This is the first significant manipulation of military forces since the Madrid Conference convened 5 years ago to initiate the peace process.

Only by standing on the edge of the Golan, which I have done many times, and I am sure the Senator presiding has also, can you get the full impact of the strategic significance of the Golan.

The Syrian troop movements is just the latest in a series of destabilizing actions by Assad. Despite repeated invitations for Prime Minister Netanyahu, Assad has refused to renew peace talks with Israel. Syria still harbors some 10 anti-Israel terrorist organizations in Damascus. Syria also supports the anti-Turkish, anti-Jordanian terrorists, and let's not forget Syria's destabilization of Lebanon with over 40,000 Syrian troops supporting Hezbollah terrorists.

Mr. President, the Syrian troop movements are additionally menacing in light of a serious surprise attack on Israel during the observance of Yom Kippur, the Jewish day of atonement in 1973.

In 1973, Syrian commando units were used to attack Israeli positions on Mt. Hermon during Yom Kippur, the day of fasting prayer and introspection, which was observed in Israel just last Monday. Syrian troop movements could force a dangerous escalation by virtue

of the implied threat to Israel of their forward positions.

In the most recent redeployment, which took place just last week, special forces were moved to forward positions on the Syrian side of Mt. Hermon. These movements are most disturbing and significantly change the military picture. It was a similar force which captured an Israeli outpost on Mt. Hermon in 1973. They were only dislodged after heavy loss of life.

Mr. President, an editorial published in a recent Near East report outlines the threat to Israel of these recent Syrian actions.

I ask unanimous consent that the editorial be printed in the RECORD.

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

TROUBLING SYRIAN TROOP MOVEMENTS

For several weeks, Syrian troops have been moving from the Beirut area to Lebanon's Bekaa Valley, close to Israeli positions on the Golan Heights. The New York Times (Sept. 18) said Israel and the U.S. are particularly concerned about the movement of crack Syrian commandos near Israeli listening posts on Mount Hermon, given that the 1973 Yom Kippur War began with a Syrian commando attack on Mount Hermon.

In its September 18 lead story, Ha'aretz reports that an intelligence assessment (presented in recent days to Prime Minister Netanyahu against the background of the troop movements) says that, while there are no signs indicating an immediate outbreak of hostilities, ''the probability of war with Syria is no longer low.'' (In recent years, IDF intelligence assessments have said there is ''a low probability'' of such a war.)

The biggest military advantage Syria could gain from the latest troop movement would be a reduction in the time needed to move from a defensive to an attacking posture. ''The main concern is not that the Syrians will try to attack the Galilee, but will try a quick capture of some key point, like Mt. Hermon. This evaluation is based largely on the nature of the Syrian forces sighted in the area: special commando units trained to engage in swift raids,'' wrote Ha'aretz intelligence expert Yossi Melman (Sep. 18).

While the Syrian movements are troubling, their significance should not be exaggerated. Israel and Syria have reportedly exchanged ''pacifying messages'' aimed at heading off a confrontation. Foreign Minister David Levy and U.S. Ambassador to Lebanon Richard Jones are said to be involved in calming things.

''I don't see anything particularly alarming in the redeployment,'' Jones said, adding that a military confrontation between Syria and Israel'' seems pretty far-fetched'' (Reuter, Sep. 17).

Prime Minister Netanyahu told the Knesset Foreign Affairs and Defense Committee: ''Syria's intention is evidently to put psychological pressure on Israel and its new government. And, when pressure is applied to you, the main thing is don't get pressured.''

Syria's bullying tactics come at a particularly inopportune time—just as Washington and Jerusalem have been working tirelessly to arrive at a new formula for resuming Israeli-Syrian talks. Damascus would do well to jettison the questionable threats and troop movements in favor of re-engaging in serious negotiations with Israel.

BALLISTIC MISSILE DEFENSE

Mr. INHOFE. Mr. President, if I can address one other subject very briefly since we are coming to the end of this session. I noticed an article in the current Reader's Digest. I happen to be one who has such respect for the Reader's Digest.

I was involved with a story 2 years ago with them. It took them 9 months to write the story. Everything is authenticated and documented in a way I don't know any other publication would equal. They were talking about ballistic missiles that increasingly will be used by hostile states and is a real serious problem.

We have stood on the floor of this Senate over and over and over again to try to address this problem, to make the people of America aware that we are probably in a more threatened position today than we have been in this country's history. They point out some things I had not thought about, putting it in proper context.

They said there are five reasons why the Nation must take steps to defend itself:

First, the ballistic missiles are proliferating. More than 20 nations are in the ballistic missile club, as they call it. Others are knocking on the door. This is something we have been saying over and over again. In fact, it has been 2 years since the former CIA Director, the first one under President Clinton, said that we know of somewhere between 25 and 30 nations that currently either have developed, or are in the final stages of developing, weapons of mass destruction, either biological, chemical, or nuclear.

This former CIA Director identifies five nations—Libya, Iraq, Iran, Syria, and North Korea—whose aggressive programs to arm missiles with nuclear, chemical, or biological weapons could threaten the United States.

The second thing they talk about is that missile range and accuracy are increasing rapidly. I suggest, Mr. President, that the reason for this is partly our fault because of what we have done in satellite technology.

I had occasion to become the first Member of Congress to fly a small airplane around the world a couple of years ago. I used that satellite technology. I never lost the satellite all the way around the world. Because of that, there is no way of guarding against other uses, and that means, through our global positioning system, other nations have incredible accuracy, and this is something that has to be taken into consideration.

The third point is warheads of mass destruction are within reach of many new missile powers.

We were shocked when we found out and discovered at the end of the gulf war that Saddam Hussein had a huge biochemical arsenal. Hundreds of tons were destroyed by the U.N. observers. We have no way of knowing where else in the world this could be happening.

The fourth point is, defense against ballistic missile attack is a practical reality. It is for political, not technological, reasons that the U.S. Government has chosen not to build a missile defense. I think that is very significant.

We not long ago debated the START II Treaty and we did, in fact, approve that from this body. I think I was the first one, the only one, who voted against it until later in the vote when three others joined. My argument was we were going back to accepting the confinements and restrictions that were imposed upon us in the 1972 ABM Treaty, which at that time didn't make sense to me, but it made more sense than it does today, because that was a bilateral treaty with a country that no longer exists, which says, ''If you don't defend yourself, we will agree not to defend ourselves,'' therefore, that is a policy that offers some security.

I never really believed it did. However, it is now pointed out by more and more people that that policy was flawed initially and certainly is not one that today makes any sense. In fact, it was Dr. Henry Kissinger, who was the architect of the ABM Treaty in 1972, who said, ''It is nuts to make a virtue out of your vulnerability.''

So that is our posture today, where we are. The last thing they said is the longer we wait, the less time we may have.

We had an NIA estimate not too long ago, a national intelligence estimate, that many of us felt was flawed in many ways. I think it told the President what the President wanted to hear. It came to the conclusion that there is no threat out there for the next 15 years. I think there are many problems with this. First of all, they talk about the continental United States. I agreed with James Woolsey the other day when he said the last time he checked, Hawaii and Alaska were part of the United States.

The article also points out that it fails to mention that both Russia and China have ICBM's right now that have the capability of reaching the United States, along with the weapons of mass destruction.

I remember President Clinton saying in the House Chamber during his State of the Union Message that there is not a single Russian missile pointed at America's children. The head of the Russian strategic missile forces told CBS news on ''60 Minutes'' that his ICBM's could be retargeted in a matter of minutes. I think it is a great disservice to the American people for the President to try to imply that the threat is not out there.

Mr. President, many of the people in the intelligence community throughout the world have said that the United States of America is facing a greater threat today than we have faced since the Revolutionary War. I am deeply distressed that the President has been able to convince many of the American people that the threat is not out there, and I intend, certainly during this recess, to do all I can to be, if nothing

more than a one-man truth squad, to get the American people to understand the real threat that is facing us today.

Mr. President, I ask unanimous consent that the missile defense article entitled ''Defenseless Against Missile Terror'' be printed in the RECORD.

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

[From Reader's Digest, October, 1996]

DEFENSELESS AGAINST MISSILE TERROR

(By Ralph Kinney Bennett)

''Ballistic missiles can and increasingly will be used by hostile states for blackmail, terror and to drive wedges between us and our allies.''

This warning, delivered to Congress last spring by R. James Woolsey, former director of the Central Intelligence Agency, had a particular immediacy. Just weeks earlier, China had threatened Taiwan by test-firing missiles off Taiwan's shores. In a not-so-veiled warning against interference, China reminded a former U.S. diplomat that Los Angeles was within reach of its nuclear-tipped intercontinental ballistic missiles (ICBMs).

Ballistic missiles are becoming a dangerous factor in international relations, but the United States has yet to deal fully with the threat. Here are five reasons why the nation must take steps to defend itself:

1. Ballistic missiles are proliferating. More than 20 nations are in the ballistic missile ''club.'' Others are knocking on the door. Although the United States stopped exporting ballistic missiles over two decades ago, Russia, China and North Korea eagerly peddle their rockets—often in the guise of aiding ''space programs.''

Pakistan, which has been developing its own ballistic missile, the Hatf, has reportedly acquired 30 nuclear-capable, medium-range M–11 missiles from the Chinese to counter India's growing missile force. Saudi Arabia owns Chinese CSS–2 missiles. Iran has added Chinese CSS–8s, a front-line ballistic missile, to its considerable arsenal of Soviet-made Scuds. There has even been a report that Peru, smarting from past reverses at the hands of its neighbors, entered into negotiations with North Korea last year to obtain ballistic missiles.

The CIA identifies five ''rogue nations''—Libya, Iraq, Iran, Syria and North Korea—whose ''aggressive'' programs to arm missiles with nuclear, chemical or biological weapons could threaten the United States.

There are indications that Libya is seeking to buy ballistic missiles from North Korea . Iraq, whose Scud rockets rained down on Israel and Saudi Arabia in the Gulf War, is rapidly rebuilding production facilities to turn out an upgraded Scud called the El-Hussein.

In North Korea, scarce financial resources are being lavished on long-range Taepo Dong missiles. Intelligence sources in South Korea report that within five years, these rockets may be able to reach all of the western, and much of the central, United States.

2. Missile range and accuracy are rapidly increasing. By strapping on booster engines, countries can turn shorter-range missiles into multi-stage rockets—vastly increasing attack distance.

In December 1989 intelligence officials were astounded when Iraqi missile scientists successfully tested a powerful rocket bolted together from five Soviet Scud engines. Iraq's ballistic-missile research and development facility at Mosul was destroyed during the Gulf War, but it has been rebuilt and expanded. North Korea and China are also creating ''hybrid'' long-range missiles from rocket components. Moreover, experts add, China is going all-out to make its CSS–4 ICBM capable of carrying multiple nuclear warheads.

One problem for missile neophytes—accuracy—may have been inadvertently solved by the United States. Our Global Positioning System (GPS) uses an orbiting satellite network to provide an exact location fix on earth. Originally a U.S. defense program, GPS is now routinely available to anyone—including foreign governments.

Former CIA Director Woolsey explains that within a few years, GPS could give ballistic missiles such pinpoint accuracy that even with nonnuclear warheads, they would have immense destructive power. GPS could make it feasible, Woolsey warns, ''for Saddam Hussein to threaten to destroy the Knesset (the Israeli parliament) or for Chinese rulers to cause a Chernobyl-like disaster at a Taiwanese nuclear-power plant.''

3. Warheads of mass destruction are within reach of many new missile powers. The Grail for those building mass-destruction weapons is a ''deliverable'' nuclear warhead, one that is small enough and sturdy enough to be launched by a missile. Designing one requires technical sophistication and immensely complex calculations, which is why high-speed supercomputers are vital to advanced weapon designs.

Thus, national-security experts were dismayed when the Clinton Administration relaxed supercomputer export guidelines. Since then, U.S. computers capable of bomb design have gone to China and Russia. U.S. officials claim they will keep close track to ensure the technology is used only for civilian purposes. But as Stephen Bryen, a former Pentagon official and an expert on strategic technology transfer, notes, ''It is absurd to believe that in a country bent on developing high-tech weapons, supercomputers will not end up being used by the military.''

Meanwhile, countries such as Iran, Iraq, Libya and North Korea have not ignored the path to a big bang on the cheap: chemical and biological weapons. Pound for pound, poison gas and such deadly germs as anthrax can have the same mass-killing power as a nuclear bomb.

A chilling discovery at the end of the Gulf War was Saddam Hussein's huge biochemical arsenal; hundreds of tons were destroyed by U.N. observers. During the war, according to Gen. Hussein Kamil Hasan, Saddam's son-in-law, Iraq got as far as filling warheads with deadly germs such as the cancer-causing aflatoxin.

4. Defense against ballistic-missile attack is a practical reality. It's for political, not technological, reasons that the U.S. government has chosen not to build a missile defense. One of the first anti-missile weapons, the Nike-X, was ready by the early 1960s. But, partly as a gesture of good intentions toward the Soviets, then-Defense Secretary Robert McNamara refused to deploy it.

This restraint culminated in the U.S.-Soviet Anti-Ballistic Missile (ABM) Treaty of 1972, which limited both countries' defense systems. Although the Kremlin repeatedly violated the treaty by enlarging its ABM system to protect greater portions of the Soviet Union, by 1976 the United States had closed its sole missile-defense facility in North Dakota.

Only when President Ronald Reagan revived interest in an effective defense against ballistic missiles did funding pick up, and the United States went on to make astounding leaps in technology. The Reagan effort pointed to what is acknowledged to be the most elegant and effective technique for killing ICBMs—space-based sensing satellites and interceptor weapons (either lasers or rockets) that find and destroy missiles at their most vulnerable stage: shortly after launch. The space-based system would be augmented by ground-based, hyerfast anti-missile interceptors to ''clean up'' any remaining missiles or warheads.

In 1993 a panel of scientists assembled by the American Institute of Aeronautics and Astronautics (AIAA) reviewed a ballistic-missile defense system. The AIAA found ''no technical barriers to the development and deployment'' of a workable missile defense.

5. The longer we wait, the less time we may have. In November 1994, President Clinton issued Executive Order 12938, declaring missile proliferation to be a ''national emergency.'' However, every Congressional effort to build a defense against attack has been vetoed by the President or thrown into a limbo of ''further research.''

A secret National Intelligence Estimate, prepared for the President last November declared flatly: ''No country, other than the major declared nuclear powers, will develop or otherwise acquire a ballistic missile in the next 15 years that could threaten the contiguous 48 states and Canada.''

Intelligence experts immediately pointed out the report's flaws. It virtually ignored Alaska and Hawaii (''They're part of the United States last time I heard, '' says Woolsey); also, it brushed aside existing Russian and Chinese ICBMs and the threat of instability in, or accidental launches from, those countries. At least one freak launch of an armed Soviet missile during routine maintenance has been reported.

President Clinton has said ''there is not a single Russian missile pointed at America's children.'' We have no way of verifying this—nor would it mean much, if true. Gen. Igor Sergeyev, head of Russia's strategic missile forces, told CBS News's ''60 Minutes'' that his ICBMs could be retargeted in ''a matter of minutes.'' Indeed, another Russian general told Tass news agency last June that a multiple warhead test just conducted was the 25th launch in the past four years.

The Clinton Administration's missile-defense policy rests on two slim pillars. One is the U.S. intelligence program—which, says the report to the President, will spot missile programs ''many years before deployment.'' But Los Alamos National Laboratory physicist and missile expert Gregory Canavan points out that intelligence analysts were completely surprised by Iraq's big 1989 missile test. Analysts also thought Iraq was five years away from building a nuclear weapon; documents and equipment uncovered after the Gulf War showed Iraq was about two years away.

The other pillar of the Clinton defense is the ABM treaty. However, this agreement—negotiated with a national entity that no longer exists—does not reflect the spread of ballistic missiles to dozens of nations around the globe. By bending over backward to comply with the treaty, the United States has purposely blunted what small air defense it has. This may already have cost American lives.

On the night of February 25, 1991, in the midst of the Gulf War, a Scud missile was fired from Iraq. The launch was picked up by American surveillance satellites, which computed the missile's speed and direction. The pooled information revealed the target area—Dhahran, Saudi Arabia, where American forces were stationed.

This vital information was transmitted almost instantly back to earth—but not to Dhahran's two batteries of Patriot missiles, upgraded anti-aircraft weapons intended to provide battle-zone missile defense. Because of concerns about ABM treaty compliance, the data went to the U.S. Space Command headquarters near Colorado Springs, Colo.

There, analysts were supposed to evaluate the information and send it on to Saudi Arabia—a time-consuming process in the short life of a launched missile.

On that night, analysts were so unsure of the data that they didn't even phone a warning to the Patriot batteries. There was no attempt to intercept the missile, which hit a temporary barracks, killing 28 GIs.

Surveys show that the public believes the United States can ''shoot down'' incoming missiles. But if an ICBM were fired at the United States today, here is what would happen:

A vast network of reconnaissance satellites would detect the launch, compute its speed and predict its trajectory and approximate area of impact. Ground-based radars would track it. Then . . .

Nothing.

Untold numbers of Americans might die from a nuclear, chemical or biological strike.

Surely, no treaty, no faith in our ability to see over the political and technological horizon, should be allowed to stand in the way of a missile defense that would prevent this horrible outcome.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I ask unanimous consent that I be allowed to proceed in morning business for 15 minutes.

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

MEDICARE PROGRAM

Mr. CHAFEE. Mr. President, I want to take a few minutes this afternoon to discuss the Medicare Program. Restoring solvency to the U.S. Medicare Program is the greatest domestic challenge that the Congress will face when we reconvene in January 1997.

The Medicare Program is in deep trouble. The latest report is entitled, ''Status of Social Security and Medicare Programs, a Summary of the 1996 Annual Reports.'' This is submitted by the trustees of the Medicare Program and the Social Security Program. I will restrict my remarks to the Medicare Program.

According to this report, the hospital insurance trust fund—that is the program that pays for the hospital bills for individuals on Medicare—will run out of money by the year 2001.

How far away is 2001? That is 4 years from this coming January. The trust fund is currently spending more money than it receives in revenues. Even now, more money is going out than is coming in.

According to a recent report, this shortfall is increasing at a rapid rate. The trust fund lost more than $3 billion—I would like to repeat that, Mr. President—the trust fund lost more than $3 billion in the month of August, according to the Treasury Department. That was a loss twice as high as the deficit occurred in August, 1995.

The Medicare part B program—what I have been discussing up to now is the part A program, the hospitalization. The part B program, which pays doctor's bills for our senior citizens, faces equally dismal fiscal problems. Unlike the hospitals' insurance program, this part of Medicare is voluntary. Retirees choose to participate. They then pay premiums into the system. And the premiums then go toward paying their doctor's bills.

However, the premiums paid by the participants in the part B program fall far short of paying for the cost of the program. When the program was set up it was never designed that the premiums that the retirees pay would cover the cost of the part B program, namely the doctor's bills. It started out that the individual's premiums would pay 50 percent of the cost of the program and the other 50 percent of the cost of the program would come from the general fund of the United States, from ordinary tax and other revenues that go into the general fund. That was 50–50.

Currently, by law, only a fourth of the program's costs are covered by the premiums. Twenty-five percent now is covered by the premiums that are paid by the beneficiaries. The remaining 75 percent is paid for from general tax revenues. In other words, Mr. President, we have the strange situation as follows. Income taxes paid by factory workers, or the secretary in some office, or the janitors sweeping the floors and waxing the floors, their income taxes pay 75 percent of the doctor's bills for our seniors. And this is true regardless of whether the senior is somebody living on a very modest income or a multimillionaire. So multimillionaires who are retired, on Medicare, have three-fourths of their doctor's bills paid by ordinary citizens, scrimping away, paying dutifully their income taxes.

The part B expenditures have been increasing at a rapid rate for many years, and are projected to nearly triple as a share of the Nation's economy by the year 2020. In other words, these costs are escalating as part of the total expenditures in our country. They are going up and up and up. And they will triple some 25 years from now.

Because the general fund pays 75 percent of these costs, as just outlined, the Medicare Program will drain an ever increasing amount of resources away from other important Federal programs. The more that goes out into this program for doctor's bills paid by the general fund, the less there is in the general fund to pay for education, and health care, Head Start programs, crime prevention, FBI, whatever it might be.

Early next century, starting in 2000, just some 4 years from now, the baby-boom generation will begin to reach retirement age and, as a consequence, start to demand benefits from the Medicare Program. They will reach 65. They will want what others have. The current Medicare Program, however, will be unable to meet those demands. It is essential that we begin to reform Medicare next year. We cannot wait any longer. So the changes we put in place can be instituted over a relatively long period. The longer we wait, the harder it is to institute the reforms that are necessary under Medicare.

If we make these changes starting next year, it will have two important benefits. It will allow future retirees to plan for the new system, in other words, if there are going to be changes then those about to retire can make some plans; and, second, as I mentioned before, it will provide some lead time so that the savings needed to restore solvency can be achieved.

It is also imperative that any reform of the Medicare Program be done on a bipartisan basis. The political stakes are simply too high for this program to be left at one party or the other's doorsteps. We have to be in this together. All of us, Democratic and Republican Senators, are going to have to take difficult votes on Medicare if the program is going to survive. Both parties, away from the campaign trail, do now recognize the need to reduce the Medicare spending.

For example, the President's last balanced budget proposal included reforms to Medicare that would have yielded $124 billion of savings over 6 years. That was the President's program, $124 billion of savings over 6 years. The final Republican plan proposed savings of $168 billion. The President's savings, $124 billion; the Republican final plan, $168 billion. Obviously, there is a figure somewhere in the middle of this range on which Republicans and Democrats can agree.

There already has been put together a bipartisan plan. That was the centrist coalition balanced budget plan which Senator BREAUX and I and others offered earlier this year. Some 20 of our colleagues joined with us to submit this program with important programmatic reforms to the Medicare system.

What did it do? It opened avenues for savings by allowing seniors to choose private managed care plans. And it created a new payment system to encourage the growth in the availability and accessibility of such plans. It called for slower growth in payments to hospitals, physicians, and other service providers. It called on higher income seniors to pay a greater share of the costs of the part B program. No longer, it seems to me, can a multimillionaire have the taxpayers pay for his or her doctor's bills just because he or she is on Medicare.

Finally, it increased the Medicare eligibility age to conform with the increase in the Social Security eligibility age which will begin in the year 2003. Starting in 2003, the age for retirement under Social Security will go up gradually. And we increase the eligibility age for Medicare to conform with that.

Together these reforms would reduce Medicare expenditures by $154 billion over the next 7 years. This was a fair

and a balanced plan. I am pleased it received bipartisan support. And 46 Members of this body, 46 out of the 100 Senators, voted for that plan: 22 Republicans, 24 Democrats.

Mr. President, I am delighted that it appears that we can once again next year convene our centrist coalition with the able leadership of Senator BREAUX on the Democratic side, while I will be pleased to rally the Republican Members. I am convinced we can once again come forward with constructive solutions to the Medicare challenges.

Mr. President, in closing I would stress this. Members of this body are now scattering to 50 different States. All of them are going to be involved in the campaigns either as candidates themselves, or as helping those from their parties in their own States.

It is my earnest hope, Mr. President, that the Senators seeking reelection and, indeed, all Senators will not lock themselves into such positions that would prevent them from taking the necessary votes that are going to be required if we are going to reform the Medicare Program next year.

If we do not reform this program, if no one wants to touch it because it is too much of a hot potato, if it is regarded as the third rail which nobody can touch, leave it alone, then absolute disaster will face Medicare—the Medicare Program in the future.

So I again urge all my colleagues, those seeking reelection, those who are not even Senators yet but are challengers, not to get themselves into such a position that they are prevented from taking the tough votes that are required to reform the Medicare Program so that it will be there for future beneficiaries.

Mr. President, I see that no one else is desiring to speak at this time and, therefore, 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. BREAUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BREAUX. I ask unanimous consent to that I be recognized for 10 minutes as in morning business.

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

BIPARTISAN LEGISLATING

Mr. BREAUX. Mr. President, I take the floor to first commend one of our previous speakers this afternoon, the Senator from Rhode Island, the distinguished JOHN CHAFEE, who worked as one of our leaders in a truly bipartisan fashion in the last Congress in our mainstream coalition, the so-called Chafee-Breaux coalition. We had an equal number of Democrats and Republicans who really worked very hard together to try to address some of the problems facing this country with the inability of the Congress to really come together in any kind of a bipartisan fashion.

I have been in this business a relatively long number of years, and I think it becomes increasingly evident to me, and I think to many others, what the American people want us to do is to resolve our differences in a manner that makes sense, that is fair to the average American, and that gets the job done. More and more, people back home in my State of Louisiana want Congress to just make Government work. They elect us to do that. Yet they see so many times we seem to be engaged more in partisan battles that end up in stalemates and Government shutdowns, and people back home wonder whether what we do up here makes any sense at all.

One of the bright spots in this Congress was the opportunity that I had to work with many of my colleagues on this side of the aisle as well as on the Republican side of the aisle in that mainstream coalition, the so-called Chafee-Breaux organization. I think we really made some progress. We came very close to actually adopting a budget. We got 46 votes in the Senate on a package that was a real effort in Medicare reform, Medicaid reform, and it had a tax cut in it. It had an adjustment to the Consumer Price Index, which most economists agree is incorrect and does not properly state the amount of inflation for the entitlement program adjustment.

So we really, I think, went a long way toward getting a job done. We brought that package to the floor. It had welfare reform in it. It was debated. We had a surprisingly large number of votes from both sides of the aisle that said, yes, it is about time we move in this direction.

I was very proud of that effort, and I commend the Senator from Rhode Island and everybody who worked in that effort. Unfortunately, many of the Members who worked with us are not going to be back in the next Congress because they have decided to voluntarily retire from Senate service, and they are going to be missed. Each and every one of them was a major contributor to this effort. While their physical presence may be missed, I think the work they have helped us begin will still be with us in the next Congress. Their advice and assistance and recommendations, I hope, will still be forthcoming because they were very valuable members of our group this year and can be of very valuable assistance in a positive fashion in the next Congress.

So, having said that, I wish to also point out that there will be another day to bring this effort to the floor in the next Congress. We certainly intend to continue our organization, to continue our group, to see if we cannot bridge that gap between the two different aisles to form coalitions from the center out. I am absolutely convinced that the only way we solve difficult problems in any kind of a parliamentary body is by working from the center out in order to form a majority coalition. I am absolutely convinced that you can never start from the far left and hope to get a majority, nor can you start from the far right and ever hope to put together a majority on just about anything. But if you start from the middle and work out and gradually pick up more and more people, one day you find you have a majority, which is what a democracy demands from all of us. The people demand we make Government work. Hopefully, in the next Congress, we will be able to continue that effort and be even more successful than we were in this endeavor in this Congress.

My colleague from Rhode Island talked a little bit about Medicare. That is one of the real challenges we are going to face in the next Congress. Medicare is so easy to politicize, and both sides have contributed to that effort. We have scared people about the collapse of the Medicare system. We have scared people about not adequately funding it. People must be very confused.

I remember the story quite well when we were doing the debate on health care reform and we had the Clinton plan and there was a lot of discussion about it being too large, too much too soon, and all of those things.

I remember coming back home to New Orleans and having a lady come up to me in the airport and say, ''You are all working on that health care reform back in Washington?'' I said, ''Yes, ma'am, we are.'' She said, ''Whatever you do, don't let the Federal Government take over my Medicare.'' I said, ''OK. We won't let that happen.''

Medicare is a Federal program. It was passed under the administration of 1965. It is run by the people in Washington. It is totally a Federal program. She loved it, but she sure did not want the Federal Government having anything to do with it, although the Federal Government had everything to do with it. So people are very concerned about this issue, and I think that we have to be careful and try to not politicize it as we are all guilty of doing too often.

The facts are very scary. These are the facts. They are not Democratic facts or Republican facts. These are just facts about what is going to happen to Medicare from which so many seniors and their children benefit directly because mom and dad and grandfather and grandmother are taken care of.

We have a heck of a problem facing us. The hospital insurance fund, the so-called part A of Medicare that pays for the hospital insurance, which is financed by a 2.9-percent payroll tax, which is awfully high, equally divided between workers and their employers—part B, of course, covers doctor bills—the latest figures we have show that

under part A, hospital insurance, how much we spend is exceeding how much we take in to such an extent that the trust fund, which now has a surplus of $121 billion, will be almost completely depleted by the year 2000.

That is not that far from now—completely depleted. The trust fund of $121 billion is gone in the year 2000, and it will run a deficit, which means we will not have enough money to pay the bills of up to $53 billion the next year, the year 2001, unless we make some changes.

CBO has projected the net Medicare outlays under the current law will increase at an average rate of 9.3 percent between this year and the year 2002. So we are going to be spending more money, and yet we are rapidly depleting the fund from which that money comes.

Our bill last year was one of three main proposals. The President's proposal called for savings of $116 billion; the Breaux-Chafee, Chafee-Breaux proposal had a savings of $154 billion over 7 years, and the Republican budget plan called for savings of $270 billion.

There is one thing that is certain and nobody should disagree: We are going to have to do something, and it is not going to be easy. It is going to be painful. We can make it less political and less painful if we try to bring together organizations and come from the center aisle out to come up with something that works.

Let us face it. It is a very inefficient system. The lady in New Orleans loved it, but she was not talking about how inefficient it is. It is inefficient because it is an old-style program. It is called fee-for-service. You send the bill; we pay the bill. No matter what the bill is, we pay it basically. Every other type of medical delivery system in this country is using innovative new programs—HMO's, preferred provider organizations, POS's, other types of innovative ways of delivering health care that has brought together a great deal of competition.

No. 1, we have to expand the options for Medicare beneficiaries, give them more choices, let the choices be more competitive and all aimed at providing quality service while at the same time doing it at a better price. So, we have to encourage the growth of managed care and have more alternatives for individuals than we have had in the past. Those are some of the things that we need to be looking at.

There are a whole bunch of options we put forth in our proposal, the Chafee-Breaux bill. We are going to be revisiting that in the next Congress. Today, obviously, is not the day or time to outline a comprehensive list on what we need to do with Medicare. Suffice it to say that both sides together, Democrats and Republicans, have to realize that this has to be one of our priorities in the early part of the next Congress.

I would, frankly, like to see the new President-elect—I hope that it is the President of my party, the incumbent President, but should the former Majority Leader Dole be elected, so be it—but whoever it is, I suggest very strongly that immediately following the election they immediately consider appointing a commission to take a look at this and have a recommendation ready for us when we get back in January. Why waste November, December, and January just talking about this issue? I suggest whoever wins on November 5, one of the first things they do is call for a bipartisan commission to begin work to present them with a recommendation when the new Congress begins so we can start from day one trying to forge a compromise that gets the job done in a number of entitlement areas, particularly in Medicare. We certainly have our work cut out for us.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, thank you, very much.

THE PARKS BILL

Mrs. BOXER. Mr. President, we sit here and watch the clock move forward as we close this Senate. I have been involved in the last several days in trying to get the parks bill before we leave. Forty-one States have park projects in this bill. It is extremely important to so many. We have been literally working round the clock to try to come to some agreement. Senator BRADLEY, myself, Senator MURKOWSKI, Leon Panetta, and his staff have been virtually working on this full time for the last several days. We do not yet have an agreement. We are close to an agreement.

But there is a very important concept in the letter from the administration to Senator MURKOWSKI that deals with ensuring that all applicable laws would pertain to the Tongass. This is a sticking point at this moment.

Mr. President, I just come here to express my public wish that we can come together on this matter because it seems to me that it would be tragic if we couldn't come together when we are so close and we lose over 100 parks because one Senator felt that the wording didn't accurately reflect his view. I really feel that when we negotiate with one another—and it is very difficult to do it—that we know that underlying everything the laws of the United States of America will apply to whatever we do. So whether it was stated, or whether it was stated in writing or not, it should not, it seems to me, be a breaking point.

It has been a very long negotiation. I still have hope, although I have to say I think it is a 50–50 situation at this point. I hope that we can close this U.S. Senate out with a fitting tribute to the people we all serve, and pass this parks bill.

I just hope that we can come together. None of us gets everything we want in life. Certainly there are many things which I have been working for that are not reflected in this bill, and I will come back another day to fight those battles.

But when the House of Representatives gets to pass a bill with only 40 dissenting votes—I hope the majority leader and the minority leader agree—it seems to me that this U.S. Senate should be able to do the same thing.

We should try to help each other gain the respect we all deserve for our points of view but at the end of the day—and at the end of this day and at the end of this session—we ought to bring home a parks bill.

Mr. President, for me it has been a very exciting Congress in many ways, and toward the end, it was able to pick up some steam, and we were able to be more bipartisan. I only hope that in the next hour or so we will come together, and that we will get a parks bill that gives us all comfort. I say ''gives us all comfort'' because it is a good bill. It is a bipartisan bill, and it is what we were sent here to do.

Thank you, very much, Mr. President.

I yield the floor.

SENATOR SAM NUNN

Mrs. BOXER. Mr. President, I see that the Senator from Georgia has come to the floor. This is an opportunity for me.

I put a statement in the RECORD as a tribute to all of the Senators on both sides of the aisle who are leaving.

But I want to tell the Senator from Georgia how much I am going to miss his advice and counsel on issues that deal with security, and how much I respect his quiet dignity, his quiet leadership, and how much I wish him well and his family. I know, as Senator BRADLEY said yesterday, as he quoted a very famous poem, that he has miles to go before he sleeps. For Senator BRADLEY, Senator NUNN, and all of the other Senators who are leaving us—and as I said to Senator BRADLEY—I hope you will not need to take time out for a nap, let alone sleep, because we need the leadership that these great Senators have provided us on both sides of the aisle.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The distinguished and honorable Senator from Georgia is recognized.

Mr. NUNN. I thank the Chair.

Mr. President, I want to say first to the Senator from California that I thank her for her kind remarks. I have thoroughly enjoyed serving with the Senator from California, as well as the personal friendship that we developed,

particularly since she has been in the Senate, but even before in conference committees that we had between the House and the Senate.

I enjoyed our affiliation, and I will be looking forward to the future years of excellent leadership by the Senator from California as I view this great body on C–SPAN, and as I watch the activities and follow the daily events.

THE PARKS BILL

Mr. NUNN. Mr. President, I might also add that I completely support the expressed desire and wish of the Senator from California that we pass a parks bill.

Interestingly enough, one of my campaign commitments is yet uncompleted since 1972. It is sort of hard to admit that it is still outstanding after 24 years. In that bill is the Chickamauga-Chattanooga National Park. That is the site of the famous Civil War battle where the road has to be taken out of the park because traffic is basically interfering with the park. This bill has the authorization requiring the completion of that project.

It is my hope that the Senate, before it adjourns, will help me carry out that very important campaign commitment that has been pending now for 24 years.

So I share the Senator's sentiments and thank her for her kind remarks.

A SPECIAL WORD OF APPRECIATION TO THE STAFF

Mr. NUNN. Mr. President, as the 104th Congress and my own Senate career draw to a close today, I want to say a special word of appreciation to our terrific floor staff and our support staff for all of their help to the Members and staff of the Armed Services Committee and to me personally during the past 2 years, and, indeed, during my entire Senate career.

I chaired the Armed Services Committee for 8 years and was ranking Democrat on that committee for 2 years before I became the chairman. During the last 2 years, I have been the ranking Democrat on the committee under Senator THURMOND's leadership.

So for 12 years of my Senate career, I have worked constantly with the floor staff. I observed them before that time. In these last 12 years, I have developed a very acute understanding and appreciation for their splendid service.

A great deal of work in the Senate takes place in the Senate committees. We know that. But the culmination of the completion of legislative process occurs right here on the Senate floor; always has, and always will.

Our guests in the gallery and the people who watch television around the country understand—because they watch and hear the procedures—that the legislative procedure on the Senate floor is complicated. It always has been. Maybe we can make it simpler. It always will be complicated because parliamentary rules in a democracy are complicated.

The sequencing of legislation, the filing and adopting of amendments, advising the Presiding Officer and individual Senators of parliamentary procedures, the taking down of every word that is spoken on the Senate floor—as our reporters do so well every day, even in the heat of debate—are all essential ingredients of the legislative process on the Senate floor. This process could not take place without the dedicated work of extraordinarily capable and talented staff members.

Our Democratic floor staff works under the direction of Marty Paone, the Secretary to the Minority. Marty stepped into some pretty big shoes when he took over from his predecessor and long-time valuable Senate staff member, Abby Saffold, but those shoes fit Marty very well today. Marty's thorough knowledge of the details of the legislative process have made him indispensable to the U.S. Senate. Marty has always been available to me and to my staff to provide counsel and assistance whenever we needed that assistance. I especially appreciate Marty's support in ensuring prompt consideration of the thousands of nominations that the Armed Services Committee reports every year.

On the staff of the Democratic leader Senator DASCHLE, John Hilley, who left last year to become the Assistant to the President for Legislative Affairs; Peter Rouse, Senator DASCHLE's Chief of Staff; Larry Stein and Randy DeValk have worked very effectively with the Armed Services Committee Members and staff on national security issues and legislation.

Mr. President, I cannot say enough about the excellent day-to-day support we have had from Democratic floor staff of Brad Austin, Gary Myrick, Paul Brown, and Kelly Riordan who recently left the Senate staff. These individuals work under the leadership of our highly capable chief Democratic floor assistant, Lula Davis. I believe Lula is in the Chamber now. Lula is not only terrific in her leadership role; she always has time for a friendly word or often a humorous remark to put our heavy burdens in the proper perspective. Lula is even thoughtful enough to point out when the senior Senator from Georgia is wearing a tie that is ''off color and out of style''. Unfortunately, that sometimes occurs every day of the week. I am grateful for that kind of candid and frank advice from Lula in her leadership role. That probably is a little out of the scope of duty, but nevertheless it is appreciated.

Managing and passing defense authorization bills and other legislation in the Senate becomes more challenging every year. Lula, Brad, Gary, and Paul are terrific individuals, are great staff, and have always been indispensable in assisting us move our committee bills through the Senate.

I also want to thank our excellent Democratic cloakroom staff of Leonard Oursler, Christine Krasow, Paul Cloutier, and Brian Griffin. They must get asked about 1,000 times a week ''When is the next vote? When are we going to get out? What time do we adjourn?'' Of course, they do not always know, but they always give you a good answer and their best assessment. They never fail to cheerfully respond to that or any other question even though it may have been answered by them 100 to 1,000 times a day. Their selfless and dedicated service has made all of our jobs easier. Certainly, it has made mine easier during the entire time I have been in the Senate.

I should also note that while not working with them on a day-to-day basis as we do with our own floor staff, the Republican floor staff under the Secretary of the Majority Liz Greene has always worked with us to resolve any problems or issues associated with our committee's work. I must also note that Howard Greene was very helpful to me on many occasions and to the committee when he served as the Secretary of the Majority.

Legislative Clerk Scott Bates and his assistant David Tinsley; Bill Clerk Kathie Alvarez and her assistants Mary Anne Clarkson and Danielle Fling; and Enrolling Clerk Tom Lundregan and his assistant Charlene McDevitt are an indispensable part of the legislative process on the Senate floor.

Mr. President, I frankly do not know how they do it sometimes, but they are able to keep track of all the amendments on major bills and produce a complete Senate bill in a very short time.

Executive Clerk David Marcos and his assistant Michelle Haynes keep track of thousands of nominations that the Armed Services Committee and other committees of the Senate act on each year. We are deeply indebted to these capable people.

I also want to express my appreciation to the Senate Parliamentarian Bob Dove, and members of his office: Alan Frumin, Kevin Kayes, and Sally Goffinet, as well as their predecessors since I served in the Senate. When I came to the Senate, Dr. Floyd Riddick was the Parliamentarian, and he was succeeded by Murray Zweben, both of whom were excellent and took many, many hours of time to help junior Senators, like the Senator from Georgia, when we first arrived in the Senate. We were so desirous and in need of parliamentary advice. All of the Parliamentarian staff have consistently provided objective and timely answers to the many questions I have had over the years. I think that is true of other Senators and certainly true of our staffs as they have sought advice day in and day out.

Finally, Mr. President, I thank all of the official reporters of debate that takes place in the Chamber under the direction of Chief Reporter Ron Kavulick and all of the staff members who have the awesome responsibility of producing the verbatim transcript of the Senate's proceedings. Journal Clerks Bill Lackey, Mark Lacovara,

and Patrick Keating, and Daily Digest Editor Thom Pellikaan and his assistants Linda Sebold and Kim Longsworth also play a key role in making the record of all of the activities of the Senate available to the public.

I am certain that I have left someone out in this listing of indispensable people, but certainly I intend to include all of the staff in my praise. The words that are spoken on the Senate floor and the action that the Senate takes will be preserved for history long after we are gone, thanks to these talented individuals who work miracles under extraordinary deadlines every day.

In summary, Mr. President, my final words in this Chamber are simply a thank you—a thank you to all the staff members who support the day-to-day activities on this Senate floor, for their dedicated service to the Senate and to our Nation. They, indeed, make this Republic work. They make the democratic system work. Everyone who follows the work of this great body should understand that the Senate could not function without the tremendous effort and professionalism these staff members provide.

I close by thanking my own personal staff that arrived with me in 1972, and those that depart with me in 1996, as well as those who will remain and serve in other offices and those who have left during the interim. I have had a remarkable personal staff. I have had a remarkable Armed Services Committee staff. I thank the staff members of the Armed Services Committee on the Democratic side and also on the Republican side who have been so faithful to their duties.

I have also had a remarkable staff on the Permanent Subcommittee on Investigations all of these years. I inherited that subcommittee and became acting chairman under the guidance of Senator Henry ''Scoop'' Jackson, one of our all-time great Senators. I have been associated with the subcommittee since about 1976, either as the vice chairman, acting chairman, chairman, or ranking Democrat on the committee under Senator ROTH.

Mr. President, it has been a real pleasure working with all of these staff members, and I wish all of them continued success in the future.

Finally, Mr. President, my colleagues in the Senate, I will not name each of you as there are so many Senators who I have been privileged to have been associated—like my good friend, Senator WARNER, is in the Chamber and others. I have served with a number of giants in the annals of Senate history.

I was in a seminar about 2 weekends ago. Some of the most distinguished people in the country were gathered together, famous authors who had written books, playwrights, people who succeeded fabulously in business, chief executive officers in corporations, famous sports figures, including Ray Floyd and Jack Nicklaus, great golfers. I looked around the room, and I was, of course, winding down my career. I asked myself the question, ''Would you swap the last 24 years with any of these people, some of whom are fabulously wealthy, and most of whom are very famous?'' My answer was, ''No, I would not swap the last 24 years of service in the Senate with the service that any other person in this country or, indeed, in the world has rendered.''

My service in the Senate and my service to the people of Georgia has been a very special privilege and certainly the highest honor of my life.

I thank the Chair, and I thank my colleagues.

The PRESIDING OFFICER. The Senator from Nebraska.

ON LEAVING THE U.S. SENATE

Mr. EXON. Mr. President, this will be my final speech as I conclude 18 years in the U.S. Senate. Measured in length, it may be my best in the opinion of many of my valued colleagues on both sides of the aisle.

What will I miss? Not the Washington DC morning traffic, and driving the obstacle courses. My Ford Taurus will get a reprieve from this pot hole capital of the world. My pocketbook will be spared from the $35 a shot in used hubcap replacement, experienced 10 times in only the last 2 years. With any luck, the Whitehurst freeway and its tributaries will be fully operable for 90 consecutive days sometime in the 21st century.

I leave this place with the confidence that we will continue to build our bridges to the future of America on the firm footings of national security policy. I have labored on the Armed Services Committee for the past 18 years. We won the cold war, after spending a lot of money, without firing a shot. I suggest that that is the best way to win wars. As the only true superpower of the world, we have the dual responsibility of providing for a strong national defense and, just as important, using our statute to lead and promote peace and understanding, including ratification and implementation of international agreements. To that end, a keen disappointment has been the failure this year to ratify in a timely fashion the chemical weapons convention.

A bright spot has been the signing at the United Nations 10 days or so ago of the compenhensive nuclear test ban treaty. This treaty is one that this Senator has been very much involved with. When I was in New York for that signing event, it was inspiring as a giant leap for mankind's survival. An editional from the Omaha World-Herald dated September 5, 1996, makes the case very well and I ask that it be printed in the RECORD immediately following my remarks.

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

(See Exhibit 1.)

Mr. EXON. In my retirement I will surely miss my Senate colleagues on both sides of the aisle. However, my loss of personal associations goes even further than that. I thank my personal staff here in Washington and in my Nebraska offices, many of whom have been with me for all those 18 years and indeed a few who were with me back when I was Governor of Nebraska.

The staff of the Budget, Armed Services, and Commerce Committees all were more of personal relationships and coworkers than just staff. The same is true of the Cloakroom personnel who have been so helpful and considerate over the years.

It has been the opportunity of a lifetime to serve in the U.S. Senate which is a collection of talented and dedicated individuals. I thank and appreciate all of you and I thank the people of the great State of Nebraska for making it possible for me to serve here. God bless and good luck.

Thank you, all. All of you have been great, and I shall always be indebted to you for your understanding and for your help.

Mr. President, I thank the Chair and, for the final time, I yield the floor.

[EXHIBIT 1]

[From the Omaha World Herald, Sept. 25, 1996]

A STEP TOWARD A SAFER WORLD

Leaders of more than 60 nations have given the world a fitting symbol of peace and hope to mark the approach of a new century.

On Tuesday, at the United Nations headquarters in New York, they signed a treaty agreeing not to set off nuclear explosions as a means of testing weapons. The signers included the main nuclear powers—the United States, Russia, France, the United Kingdom and China. Also signing were nations, such as Israel, that either have a covert nuclear program or the resources to start a nuclear weapons program if they wanted to.

President Clinton signed for the United States. He wrote his name with a pen used by President John Kennedy to sign a limited nuclear test ban treaty in 1963. The gesture in honor of Kennedy was appropriate. Kennedy's 1963 pact eliminated most open-air nuclear tests, as well as tests underwater and in space. Since then, most nuclear testing has been conducted underground. The agreement signed Tuesday adds underground tests to the ban, eliminating testing by explosion. It was hailed as a major step toward the elimination of nuclear weapons.

Certainly it would be premature to assert that the total elimination of nuclear weapons is likely, or even practical. India, a potential nuclear power, refused to sign, which is troubling. North Korea and Libya voted against the treaty in the United Nations, an illustration of the danger that remains when law-abiding nations disarm.

Caution is essential, as even a leading proponent of nuclear disarmament has written. Robert S. McNamara, who was Kennedy's defense secretary, wrote last year that he believes in total disarmanent ''insofar as is practical.'' With that language, he said, he meant to call attention to ''the necessity of maintaining protection against the covert acquisition of nuclear weapons by terrorists or nations violating the nuclear disarmanent agreements.''

But it's a good time to act. The end of the Cold War and the collapse of communism have brought about a climate in which significant reductions in force can be realisitcally considered. Rising affluence tends to act as a brake on warlike behavior.

The spread of democracy has reduced tensions. High-speed communications make it harder for dictators to maintain the regimented societies that start was against their neighbors.

Kennedy took a risk in 1963 when he limited the ability of the United States to test nuclear weapons at the height of the Cold War. The result was one of his greatest accomplishments. It demonstrated that good-faith negotiations could make the world safer and more secure. A treaty can't convert an evil heart into a good one. But it can reduce misunderstandings that sometimes lead to war.

Kennedy's treaty also laid a foundation of understanding on which further agreements could be negotiated. In 1974, the nuclear powers outlawed the testing of the largest nuclear weapons. In the 1980s, the inventory of U.S. and Soviet warheads and delivery systems was cut back in a series of arms-reduction pacts. In the 1990s, the drawdown of warheads continued and the nuclear nonproliferation pact was extended.

Yes, the practically of eliminating nuclear weapons may continue to be debated. But it shouldn't be abandoned as a goal. Dramatic progress has been made in the past three decades toward making the world less warlike. More progress can reasonably be assumed, even if it occasionally means taking a calculated risk.

TRIBUTE TO SENATOR SAM NUNN

Mr. THURMOND. Mr. President, over the course of the more than 40 years I have spent in the U.S. Senate, I have had the good fortune to serve with a number of people who have gone from being my colleagues to being my friends. Today, I rise to pay tribute to one such individual, SAM NUNN, who I am sad to note is ending his career in this body at the conclusion of the 104th Congress.

It is perhaps only natural that SAM would come to be one of my closest friends in the Senate, as we have much in common. To begin with, we represent neighboring States, and almost immediately after SAM arrived in the Senate, we began working together on a number of issues that were, and are, of concern and importance to our constituents. From 1972 to almost literally this day, SAM and I have cooperated on any number of matters, such as the Savannah River Site or Fort Gordon, that affect both our States. It would probably be safe to say that for many residents of South Carolina, SAM NUNN is like a third Senator to them. Additionally, I served with his great-uncle Carl Vinson, as well as with SAM's predecessor, Richard Russell, both of whom were true legends of the U.S. Senate, as well as great Georgians. Finally, we are both veterans, SAM served ably in the U.S. Coast Guard and Coast Guard Reserve, where he helped to protect our shores and maritime interests and undoubtedly learned the importance of a modern, well trained, and well equipped military.

Without question, I think the bond between SAM and I grew strongest during the years we spent together on the Senate Armed Services Committee, where we worked together to provide for the defense of the Nation. In the 24 years he served on that Committee, SAM went from a freshman member to one of the Nation's most knowledgable and respected experts on defense matters. In the process, he became the Committee's Chairman and Ranking Member, and played an important and influential role in the shaping of American defense policy during the cold War, and post-cold war eras. I have known no small number of committee chairmen in my time, and I certainly rank SAM NUNN as one of the most able and dedicated men to hold a position of such importance and responsibility.

Mr. President, SAM NUNN is known by the media, the public, and by his colleagues in Congress as a seriousminded individual, who approaches matters before him critically and carefully. Undoubtedly, his training as a lawyer and his service as a member of the Georgia House of Representatives, helped prepare him for his duties in the U.S. Senate. During his time in this Body, SAM NUNN has represented the people of his State thoroughly and effectively, and he helped to turn the American military into the finest fighting force that history has known. I know that come January, I will miss SAM both as a colleague and friend, but I also know that I am glad he has spent the last 24 years in the Senate, and I am certain that he will continue to work to influence public policy and to ensure that the United States remains the strongest Nation in the world.

TRIBUTE TO SENATOR BILL BRADLEY

Mr. THURMOND. Mr. President, perhaps one of the greatest characteristics of our form of government is that it encourages literally anybody and everybody to seek elected office. As a result, we have avoided the creation of an elite ruling class, and the men and women who represent us in public office are individuals of diverse, interesting, and unique backgrounds. Just look to the 100 members of this Body and you will find a richly varied collection of experience and professions among our colleagues, and Senator BILL BRADLEY has perhaps the most unique background of our colleagues.

Though not a native son of the Garden State, BILL BRADLEY has been a part of New Jersey and the Northeast since his days as a history student at Princeton University. Clearly his time on that campus helped to influence how he would spend his years as an adult. A star member of the Tigers basketball team, BILL would serve as the Captain of the 1964 Olympic basketball team and eventually go on to play professional basketball for the New York Knicks for 10 years. BILL's excellence was not limited to under the baskets, his performance as a student earned him a coveted Rhodes Scholarship to the prestigious Oxford University where he received a master's degree.

For the past 18 years, BILL BRADLEY has ably represented the people of New Jersey in this Body. During his career as a Senator, BILL has brought many of the traits he learned on the basketball courts, and in the halls of two of the world's greatest learning institutions, to this Chamber. Without question, he is a careful student of the issues that come before the Senate, and he is always a thoughtful contributor to our debates. In particular, he is a forceful and passionate advocate for matters that are particularly close to his heart, which include economic development, the environment, education, fighting crime, and promoting racial harmony and equality.

Mr. President, despite his popularity, Senator BRADLEY has decided not to seek a fourth term in the U.S. Senate. While we will miss his participation in the National debate, I am certain that he will continue to seek ways in which to serve New Jersey and the United States. I join my friends and colleagues in wishing him well in whatever he chooses to pursue.

TRIBUTE TO SENATOR CLAIBORNE PELL

Mr. THURMOND. Mr. President, there are certain men and women who serve in the U.S. Senate who by their accomplishments or dedication to their constituents, have become stalwarts of this institution. Senator CLAIBORNE PELL of Rhode Island is one such man.

For the past 36 years, CLAIBORNE PELL has served capably and selflessly in this body, working hard to represent the interests and concerns of his constituents. In the process, he has championed a number of issues and measures that have become a regular and important part of life in America for many of our citizens. Among the accomplishments our colleague is most proud of are the establishment of PELL Grants, the National Endowment for the Arts, the National Endowment for the Humanities, and the National Law Enforcement Officers Memorial. Perhaps more than anything else, though, Senator PELL will be remembered for his commitment to the Foreign Relations Committee.

Given CLAIBORNE'S rich background in international affairs, it is not surprising that he should end up as one of this Body's and Nation's leading experts on foreign policy. Following his service as an officer in the Coast Guard during World War II, CLAIBORNE became a member of the Foreign Service, representing American interests in Czechoslovakia and Italy. Undoubtedly this extensive background was most beneficial to Senator PELL as he carried out his duties on the Committee on Foreign Relations, especially when he became its chairman.

A small State such as Rhode Island builds power and prestige through seniority, and during his almost four decades in the Senate CLAIBORNE PELL has worked tirelessly on behalf of his constituents. Without question, the ''Ocean State'' has benefitted greatly

from the dedicated service of its senior, and longest serving, Senator. Whoever replaces our friend in this Chamber will have a challenging task in attempting to match the commitment CLAIBORNE PELL brought to this job.

Mr. President, it has been a pleasure to have served with Senator PELL these many years. He is a man of integrity and ability who has done much to make our Nation a better and stronger place. I wish him great health and much happiness in the years to come.

TRIBUTE TO SENATOR JAMES EXON

Mr. THURMOND. Mr. President, I doubt that one can get any closer to the ''Heartland of America'' than Nebraska, a State which lies in the middle of the Nation and is known for its plain talking, and well grounded people. One man who has exemplified those characteristics during his long and distinguished career in the U.S. Senate is JIM EXON, who is retiring this year and returning home to the Cornhusker State.

JIM is of the generation of Americans who are veterans of World War II, individuals who understand and honor the notions of public service, sacrifice, and patriotism. To men of Senator EXON's generation, there is no problem that cannot be solved by rolling up one's sleeves, and sitting down and working together toward a resolution. In his three terms in the Senate, he repeatedly demonstrated his commitment to keeping America strong, helping our Nation's farmers, and ensuring that our rural citizens had a voice in Congress.

Nebraskans have been well served by this Senator during the past 18 years, because he was well prepared for the responsibilities and demands of the U.S. Senate. A veteran, JIM's military experience taught him how to be tough, self-resilient, and achieve goals and objectives. As a businessman, JIM learned the importance of meeting a payroll and operating without undue interference from the Government. As the Governor of Nebraska, he combined his military and business experiences to be one of that State's most successful chief executives, earning two terms in that office, which was followed by his election to the U.S. Senate in 1978.

For the past eighteen years, I have had the pleasure of serving with JIM on the Senate Armed Services Committee. In his capacity as a member of that Committee, JIM has worked hard to help provide for the defense of the United States, and to ensure that our men and women in uniform have the resources they need to do their jobs, and to meet any threat, anywhere. Without question, his experiences as a soldier and non-commissioned officer in the World War II Pacific Theater certainly helped to shape how he approached making defense policy.

Mr. President, Senator JIM EXON has served his State and Nation admirably and selflessly. He stands as an excellent example of the traditions of public service, and I hope that men and women in Nebraska and throughout the United States will follow the lead he has set to make America a better and stronger place for all her citizens.

TRIBUTE TO SENATOR DAVID PRYOR

Mr. THURMOND. Mr. President, on the nights when the Senate remains in session well past when most others have gone to bed, when tempers are short and most Members are frustrated that we have not made more progress, those are the times when a sense of humor really comes in handy. One colleague who consistently manages to find a bright spot when others only seem gloom, and who is able to find a humor in almost any situation, is our friend from Arkansas, DAVID PRYOR.

DAVID has capably represented the people of Arkansas as their Governor, and in both Houses of Congress. His career in our Nation's Capitol began in 1966 when he was first elected to the House of Representatives, and where he served in four Congresses. In 1979, he moved across the Hill to the Senate where he is about to complete his third term in office. Through his position on several key committees, DAVID has been able to work to make Arkansas an even better place to live, and I know his constituents are thankful for his efforts.

Though DAVID and I did not share any committee assignments, I have enjoyed serving with him in the Senate these many years. The ''Sheriff'', as I liked to call him as his father held that office in Arkansas, always approached his duties with enthusiasm and dedication, and he upheld the finest traditions of this institution. DAVID is truly a gentleman of the South, and I know that he will be missed by his many friends here in the Senate.

Mr. President, given the great number of successes Senator PRYOR has enjoyed throughout his life, I am certain that fate will again smile upon him in his career following the Senate. I wish good health and happiness in the years to come and am grateful for having had the opportunity to serve with him.

TRIBUTE TO SENATE SUPPORT STAFF

Mr. THURMOND. Mr. President, when one thinks of the U.S. Senate, most visualize this Chamber and the 100 Members as the greatest deliberative body in the world. To those of us who serve here though, we know that the Senate actually goes well beyond the floor and galleries found within these four walls and two stories of the Capitol.

One of the best kept secrets of the Senate are the people who work here and support our efforts in making the law. Especially critical to that process are a number of individuals who work with us day in and day out. I would like to take a moment to recognize these people and the valuable services they render to us, the U.S. Senate, and the Nation.

This body is all about debate, and the chief Parliamentarian, Bob Dove, and his assistants are critical to keeping the debate running smoothly. These men and women have the unenviable responsibility of interpreting the exhaustive and sometimes confusing rules of the Senate. Without question, anyone who has sat in the President's Chair and presided over the Senate has been grateful for the assistance of these men and women when proceedings are suddenly bogged down in a tangled web of motions, countermotions, amendments, and objections. Somehow or another, the Parliamentarians are always able to sort things out and keep everything back on track.

Each year thousands of people visit the Senate to observe their representatives at work. After getting a taste of what are often dry, and somewhat technical discussions, they leave here to tour and enjoy the Smithsonian, the National Galleries of Art, or one of the many monuments around town. The Reporters of the Senate, however, are unable to walk away from this Chamber no matter how tedious debate gets. These men and women spend long hours on their feet, faithfully and accurately keeping a transcript of the proceedings of this body. These detailed notes are transcribed and printed in the CONGRESSIONAL RECORD in the matter of less than 24 hours, a truly impressive feat. Without question, the men and women who work for chief reporter Ron Kavulick are truly worthy of commendation for their seemingly boundless levels of energy, and their unfaltering commitment to accuracy.

As each of us knows, the responsibilities of a Senator are not limited to this floor. We have committee meetings and hearings, leadership meetings, appointments with constituents, and many other matters which command our attention. Still, when it comes time for a vote, our place is here. The men and women in the Republican and Democratic Cloakrooms are largely responsible for helping us keep track of when measures are coming up, how much debate time has been allocated by the leadership, and when we need to be in the Chamber for votes. Our lives would be much more hectic if it were not for the helpful service of the Cloakroom personnel and I know that I speak for all the Members on this side of the aisle when I say that Hilary Newlin; Laura Martin; Brad Holsclaw; Michael Smythers; and Dave Schiappa all make our lives a little more organized and we greatly appreciate their efforts. The secretary for the majority, Elizabeth Greene, and her assistant, John Doney, can be proud of their cloakroom staff.

The two people who have been tasked with much of the physical and administrative matters of the Senate for most

of the 104th Congress were Secretary of the Senate Kelly Johnston, and Sergeant at Arms Howard Greene. These individuals labored largely anonymously, and certainly with little thanks for their efforts; but without their contributions, we would not have had the many excellent and important services that their offices provide to us. Of course, two new people fill these positions, Gary Sisco as Secretary of the Senate, and Greg Casey as Sergeant at Arms. We welcome these men to the Senate and wish them great success in their careers.

On a more personal note, as most of my colleagues probably already know, I have long been an enthusiastic supporter of the Senate Page Program. Bringing young men and women to Washington to witness and participate in the legislative branch of Government is not only educational, but will hopefully encourage these students to aspire to posts in public service. It is important to both good government, and the continued well-being of the Republic, that bright, energetic, and concerned individuals get involved in public policy and governing the Nation. I am confident that the Senate Page Program will serve as a catalyst for some of tomorrow's leaders.

Mr. President, I know that there are literally thousands of people who make important contributions to the efficient operation of the U.S. Senate and I hope that they will not be offended that I have not recognized them personally. They may rest assured, however, that we very much appreciate their hard work.

RETIREMENT OF SENATOR PAUL SIMON

Mr. THURMOND. Mr. President, perhaps one of the greatest hallmarks of the U.S. Senate is the civility of the institution. Though the 100 Members of this body have views on the issues that are often far apart, we debate our differences politely and completely, and more often than not, are able to arrive at a compromise that benefits the majority of Americans. One Senator in particular has repeatedly demonstrated himself to be an individual of great decency and courtesy. This Senator is my good friend from Illinois, PAUL SIMON.

Senator SIMON has dedicated his adult life to public service. Beginning with a stint in the U.S. Army in the early fifties, and soon after his return to civilian life, he was elected to the Illinois house in 1954, and then to the Illinois senate in 1962. After his service in the legislature, PAUL SIMON was elected to the U.S. House of Representatives, where he served for 10 years, and played an important role in legislation concerning education, job training, and was instrumental in the establishment of the National Center for Missing and Exploited Children.

Since PAUL came to the Senate in 1984, we have worked together on many legislative initiatives, especially as we both had seats on the Judiciary and Labor and Human Resources Committees.

I commend Senator SIMON for his willingness to listen to debate with an open mind, and for having the resolve to reach an agreement that is in the best interest of our Nation. I have enjoyed working with my friend from Illinois through the years, and the Senate will not be the same without him. Unquestionably, PAUL has capably served his constituents throughout his tenure, and I wish him and his family much success and happiness in the future.

TRIBUTE TO SENATOR BRADLEY

Mr. PELL. Mr. President, I would like to pay tribute today to the senior Senator from New Jersey [Mr. BRADLEY], who announced last year that he would not seek reelection but that he would remain active in public life.

Blessed with both great academic and athletic gifts, BILL BRADLEY graduated from my alma mater, Princeton University, with honors in American history. He won a rhodes scholarship to Oxford University, where he earned his graduate degree after studying politics, philosophy, and economics. He was best known to many, before he came to the Senate, as a basketball player of tremendous skill and talent.

During his career in the Senate, four principles have guided BILL BRADLEY. He has sought to restore economic and personal security for American families, strengthen our civil society, protect our natural heritage and rethink America's role in the world. He has worked toward these goals on the Senate Finance Committee, the Energy and Natural Resources Committee and the Special Committee on Aging.

Others may focus on his contributions in the fields of economics and taxes, but I believe he BILL BRADLEY has been particularly effective in building bridges between peoples and spreading the values of democracy—methods which I also consider the best ways of building lasting security and peace.

BILL BRADLEY wrote the 1992 Freedom Exchange Act, the largest U.S. educational exchange initiative in history. I understand that more than 10,000 ''Bradley kids'' have come here from the former Soviet Union to study and absorb our culture and the lessons for freedom, democracy and a market economy.

The Senate will miss him and his spirit of independence. I am confident that, although he is retiring, he will not be out of public life. Whatever he and his family do, I trust that it will be as exciting and rewarding. The Senate, however, will truly miss him.

TRIBUTE TO SENATOR SIMPSON

Mr. PELL. Mr. President, the ties that bind us together here often transcend party identity and the affairs of the day, and they frequently span expanses of time and space.

Such are the ties on which my friendship with the senior Senator from Wyoming [Mr. SIMPSON] has been based. The initial tie was through his father, our former colleague, Milward L. Simpson, who in his early years—probably while he was a student at Harvard Law School in the 1920's—earned high repute as a tutor. And among the students he tutored with great effectiveness, were the children of my uncle, Clarence Pell. So I feel that my friendship with Senator ALAN SIMPSON began long ago with this family association.

ALAN SIMPSON brought to his work here in the Senate rare attributes of grace and good humor—qualities which help immeasurably in facilitating the often contentious and trying process of political accommodation. To my mind, these qualities of mind and spirit, which do so much to promote comity and civility, are almost as important as the substance of the great good work that ALAN SIMPSON has done in the fields of immigration reform, veterans affairs, and entitlement reform. Indeed, his success as a legislator is attributable in no small measure to the refreshing traits of character which he brought to the effort. Most important of all is his wonderful sense of humor—a quality often lacking in this body.

I value my association with ALAN and Ann SIMPSON over the years and wish them well in all that lies ahead.

THE 104TH CONGRESS

Mr. PELL. Mr. President, the 104th Congress certainly ended far better than it began. A year ago, I truly feared that the major accomplishments of my 36 years in the Senate were about to be jettisoned by the extreme agenda of the new majority. Now, as the Congress draws to a close, the outlook is considerably brighter, thanks in great measure to President Clinton's determined resistance to an unreasonable dismantlement of progressive government. I am immensely pleased, in particular, that the tide was turned on education and that we actually wound up with a 12 percent increase in Federal funding.

To be sure, there have been some disappointments, notable among them the failure to ratify the Chemical Weapons and Law of the Sea Treaties. And we should not lose sight of the fact that there is still momentum toward curtailment of many programs of great merit. I fervently hope that the coming election will produce a Congress that will be more moderate in outlook and further redress the balance toward progressive government.

TRIBUTE TO SENATOR CLAIBORNE PELL

Mr. PRESSLER. Mr. President, the Senate soon will bid farewell to one of its most legendary Members—the senior Senator from Rhode Island, CLAIBORNE PELL. I have had the distinct privilege of working with Senator PELL

over the years on issues ranging from college student loans to United Nations reform.

Senator CLAIBORNE PELL entered the Senate in 1960. His stature in Rhode Island politics perhaps was best summarized by the Almanac of American Politics, which called him an ''iron fist in a velvet glove.'' His political strength perhaps was no better demonstrated than when he was first elected to the Senate. In the Democratic primary for the Senate seat, he defeated the current sitting Governor at that time, as well as a former Governor and Senator. My good friend and soon to be Senior Senator from Rhode Island, JOHN CHAFEE—a former State chief executive himself—knows well the formidable political strength of his colleague, having once tried to unseat Senator PELL in 1972, only to come up short.

At the beginning of this Congress, I gave up my seat on the Foreign Relations Committee so that I could serve my State of South Dakota on the Finance Committee. It is safe to say I miss being on that Committee, in part because I enjoyed so much working with my friend from Rhode Island. His stewardship of that Committee as Chairman for 8 years was masterful. He chaired the Committee with quiet but firm strength. Perhaps his greatest legislative achievement during that time was the State Department Authorization bill that became law in 1994. As the ranking member of the International Operations Subcommittee, I worked closely with then Chairman PELL and the Subcommittee Chair, Senator KERRY of Massachusetts, to produce a sound, bipartisan bill. This legislation made significant strides to streamline the State Department bureaucracy. It also set us on a course to reform the United Nations, and made significant improvements in our Nation's nonproliferation laws.

Senator PELL's inspirational commitment to world peace is exceeded only by his strong dedication to the cause of education in this country. In 1972, Senator PELL shepherded to passage legislation that established the Basic Education Opportunity Grants Program—a college aid program for economically disadvantaged college students. Today, we know them as Pell Grants. Nearly 25 years after their creation, Pell Grants represent a beacon of hope for young people who desire to attend college but lack the resources to attend. This Congress has shown its firm commitment to the Pell Grant program. Indeed, Pell Grants are now at their highest level in the program's history.

The people of Rhode Island have numerous reasons to be proud of their senior senator. His entire life has been devoted to public service—from membership in the Coast Guard to membership in the U.S. Senate. As we all know, our dear friend faces his greatest challenge to date—battling Parkinson's disease. Since he made this announcement last year, my wife Harriet and I have had Senator PELL in our prayers. He will continue to be.

We will miss the compassionate leadership of Senator CLAIBORNE PELL. Most important, we will miss his friendship. CLAIBORNE PELL can leave the Senate knowing that he has given our Nation a legislative legacy of the highest order, one that will be unrivaled for years to come. I wish my friend from Rhode Island the very best for many years to come.

TRIBUTE TO BILL BRADLEY

Mr. PRESSLER. Mr. President, I want to take a moment to pay tribute to one of my colleagues and Senate classmates who is leaving the Senate very soon—my friend from New Jersey, Senator BILL BRADLEY.

Senator BRADLEY entered the Senate the same year I did—1979. The roads BILL and I traveled to get to the Senate had some similarities, but mainly vast differences. My journey to the Senate weaved through my hometown of Humboldt to Oxford to Harvard Yard and, ultimately, to the House of Representatives. BILL BRADLEY's began in Crystal City, MO, where his father was a banker. BILL BRADLEY also was a Rhodes Scholar, but before that, he went to Princeton University, where he re-wrote both the NCAA and the Ivy League recordbooks as a basketball player. BILL BRADLEY's exploits on the hardwood at Princeton are the stuff of sports legend. I remember well his senior season, when he led the Princeton Tigers to the NCAA Final Four. Though the Tigers came up short, he set a tournament scoring record and was named the tournament's most valuable player.

Of course, BILL BRADLEY continued to be a standout basketball player on a professional level for 10 years with the New York Knicks. He helped the New York Knicks win the NBA world championship. Not long after he retired from professional basketball, Senator BRADLEY sought to be a standout in the political world. Yet again, he succeeded.

Senator BRADLEY must be feeling a strange sense of deja vous to hear many of his colleagues on both sides of the aisle calling for a simpler tax code. In 1982, our friend from New Jersey put forward his ''Fair Tax'' plan. He continued to advocate a restructuring of the tax code, and in 1986, his tenacious efforts paid off. The 1986 tax plan represented the most radical restructuring of the tax code in more than a generation. It is safe to say that this would not have occurred without Senator BRADLEY's legislative and leadership skills. It was Senator BRADLEY that who as the bridge between the competing House and Senate tax proposals, with the final plan bearing a great deal of similarity to Senator BRADLEY's 1982 plan.

The 1986 tax reform plan demonstrated that when Senator BRADLEY takes on an issue, he does so with firm determination. My friend from New Jersey and I have worked together on a number of issues and we have been on opposite sides on many others. He has taken strong stands on the environment, civil rights, and health care. When BILL BRADLEY speaks on any issue, whether I agree or disagree with him, his words are well thought and his arguments are well formulated. There is no question that he is a man of ideas, a man committed to examining the major problems of our Nation, proposing solutions, and working to get them accomplished. That is the stuff of leadership.

Senator BRADLEY has become a key player in our Nation's political dialogue. Indeed, he is a person to whom many of us in the Senate like to go to for his thoughts and his perspectives on any issue, ranging from the tax code to the NBA playoffs. That is why we should all be pleased that, although BILL BRADLEY may leave the Senate, he has made clear he intends to remain on the public stage.

I have enjoyed serving in the Senate with my friend from New Jersey. I particularly enjoyed serving with him these past two years on the Finance Committee. I will miss him. I certainly hope he takes advantage of the privileges afforded to former members and visits the Senate as often as possible. I wish him nothing but the very best as he embarks on the next chapter of what is already a legendary life and career. One can call Senator BRADLEY many things—basketball player, Rhodes scholar, tax reformer, and United States Senator. I am proud to call BILL BRADLEY my friend.

TRIBUTE TO SENATOR SAM NUNN—GEORGIA'S SENIOR SENATOR

Mr. PRESSLER. Mr. President, as the 104th Congress draws to a close, I would like to take a moment to bid farewell to my many good friends who today will cast their final votes in the United States Senate. Prominent among these departing leaders is the great Senator from Georgia—Senator SAM NUNN. As a fellow farmer, I have an inherent respect for Senator NUNN. His leadership and tenacity—so often demonstrated from his desk across the aisle—have time and again earned him the admiration of the members of this body and his constituents. His years of service to his country and state will be remembered forever.

Senator NUNN has dedicated much of his life to ensuring that United States defense capabilities remain the strongest in the world. A native of the area in Georgia where General Sherman's troops once rallied, his patriotism may be attributed in part to a long bloodline of military and Congressional service. In his roles as Chairman and Ranking Member of the Armed Services Committee, he consistently has fought to make certain our country has the most advanced military weaponry in the world. His efforts have

helped ready our country to meet nearly any military challenge.

Mr. President, as I look across the room, I am reminded that another Georgian soon will be assigned the desk that Senator NUNN has occupied for nearly one-quarter of a century. Without a doubt, his desk will be difficult to fill, but I am sure Senator NUNN, in his wisdom and knowledge of this body, will do everything possible to guide Georgia's new Senator. As we prepare to leave our Nation's Capital and return to our respective districts, my wife Harriet and I wish SAM NUNN and his lovely wife Colleen, the very best for the future. Something tells me that the Senator from Georgia will continue to be a central figure in formulating our national security and foreign policies. It would be a mistake not to tap into SAM NUNN's knowledge, experience and leadership. God bless SAM NUNN as he embarks on interesting new challenges.

TRIBUTE TO SENATOR PAUL SIMON

Mr. PRESSLER. Mr. President, I would like to take a moment to pay tribute to my good friend from Illinois, PAUL SIMON. Senator SIMON will leave the Senate very soon, and I must confess that I will miss him. He is an outstanding legislator, and skillful writer, and most important, a kind friend to me and my wife Harriet.

Throughout his life, Senator SIMON has found success as a writer and editor. He is a prolific writer, and the author of many books, including perhaps the most comprehensive biography of Abraham Lincoln as a young legislator. The connection between these two Illinois favorite sons past and present doesn't end there. Both Abraham Lincoln and PAUL SIMON began their political careers in the Illinois legislature, and both at about the same time in their lives. Both built a reputation of honesty and forthrightness. Both sported bow ties. Where the careers diverged is somewhat ironic. Senator SIMON holds the very Senate seat unsuccessfully sought by Abraham Lincoln in his famous battle with Stephen Douglas in 1858. Yet, Abraham Lincoln of course won the presidency in 1860, an office Senator SIMON unsuccessfully sought in 1988.

Certainly, there's much more to Senator SIMON's career than his similarities with our Nation's greatest President. Much more. Senator SIMON has been his party's most outspoken crusader for a balanced budget amendment to the Constitution. I am proud to have been an original cosponsor of his balanced budget amendment. He worked very, very hard to get his amendment passed. We came so close last year—just one vote short. He can be very certain that we will work hard to resume the fight next year. I am confident that we will pass a balanced budget amendment. And when we do, and when the required number of States ratify the amendment, this Nation will owe a big thank you to our friend from Illinois.

The fight for a balanced budget amendment symbolizes the kind of commitment and determination Senator SIMON possesses as a legislator. I always enjoyed being on the same side of an issue with my friend from Illinois. I knew my chances of success were much improved if he was involved in any legislative effort I participated in. Conversely, I knew I had my work cut out for me when we were on opposite sides of an issue.

Senator SIMON was a champion of many causes—literacy, college student loans, limitations on television violence, just to name a few. We both served together as members of the Foreign Relations and Judiciary Committees. On Foreign Relations, he took a strong interest in the African continent. Indeed, in 1993, I sought his advice and perspectives before I made my trip to Africa to promote South Dakota agriculture.

There are so many things that can be said about Senator PAUL SIMON. He is an extraordinary man who has led an extraordinary life. What I will miss most however is his warmth and his kindness. If the Senate had an unofficial ambassador of goodwill, it was the senior Senator from Illinois. Senator SIMON regularly held open meetings in his office and had time for everyone who came to visit. That's the kind of Senator, the kind of man PAUL SIMON is. Senator SIMON is an extraordinary individual, and a good friend. Harriet and I wish he and his lovely wife Jeanne nothing but the best.

TRIBUTE TO SENATOR HANK BROWN

Mr. PRESSLER. Mr. President, I would like to take a moment to pay tribute to my friend from Colorado, Senator HANK BROWN. He and his lovely wife Nan have been good friends to me and Harriet. HANK BROWN is both worthy ally and worthy adversary. Over the years, I have worked with my friend from Colorado on several issues of mutual interest. I remember well the battles we have fought together and the times when we honorably have disagreed.

I remember one disagreement in particular. During my efforts in support of our South Dakota honey program, Senator BROWN was relentless to end Federal funding for the program. Yet, in his effort to end honey price supports, he still was willing to listen to my side. He even took the time to sit down to visit with honey producers from South Dakota. He listened to their concerns. I always will be grateful for that.

That is not the only time Senator BROWN and I have agreed to disagree. More than once, we have sparred over nuclear nonproliferation issues in South Asia. Senator BROWN and I travelled to South Asia together and debated this topic quite extensively. While he and I disagree on the best course of action our Nation should take to slow weapons-building programs in South Asia, I do not question for a second his efforts to promote peace in this unstable region of the world.

As fellow Vietnam veteran, Senator BROWN and I have shared a special personal involvement in preserving and protecting the interests of our veterans. He has done an outstanding job as a member of the Veterans Affairs Committee. He has dedicated hours of service to making certain that veterans programs meet each and every need of those who served bravely in our Armed Forces.

Finally, Senator BROWN has been a tenacious advocate in congressional efforts to balance the bloated Federal budget. He has been a prominent member of the Senate Budget Committee, and knows the vital importance of ending years of wasteful Government spending. He understands how necessary it is for us to put the Government's fiscal house in order. HANK BROWN has risen to the fiscal challenges placed before him on the Budget Committee and has fought hard to protect Americans' hard-earned incomes.

I will miss my friend and colleague from Colorado—his hard work, his good humor, and his friendship. During his term in office, HANK BROWN has demonstrated a sincere devotion to the people of his home State of Colorado. He is a hard-working, commonsense public servant, dedicated to the people he represents. We in the Senate will miss his willingness to listen to differing views and to work together to cut through Government gridlock. I wish my friend HANK and his wife Nan all the best.

TRIBUTE TO SENATOR NANCY KASSEBAUM

Mr. PRESSLER. Mr. President, today I pay tribute to my friend and colleague, Senator NANCY KASSEBAUM, on her retirement from the U.S. Senate. It is not easy for me to bid her farewell. I sincerely will miss her presence in this body. Nancy and I have served together since 1979, when we both came to this body. Since then, we have shared and fought for the same traditional midwestern ideals and values. Working together, we have succeeded in ensuring that our States get their fair share of Federal funding. She understands the unique needs of rural America. Few have shown her deep commitment to the interests of Kansas and the midwest.

It has been a great privilege for me to work with Senator KASSEBAUM. She has been an inspiration to me and countless others. Her hard work and dedication to this body and to the people she represents in Kansas are unprecedented.

During our years together on the Senate Foreign Relations Committee, I

developed a deep respect for NANCY'S convictions and her commitment to aiding people in lesser-developed areas of the world. As both Chair and ranking member of the Subcommittee on African Affairs, Senator KASSEBAUM has shown compassion, tempered with pragmatism, in dealing with the unique issues of war-torn, famine-ravaged sub-Saharan Africa. Her expertise on issues affecting this area of the globe is unequaled in the Senate.

Senator KASSEBAUM's expertise does not end there. She also knows the United Nations inside and out. She has dedicated much of her time to reforming the waste, fraud, and abuse that is rampant within the UN. Frankly, she spearheaded increased congressional oversight of the UN. The Kassebaum Amendment withheld 20 percent of regular budget assessments beginning in fiscal year 1987, in an effort to make UN budget voting proportional to country assessments. A host of UN accounting and budgetary assessment reforms have followed in the wake of this amendment.

Senator KASSEBAUM also is a champion of education. She has worked tirelessly to secure increased funding for student financial aid and to reorganize the Jobs Corps program. As Chair of the Labor and Human Resources Committee, Senator KASSEBAUM also must be given credit for shepherding the Republican workfare plan through Congress. Because of her steadfast determination, we finally passed real welfare reform—reform that will end the failed ''free lunch'' approach to welfare and will bring aid to those who need it most. She is a tough, commonsense reformer, whose tenacity and calm resolve will never be forgotten nor easily replaced.

Finally, perhaps her crowning achievement of this Congress was passage this year of commonsense health care reform. Thanks to the Senator from Kansas, working Americans need not fear the loss of their health insurance policies when they change jobs or because of a pre-existing condition. Thanks to the Senator from Kansas, the self-employed will be able to deduct a greater portion of their health insurance costs from their Federal tax liability. These represent real and positive health care reforms.

As the 104th Congress draws to a close, I wish my friend, Nancy KASSEBAUM, the very best as she embarks on new interests in her home state of Kansas and elsewhere. Her career in Washington has been distinguished. Her public service to her State and Nation are unrivaled in terms of results. Senator NANCY KASSEBAUM will be remembered as a first-class public official. I wish her all the best now and in the many years to come.

TRIBUTE TO SHEILA FRAHM, U.S. SENATOR FROM KANSAS

Mr. PRESSLER. Mr. President, I would like to pay tribute to my friend and colleague, Senator SHEILA FRAHM, for her outstanding service to the people of Kansas. As a former Kansas State Senator and Lieutenant Governor, SHEILA FRAHM has served her country and State with pride.

Senator FRAHM has a long and distinguished record of public service. She served as a member of the Kansas Board of Education, a Kansas State Senator, and was Kansas' first woman Senate Majority Leader. She also was the first woman in Kansas history to be elected Lieutenant Governor. As Lieutenant Governor, SHEILA FRAHM served as a member of the Governor's Cabinet and as Secretary of Administration, running the day-to-day operations of the Kansas State government.

Mr. President, in a matter of weeks, SHEILA FRAHM's life changed drastically. She gracefully moved into the Senate seat of one of the living legends of American political history, Bob Dole. Senator FRAHM has demonstrated time and time again that she can rise to any occasion. She did so yet again here in the Senate.

As a member of the Committee on Armed Services and the Committee on Banking, Housing, and Urban Affairs, Senator FRAHM played a vital role in moving legislation during the final months of the 104th Congress. Senator FRAHM also came to the Senate at a time to help pass historic legislation, including workfare, health care and illegal immigration reform. In a few short months she has voted to pass the kind of legislation many of her colleagues have waited years to address. SHEILA FRAHM has earned the respect and admiration of her colleagues, her staff, and her constituents.

We will soon bid farewell to our colleague from Kansas—Senator FRAHM. My wife Harriet and I wish Senator FRAHM, her husband Kenneth, and their three daughters, the very best. I am proud to have served in the 104th Congress with Senator FRAHM. Her valuable contributions to the Senate will not be forgotten.

SALUTE TO GUST LARSON

Mr. PRESSLER. Mr. President, I would like to take a moment today to pay tribute to a great South Dakotan—Gust Larson of Midland. Gust is a ''salt of the Earth'' individual whose feet are planted firmly in the real world. Gust is truly one of South Dakota's unsung heroes. He deserves to be recognized for his leadership in helping to preserve rail service across South Dakota. I was privileged to work with Gust Larson several years ago on this issue. My association with Gust consists of some of the most productive and enjoyable work I have done as a United States Senator for South Dakota.

I first met Gust in the early 1980's when the Chicago & Northwestern Railroad [C&NW] filed for abandonment of the only east-west rail line across South Dakota. Gust owned the local grain elevator in Midland, a small town in the middle of western South Dakota with less than 300 residents. When the C&NW announced its abandonment plans, Midland and other communities along the rail line were devastated, as were all the farmers and ranchers who depended on the railroad to ship their grain to market.

The prospects for blocking the abandonment looked bleak at the time. Back then, rail consolidation was the norm throughout the Nation. All across the country, one rail line after another was being abandoned. Thus, given the climate of the times, few people held out much hope when the C&NW announced its intent to abandon the 164-mile line from Rapid City to Fort Pierre. Some people even said there was no point in fighting the abandonment because the railroads always got their way with the Interstate Commerce Commission [ICC].

Gust Larson was not one of those people. Gust is a fighter, and he was not about to give up his and his fellow South Dakotans only rail link to the outside world without a fight. Gust knew the rail line would certainly be abandoned if nothing was done. He could not stand by and lose the only rail link to the grain market terminals to the east and down south to the Gulf of Mexico. Loss of this line would result in higher costs for western South Dakota grain producers in shipping their grain to market.

I shared Gust's concerns. The so-called political experts at the time advised me to keep a low profile. They urged me not to get involved. Fighting the abandonment was seen as a lost cause. Well, I grew up believing that lost causes sometimes were the ones worth fighting for. And, like Gust, I would not stand idly by and let the C&NW abandon this important line. So, ignoring the advice of the naysayers, I joined Gust Larson's lost cause to save the rail line.

A shippers group called the Western South Dakota Railway Users Association was formed, and Gust agreed to serve as chairman. Some scoffed and said we were tilting at windmills in challenging a huge corporation like C&NW with all its financial resources and attorneys. Skeptics pointed out that the C&NW had filed several other abandonment petitions across the country, and all of them had been approved by the ICC. Why would our line be any different?

Despite these tremendous odds, we decided to take on the railroad. Gust and his fellow rail users held countless telephone conversations and meetings with my office to formulate strategy and develop a plan of action.

Frankly, I suspect that C&NW corporate officials who handled abandonment petitions on a regular basis didn't take Gust Larson and his small band of rail users very seriously. After all, the C&NW was successful in other abandonment requests, and all certainly involved the usual protests from people like Gust Larson. Well, the C&NW attorneys and executives were in for a

surprise. They had never encountered someone like Gust Larson before.

I requested that the ICC send an administrative law judge to hold a formal field hearing in South Dakota. At the ICC hearing in Philip in September of 1983, Gust Larson and others emphasized to ICC Administrative Law Judge Edward McGrail the importance of preserving this important rail line. Much to the surprise of the naysayers and the C&NW, Judge McGrail issued a ruling against the railroad's abandonment request.

As expected, the C&NW appealed Judge McGrail's decision to the ICC. After intensive efforts, we convinced the Commission to let stand the judge's decision. Although Gust and the rest of us were very pleased by the Commission's action, we knew the battle was not over. We knew the C&NW could come back and file a new abandonment request, which would mean the battle would start all over again.

If the C&NW truly was not interested in operating the line, it could refuse to perform much-needed maintenance work on the line. This would lead to a gradual deterioration of the line's condition and ultimately a degradation of service. The only real solution was to find someone interested in operating the rail line. This obviously was no easy task.

We made a full-court press to identify potential buyers. After countless meetings and phone calls, we were able to convince a group of investors who were willing to take their chances on the future of this line. The Dakota, Minnesota, and Eastern Railroad [DM&E] was formed and an agreement was worked out with the C&NW to purchase the C&NW east-west rail line across the entire state of South Dakota and into Minnesota. Since its inception, the D&ME has invested millions of dollars in maintenance and track repair and has demonstrated its commitment to improving rail service for South Dakota shippers.

Today, many people may not realize how close western South Dakota came to losing its rail service to the east. Had Gust not stepped up to the plate to lead the local shippers group, who knows what might have happened?

Gust Larson is the pride of South Dakota. His effort to save the rail line is reminiscent of the legendary stories of tough, rugged fighters who turned a vast prairie into a state of enormous promise and opportunity. Generations from now, Gust Larson's story also will be legendary. He has made a lasting contribution to his community, his State and his country. It was one of the great privileges of my life to work with Gust. It is an honor to know Gust Larson. It is an even greater honor to call him my friend. I salute him. Thanks to the help of Gust Larson, the rumble of trains can still be felt and heard across western South Dakota.

TRIBUTE TO RETIRING SENATORS

Mr. PRYOR. Mr. President, when the 105th Congress meets for the first time early next year, this Chamber will have many new faces. This is partly because 13 of us, including myself, will leave this body to pursue other goals and ambitions. I rise today to pay a special tribute to those of my colleagues who will retire from the U.S. Senate at the end of this term.

Mr. President, it has been my pleasure to work with my distinguished colleague from New Jersey, Senator BILL BRADLEY, since 1978. We arrived together, and together we depart.

Senator BRADLEY's respect for the opinions of his colleagues and thoughtful demeanor have made him one of the true gentlemen of the Senate. I have enjoyed working with him on the Committee on Finance and the Special Committee on Aging. He has been a leader on tax reform, environmental protection, and violence prevention.

Senator BRADLEY established himself as a progressive leader in tax reform by proposing the Fair Tax Act in 1982. That later became the Tax Reform Act of 1986. This act closed most of the loopholes that had created unfair and unbalanced tax burdens on the people of the United States. This legislation also reduced Federal taxes on many low-income Americans.

BILL has taken a personal interest in the protection of the environment over the years. He passed legislation to protect the shores of not only New Jersey but of the entire country through his support of the Shore Protection Act of 1996 and has fought to protect millions of acres of virgin land from mining and development.

His determination to create jobs and to expand the police force in those areas have made Senator BRADLEY a leader in finding solutions to the violence that has become an everyday part of life in many communities.

The Senate is losing a great Member in Senator BILL BRADLEY. I wish him and his family the best in the future.

I also want to pay tribute today to Senator HANK BROWN. I have had the honor of serving with the Senator from Colorado on the Government Affairs Committee. In addition, he has been a leader in the fight for a balanced budget.

While he chose to serve only one term in the Senate, HANK had spent 10 years in the House of Representatives. I served in the House and know how difficult the schedule can be, splitting time between Washington and my home district, leaving little time to see family and friends. Yet, while a Member of Congress, he earned a masters of law degree from George Washington University. Hank is always looking for new things to learn and new ways to grow as an individual. I am sure that, after he moves back home, Hank will find many new experiences from which to learn whatever he chooses to do. He has served the people of Colorado well and will be missed.

Senator BILL COHEN and I came to the Senate in 1978 and I have greatly enjoyed working with him over the years. In addition to being an effective Senator and a true champion for his State of Maine, Senator COHEN also found the time to author eight books.

I have served with BILL COHEN on the Governmental Affairs Committee and he has been a reliable ally in the struggle to reform our government's procurement practices. Too many people think that our work is done here in the Congress when we pass appropriations bills. Senator COHEN is among a small group of Senators who realizes that the oversight process is just as important as approving the money.

Mr. President, the Senate will certainly miss the insights and energy of Senator BILL COHEN.

Mr. President, the senior Senator from Nebraska, JAMES EXON, is another of my colleagues who has decided not to seek another term in the U.S. Senate. I know that Senator EXON's retirement will cast a shadow over the great State of Nebraska and this body.

Senator EXON's friendship has been extremely important to me during my time as a member of the Senate. I will miss him as we continue with the next phase of our lives. We have been friends for 20 years, dating back to the days when we served our respective States as Governor. JAMES EXON was one of a group of Senators who dropped by a gathering of folks from Arkansas last week. I was honored that he took the time out of his schedule to attend the gathering.

I appreciated Senator EXON's help on many pieces of legislation, including his strong support for my work to keep pharmaceutical drug prices down. He was also an original cosponsor of the Taxpayer Bill of Rights, and worked with me to make the Internal Revenue Service more accountable for its actions. I am grateful for his help and support throughout the years.

Mr. President, it has been an honor and a privilege to serve alongside Senator EXON here in this great body. We came to the Senate as dear friends, and I hope to continue the friendship in the future. Barbara and I have enjoyed our time spent with JAMES and Pat Exon, and we wish them the best in the future.

Mr. President, one of this country's true statesmen, Senator MARK HATFIELD of Oregon, has been a Member of this body since 1966. I am truly grateful to have had the opportunity to serve with this great man.

Senator HATFIELD's dedication to his State and Nation can be seen by his mere length of service. For the past 30 years, MARK HATFIELD has worked hard to improve living conditions for the people of Oregon and the United States. Senator HATFIELD has always been an ardent proponent of peace as he has continually worked to end armed conflict. It was Senator HATFIELD who offered an amendment with then Senator McGovern to end the Vietnam War.

Senator HATFIELD is also a man of great conscience. MARK has deep-seated beliefs and he stands by those beliefs regardless of the consequences. Senator HATFIELD has always looked to both parties for help in enacting important legislation. It is for this reason that MARK HATFIELD is one of the most respected and influential Members of the U.S. Senate.

Mr. President, Oregon is lucky to have a public servant who is as dedicated as MARK HATFIELD. Barbara and I wish MARK and Antoinette all the best and on behalf of my colleagues, I want to thank my friend MARK HATFIELD for all he has done for this institution and this Nation.

Mr. President, the senior Senator from Alabama, HOWELL HEFLIN—known to many as the Judge—and I came to the Senate together in 1978. I have had the honor of serving the last 18 years with this dedicated public servant.

HOWELL HEFLIN embodies the spirit of the U.S. Senate. Senator HEFLIN is a true gentleman and statesman. Therefore, it is not ironic that he is one of the most popular Members of the U.S. Senate and one of the most beloved public figures ever in the State of Alabama. Whenever times get tough, HOWELL is always there to liven up the mood with his great wit and personality. I have had the opportunity to serve on the Agriculture, Nutrition, and Forestry Committee with Senator HEFLIN and I have seen firsthand the tireless effort he has given to improving the cotton, soybean, and peanut programs. Farmers all over this country should thank HOWELL HEFLIN for the contributions he has made to agriculture. Knowing the importance of agriculture in my own State of Arkansas, I am very thankful for the leadership of HOWELL HEFLIN.

Senator HEFLIN has always believed in doing what is right and standing up for what you believe in. He regularly crosses party lines and votes his own personal beliefs. This is refreshing in a time when partisanship seems to take precedence over all other things.

Mr. President, it has truly been an honor for me to work with such a great man as HOWELL HEFLIN, but most importantly, it has been an honor for me to call this man my friend. Barbara and I consider HOWELL and Mike to be among our closest friends and we will miss them greatly. We wish them all the best as they return home to Tuscumbia, AL. And while the U.S. Senate is losing one of its most dedicated members, Alabama is getting back two wonderful citizens in HOWELL and Mike Heflin.

Mr. President, over the last 24 years, the distinguished Senator from Louisiana, BENNETT JOHNSTON, has become one of the most accomplished and dedicated Members to have served in the Senate. As chairman of the Energy and Natural Resources Committee for 8 years, and now the ranking member, the Senator's remarkable leadership has led to important legislation in energy policy.

Mr. President, one of the greatest things I will miss about the Senate is the wonderful relationships that Barbara and I have formed over the past 18 years, including the one we have with BENNETT JOHNSTON and his lovely wife, Mary. As we both travel back to our neighboring States in the South, I look forward to continuing this friendship. I wish them all the best in their years ahead. I am truly honored, Mr. President, to have served with such a fine man.

Another fine colleague who arrived with me to the U.S. Senate in 1978 is NANCY LANDON KASSEBAUM, the distinguished senior Senator from Kansas. She has done an outstanding job representing Kansas and is truly a dedicated public servant.

My fellow Arkansans and I were honored when Senator KASSEBAUM spoke at the unveiling of the portrait of Hattie Caraway, who represented Arkansas in the U.S. Senate and was the Nation's first woman to be elected to the Senate. Senator KASSEBAUM gave an eloquent speech that demonstrated how far women have come in the U.S. Senate.

It has been an honor to serve with the Senator from Kansas. She has always been willing to cross this center aisle to accomplish what is best for the Nation. When she leaves this body, her humility and dedication will be sorely missed. Indeed, the State of Kansas and her colleagues in the U.S. Senate will be saddened by her departure. Barbara joins me in wishing her all of our best in the future.

Mr. President, one of the finest men to ever serve as U.S. Senator, SAM NUNN of Georgia, is also leaving this body. SAM NUNN's tireless dedication, loyalty, and determination extend not only to his work as Senator, but in his personal life as well. Barbara and I have enjoyed many years of friendship with SAM and Colleen NUNN. I will carry many happy memories of that friendship with me as I return to Arkansas.

Senator SAM NUNN has won not only my admiration and respect, but that of the American people. His efforts on the Senate Armed Services Committee, the Permanent Subcommittee on Investigations and the Small Business Committee are testaments to his desire to maintain peace, hope and prosperity in America. His work has also earned him the distinction of one of the greatest national security and foreign policy experts of our time. All who have worked with SAM NUNN, all who have followed his career, surely recognize the numerous contributions he has made. I will miss him. America will miss this great Senator even more.

When I was first elected to the Senate in 1978, Senator CLAIBORNE PELL had been here for 18 years. I had always assumed he would be here long after I left. When Senator PELL retires this year, he leaves an impressive record of accomplishments in the areas of education, the arts, and foreign policy. He has been more than a Senator from Rhode Island, but a true statesman for the entire Nation.

Senator PELL was instrumental in instituting the education scholarships for disadvantaged students that bear his name. Untold numbers of students have had the opportunity to go to college through the Pell Grant Program. He has continued to be an advocate for education throughout his career. Senator PELL recognized early on that the education of our children is the best investment this country could make.

Senator PELL has been a true friend and teacher to many of us here in the Senate. I wish him well in his retirement. He has certainly earned it.

Mr. President, last week my colleagues and I gathered in this chamber to pay tribute to our dear friend, the senior Senator from Illinois, PAUL SIMON, by decorating ourselves with a trademark PAUL SIMON bow tie. I have known this distinguished man for many years and have always found him to be a man of the highest regard in his love for this country of ours. He serves as a guide to all of us who serve in public life through his honesty and decency.

Mr. President, PAUL SIMON stands strong for the things he believes in his heart to be good and true. But under no circumstance has he ever turned a deaf ear to any of us wanting to express our views or concerns. As I told this body just last week—as I go to the University of Arkansas next semester to speak to students from various educational backgrounds—If I am ever asked the question by one of those students as to how to pattern their lives for a political future, I will tell them to look at the life of PAUL SIMON, both the political life and the personal life. I say this because PAUL SIMON has humanized politics and the Government for each of us. I thank my friend for his leadership and service to this country and wish him a health and happy future.

Mr. President, my good friend and colleague, Senator ALAN SIMPSON, is also leaving this body at the end of the term. Eighteen years we have served here together, separated only by this center aisle. And it is this very aisle that ALAN SIMPSON has worked his career at building a bridge across—to join both sides in doing what is best for every citizen of this great Nation of ours. Over the past several years, I have had the honor and privilege of working with my friend, not only on this floor, but also on the Finance Committee and the Special Committee on Aging. His hard work and dedication to the people of this country have served as a constant reminder to me and my colleagues of what we have been sent here to do—and that is to serve the people of our home States and all citizens of the United States.

ALAN SIMPSON's humorous and unique approach to business on this floor will be a great loss. Mr. President, ALAN SIMPSON is one of the greatest doers and builders that we have

ever seen in this body, and his presence will be sorely missed. Barbara and I wish my friend and his beautiful wife Ann the very best in the years to come.

Mr. President, I know that all of my friends who are leaving will miss the Senate. But I have even more confidence that those remaining in the Senate, and millions of citizens back home, will miss these wonderful public servants and the energy and wisdom they go generously gave to their country. We are truly a better nation for their contributions.

A TRIBUTE TO SENATOR HANK BROWN

Mr. HOLLINGS. Mr. President, I rise today to salute the senior Senator from Colorado, Senator HANK BROWN, for his 16 years of service in Congress. He has worked for the citizens of Colorado as a Member of the House of Representatives, and was elected president of the 97th Congress Republican freshman class. He also has served his State for one term as a U.S. Senator.

Everyone was surprised when Senator BROWN was the first Republican to announce in late December 1994 that he would not seek reelection in 1996. At that time, Senator BROWN said he had tired of his life inside the beltway and had always thought of his time in Washington as a ''period of temporary service.'' As a result, at the end of this Congress, HANK BROWN will leave the Senate and return to Colorado with his wife, Nan, and their family.

During the last 6 years, I have seen Senator BROWN work diligently on the budget, support environmental and agriculture issues affecting his State of Colorado, and deal with foreign policy matters that affect our Nation as a whole.

HANK BROWN and I have worked side-by-side on the Budget Committee and, while we did not see eye-to-eye all the time, his dedication to Republican spending priorities was tireless and unsurpassed. I know that members of his party will miss his ideas and input when we begin the arduous budget process next year.

Senator BROWN has also work for the people of Colorado on environmental and agriculture issues. He introduced legislation to protect the Cache La Poudre River flood plain and worked diligently to establish national trails along Colorado's western slope. He also came down to the Senate floor to fight for the rights of Colorado ranchers when we debated the controversial topic of grazing fees.

As a member of the Foreign Relations Committee, HANK BROWN has supported military aid and training to Eastern European countries. And, I am pleased to say, after studying the ins and outs of the General Agreement on Trade and Tariffs, Senator BROWN joined me and several other Senators by voting against that abomination of a trade agreement. Even today, I regret that the Senate in the 103d Congress saw fit to pass that treaty and that the President supported its passage. But, I'll save that talk for another time.

The long and short of it, Mr. President, is that HANK BROWN will be missed in the Halls of the Capitol. I bid the good Senator, his wife Nan, and their three children farewell as they leave Washington, DC, and wish HANK many happy years of retirement. May it hold new challenges and exciting opportunities.

A TRIBUTE TO SENATOR DAVID PRYOR

Mr. HOLLINGS. Mr. President, I rise today to pay tribute to one of the great men of the Senate. He has served his State of Arkansas with honor as a State Representative, Governor, Member of Congress and finally as a U.S. Senator. Despite this wonderful career, he has not lost touch with the ''common man.''

I know all my colleagues agree, DAVID PRYOR is truly one of the most well-liked members of this body. Whether defending the Special Committee on Aging and the Nation's elderly or as the primary sponsor of the Tax Payer Bill of Rights, you can count on the Senator from Arkansas tirelessly and doggedly fighting to do what he believes is right. However, no matter how heated the battle, Senator PRYOR always maintains his cool and always treats his fellow Senators with dignity and respect.

Senator PRYOR has accomplished much in his career, but he will always be remembered as the No. 1 advocate for the Nation's elderly. Having served as chairman and ranking member of the Special Committee on Aging, he has led the way in his dedication to protecting and enhancing the lives of our senior citizens.

As a member of the Agriculture Committee, DAVID PRYOR has worked to protect the American farmer, and, as the primary sponsor of the Tax Payer Bill of Rights, he almost singlehandedly focused attention on IRS abuses of the American taxpayer.

There is no doubt the Senate will miss DAVID and his charming wife, Barbara. Barbara has worked diligently to bring outstanding Arkansas art to Washington so all visitors to DAVID's office can enjoy it. The Senate will miss their personal touch and we wish them well.

TRIBUTE TO SENATOR WILLIAM COHEN

Mr. HOLLINGS. Mr. President, Senator BILL COHEN is one of our colleagues who often comes to mind when considering the mainstream in this body. The presence of these individuals who defy labeling is indeed fortunate in the effort to achieve the compromise so essential in government. I have noted over the years that observers attempting to define these so called liberal Republicans, conservative Democrats, and ''moderates'', often were describing colleagues like BILL COHEN who simply considered the issue at hand on the merits and decided, in his judgement, in the interest of the greater good. Party Line and dogma have never been decisive factors in his decisions, and as a result he was regularly numbered among those who brought about the compromise necessary for progress.

First elected to the House in 1972, BILL COHEN immediately demonstrated his fortitude and independent thinking in dealing with perhaps the most traumatic issue to face the Congress in this century. As a member of the impeachment committee charged with the responsibility of considering the actions of the Nixon Administration, he spoke eloquently of the imperatives of accountability and responsibility in the conduct of public officials. True to the principles evidenced in that courageous beginning, he remains today a spokesman for and example of civility in government and public service.

BILL came to the Senate in 1978 where he quickly established himself as a dedicated and studious member, mastering the intricacies of a diverse set of issues facing our Nation. He was a spokesman for military preparedness long before others in more recent times adopted the popular mantra of ''military readiness''. His service on the Armed Services Committee has clearly established BILL COHEN not only as a guardian of military preparedness but also as a protector of those who serve in the ranks of our Armed Forces. His exemplary service on the Intelligence Committee was of invaluable benefit to this Nation on issues of grave importance to our National Security. His evenhandedness in his service on the Judiciary Committee and his sensitivity and compassion demonstrated while on the Committee on Aging again stand as testimony to the quality of his service to the people of Maine and this Nation.

Senator BILL COHEN departs our ranks with the respect and admiration of all of his colleagues on both sides of the aisle. We wish him and Janet the very best in the future.

A TRIBUTE TO SENATOR PAUL SIMON

Mr. HOLLINGS. Mr. President, I rise today to pay tribute to my friend and colleague, Senator PAUL SIMON, who is leaving the Halls of Congress after 22 years of distinguished service in both the House and the Senate.

Simply put, PAUL SIMON epitomizes what we think of when we use the term public servant. Since 1954, he has served the people of Illinois as a State Representative, as a State Senator, as Lieutenant Governor, as a member of the U.S. House of Representatives and as a United States Senator. At every level of government, PAUL has proven to be a model of thoughtfulness and integrity.

As a fellow member of the Senate Budget Committee, PAUL SIMON stands

out, not because of his trademark bow tie, but because of his dogged desire to eliminate our crushing debt burden and his willingness to take the tough medicine necessary to accomplish that goal. Moreover, PAUL has keenly understood our obligation to repay not only the public debt but also the debt owed to Social Security and other government trust funds.

In addition to his efforts to get our Nation's finances in order, PAUL SIMON has been a tireless advocate for the need to expand educational opportunities for all Americans. Specifically, he has been a leader in ensuring that those with disabilities receive public education, in combating illiteracy through passage of the National Literacy Act, and more recently, in expanding access to higher education by championing the direct college loan program.

While all of us in this body will sorely miss his leadership and cordiality, our loss is Southern Illinois University's gain where PAUL will head up the Simon Public Policy Institute. We wish both him and his wife Jeanne the very best in all their future endeavors.

A TRIBUTE TO SENATOR BILL BRADLEY

Mr. HOLLINGS. Mr. President, I rise today to bid farewell to the senior Senator from New Jersey, Senator BILL BRADLEY. Since the first day this professional basketball player walked onto the floor of the Senate in 1979, I have been proud to work closely with him on numerous issues.

As all Senators know, we spend hours on the Senate floor, toiling away on legislation that affects our home States, other Members' States, and America as a whole. But, I believe BILL BRADLEY will be most-remembered for his endless struggle to rewrite our tax code in the Tax Reform Act of 1986, his unwavering dedication to reform our campaign finance system, and his tireless efforts to protect the health and welfare of American men, women, and children.

I remember well when, in June of 1986, the Senate overwhelmingly supported the Tax Relief Act by a vote of 97–3. Although this legislation was guided carefully through the Congress by Senator Bob Packwood, I would like to take the time today to give credit where credit is due. Without the dedication of the Senator from New Jersey, this bill would have died a thousand deaths on its journey from the House Ways and Means Committee to President Reagan's desk.

After we passed this monumental legislation, Senator BRADLEY said, ''Each senator was willing to sacrifice something that was important to his or her State to do what was in the best interest of the country.'' Thank goodness for Senator BRADLEY's foresight and coalition building. Without him, many of those gaping tax loopholes we closed would still exist and millions of low-income Americans would have fallen well-below the poverty line.

I also would like to commend BILL BRADLEY for joining me in our fight to reform the campaign finance system through a constitutional amendment. I will miss his assistance behind-the-scenes and on the Senate floor and am hopeful that he will continue to work toward a fair and equitable system for all political candidates when he leaves this distinguished body.

Mr. President, I cannot leave the floor without mentioning Senator BRADLEY's commitment to the health and well-being of American men, women, and children. During the 104th Congress, he fought against cuts to the Food Stamp Program, the WIC Program, Medicare, Medicaid, and Social Security. Indeed, he joined me and 33 other Senators in 1995 to protect the Social Security Trust Fund by voting against the balanced budget amendment. That vote took courage, Mr. President, and I commend him for it.

In closing, I would like to address the good Senator's work on legislation which we recently passed here in the Senate and which the President has signed into law. Known around Senator BRADLEY's office as the ''Baby Bill,'' the Newborns' and Mothers' Health Protection Act of 1995 will ease the worry of many families experiencing the miracle of childbirth. Thanks to BILL BRADLEY, hospitals will be required to protect the health of new mothers and their infants for a minimum of 48 hours following a vaginal birth and a 96-hour stay after Caesarean births. I was pleased to co-sponsor this bill and am thrilled that Senator BRADLEY can leave the Senate following such a grand accomplishment.

Mr. President, to say that BILL BRADLEY will be missed in the Senate is an understatement. Although he is retiring as a U.S. Senator, I do not believe we have heard the last of BILL BRADLEY in the political arena. I wish him, his wife, Ernestine, and their daughter, Theresa Anne, all the best for the future and a safe journey home to Montclair.

A TRIBUTE TO SENATOR ALAN SIMPSON

Mr. HOLLINGS. Mr. President, I rise at this time to pay tribute to my friend and colleague, ALAN SIMPSON, who is retiring after serving for 18 years in this body.

None of us should have been surprised by AL's entrance into politics. After all, he learned firsthand about the life of a public servant from his father, Milward, who served the people of Wyoming as Governor from 1954 to 1958 and as a U.S. Senator from 1962 to 1966.

After graduating from college, AL SIMPSON began serving his country as a 2d lieutenant in the U.S. Army where he was a member of the 5th Infantry Division and the 2d Armored Division during the Army Occupation in Germany. In 1956, he returned home, went to law school, and joined his father's law firm in Cody, WY. In 1964, he was elected to the State legislature where he represented his home county for 13 years.

Mr. President, regardless of whether one thinks that it was destiny or industry that brought AL SIMPSON to Washington, his 18 years of service have left an indelible legislative mark.

Since he became chairman of the Judiciary Committee's Immigration Subcommittee, the Senator from Wyoming has worked assiduously in developing tough laws to crack down on illegal immigration and commonsense policies to govern legal immigration. Indeed, it is a fitting testament to his efforts that one of the last measures passed in the 104th Congress was an immigration reform bill that he authored.

But immigration is just one of the many contentious issues that ALAN has been willing to take on. As a member of the Senate Finance Committee, he recognized the demographic strains that Social Security and Medicare will face in the coming decades and was one of the first Senators to bring serious attention to this issue.

Mr. President, AL SIMPSON and I have agreed on many issues and disagreed on many others, but as one trial lawyer to another, I have always had a profound respect for his directness, his tenacity, his candor, and most of all, his ability to tell a good joke. While we shall all miss his good humor and good counsel, we wish both him and his wife, Ann, all the best in their future endeavors.

A TRIBUTE TO SENATOR NANCY LANDON KASSEBAUM

Mr. HOLLINGS. Mr. President, I rise in tribute to one of the great nonpartisan, effective Senators of this body, NANCY LANDON KASSEBAUM.

Senator KASSEBAUM's 18 years in the Senate have been marked by shifts back and forth in control of the Senate. She was elected into the minority, came into the majority within 2 years, returned to the minority in her second term, and recently returned to the majority.

She has been the Senator we needed in these times. Whichever direction the winds of partisanship blew, she was the safe haven for compromise and progress in the public interest. That is why her endorsement is courted so assiduously on both sides.

Mr. President, I emphasize that the winds have blown back and forth, but Senator KASSEBAUM has fixed on the great issues that concern all Americans and sought the solutions we needed. I remember when we saw skyrocketing deficits in this body that we worked together to make a freeze work. I had a ''Fritz Freeze'' and she had a ''K. G. B.'' freeze—KASSEBAUM, GRASSLEY, BIDEN, and BAUCUS. Finally, we worked together in 1987 on a joint, compromise freeze. She has also tackled limiting campaign spending from a Constitutional point of view. We all

know the importance of finding a way to limit the influence of money in politics, and she has not been reluctant to advance a thoughtful position on that. And she has been a leader on making historic progress in South Africa. She has been the Senate's voice on Africa, and we appreciate that. Furthermore, she has been deeply involved in the issue of health research, particularly on Orphan Drugs. Basic health research is America's particular pride and strength, and she made sure that those with rare diseases are included in our hopeful enterprise. That is a contribution that will change the lives of families through the generations, who otherwise would have suffered without any hope whatsoever. Mr. President, these are all issues that are fundamentally important and nonpartisan. They reflect her judgment and her leadership, and we are privileged to have worked with her on them.

Finally, Mr. President, I must brag on my home city of Charleston. Senator KASSEBAUM has recognized its beauty through her frequent visits, and, coincidentally, it is home to her son, his wife, and their children. I hope we will see more of her there after this Congress is over, but, certainly, she has been a real leader that we will miss in this Senate.

TRIBUTE TO SENATOR JIM EXON

Mr. LAUTENBERG. Mr. President, I rise to wish my friend, JIM EXON, an enjoyable retirement from this body. It's been a pleasure to serve him for the past 13 years, especially on the Budget Committee; together, we've fought for issues which were important to the average American. When I think of JIM's many accomplishments, I will especially remember his commitment to the Medicare program and his opposition to cutting Medicare to pay for tax breaks for the wealthy.

For the past 2 years, JIM has served as ranking minority member of the Budget Committee. It's been a tumultuous time. But as a businessman who founded a successful company, he brought to the Senate significant business skills and a commitment to fiscal responsibility. That was also evident in JIM's work on the Armed Services Committee, where he was a persistent and effective voice to reduce waste in the Defense Department.

Recognized in the Senate as an authority on agriculture, rural America, commerce, national defense and transportation, JIM was, above all, a voice for Nebraska's interests. Whether fighting for fair international trade agreements for mid-west agriculture, or cosponsoring legislation that made Medicare reimburse rural and urban hospitals at the same rate, or having Nebraska's Niobrara River declared a National Scenic River, JIM always championed the State he had served as Governor.

It's no wonder that the book ''Politics in America'' notes that JIM EXON, ''makes a real contribution to the Senate as a mirror of public opinion in America's heartland. It is hard to think of anyone else in the chamber who so seems attuned to the questions and concerns of the typical middle-American.''

JIM, your presence in the Senate will be sorely missed. Others may fill your seat, but few will be able to fill your shoes. As you begin the next stage of your career and your life, I wish you all the best.

THE IMPACT OF DIFFERENTIAL EXPORT TAX SYSTEMS ON U.S. OILSEED PROCESSORS

Ms. MOSELEY-BRAUN. Mr. President, last month, as we were voting on an extension of the Generalized System of Preferences, I spoke on the floor about a tax system employed by certain countries, including Brazil and Argentina, that operates to confer an unfair competitive advantage on exports of oilseed products from those countries at the expense of United States producers of these products. These unfair tax schemes, commonly known as differential export tax systems, or DETs, have been of great concern to all soybean growing states, including my State of Illinois, one of the leading soybean States in our country.

As I explained last month, these tax schemes, which operate in much the same way as WTO-impermissible export subsidies, make a mockery of the principles of free and fair trade. Until these unfair tax schemes are eliminated in countries throughout the world, U.S. processors will continue to lose ground in world markets for soybean meal and oil.

I was therefore pleased to learn that the Government of Brazil recently passed a law that eliminates these tax schemes in the states that employ them. I want to take this opportunity to commend the Government of Brazil for this major achievement. By this action, the Brazilian Federal Government has greatly contributed to the further liberalization of world trade. I am hopeful that other countries that continue to rely upon these trade-distorting tax schemes will be encouraged to follow the lead of Brazil and take similar steps toward trade liberalization. I will continue to monitor this issue closely, and if we do not see further progress in this regard, the Senate Finance Committee should consider examining this issue in more detail as part of its trade agenda in the next Congress.

LORD & COMPANY, INC.

Mr. WARNER. Mr. President, I am proud today to praise an outstanding Virginian and his Virginia company. Juan G. ''Bill'' Cabrera is President of Lord & Company, Inc., in Manassas, VA, and last week Mr. Cabrera was named the Minority Small Business Person of the Year for his region of the country.

Government contracts are crucial to our country in so many ways. First, they are an essential part of Virginia's economy, especially in the Northern Virginia area. Second, through minority contracting programs, our government provides invaluable opportunities to minority-owned businesses to get a necessary foothold in the marketplace. Third, our taxpayers deserve and demand that they receive the maximum value for their money.

Mr. Cabrera and his company are a perfect example of this important combination. He moved the fledgling company from Alabama to Virginia in 1984 where it began to acquire more contracts in the fields of instrumentation, controls, and monitoring systems. In 1991, the Small Business Administration certified the firm for the section 8(a) program, and Lord & Company took off.

The company has received numerous quality awards from the Departments of the Navy and Army, Fairfax County Public Schools, and numerous private companies. Moreover, Mr. Cabrera has made special efforts to diversify his workplace by hiring single parents, minorities, and others in need of employment. The company has also started its own contracting program by adopting a small minority-owned business and assisting it with technical and managerial support.

Mr. Cabrera has been recognized for his talents before, having served as a delegate to the White House Conference on Small Business and attending the Amos Tuck School of Minority Business Executive Program at Dartmouth College.

In sum, Mr. Cabrera has shown remarkable energy in providing solid work product to the taxpayers and his other clients, community involvement to his area, and jobs to his growing number of employees. I am proud to salute him for his recent award and look forward to hearing about Lord & Company's continued success.

S. 1986, UMATILLA BASIN PROJECT COMPLETION ACT

Mr. HATFIELD. Mr. President, for two decades, I have worked to resolve the fishery and irrigation conflicts in the Umatilla River Basin in the northeastern region of my State of Oregon. In 1988, with the passage of the Umatilla Basin Project Act, we brought all interests together behind a project which advanced the goal of restoring anadromous fish runs in the Umatilla River. The act authorized pumping facilities to allow three irrigation districts, which previously withdrew their water from the Umatilla River, to receive an equal volume of water from the adjacent Columbia River to irrigate their crops and, in return, leave their water in the river for fish. The project, which has had no negative impact on the Columbia River, enabled the reintroduction of salmon stocks in the Umatilla River

that had been lost since the 1960's. Benefits of the project have been felt by both the fish and the irrigators in the basin, whose water supply is much more stable today than it was in the 1980's.

The Umatilla Basin Project has been a product of years of debate and grassroots consensus building. I had hoped to build on that spirit this year and reach an agreement which would have allowed the fourth, and final, Umatilla Basin irrigation district, the Westland Irrigation District, to also exchange Umatilla River for Columbia River water. The potential for such an agreement to finally solve a number of remaining and long-standing water issues in the basin was very promising, and, last July, I introduced a bill to complete the project, address the Federal Government's treaty fishery obligations to the Umatilla Tribes, adjust the boundaries of the four irrigation districts to formally incorporate lands that had long been irrigated with project water, and resolve water supply concerns jointly held by the Umatilla Indian Reservation and the City of Pendleton, OR.

I commend the Umatilla Tribes, Umatilla Basin Irrigation Districts, the State of Oregon, Water Watch of Oregon and the City of Pendleton for their diligent efforts to attempt to resolve this complex and difficult array of issues. Since last April, my staff has worked virtually nonstop with all of these local interests, Congressman COOLEY, the House Resources Committee staff, the Senate Energy and Natural Resources Committee staff, the Bureau of Reclamation, and the Clinton administration in an effort to forge a consensus agreement. Unfortunately, the consensus I had hoped for was not achieved. While the parties agreed on the need to construct facilities to allow the final Columbia River exchange, referred to as Phase III, and other efforts to improve the Umatilla fishery, they could not agree on the terms and timing of the irrigation district boundary adjustment.

The four irrigation districts agreed to an environmental review of their boundary adjustment proposal. They also agreed to provide significant mitigation water for fish until the year 2003, or until a substantial portion of the Phase III exchange was on line, whichever came first. They could not agree, however, to give the Secretary of the Interior the authority to act on the information obtained in connection with a National Environmental Policy Act review, which was a condition of the boundary adjustment decision. Unfortunately, this discretion was, in the eyes of the Clinton administration, an essential element of any agreement. In addition, the irrigation districts insisted that the authorization of the Columbia River exchange facilities and other facilities intended to improve the fishery be conditioned upon the satisfaction of their boundary adjustment request. At this late date in the congressional session, these differences of opinion proved to be insurmountable.

Though my desire to complete the Umatilla Basin Project is great, I could not allow myself or others to forget the overriding objective of the 1988 Umatilla Basin Project Act. That act states that the decision to adjust the irrigation districts' boundaries ''shall be considered as secondary to the purpose of providing water for fishery purposes.'' While it is understood that the Umatilla Basin Project should not necessarily disadvantage irrigation districts, restoration of the anadromous fish runs must continue to be its predominant mission.

I regret that the parties failed to reach consensus on this most important issue, and I hope that the Oregon Delegation will work together with the affected parties in the 105th Congress to reach consensus on the issues that remain.

RETIRING SENATORS

Mr. KERRY. Mr. President, I have spoken on the Senate floor in a personal tribute to Senator CLAIBORNE PELL of my neighboring State of Rhode Island, and I wish him well in his retirement, but this year we in the U.S. Senate are losing 12 other colleagues, all of whom have left a unique mark on this institution and have served their states and the American people with dignity and integrity. All have been committed to the concerns of their constituents and have fought for issues that have moved this Nation forward and kept us strong, safe, and powerful. We shall miss each of them, and we shall miss their friendship, camaraderie, and counsel.

SENATOR JAMES EXON

I want to pay tribute to the Senior Senator from Nebraska, Senator JIM EXON. The institution of the U.S. Senate is the hallmark of American democracy. Few Members with whom I have served have more skillfully represented national concerns and constituent interests during the long and arduous deliberations and debates in committee and on the floor of the U.S. Senate than JIM EXON.

As Senator EXON leaves this body, he leaves a long and distinguished public service record, a legacy of independence, dependability, and a tough, common sense approach to policy as well as politics which will not be forgotten. As ranking minority member of the Budget Committee during the challenging early days of the 104th Congress, Senator EXON, knowing full well the shortcomings of the Republican budget, withstood the early onslaught of positive publicity for the new majority, and tirelessly devoted his efforts to leading the charge in committee not only to point out, line by line, what was wrong, but to convince the American people that he was right.

Senator EXON has been an anchor of reasoned debate and bi-partisanship on defense, transportation, and business issues as well as on budget issues; and with his characteristic firmness, perseverance, and drive, he has always reflected the best of the pioneer tradition of his beloved Nebraska. With his retirement, we will have lost a skilled and committed colleague who cares about public service and whose career is a symbol of institutional pride and personal responsibility to the common good.

SENATOR MARK HATFIELD

I want to pay tribute to the senior Senator from Oregon, MARK HATFIELD, who has been a beacon of bi-partisanship in this Chamber. Senator HATFIELD has always been, above all, a statesman dedicated to the Senate tradition of reasoned debate and responsible bipartisan solutions. In seeking common ground, whether on the budget or on issues of arms control and peace or on issues affecting the day to day lives of his constituents and families across America, Senator HATFIELD has never been afraid to exercise his legendary independence, even if it meant risking the wrath of his party.

Another word that aptly describes the long and distinguished public service career of Senator HATFIELD, is ''independence.'' In every one of his votes he has shown extraordinary integrity, and I have been especially inspired by his work on arms control and his commitment to common sense in national and international affairs.

At a time in this institution when we hear partisan politics in a shrill crescendo, we shall miss his quiet, steady voice of reason and his humanity, for he has been, in many ways, the conscience of the Senate. MARK HATFIELD has left a mark on this place. I am hopeful we all will remember the standard he has set.

SENATOR BILL BRADLEY

I want to pay tribute to Senator Bill BRADLEY of New Jersey whose intellect and passion for ideas tempered by a common sense perspective have made him a calm voice for bipartisanship and logic. Senator BRADLEY has never been bound by the way things have always been done. He has always found a way to break new ground, find a better way, reach higher, and strive harder to help redefine and restructure our response to children in the inner city, to race relations in America, to tax reform and campaign finance reform.

He led the 1986 tax reform bill and led the effort to delink human rights in China from the need to extend most-favored-nation status. I worked with him in that effort and recognized the keen, sharp historical perspective that he brings to human rights, international economics, and international relations.

We have shared a commitment to Campaign Finance Reform and, again, his extraordinary ability to find a new way, try a different idea, and devise a better solution to our common problems has been inspiring as has been his commitment. We have learned to respect his judgment and analysis.

Mr. President, the quality of leadership and service embodied in the life

and career of Senator BRADLEY serves as a model for every young American, and he shall be missed in the 105th Congress.

SENATOR HANK BROWN

I want to pay tribute to the distinguished Senior Senator from Colorado, HANK BROWN with whom it has been a pleasure to serve. When I was chairman of the Subcommittee on Terrorism, Narcotics, and International Operations and he was the ranking member, we developed an extraordinary working relationship and I welcomed his friendship and his counsel.

Senator BROWN is thoughtful and deeply committed to the truth. He is fearless in his willingness to buck the system and ignore political pressures to do what he believes is right. His commitment and counsel in finding the truth in the BCCI investigation led to legislation that tightened the banking laws and addressed narcotics trafficking.

Mr. President, in my work with Senator HANK BROWN, I do not recall a time when he lost his sense of humor or the twinkle in his eye. His calm forceful commitment to his county, to his constituents, and to this institution will be missed. I am grateful to have had the opportunity to serve with him.

SENATOR SAM NUNN

I want to pay tribute to the Senior Senator from Georgia, Senator SAM NUNN. I do not believe there is any Member of the Senate who is more studious and astute. Any American who believes that a strong national defense is a necessity in this changing world, will look to the career of Senator NUNN with respect and admiration. His specific knowledge and keen analysis of defense issues, international relations, and armed services is without equal. When it comes to NATO, his undertaking of the complex historical relationships and potential policy alternatives that have developed during the evolution of our involvement in NATO have made him a world leader and the voice of reasoned debate.

Senator NUNN has led the fight for more efficient uses of defense resources and greater accountability of defense contractors. He has been an invaluable ally in this institution to every American in uniform. He has been a calm, reasonable leader in the defense debate of the post-cold-war era.

Senator NUNN is as thoughtful as he is astute, as committed as he is wise, and as influential as he is fair. We will miss the kind of leadership that Senator NUNN has brought to this institution. We can be sure that debates on the floor of the Senate in the 105th Congress and thereafter will echo his leadership, his resolve, and his commitment. His influence in defense policy—his legacy—will be felt for years to come. I join my colleagues in wishing him well.

SENATOR BILL COHEN

I want to pay tribute to the Senior Senator from Maine, Senator BILL COHEN, a fellow New Englander, and our most renowned author, who has been respected on both sides of the aisle for his intellect and his down-east devotion to his beloved Maine. Senator COHEN's intelligence and his substantive approach to the issues are surpassed only by his extraordinary range of talents.

Senator COHEN is known in this chamber for his devotion to detail and reasoned analysis of the issues, and recently he has expressed his concerns about partisanship and the political atmosphere which has dominated debate on the Senate floor. But his concern has never led to criticism of the process, people, or promise of this institution or of the purpose and function of government. He has always been a positive influence and has sought to make government in general and the Senate in particular responsive, efficient, and accountable. Negativism has not been a part of Senator COHEN's vocabulary.

He is going home to New England, and we know how much he loves his State of Maine, the beauty and the majesty of the rocky coast that reaches out into the Atlantic. As a fellow New Englander, I understand his love for it. His roots are as deep as his commitment to his beliefs and principles, and whatever he chooses to do, we wish him well.

SENATOR HOWELL HEFLIN

I want to pay tribute to the Senior Senator from Alabama, Senator HOWELL HEFLIN—Judge HEFLIN, or just Judge, as he is known to his colleagues—whose long public service career has shaped the judicial system in this Nation. His temperance, knowledge, experience, and constitutional scholarship have helped preserve the integrity of the word ''justice'' in our democracy and taught us the lesson of judicial temperament and legislative leadership.

If there is one word that describes Senator HEFLIN it is deliberative. He weighs the issues, individually without concern for party or political expedience. He evaluates, analyzes, reevaluates and makes a decision based on the facts and only the facts. Senator HEFLIN has represented the people of Alabama with grace, charm, intelligence, and integrity. His service and his character represent the best of the U.S. Senate and his leadership and perspective shall be sorely missed when the Judiciary Committee convenes in the 105th Congress.

SENATOR NANCY KASSEBAUM

I want to pay tribute to the Senator from Kansas, NANCY KASSEBAUM, one of this institution's most respected authorities and most effective leaders on Labor and Human Resources issues. She is an extraordinary person whose quiet commitment and personal integrity have marked a public service career that has lived up to her family name and to the expectations of the people of her beloved Kansas.

Her bipartisan leadership culminated this year in passage of the Kennedy-Kassebaum health insurance bill that protects health benefits for million of working Americans and relieves them of the fear of losing their health insurance if they lose their jobs or have a preexisting condition. She was instrumental in giving America this landmark health reform legislation when many said it could not be done this year. I have also known Senator KASSEBAUM to be deeply committed to foreign affairs and especially to concerns of African nations.

Her name has become synonymous with education, public health, labor, and employment policies, but her devotion is to her family and to Kansas. The Senate will miss her, but the people of Kansas will have her home.

SENATOR BENNETT JOHNSTON

I want to pay tribute to Senator BENNETT JOHNSTON of Louisiana who has served for 24 years on the Senate Energy and Natural Resources Committee. He has been either the chairman or the ranking member of that committee for 16 of those 24 years and every year he has left his mark on this Nation's policies on the preservation and development of natural resources.

His legislative skills and his knowledge of energy and natural resource issues are extraordinary and have led to the development of policies and programs that have had a deep and lasting impact on our Nation.

He has served the people of Louisiana faithfully, fairly, and with diligence, and his legislative skills, leadership, and knowledge will be missed in the 105th Congress.

SENATOR ALAN SIMPSON

I want to pay tribute to my friend and colleague from Wyoming, Senator ALAN SIMPSON, who has always brought his unique perspective to bear on the critical issues of our time. His carefully reasoned and focused approach often has helped this Chamber see the essential center of issues with which he has been associated during his years on the Judiciary and Finance Committees.

I have worked with Senator SIMPSON on camping finance reform and the candor, humor, and skill with which he approached the issue was refreshing, insightful, and direct. He is the kind of Senator whom the American people seek and re-elect because he reflects their interests and their ability to weed through the details to find the essential truth.

Senator SIMPSON has served the interests of the people of Wyoming and of the West with profound skill and style and his personal commitment to immigration policy will mark a long and distinguished public service career. The Senate has been a better place because of the leadership of Senator ALAN SIMPSON.

SENATOR PAUL SIMON

I want to pay tribute to my colleague from Illinois, Senator PAUL SIMON. We shall long remember the Senator who wore a bow tie every day. He brought to this Chamber a dignity and scholarship that has lifted the level of debate

and preserved the grand traditions of this institution.

Senator SIMON has been a national leader on literacy and on the power of the written word. His career and his life are a tribute to knowledge, learning, and the pursuit of excellence. Senator SIMON has walked these corridors with a quiet dignity and brought to them a sense of decency that we shall long remember.

Senator SIMON is truly a skilled teacher. He has taught us, in the U.S. Senate, the lesson of civility and he has taught us and every American who has heard his message that it is in the best interest of this Nation to put a premium on intellect again. He has done so in his actions, words, and deeds, and he shall be missed not only for his bow ties but for his honorable public service, his powerful independence, and his skill as a leader, a debater, and a quintessential U.S. Senator.

SENATOR DAVID PRYOR

I want to pay tribute to my distinguished colleague from Arkansas, Senator DAVID PRYOR who is a skilled and effective legislator with a gentlemanly southern charm and a modesty that belies his extraordinary skills and accomplishments.

Of his many accomplishments, not the least of which is his agricultural record for the people of Arkansas, Senator PRYOR became an outspoken critic of the prices that pharmaceutical companies charge for prescription drugs and his leadership on the issue brought national attention to the problem and gave hope to millions of elderly Americans who could not afford their medication.

Senator PRYOR's record of leadership in public service is marked by compassion and civility. I wish him all the best as he leaves the Senate and takes on new challenges.

MEN OF COLOR HEALTH INITIATIVE

Mr. KERRY. Mr. President, at this time, I would like to take a moment to recognize, encourage, and pay tribute to a comprehensive, new health initiative called ''The Men of Color Health Initiative'' which was started at the Harvard Street Neighborhood Health Center in my State of Massachusetts in 1993. This outstanding health service has combined years of careful and thoughtful research with a grassroots outreach program that brings to light important health care issues such as access to health care for people of African, Asian and Latino descent throughout Massachusetts and the United States.

The Men of Color Health Initiative was inspired by the need to address, in a comprehensive and culturally appropriate manner, the many health and social issues facing men of color today. In 1993, representatives of this program embarked upon a statewide study to examine why ethnic minority men did not routinely have access to the health system. This project was designed to educate and activate men of African, Asian and Latino descent with regard to healthy lifestyles and appropriate medical care. The key to this process was the need to understand the health care needs, experiences, issues and perceptions of these highly exposed and often neglected groups.

This focused health care initiative takes a large step forward in attempting to help men of color become more aware of the health care options they have today. Many of the men interviewed before the inception of this program indicated that hospital emergency rooms were insensitive, inefficient, nonresponsive, and biased against ethnic minority men. There was an underlying distrust in and cynicism about the health system today. Many stated that language barriers keep them away from the options that they do have.

This program has gone the extra mile to see that the necessary surveys are conducted and discussion groups are available for male health system users and community-based providers to elicit information about viable methods to reach the population at risk. I applaud the efforts of this superb program and I wish it much success in the future. This thoughtful and successful program should be a model for others across the United States.

THE FEDERAL PRISON INDUSTRIES COMPETITION IN CONTRACTING ACT

Mr. LEVIN. Mr. President, on May 23, I introduced a bill—S. 1797—to implement the recommendation of the National Performance Review that we should ''require [Federal Prison Industries] to compete commercially for Federal agencies' business'' instead of having a legally protected monopoly. My bill would ensure that the taxpayers get the best possible value for their Federal procurement dollars. If a Federal agency could get a better product at a lower price from the private sector, it would be permitted to do so—and the taxpayers would get the savings.

Mr. President, many in both government and industry believe that FPI products are frequently overpriced, inferior in quality, or both. For example, I understand that the Veterans Administration has sought repeal of FPI's mandatory preference on several occasions, on the grounds that FPI pricing for textiles, furniture, and other products are routinely higher than identical items purchased from commercial sources. Most recently, VA officials estimated that the repeal of the preference would save $18 million over a 4-year period for their agency alone, making that money available for veterans services.

Similarly, the Deputy Commander of the Defense Logistics Agency, wrote in a May 3, 1996, letter to Members of the House that FPI has had a 42-percent delinquency rate in its clothing and textile deliveries, compared to a 6-percent rate for commercial industry. For this record of poor performance, FPI has charged prices that were an average of 13 percent higher than commercial prices.

On July 30, 1996, the master chief petty officer of the Navy testified before the House National Security Committee that the FPI monopoly on Government furniture contracts has undermined the Navy's ability to improve living conditions for its sailors. Master Chief Petty Officer John Hagan stated, and I quote:

> In order to efficiently use our scarce resources, we need congressional assistance in changing the Title 18 statute that requires all the Services to obtain a waiver for each and every furniture order not placed with the Federal Prison Industry/UNICOR. * * * Speaking frankly, the FPI/UNICOR product is inferior, costs more, and takes longer to procure. UNICOR has, in my opinion, exploited their special status instead of making changes which would make them more efficient and competitive. The Navy and other Services need your support to change the law and have FPI compete with GSA furniture manufacturers. Without this change, we will not be serving Sailors or taxpayers in the most effective and efficient way.

Mr. President, S. 1797 is supported by the National Association of Manufacturers, the U.S. Chamber of Commerce, the National Federation of Independent Business, the Business and Industrial Furniture Manufacturers' Association, the American Apparel Manufacturers' Association, the Industrial Fabrics Association International, and the Competition in Contracting Act Coalition. It is also supported by hundreds of small businesses from Michigan and around the country that have seen FPI take jobs away from their businesses and give them to persons convicted of crimes and serving time in prison, and are justifiably outraged.

We all want to do what we can to ensure that we make constructive work available for Federal prisoners, but the way we are doing it is wrong. As one small businessman in the furniture industry put it in testimony at a House hearing earlier this year:

> Is it justice that Federal Prison Industries would step in and take business away from a disabled Vietnam veteran who was twice wounded fighting for our country and give that work to criminals who have trampled on honest citizens' rights, therefore effectively destroying and bankrupting that hero's business which the Veteran's Administration suggested he enter?

Mr. President, my bill would not restrict FPI's business. It would not require FPI to close any of its facilities. It would not force FPI to eliminate any jobs for Federal prisoners. It would not undermine FPI's ability to ensure that inmates are productively occupied. It would simply require FPI to compete for Federal contracts on the same terms as all other Federal contractors. That is simple justice to the hard-working citizens in the private sector,

with whom FPI would be required to compete.

Mr. President, I intended to offer S. 1797 as an amendment to either the Commerce, Justice, State Appropriations bill or the omnibus appropriations bill. Unfortunately, the Commerce, Justice, State Appropriations bill was never brought to the Senate floor, and the omnibus appropriations bill was brought up under an agreement which permitted no amendments. This parliamentary situation made it impossible for me to bring S. 1797 before the Senate for its consideration.

I want to assure Federal Prison Industries, however, that this issue is not going to go away. The issue is too important to the taxpayers, and too important to the many small businesses adversely affected by unfair competition from Federal Prison Industries, to be ignored.

Earlier today, I received a letter transmitting the administration's formal position on S. 1797. This letter clearly indicates the administration's agreement that the process by which Federal agencies purchase products from Federal Prison Industries needs to be reformed. That letter states:

> The Administration favors reform of Federal Prison Industries to improve its customer service, pricing, and delivery while not endangering its work program for Federal inmates. . . . The Administration will present reform proposals for the House and Senate Judiciary Committees in the next session of Congress.

I ask that a copy of this letter appear in the CONGRESSIONAL RECORD immediately following my remarks.

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

(See Exhibit 1.)

Mr. LEVIN. Mr. President, with this letter, the administration has promised to join us in a serious reevaluation of the process by which Federal Prison Industries sells its products to other Federal agencies. The heart of that process is, of course, FPI's mandatory source status. The administration has made a commitment to present us with a reform proposal in the next Congress, and I intend to hold the administration to that commitment.

Mr. President, I do not consider myself to be an enemy of Federal Prison Industries. I am a supporter of the idea of putting Federal inmates to work. A strong prison work program not only reduces inmate idleness and prison disruption, but can also help build a work ethic, provide job skills, and enable prisoners to return to product society upon their release.

However, I believe that a prison work program must be conducted in a manner that does not unfairly eliminate the jobs of hard-working citizens who have not committed crimes. FPI will be able to achieve this result only if it diversifies its product lines and avoids the temptation to build its work force by continuing to displace private sector jobs in its traditional lines of work.

We need to have jobs for prisoners, but it is unfair and wasteful to allow FPI to designate whose jobs it will take, and when it will take them. Competition will be better for FPI, better for the taxpayer, and better for working men and women around the country. I look forward to working with the administration in the next Congress to make reform of Federal Prison Industries a reality.

EXHIBIT 1

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 3, 1996.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: During consideration of the FY 97 appropriations bill for Commerce, Justice and State, you had originally proposed a floor amendment incorporating your bill, S. 1797, regarding the Federal Prison Industries. At the time, the Administration developed a statement regarding that amendment. Since the amendment was never introduced, no statement was ever sent.

At your request, we are providing you in this letter with the statement that would have been sent. It reads as follows:

''The Administration favors reform of Federal Prison Industries to improve its customer service, pricing, and delivery while not endangering its work program for Federal inmates. The appropriations process is not the best way to address this issue. The Administration will present reform proposals for the House and Senate Judiciary Committees in the next session of Congress.''

Very truly yours,

STEVEN KELMAN,
Administrator.

ASPEN STRATEGY GROUP RECOMMENDS MEASURES TO REDUCE NUCLEAR PROLIFERATION THREAT

Mr. NUNN. Mr. President, our Nation faces many national security challenges in the post-cold war era. I can think of no greater challenge than the threat posed by the proliferation of weapons of mass destruction. The Aspen Strategy Group, which I chair along with Ken Dam, is committed to providing a bipartisan forum within which to address this and other national security concerns.

In August of this year, the Aspen Strategy Group, which included top U.S. national security officials and experts, met in Colorado to discuss our Nation's proliferation challenges and policies. I believe the observations from these meetings, as well as the resulting ideas and recommendations, will enhance our Nation's understanding of these important issues.

Mr. President, I ask unanimous consent to have printed in the RECORD the Aspen Strategy Group's recommendations related to the threat of nuclear proliferation.

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

BIPARTISAN ASPEN STRATEGY GROUP RECOMMENDS PRACTICAL MEASURES TO REDUCE NUCLEAR PROLIFERATION THREATS

The Aspen Strategy Group (ASG), chaired by Senator Sam Nunn and Ken Dam, met in Aspen, Colorado on 10–15 August to examine post-Cold War threats presented by the proliferation of weapons of mass destruction (WMD). Several top U.S. officials, including the Secretary of Defense, attended the ASG meeting, along with leading experts on weapons proliferation from the United States and other countries. The group reached a general (although not necessarily unanimous) consensus on several points.

The ASG believes that the proliferation of weapons of mass destruction constitutes one of the greatest threats the United States faces in the post-Cold War era. Accordingly, controlling WMD proliferation is among our top national security policy priorities.

Efforts to control WMD proliferation provide a mixture of good news and bad:

Important progress has been achieved in restraining—even rolling back—nuclear proliferation. The Nuclear Nonproliferation Treaty has been extended indefinitely. The nuclear weapons formerly controlled by Ukraine, Belarus and Kazakhstan have been consolidated in Russian hands. South Africa has voluntarily dismantled its nuclear arsenal. Brazil and Argentina terminated their nuclear efforts, and North Korea has frozen its weapons program. And, most recently, a Comprehensive Test Ban Treaty has been approved.

But new threats have also appeared, and they appear particularly difficult to control. Russia continues to present a ''loose nukes'' problem. Moreover, the dangers of biological and chemical weapons proliferation have become more acute. Dual use BW and CW technology is widely available, and such weapons activities are relatively easy to conceal. Subnational groups as well as states have sought (successfully in the case of the Aum Shinrikyo cult in Japan) to acquire such capabilities. Millenarian or terrorist groups, moreover, may not be susceptible to the rational calculus of deterrents.

The Aspen Strategy Group believes that, while there is no ''silver bullet'' with which to eliminate threats of WMD proliferation, there are a variety of steps that should be taken to lessen current risks. These include:

1) Enhance Nunn-Lugar Legislation. The Nunn-Lugar program was designed to improve U.S. security by preventing hostile parties from acquiring the nuclear weapons, materials, and technology of the former Soviet Union. It has achieved demonstrable results. Yet Nunn-Lugar funds have been targeted for cuts by congressional appropriations committees, and critics cite Russian policies vis-a-vis Chechnya, Bosnia or the Middle East as grounds for such cuts.

The ASG agreed that the Nunn-Lugar legislation is not a favor to Moscow. Rather, it serves the security interests of the United States, and it deserves to be fully funded. The group urges the Administration to exert greater efforts to marshall support for this legislation, and enjoin Congress to extend to it the financial support its success to date warrants.

2) Ratification of the Chemicals Weapons Convention. Congressional ratification of the CWC is long overdue. While this treaty will not eliminate all CW threats, it does provide significant benefits—not least the assurance that foreign governments will be obligated to monitor terrorist threats.

Some complain about the treaty's enforcement provisions. But the CWC will soon achieve the ratification by the 65 governments that are required for it to go into effect. The ability of the United States to propose modifications and qualifications to the enforcement provisions depends on its being one of the countries ratifying its adoption. Staying out of the treaty, moreover, could place our chemical firms at a commercial disadvantage.

Others are concerned that the CWC will not cover the most critical cases, i.e., those in which national governments are determined to develop chemical weapons and seek to evade controls. This may be true, but dealing with these cases will require the effort of international coalitions, and the cooperative process of enacting the CWC will facilitate the establishment of such coalitions. The treaty would also establish international norms for compliance and monitoring, providing objective goals for these coalitions. In light of these benefits, the ASG urges the Congress expeditiously to ratify the CWC.

(3) Improve federal, state and local capabilities to respond to CW and BW attacks. If a foreign state or terrorist group utilized CW or BW attacks against our people, the first authorities on the scene will be state and local authorities. Thus, cooperation between federal and local authorities is more important than ever, as is cooperation between domestic law enforcement agencies and national intelligence organizations.

The ASG believes the United States, building on the base established by the Nunn-Lugar legislation and subsequent Nunn-Lugar-Domenici amendments, should undertake a more comprehensive effort to develop and coordinate policies for dealing with BW and CW threats. The initial agenda for such a program should include:

The development of coordinated interagency and federal/state/local government plans for responding to a CW and/or BW attack, including the sharing of information, personnel and equipment;

The review of statutes and other legal institutions necessary for effective cooperation between different levels of government on this issue;

The promotion of cooperation between government authorities in the chemical and pharmaceutical industries to develop measures to monitor materials that could be used to create chemical and biological agents.

(4) Review U.S. policy of ''no first use.'' With the end of the Cold War and the disintegration of the Warsaw Pact, one pillar underlying our reluctance to commit to ''no first use'' of nuclear weapons has disappeared. During the Gulf War the Bush Administration warned Saddam Hussein that any use of chemical or biological weapons would provoke a massive U.S. response—allowing the inference that nuclear weapons might be used. While ASG members held different views about the desirability of translating the Gulf War declaratory policy into a general principle of U.S. policy, they agreed on the importance and timeliness of an official review of this issue.

(5) Preserve a full-court defense against Iraqi efforts to acquire WMD. Iraq continues to develop weapons of mass destruction in defiance of the international community. Diplomatically, it seeks to initiate United Nations monitoring and remove sanctions. The ASG believes that we must not compromise on the UN enforcement of sanctions on Iraq or its efforts to monitor Iraqi WMD activities. The maintenance of adequate U.S. forces to ensure Iraq's compliance remains essential.

(6) The role of the media. The ASG urges that the media consider its own role in dealing with issues related to weapons of mass destruction. The widespread availability of sensitive information is a significant factor in the ability of nations and subnational groups to develop WMD. The effectiveness of terrorist groups to employ such weapons for coercion may depend on media reactions. And, if a real or suspected CW or BW attach should occur, the media response (if it stimulated public panic) could greatly complicate the efficacy of official actions.

These are delicate issues, for they raise questions about civil liberties and freedom of the press. Government officials must be particularly sensitive to these matters in their efforts to address the problem. Yet the media must begin to develop standards for responding to reports of terrorist WMD threats or attacks. Some discussion between representatives of the media and government officials about how the government and the press deal with each other in a crisis and how press freedoms can be reconciled with a need for public order and security would be timely and relevant.

TRIBUTE TO MARV TEIXEIRA

Mr. REID. Mr. President, I rise today to honor one of Nevada's leaders, Mayor Marv Teixeira. For the citizens of Carson City, he has been a determined and tireless fighter whose efforts and achievements will be appreciated for generations to come.

For 7 years, Marv has served as the mayor of Nevada's capital city. With characteristic good humor and affability, Mayor Teixeira has fought hard on behalf of the city and State he loves. His devoted leadership has made the town he calls ''Nevada's best kept secret'' an even better place.

Mayor Teixeira has been instrumental in bringing new companies and new jobs to Carson City. These efforts have helped change the face of Carson City to a thriving manufacturing town with old west charm. Mayor Teixeira has gracefully overseen a city with a growing population and has devoted himself to easing Carson's downtown traffic through securing funding for the Carson City bypass. His accomplishments as mayor can be seen all over the city, from building the centralized city hall complex, the senior citizen's center, and the Pony Express Pavilion to instituting a million dollar downtown beautification project. He activated public access television in Carson City and found funding for a $19 million public safety complex.

It is my pleasure to speak today in tribute to Marv Teixeira and congratulate him on his many years of outstanding public service. For the excellence with which he performed his job, Nevada owes Marv Teixeira a debt of gratitude.

COMMENDING GAO COMPTROLLER GENERAL CHARLES A. BOWSHER

Mr. WARNER. Mr. President, I rise today to honor one of our Nation's most dedicated and loyal public servants, Comptroller General of the United States Charles A. Bowsher.

On September 30 of this year, Charles Bowsher will complete his term of office as Comptroller General of the United States and head of the General Accounting Office.

In 1981, President Reagan appointed Mr. Bowsher to a 15-year term as Comptroller General of the United States. This appointment capped a long and distinguished career in both the public and private sectors. Prior to his appointment, Mr. Bowsher was associated with Arthur Andersen & Co. Between 1967 and 1971, he interrupted his 25-year career at Arthur Andersen to serve as Assistant Secretary of the Navy for Financial Management.

During those years, Mr. President, I had the privilege of working with Chuck Bowsher in my capacity as Under Secretary—and later Secretary—of the Navy. His critical work as Assistant Secretary earned him the Distinguished Public Service Awards from both the Navy and the Department of Defense.

Mr. President, the General Accounting Office, or GAO as we call it, is one of the least heralded agencies of the Federal Government. Congress created the GAO in 1921 with the mandate to audit, evaluate, or investigate virtually all Federal Government operations—wherever they might take place. In other words, the GAO serves as a watchdog over the taxpayers' money—guarding against fraud, abuse, and inefficient allocation of public funds.

In its oversight capacity, the GAO produces in-depth reports at the specific request of congressional committees, or on its own initiative. Recently, GAO reports have served as a nonpartisan factual basis for congressional debate on issues ranging from health care reform and the savings and loan crisis to the Federal budget deficit and efforts to reinvent government. Meanwhile, the agency continues to monitor high-risk government activities that could lead to major losses from waste, fraud, abuse, and mismanagement.

Under Chuck Bowsher's leadership, the GAO has saved taxpayers billions and billions of dollars. GAO recommendations assist Members of Congress and the executive branch in making difficult decisions on the effective use of scarce Federal funds. Over the past decade, Congress has implemented numerous GAO recommendations—including budget reductions, cost avoidances, appropriations deferrals, and revenue enhancements—totaling more than $100 billion. Each year, the agency issues more than 1,000 written reports, and its officials testify as many as 300 times before congressional committees.

In short, Mr. President, under Chuck Bowsher's leadership the GAO has done an outstanding job of protecting the taxpayers' interests while promoting sound fiscal management practices throughout the Federal Government. I urge my colleagues to join me in honoring a truly exceptional public servant who has served this Nation with integrity, dedication, honor, and dilligence—the Honorable Charles A. Bowsher.

ENVIRONMENTAL SENSITIVITY IN THE PIPELINE BILL

Mr. LOTT. Mr. President, last Thursday, the Senate passed by unanimous consent S. 1505, the Accountable Pipeline Safety and Partnership Act. I'm

pleased that the following day, the House of Representatives also adopted the bill by a significant margin. The bill has now been sent to the President for his signature.

Mr. President, in the hours leading up to House consideration of the bill, a concern was raised that a provision in the bill might impact wetlands protection.

By way of background, let me say that under current law, the Department of Transportation [DOT] is required to identify unusually sensitive environmental areas. Once these areas have been identified, DOT is to promulgate special rules to minimize the chances of a liquid pipeline accident in these areas. DOT is currently in the process of implementing this provision of the law.

In fact, current law does not identify wetlands as one of the areas DOT should look at when making its identification of these unusually sensitive environmental areas. That is why I and my fellow cosponsors attempted to remedy this situation through language in S. 1505. The bill directs DOT to include ''critical wetlands'' in its consideration.

Apparently, the use of the term ''critical'' has raised a question in some parts of the environmental community as to whether we are attempting to create a new category of wetlands that might undermine other wetlands protection programs carried out by the Environmental Protection Agency or the Corps of Engineers. This is just not true.

I want to assure first, the American people and second, the environmental community, that the language of S. 1505 is simply intended to give direction to the Department of Transportation, and its Office of Pipeline Safety.

In no way are the words intended to have any precedent-setting effect on any other law or agency. In no way are the words designed to diminish the role of DOT to protect the environment and the public's safety in and around pipelines.

Mr. President, I have recently spoken to all of my cosponsors of S. 1505, and they too agree with what I have just said. They too share the same interpretation of the words and the intention of the legislation.

This language will strengthen the pipeline safety program's protection of both the environment, and the public's safety.

Mr. President, again I want to reiterate this language is not intended to have any impact outside the pipeline safety program. I believe the criticisms aimed at the use of the term ''critical wetlands'' are unjustified. I believe it is a false canard.

Mr. President, I hope this statement clears up any administration misconception that may exist on this matter. And, I hope the President promptly signs this legislation.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, October 2, the Federal debt stood at $5,235,509,457,452.56.

One year ago, October 2, 1995, the Federal debt stood at $4,987,587,000,000.

Five years ago, October 2, 1991, the Federal debt stood at $3,675,035,000,000.

Ten years ago, October 2, 1986, the Federal debt stood at $2,125,302,000,000.

Fifteen years ago, October 2, 1981, the Federal debt stood at $994,220,000,000 which reflects an increase of more than $4 trillion, $4,241,289,457,452.56, during the past 15 years.

HERE'S WEEKLY BOX SCORE ON U.S. FOREIGN OIL CONSUMPTION

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending September 27, the United States imported 6,536,000 barrels of oil each day, 1,258,000 less than the 7,794,000 imported during the same week a year ago.

Nevertheless, Americans relied on foreign oil for 50 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 6,536,000 barrels a day.

THE 50TH ANNIVERSARY OF THE NICHOLAS G. BERAM VETERAN'S ASSOCIATION

Mr. ABRAHAM. Mr. President, on November 16, 1996, the Nicholas G. Beram Veteran's Association will celebrate its 50th anniversary at a dinner event in Randolph, MA. I regret very much that I will not be able to join the members of this fine organization on their special occasion. However, I would like to take a few moments to share with the members of this body the association's half-century of history.

The Nicholas G. Beram Veteran's Association was founded in 1946 by a small group of Syrian-Lebanese veterans from the Boston area. From 25 charter members this group has grown to over 250 veterans; its ranks comprised of individuals who have served their country with distinction in every military conflict since World War II.

The Nicholas G. Beram Veteran's Association has made commendable efforts in honoring the service, not only of its own members, but of all Arab-American veterans. The deceased receive a special service at the wake, and their families are presented with an American flag. This year more than 450 graves of Arab-American veterans in 15 cemeteries in the Boston area were decorated. Additionally, the association maintains a long-established scholarship fund that provides annual $1,000 grants to up to nine students.

As the grandson of Lebanese immigrants, I take special pride in the activities of the Nicholas G. Beram Veteran's Association. I salute its members for their five decades of commitment to their heritage and service in our Nation's Armed Forces. On behalf of all my Senate colleagues, I congratulate the Nicholas G. Beram Veteran's Association on what I am certain will be a successful anniversary celebration, and extend my best wishes for future years of continued prosperity.

LOW INCOME HOUSING CREDIT

Mr. WELLSTONE. Mr. President, Senators MOSELEY-BRAUN and BAUCUS and I want to call attention to a matter that is very important to the small group affected. At the end of my remarks I will ask that a letter to HUD Secretary Henry Cisneros, signed by myself and Senators BAUCUS and MOSELEY-BRAUN, be included in the RECORD. We are asking the Secretary to review the criteria for income determination for the low-income housing tax credit and consider using the criteria and standards already in effect under the low-income guidelines for section 8 of the U.S. Housing Act as income guidelines for the low-income housing tax credit.

Senators BAUCUS and MOSELEY-BRAUN have seen situations in Montana and Illinois similar to one facing the community of Hibbing, MN. Several years ago, the city of Hibbing organized a development program to purchase and restore the historic Androy Hotel in downtown Hibbing. The hotel was run down and had been abandoned. The rehabilitation was important to the city of Hibbing not only because of the history of the Androy Hotel, but because it symbolically dominates the downtown area.

The rehabilitated hotel has been constructed for much needed senior citizen housing and there has been historic restoration of the hotel ballroom and lobby on the first floor. The low-income housing tax credit program made some of the funding provided by the city of Hibbing and a local bank possible.

The low-income housing tax credit restricts the use of housing units to seniors of a certain income level. Unfortunately, because of a unique situation, many Hibbing seniors are just above the prescribed income level. This is because in Hibbing there is a long history of saving for retirement due to the commitment by the iron mining industry to solid pension programs and Social Security income for both

spouses. Thus, almost all low-income seniors in Hibbing who would like to move to the Androy are not eligible to do so.

If the Secretary were to apply different income guidelines such as section 8 low-income housing guidelines to the low-income housing tax credit, the Androy Hotel and other buildings rehabilitated for low-income elderly residents could be occupied. There is a great need for more affordable housing in many communities, particularly for those on fixed incomes. Many senior citizens welcome the opportunity to move to facilities for seniors that are in their own communities.

I ask unanimous consent that our letter to Secretary of Housing and Urban Development Henry Cisneros be printed in the RECORD.

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

OCTOBER 2, 1996.

Hon. HENRY G. CISNEROS,
Secretary, U.S. Department of Housing and Urban Development, Washington, DC.

DEAR MR. SECRETARY: We are writing to bring to your personal attention some unique situations in Illinois, Montana, and Minnesota relating to the use of the low income housing tax credit. Some serious problems have developed with certain facilities during the ''rent up'' phase in projects designed for senior citizens.

Senior citizens were supposed to live in these housing projects, but the income limits for the elderly populations are the problem. Senior citizens are uniquely over income in these areas in which the projects are located.

The Department of the Treasury has issued a notice explaining that, for purposes of determining qualifications as a low income housing project, the income of individuals and area gross income will be determined in a manner consistent with the determination of annual income and the estimates for median family income under Section 8 of the U.S. Housing Act of 1937.

Therefore, because of the authority which has been delegated to HUD regarding income determination for the low income tax credit, we would ask that you consider and review existing criteria and standards already in effect under Section 8 of the U.S. Housing Act of 1937 to determine if these guidelines provide any relief for these situations. There are special factors that create these situations in our states and probably others as well.

We would appreciate your review of this issue and look forward to hearing from you.

Sincerely,

CAROL MOSELEY-BRAUN,
PAUL WELLSTONE,
MAX BAUCUS,
U.S. Senators.

CAMPAIGN FINANCE REFORM

Mr. McCAIN. Mr. President, before the Senate adjourns and we all go home and spend time with our families and our constituents, I wanted to join my good friend, Senator FEINGOLD, to discuss the issue of campaign finance reform.

This year, Senator FEINGOLD and Senator THOMPSON and myself introduced comprehensive campaign finance reform legislation. Our bill was the first bipartisan effort in this area in over 10 years. We worked hard, and we fought a valiant fight. Unfortunately, we did not succeed. But I am here today to put the Senate on notice that the fight is far from over—as a matter of fact, it is just beginning.

Our effort is about restoring the public's faith in the Congress and the electoral system. It is about elections being won or lost based on idealogy, not fundraising. It is about leveling the playing field between challengers and incumbents. And it is about bringing a dramatic change to the status quo.

Mr. President, poll after poll demonstrates that the public has lost faith in the Congress. One of the reasons this has occurred is because the public believes—rightly or wrongly—that special interests control the political and electoral system. In order to limit the ability of special interests to control the process, we must enact campaign finance reform.

Well, Mr. President, as I stated, we will continue in our efforts. We will be introducing a new campaign finance reform bill on the first day of the 105th Congress. And we will be taking all necessary steps to ensure that our bill is addressed early in the Congress.

During consideration in the 104th Congress, countless hearings were held on this matter. I believe we all learned a considerable amount from those hearings. But as every schoolchild knows, some day you have to move past the classroom, go into the real world, and put what you learned to good use. We are at that stage.

Mr. President, as I have often noted, if we do nothing on this matter we invite the contempt of the American people and such contempt is a poison that hurts our democracy. Simply, we must act to pass campaign finance reform.

In closing, Mr. President, I want to thank Senator THOMPSON and most importantly, my good friend, Senator FEINGOLD, for all they have done on this subject. I am deeply grateful to have them as my comrades-in-arms as we move forward to fight for this needed reform again.

Mr. FEINGOLD. Mr. President, I rise today to join with my colleague and good friend, the senior Senator from Arizona, to once again urge our colleagues on both sides of the aisle to join us in making a commitment to pass meaningful bipartisan campaign finance reform.

Just a few months ago, we had an abbreviated but spirited discussion here on the Senate floor about the issue of campaign reform. The Senator from Arizona and I, along with the Senator from Tennessee, Senator THOMPSON, brought to this floor the first bipartisan campaign finance reform bill in a decade.

The importance of the bipartisan nature of that effort should not be glossed over too quickly. For the previous 10 years, the battle over campaign reform had been marked by partisan skirmishes—Democrats accusing Republicans of defending the status quo, Republicans accusing Democrats of attempting to rig a system to protect their congressional majorities. And not surprisingly, nothing was accomplished.

But last year, in what one newspaper called the ''most hopeful and remarkable legislative development in Washington of 1995'', three U.S. Senators of vastly differing political and philosophical ideologies, sat down in a room and drafted a comprehensive reform proposal that was designed to be fair to Democrats, Republicans, liberals and conservatives alike.

We certainly had our differences. I have long been a supporter of public financing. The Senator from Arizona believes we can encourage candidates to limit their campaign spending and reduce campaign costs by providing free television time to congressional candidates. The Senator from Tennessee is one of this Congress' most ardent advocates of congressional term limits. But despite these differences, we also found we had many commonalities in how we believe our political system should function.

For example, we each have significant misgivings about the role money plays in our electoral system. We shared a concern that more and more Americans are choosing not to run for public office because they lack the access to the millions of dollars necessary to run a competitive campaign. We were troubled that Americans have come to view their elected leaders and representatives with a depth of cynicism not seen since the early 1970's.

That is why we put together a proposal that could be supported by Democrats and Republicans alike. That proposal, for the first time ever, would have provided congressional candidates access to low-cost media and postage rates in exchange for a candidate's voluntary compliance with limits on their campaign spending. Specifically, candidates would have had to agree to three limits: a limit on their overall spending based on the size of their State, a strict limit on the amount of personal funds they expend during their campaign, and a requirement to raise at least 60 percent of their campaign funds from individuals residing in their home States.

The proposal had a number of other important provisions as well. The bill would have sharply limited the influence of political action committees. It would have reformed the congressional franking process which has seen its share of abuse in recent years. It would have restricted the practice of bundling campaign contributions to circumvent contribution limits. It would have provided candidates greater protection from independent expenditures and required greater accountability for those who engage in negative advertising.

And perhaps most importantly, it would have essentially shut down the soft money system—a system that has shown itself this year to be completely

out of control. Soft money, a term used to describe an unregulated and unlimited flow of money between the special interests and Washington lawmakers, is severely undermining and compromising the effectiveness of the Presidential system and is making a mockery of every single one of the limits we have in current law that governs how much individuals and entities may contribute to congressional candidates.

So what happened here on the Senate floor last June, Mr. President? After a limited debate we were unable to gain the 60 votes necessary to overcome a procedural hurdle and cut off a filibuster. But we did receive a remarkable 54 votes, including several from our colleagues on the other side of the aisle. Let me repeat that, Mr. President. A strong majority in the U.S. Senate voted in favor of advancing the McCain-Feingold reform proposal.

Some have said that this doomed any hope for campaign finance reform, that this was the end of the line for this issue. On the contrary Mr. President, this is clearly just the beginning for bipartisan campaign finance reform. It took us 3 years to reform our lobbying disclosure laws. It took us 3 years to finally reform the Senate's rules on the acceptance of lobbyist-provided gifts, meals, and vacation junkets. And it may take us just as long to see real campaign reform enacted into law.

I for one am fully confident that we will prevail. We will prevail because it is becoming increasingly difficult for opponents of campaign reform to defend an indefensible system that is crumbling all around them. To suggest that the current system is fair, is functional, and is worthy of the voters' trust is simply an absurd proposition and no one is buying it.

We have already begun to hear some of the numbers coming in and it is becoming clear that the current trend of skyrocketing campaign costs will continue through the 1996 elections. The distinguished Senator from Arizona and I will be back here during the opening days of the 105th Congress to discuss those numbers and to shine a spotlight on some of the darkest corners of our political system.

Two years ago at this time, my Republican colleagues were touting their Contract With America and the issues they hoped to address in the first 100 days of the new Congress. I said it countless times then that one issue that was conspicuously missing from that contract was campaign finance reform. I was, quite frankly, astonished that although other reform issues were mentioned, there was not a single word about what has to be considered the mother of all reform issues. It was entirely omitted from the contract.

Not surprisingly, we did not debate campaign finance reform in the first 100 days of the 104th Congress. Or the second 100 days. Or the third, or the fourth. In fact, we did not debate campaign finance reform here in the Senate until 18 months after the start of the 104th Congress. Eighteen months, Mr. President. It was a pretty good strategy by our opponents. They knew that by waiting so long to schedule debate on campaign reform that it would be highly unlikely that there would be enough time in the legislative session for a proposal to work its way through the legislative process and become law.

In the House, the strategy was even simpler. They just refused to allow the bipartisan reform bill modeled after the McCain-Feingold bill to come up for a vote. By only allowing votes on a Democratic reform bill and a Republican reform bill, the House leadership guaranteed that no reform bill would leave the House alive.

So rather than throwing any kind of knockout punch, the Congress has chosen to bob and weave around the issue of campaign finance reform. This cannot be allowed to happen in the 105th Congress, and that is why the Senator from Arizona and I are joining today to call on our colleagues on both sides of the aisle to agree to debate campaign finance reform here on the Senate floor during the first 100 days of the 105th Congress. It does not matter if Republicans retain control of this body or if Democrats can reclaim the majority—campaign reform must be the subject of floor debate in the first 100 days of 1997, regardless of the outcome of the elections.

Mr. President, the campaign finance reform landscape has experienced a significant shift in recent years. When I arrived here in 1993 and in the years before that, there was certainly a significant block of Senators that believed that money had little role in the outcome of elections. They believed that the embodiment of true political reform was to have unlimited campaign spending coupled with even less regulation of the entire campaign finance system.

Some still cling to that viewpoint, Mr. President, but not many. I'd like to point to a vote on the floor of the House of Representatives just about 2 months ago. On July 25, the House voted on legislation backed by Speaker GINGRICH that had as its foundation the Speaker's view that our campaign system is not overfunded as most of us believe, but is in fact underfunded. That legislation, known as the Thomas bill, would have opened up the campaign finance system and permitted unlimited campaign spending to continue without providing any assistance to challengers and not a single reform of the soft money process.

What happened to that bill, Mr. President? Quite simply, it was obliterated on the House floor by a vote of 259 to 162. Nearly 70 Republican House Members, nearly 70 of them Mr. President, rebelled against the Speaker and voted against his bill.

We have seen some amazing things happen in the other body over the course of the last 2 years. We have seen some eye-opening votes over there. But I cannot think of another single vote where so many Republican House Members defied Speaker GINGRICH and voted against a bill that he was so prominently a part of.

Mr. President, considering that the Speaker's point of view was so universally condemned on the floor of the House, and considering that the McCain-Feingold bill received a majority of votes in this body, I not only think that bipartisan campaign finance reform is a strong possibility, I think that it is a strong probability. Republicans want it, Democrats want it, incumbents want it, challengers need it, and most importantly, the American people are demanding it.

I would hope that our other colleagues, on both sides of the aisle, will join the senior Senator from Arizona and I in insisting that the 105th Congress address the issue of campaign finance reform in the first 100 days of the next congressional session. I want to once again thank my colleague and friend from Arizona for his perseverance on this issue.

NATIONAL STUDENT/PARENT MOCK ELECTION

Mr. HATCH. Mr. President, it is my pleasure to highlight a program that brings a greater comprehension and appreciation of the democratic process to millions of American students from kindergarten through high school: the National Student/Parent Mock Election.

The benefits of this fine program cannot be underestimated. Students who have participated in the National Student/Parent Mock Election report that it had a profound effect on them and made them aware of the rights and the responsibilities inherent in their U.S. citizenship. By stressing the importance of voter participation early on, these students gain a greater understanding of the democratic process, particularly the fact that democracy does not happen by itself. It succeeds only if citizens are informed and participate.

Many of the ''State Election Headquarters'' which collect the votes from the schools will host spirited mock ''conventions'' complete with student ''delegates'' and ''anchors'' reporting the outcomes of the Presidential and Congressional elections. Taking part in these events gives students a sense of political ownership. Students also see first hand the work and effort that go into a political campaign.

State participation in the National Student/Parent Mock Election is crucial. For example, in my own state of Utah, Governor Michael Leavitt has proclaimed October 30 as ''Mock Election Day.'' More than 46,000 Utah students have registered to vote, doubling voter turnouts from the last election.

The California Mock Election will employ a formal voter registration procedure so that students can better understand the voting process. Besides voting for the President and 52 Members of the House of Representatives,

California students will vote on 3 statewide propositions dealing with clean water, racial discrimination, and the minimum wage.

In Kansas, a local public broadcasting station plans to air a live town hall meeting. Candidates for the U.S. House of Representatives and the Senate will answer questions put to them by schoolchildren.

Those who are interested in participating in the Mock Election can call the Mock Election's toll-free number (800–230–3349) and may visit the Mock Election's new Internet Website at http://allpolitics.com.

Mr. President, it only makes sense that habits learned young set the course for adult behavior. Through the Student/Parent Mock Election, young people are hopefully beginning a commitment to responsible citizen involvement that they will continue as adults. I commend those individuals who have worked so hard to make the National Student/Parent Mock Election a nationwide success.

1996 NATIONAL STUDENT/PARENT MOCK ELECTION

Mr. KENNEDY. Mr. President, every Member of Congress understands the importance of elections. We know that the votes cast on November 5 will determine the future leadership and direction of communities across the country, and of the Nation as a whole. We know that informed voters are the essence of our democracy.

As citizens across the country focus on this year's elections and its outcomes, the National Student/Parent Mock Election is helping young students learn about the importance of the election process. The Mock Election offers parents and teachers across the country an opportunity to help students learn about democracy, make decisions about key issues, and understand the meaning of the civic responsibility on which democracy survives and thrives.

On October 30, 1996, millions of students and parents across the country will cast their votes for President, Vice President, Senators, Representatives, Governors, and local officials as part of the National Student/Parent Mock Election. In 1992, over 5 million Mock Election participants cast votes in all 50 States and Washington, DC. Every State called in their votes on who would win the elections and recommendations on key national issues to the National Mock Election Headquarters, as over 20 million viewers watched on television.

The 1996 National Student/Parent Mock Election is sponsored by Time Magazine, CNN, Time Warner, Macmillan/McGraw-Hill, Xerox Corp., American Happenings, and Electronic Data Systems, and is also supported by an $80,000 grant from the U.S. Department of Education.

The National Student/Parent Mock Election is an on-going project. In the fiscal year 1997 Omnibus Appropriations Act, passed by the Senate on Monday, September 30, and signed by President Clinton, the project will receive $125,000 from the U.S. Department of Education to continue to educate students on key issues and the principles of democracy throughout the school year that begins in September, 1997.

This year, the Massachusetts Corporation for Educational Telecommunications [MCET] serves as the Massachusetts Mock Election coordinator. MCET plans to make the Massachusetts Mock Election one of the most important mock elections in the Nation. Through the use of new technologies, MCET will reach a wider audience than ever before and will provide interactive programming so that students can actually debate the issues that are important to them—not just read about them.

A live, interactive broadcast series of these programs will be delivered to all Massachusetts schools via satellite well before the election. The first program will engage students, parents, and teachers in discussions of election-related issues important to students—education and employment. The second program will offer students the opportunity to talk to local politicians and others working in politics about what it takes to be a leader. The third program will be the Mock Election Day coverage on October 30. Massachusetts students will cohost all three programs with Katy Abel of Boston's Channel 7 News.

The lessons that students and their parents learn as participants in the Mock Elections will benefit American politics for years to come. If the next generation of Americans is well prepared for the challenges of democracy, our liberties will be in good hands.

SENATE ACTION ON CONFIRMING FEDERAL JUDGES

Mr. BIDEN. I'm glad that I have been able to work closely with my Republican colleagues in a spirit of cooperation on a number of important issues that have come before the Senate this year.

I must say, however, I am disappointed this bipartisan spirit has not allowed us to confirm seven judicial nominations remaining on the calendar—all well-qualified people who have had hearings and were reported favorably by the Judiciary Committee.

I think that we should stop, right now, and talk about what's going on here.

No one understands better than I the heat that can be generated over judges in an election year. But let me set the Record straight—absolutely straight: The Senate, under Democratic leadership, faithfully confirmed Republican Judges in Presidential election years.

All year, Republicans have been offering assurances that the Senate would continue this bipartisan approach and put judges through.

But today, it has become crystal clear that the bipartisan spirit of the past has been broken. And let's tell it like it is: My Republican colleagues have decided to grind confirmations to a halt as we head toward the coming Presidential election.

Currently, there are 63 vacancies on the Federal bench.

This year, the Judiciary Committee has held only 5 nominations hearings, and reported out only 23 nominees to fill these vacancies. We should have done more.

The Judicial Nominees who were fortunate enough to pass through the committee this session have been further held up here on the floor.

Not one judge was confirmed before July 10 this year and none have been confirmed since August 2.

As a result, the Senate has confirmed only 17 district judges and no circuit judges this session. Seven nominees are currently pending on the floor—three for the district courts and four for the circuit courts.

Some have suggested that shutting down the confirmation process is par for the course in an election year. They are wrong. And let me set the record straight.

George Bush made nearly one-third of his 253 judicial nominations in 1992, a Presidential election year. As chairman of the Judiciary Committee, I held 15 nominations hearings that year, including 3 in July, 2 in August, and 1 in September.

In 1992—the last Presidential election year—the Senate continued to confirm judges through the waning days of the 102d Congress. We even confirmed seven judges on October 8—the last day of the second session.

As a result, the Senate confirmed all 66 nominees the Judiciary Committee reported out that year—55 for the District courts and 11 for the circuit courts. Let me repeat: This session, only 17 district judges have been confirmed and no circuit judges have been confirmed.

And let me say: 1992 was not an off year. To the contrary: It represented the Senate's practices over the last decade:

In 1988—an election year—we conformed 42 district and circuit court nominees, including 12 judges confirmed in October that year.

In 1984—an election year—we confirmed 43 nominees, including 13 judges in October.

And in 1980—an election year—we confirmed 64 nominees, including 10 judges on September 29.

Overall, during the past 16 years, since 1980, the Senate has confirmed an average of 51 nominees each year.

Overall, during the last 4 election years, the Senate has done even better, confirming an average of 54 nominees each year.

Let me repeat: our track record this session: The Senate has only confirmed 17 judges.

The Senate has been dragging its feet despite the undeniable fact that these judges are badly needed. The Federal

trial and appellate courts to which we confirm judges apply our Federal laws. Without a steady supply of judges, these courts cannot enforce our laws.

Right now, 12 of the Nation's 94 Federal judicial districts and 5 of the 12 circuit courts have judicial emergency vacancies—that's what the Judicial Conference of the United States calls vacancies that have existed for 18 months or more.

These emergency districts had an average of 635 criminal case filings in 1995—almost twice the national average of 355 filings. There average backlog of 4,153 cases exceeds the national average of 2,853 cases by 46 percent—1,300 cases.

The President has nominated judges for 15 of the 17 emergency courts. Three have received hearings and await a committee vote, three more are bottled up on the floor.

This is not the way we should be doing business here—and this is most certainly not business as usual as far as I'm concerned.

We should put a stop to the politics, and confirm these judges today.

MINING PATENT MORATORIUM

Mr. CRAIG. Mr. President, I would like to engage in a colloquy with the distinguished Chairman of the Energy and Natural Resources Committee concerning a report on mining patents that was recently completed by the Department of the Interior.

Mr. MURKOWSKI. Mr. President, I would gladly engage in such a colloquy with my distinguished colleague, the Chairman of the Forests and Public Land Management Subcommittee of the Energy and Natural Resources Committee. The senior Senator from Idaho has worked on mining law reform legislation for several Congresses and is a recognized expert in the area of mining and natural resources. I am pleased to discuss the mining issue with him.

Mr. CRAIG. I thank the Chairman for his kind words. In July, the Energy and Natural Resources Committee received a copy of a report from the Interior Department, entitled ''Five Year Plan for Making Final Determination on Ninety Percent of Grandfathered Patent Applications Pursuant to Public Law 104–134.'' My subcommittee has not yet fully analyzed the report that addresses the mineral patent moratorium which was enacted originally on September 30, 1994, for fiscal year 1995, and extended through fiscal year 1996 on April 25, 1996. I believe the Appropriations Committee received the report as well.

Mr. MURKOWSKI. The Energy and Natural Resources Committee received the report. I am concerned that the report appears to provide a partisan justification for Secretary Babbitt's various actions and inactions regarding the mineral patenting process since 1993.

Mr. CRAIG. I share your concern, and I note that the report provides a plan to process 90 percent of the mineral patent backlog in five years, which may or may not be effective. The Conference Report on H.R. 3610, Department of Defense Appropriations Act, extended the patent moratorium for fiscal year 1997. In your view has the Congress endorsed Secretary Babbitt's actions and his plan?

Mr. MURKOWSKI. Certainly not in my view. We will review the adequacy of the Secretary's plan at the appropriate time.

Mr. CRAIG. I agree, and I note further that the Congress is clearly not in a position to ratify or reject the Department's determinations regarding individual patent applications which are pending and are identified in the Secretary's report as ''grandfathered,'' or impliedly identified as not ''grandfathered'' by their absence on the list.

Mr. MURKOWSKI. I completely agree. The legality of the Secretary's actions, inactions and determinations affecting individual patent applicants will be reviewed, as needed, by the federal courts in accordance with due process law.

Mr. CRAIG. One final concern which I have is that the Interior Department may be construing the ''five-year'' schedule to clear the patent backlog as somehow shielding the Department from claims of unreasonable delay by individual patent applicants in the interim. Such a construction would be clearly contrary to our intent, which was to keep the patent application processing moving forward.

Mr. MURKOWSKI. I share your concern. Such a construction would thwart our purpose entirely.

Mr. CRAIG. I thank the distinguished Chairman for this colloquy.

BURMA SANCTIONS

Mr. McCONNELL. Mr. President, over the weekend, more than 500 Burmese citizens were arrested—more than double the number picked up in an outrageous sweep back in May.

And, their crime, Mr. President? Their crime was an effort to participate in a conference on the future of democracy called by Daw Aung San Suu Kyi, Burma's legitimately elected leader.

Just as discouraging as the arrests is the action taken against Daw Aung San Suu Kyi. The street to her home has been cut off by armed guards, and I understand over 100 troops have been deployed in and around her compound.

Her weekly addresses to supporters have been cut off.

Her movements are completely restricted.

In fact, when I asked if anyone from our embassy had direct contact with her, I was told the phone lines have been cut along with access to her home.

So, at this moment, as I speak, there is no certainty as to her physical well-being—we have no idea what condition Daw Aung San Suu Kyi is in—we have no idea what SLORC goons may be doing within her home, now, a prison.

But, I want to remind my colleagues of something terribly important that this courageous woman has repeatedly emphasized—she is not the issue—she is only a symbol, a champion for her nation's freedom.

Her cause, her call to us is to restore democracy to her beleaguered homeland, Burma.

Mr. President, I have come to the floor today, once again, to call upon the administration to take decisive action to assist Aung San Suu Kyi and her supporters.

This time, the circumstances are different.

On Monday, when the President signed the omnibus appropriations bill, the foreign operations section included provisions setting a new policy course for Burma.

Although many of my colleagues agreed with language I had included in the bill which imposed immediate sanctions, the Senate and the foreign operations conferees agreed to a weaker position offered by my colleague from Maine and endorsed by the adminstration.

This language, which the administration supported, required a ban on new investment under specific conditions.

The administration agreed to move forward ''if the Burmese government has physically harmed, rearrested for political acts or exiled Aung San Suu Kyi or has committed large-scale repression of or violence against the Democratic opposition.''

That's exactly what the law requires.

Ironically, in the case of defining repression, every official I spoke with suggested sanction would be invoked if SLORC took action similar to the May offensive—I might add, no one actually believed SLORC would be so ruthless to repeat so sweeping and offensive an attack on peaceful democratic activists.

Mr. President, in the past this administration has issued ultimatums to SLORC.

In 1994, Tom Hubbard, then Deputy Assistant Secretary of State for Asian Affairs traveled to Rangoon and warned SLORC that if we did not see improvements in human rights, democracy, and drug trafficking, the United States would take appropriate punitive action.

SLORC immediately challenged the demarche and launched a massive military attack against ethnic groups generating more than 80,000 refugees. Attacks in the countryside were matched by rounding up democracy advocates in Rangoon.

America's response? The administration looked the other way.

The next year, Ambassador Albright traveled to Rangoon and repeated the message and saw virtually the same results—massive detentions, torture, and arrests—a complete rejection of our concerns and interests.

Now, we are faced with the worst deterioration of the internal situation since the stolen elections in 1990.

SLORC has accused Aung San Suu Kyi of collaborating with outside groups and foreign embassies against the interests of Burma. Senior officials have denounced the legislation just signed into law—there is no question the recent events reflect SLORC's decision to directly challenge America's commitment to democracy and its champions so obviously under siege.

This time, SLORC is challenging more than an ultimatum issued in a meeting of State Department officials—this time the junta is challenging American law.

There are few countries I can identify these days with regimes so repugnant, unjust, and ruthless as SLORC.

They represent a direct and dangerous threat not only to their own citizens but ours as well.

A few weeks ago, I was sent photographs of senior SLORC military intelligence officers enjoying a meal with Khun Sa, the region's most notorious opium warlord.

These pictures would convince even the most singleminded SLORC business crony that doing business with SLORC is subsidizing and doing business with drug traffickers—and even oil companies with so much on the line in Burma, have to recognize that those kind of relationships are not in America's interests.

Mr. President, I understand the NSC will convene a deputies meeting today at 3 to review options for Burma.

No doubt one of the options will be a ban on visas. Let me make clear to anyone in the administration listening—such a step is not enough.

When we were in conference on the foreign operations bill, the administration pledged to issue a Presidential order banning visas to SLORC officials if we would agree to modify our language making such an action mandatory. We did and we expect the administration to live up to this commitment which was made long before the actions taken this weekend.

Nothing short of fulfilling the additional obligations spelled out in law will meet the test our Nation and our credibility face today in Burma.

Democracy is under siege—meaningful support and time are running out—lives are on the line. I urge the President to take swift action to save a nation, its people, and American honor.

INAUGURAL CEREMONIES

Mr. WARNER. Mr. President, on September 19, 1996, the Joint Congressional Committee on Inaugural Ceremonies organized to prepare for the next congressionally hosted inauguration.

It is appropriate now, as we prepare to adjourn less than four months away from Inauguration Day 1997, to reflect on the historic arrangements Congress has made to ensure that this confirmation of the voters' will is carried out publicly as our electoral cycle is completed.

Mr. President, once again Congress prepares for an inauguration of a President of the United States. This was the initial responsibility that faced the First Congress. When the Senate established its first quorum on April 6, 1789, Congress was the only functioning branch of the Federal Government; the executive and judicial branches did not yet exist. On April 6, Members of the Senate and House of Representatives met in the Senate Chamber to count the electoral ballots and declare George Washington elected president. They dispatched messengers to notify General Washington at Mount Vernon. On April 9, the Senate appointed a committee ''to make the necessary arrangements for receiving the President'' and to meet with any committee that the House appointed for such purposes. Those committees, which reported their plan for the inauguration on April 25, were the precursor of today's Joint Congressional Committee on Inaugural Ceremonies.

Every four years since Congress has held presidential inaugural ceremonies. On April 30, 1789, President Washington took his oath on a balcony at Federal Hall, where Congress was then meeting in New York City. By 1793 Congress had moved to Congress Hall in Philadelphia, and Washington took his oath this time in the Senate Chamber. Four years later, John Adams's inaugural occurred in the larger House Chamber. In 1800 the Federal Government transferred to its permanent home in Washington, DC, and on March 4, 1801, Thomas Jefferson became the first president inaugurated in the U.S. Capitol Building. That ceremony took place in the Senate Chamber (now restored as the Old Supreme Court Chamber). James Madison was sworn into office in the new House Chamber in 1809 and again in 1813. After British troops burned the Capitol in 1814, James Monroe's inauguration in 1817 was held across the street, in front of the temporary Capitol building, on the present site of the Supreme Court. These were the first inaugural ceremonies performed outdoors. Poor weather forced the inauguration back indoors in 1821, but since Andrew Jackson's inauguration in 1829, the ceremonies generally have been conducted outdoors to accommodate growing numbers of citizens wishing to attend.

From 1825 until 1977 presidential inaugurations took place on the East Front of the Capitol, where large platforms were erected on the steps leading to the Rotunda. At first these ceremonies were held on March 4th. The adoption of the Twentieth Amendment to the Constitution in 1933 advanced the date to January 20th. Franklin D. Roosevelt became the first to take his oath under this amendment, on January 20, 1937. Roosevelt's first three inaugurals took place at the Capitol, but in 1945, while the National was still engaged in the Second World War, Roosevelt overruled congressional objections and took the oath of office at the White House. The Inaugural Ceremony resumed at the Capitol with Harry Truman's ceremony in 1949.

Ronald Reagan's inauguration on January 20, 1981, saw the ceremonies shift to the Capitol's West Front, where the terraces served as the inaugural platform and where even larger crowds could be accommodated down the Mall. Frigid weather in 1985 forced President Reagan's second inauguration indoors into the Capitol Rotunda.

Between Inaugurations, nine individuals have taken the presidential oath of office elsewhere. Following the death or resignation of presidents, vice presidents were sworn into office at the White House, in a Washington hotel, a New York City brownstone, a Vermont farmhouse, and aboard Air Force One.

Gerald R. Ford assumed the Vice Presidency under the 25th amendment to the Constitution on the resignation of Vice President Spiro Agnew and Ford was sworn in as President August 9, 1974 on the resignation of Richard M. Nixon.

I ask unanimous consent that a press release which documents the members of the Committee and their official actions in the first Committee organizational meeting and the text of Senate Concurrent Resolutions 47 and 48, authorizing the Committee and inaugural arrangements, be printed in the RECORD.

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

JOINT LEADERSHIP ELECTS WARNER TO INAUGURAL POST

Senator John Warner has been elected chairman of the Joint Congressional Committee on Inaugural Ceremonies, the committee created by Congress every four years to oversee the inauguration for the President of the United States.

In addition to Warner's selection, the committee decided to hold the 53rd inauguration on the West Front of the Capitol. The inaugural will take place January 20, 1997.

In keeping with tradition, Warner's nomination was put forward by Senate Democratic Whip Wendell Ford, D–Ky., and seconded by Senate Majority Leader Trent Lott, R–Miss. In addition to Lott and Ford, other members are: Speaker of the House Newt Gingrich, R–Ga., House Majority Leader Richard Armey, R–Tex. and House Minority Leader Richard Gephardt, D–Mo.

Senator Warner is the first Virginian to chair the Joint Inaugural Committee since 1945, when Senator Harry Byrd, Sr., D–Va., chaired the panel.

Historically, the Joint Inaugural Committee is formed the year prior to the Congressionally-hosted ceremonies, and ceases operation after the ceremonies conclude. The committee, which was authorized March 20, is charged with the planning and execution of all inaugural activities at the U.S. Capitol, including the swearing-in ceremony and the traditional inauguration luncheon that follows.

During the meeting, Warner announced that former Assistant Secretary of Commerce for Oceans and Atmosphere Jennifer Joy Wilson, will be executive director of the committee. Wilson also served as chief of staff to former Virginia Republican Gov. John Dalton.

S. RES. 47

Resolved by the Senate (the House of Representatives concurring), That a Joint Congressional Committee on Inaugural Ceremonies consisting of 3 Senators and 3 Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States on the 20th day of January 1997.

S. RES. 48

Resolved by the Senate (the House of Representatives concurring), That (a) the rotunda of the United States Capitol is hereby authorized to be used on January 20, 1997, by the Joint Congressional Committee on Inaugural Ceremonies (the ''Joint Committee'') in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States.

(b) The Joint Committee is authorized to utilize appropriate equipment and the services of appropriate personnel of departments and agencies of Federal Government, under arrangements between such Committee and the heads of such departments and agencies, in connection with such proceedings and ceremonies. The Joint Committee may accept gifts and donations of goods and services to carry out its responsibilities.

ANNUAL REFUGEE CONSULTATION

Mr. SIMPSON. Mr. President, in accordance with the Refugee Act of 1980, I ask unanimous consent to have printed in the RECORD a copy of a letter to the President dated September 30, 1996, and signed by Senator KENNEDY as ranking member and by me as chairman of the Subcommittee on Immigration of the Judiciary Committee, and a copy of Presidential Determination 96–59, concerning refugee admissions for fiscal year 1997.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 30, 1996.

The President,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Under the provisions of the Refugee Act of 1980, members of the Committee on the Judiciary have now consulted with your representatives on the proposed admission of refugees for Fiscal Year 1997.

We note that refugee numbers continued a gradual downward trend. We would comment that the 78,000 figure, while technically correct as to refugee admissions, does not reflect the Cuban entrants, who for all intents and purposes are treated as refugees. We believe that it would be helpful in future years if the reports of State, HHS, and INS included information on the admission of Cuban—and other—entrants, as well as refugees. We believe that would provide both a clearer and more realistic picture of the overall admissions process.

We are hopeful, as well, that next year's report will include a discussion of refugee welfare dependence in its ''analysis of the anticipated social, economic, and demographic impact'' of proposed refugee admissions, and the steps that are undertaken to move refugees to self-sufficiency.

We want to congratulate the Administration on its role in the successful completion of the Comprehensive Plan of Action, and on the significant accomplishment in bringing this historic program to an end. We believe that, after 20 years and 1.2 million persons resettled, the close of the Southeast Asian and the Amerasian programs is appropriate, and expect that the ''ROVR'' initiative, by which a number of the remaining Vietnamese may be considered for U.S. resettlement, will fit within the 10,000 numbers allocated to Southeast Asia.

We can foresee fast-moving refugee situations developing in Bosnia and Iraq. We trust that the Administration will maintain close contact with the Congress regarding its plans in these areas. When significant numbers of former residents return to Bosnia, for example, serious instability could quickly ensue. Similarly, the situation in Iraq could change dramatically at any moment. Such changes might necessitate the use of Emergency Refugee and Migration Assistance (ERMA) or other emergency measures.

We commend the Administration for acting rapidly to move 2,100 Iraqis who have worked closely with this country and the United Nations in northern Iraq out of harm's way. We urge that the Administration consider the safety of those Kurdish employees of American non-governmental organizations working in Iraq.

We share your commitment to strengthening U.S. refugee admissions and assistance programs consistent with the guiding principles set forth in the Refugee Act of 1980. We continue to believe that the United States should do its share in providing resettlement opportunities to true refugees who cannot safely return home nor stay in the region of first asylum. We strongly support the need to contribute our fair share to life-saving assistance programs. Such programs provide assistance to so many more refugees that the resettlement of the much smaller numbers who have no other option and are of special humanitarian concern to the United States.

We support your proposal for sufficient funds to provide cash and medical assistance to eligible refugees during their first eight months after arrival here.

We concur with your proposal to admit 78,000 refugees in FY97.

Most sincerely,

EDWARD M. KENNEDY,
Ranking Member, Subcommittee on Immigration.

ALAN K. SIMPSON,
Chairman, Subcommittee on immigration.

THE WHITE HOUSE,
Washington, September 30, 1996.

PRESIDENTIAL DETERMINATION NO. 96–59

Memorandum for the Secretary of State:

Subject: Presidential Determination on FY 1997 Refugee Admissions Numbers and Authorizations of In-Country Refugee Status Pursuant to Sections 207 and 101(a)(42), Respectively, of the Immigration and Nationality Act, and Determination Pursuant to Section 2(b)(2) of the Migration and Refugee Assistance Act, as Amended.

In accordance with section 207 of the Immigration and Nationality Act (''the Act'') (8 U.S.C. 1157), as amended, and after appropriate consultation with the Congress, I hereby make the following determinations and authorize the following actions: The admission of up to 78,000 refugees to the United States during FY 1997 is justified by humanitarian concerns or is otherwise in the national interest; provided, however, that this number shall be understood as including persons admitted to the United States during FY 1997 with Federal refugee resettlement assistance under the Amerasian immigrant admissions program, as provided below.

The 78,000 funded admissions shall be allocated among refugees of special humanitarian concern to the United States as described in the documentation presented to the Congress during the consultations that preceded this determination and in accordance with the following regional allocations; provided, however, that the number allocated to the East Asia region shall include persons admitted to the United States during FY 1997 with Federal with Federal refugee resettlement assistance under section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988, as contained in section 101(e) of Public Law 100–202 (Amerasian immigrants and their family members); provided further that the number allocated to the former Soviet Union shall include persons admitted who were nationals of the former Soviet Union, or in the case of persons having no nationality, who were habitual residents of the former Soviet Union, prior to September 2, 1991:

Africa	7,000
East Asia	10,000
Europe	48,000
Latin America/Caribbean	4,000
Near East/South Asia	4,000
Unallocated	5,000

The 5,000 unallocated federally funded numbers shall be allocated as needed. Unused admissions numbers allocated to a particular region within the 78,000 federally funded ceiling may be transferred to one or more other regions if there is an overriding need for greater numbers for the region or regions to which the numbers are being transferred. You are hereby authorized and directed to consult with the Judiciary Committees of the Congress prior to any such use of the unallocated numbers or reallocation of numbers from one region to another.

Pursuant to section 2(b)(2) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(b)(2), I hereby determine that assistance to or on behalf of persons applying for admission to the United States as part of the overseas refugee admissions program will contribute to the foreign policy interests of the United States and designate such persons for this purpose.

An additional 10,000 refugee admissions numbers shall be made available during FY 1977 for the adjustment to permanent resident status under section 209(b) of the Immigration and Nationality Act (8 U.S.C. 1159(b)) of aliens who have been granted asylum in the United States under section 208 of the Act (8 U.S.C. 1158), as this is justified by humanitarian concerns or is otherwise in the national interest.

In accordance with section 101(a)(42)(B) of the Act (8 U.S.C. 1101(a)(42)) and after appropriate consultation with the Congress, I also specify that, for FY 1997, the following persons may, if otherwise qualified, be considered refugees for the purpose of admission to the United States within their countries of nationality or habitual residence:

a. Persons in Vietnam
b. Persons in Cuba
c. Persons in the former Soviet Union

You are authorized and directed to report this determination to the Congress immediately and to publish it in the Federal Register.

WILLIAM J. CLINTON.

LENDER LIABILITY PROVISIONS IN THE OMNIBUS APPROPRIATIONS BILL

Mr. LAUTENBERG. Mr. President, earlier this week we passed the omnibus appropriations bill. Included in

that bill are provisions that clarify lender liability issues under Superfund. These are important provisions that make it clear that lenders that do not participate in management are not liable under Superfund or the underground storage tank provisions of RCRA.

It is also important, however, that we clarify a critical aspect of these provisons. First, you and I are aware of the colloquy in the CONGRESSIONAL RECORD of September 30, 1996, between Senators SMITH and D'AMATO regarding the Asset Conservation, Lender Liability, and Deposit Insurance Protection Act of 1996. The colloquy seems to suggest that under the bill, EPA has no authority whatsoever to promulgate regulations on CERCLA liability. That was not my understanding of the intent of the lender and fiduciary provisions.

My understanding is that our intention was to substantially endorse EPA's addressing of lender liability under Superfund in its 1992 lender liability rule, and to validate EPA's prior exercise of rulemaking authority for lenders and fiduciaries. Addressing lender liability specifically in this bill was necessary because, in 1980, Congress did not foresee how its original language, protecting security interest holders from liability, would be interpreted. Congress also could not have foreseen the restrictive view in *Kelley* v. *EPA,* 15 F.3d 1100 (D.C. Cir. 1994), of EPA's authority to issue rules interpreting Superfund authority. The omnibus appropriations bill specifically addresses and modifies the earlier interpretations of the original language. Should new circumstances again arise concerning interpretations of lender and fiduciary liability, we believe and it is our intent that EPA has the authority to clarify and refine the liability rules applying to lenders and fiduciaries.

Mr. BAUCUS, is it correct that nothing in the lender liability provisions in the omnibus appropriations bill, precludes EPA from issuing rules to clarify and refine the rules applying to lenders and fiduciaries?

Mr. BAUCUS. Yes, what you have expressed is my understanding of the intent of Congress in enacting this legislation.

Mr. LAUTENBERG. That earlier colloquy also talked about a recent opinion of the U.S. Court of Appeals for the District of Columbia, *Kelley* v. *EPA,* 15 F.3d 1100 (D.C. Cir. 1994), reh'g denied, 25 F.3d 1088 (D.C. Cir. 1996). I think it is important that we avoid any misunderstanding, based on that case, concerning EPA's authority to issue rules. The Kelley decision struck down EPA's original lender liability rule, but this legislation recognizes EPA's authority to promulgate rules in this area. This is consistent with our general intent that EPA should use its expertise to issue authoritative interpretations of CERCLA, whether by guidance or regulation. For example, EPA has issued guidances pertaining to the liability of residential homeowners, de minimis and de micromis parties, and others. Such clarifications and expressions of prosecutorial discretion have served to reduce litigation and given the regulated community and others clarity over questions of liability.

Mr. BAUCUS, is it correct that the lender liability provisions in the omnibus appropriations bill are intended to reaffirm EPA's ability to issue such interpretative guidance?

Mr. BAUCUS. Yes, that is my understanding of the intent of the lender and fiduciary liability provisions.

ON THE POLITICIZATION OF THE FBI BY FBI GENERAL COUNSEL HOWARD SHAPIRO

Mr. GRASSLEY. Mr. President, on September 25, the Judiciary Committee held a hearing about the White House and FBI files matter. I attended that hearing for the testimony of Mr. Craig Livingstone. However, I was necessarily absent for the testimony of FBI General Counsel Howard Shapiro.

I was unable to make my comments a part of that record. However, I am compelled to make them a part of the RECORD of this body. This is an extremely important issue, in my view. And it begs the attention of all of my colleagues.

Allegations have been made against Mr. Shapiro that he has been too cozy with the Clinton White House. I'd like to remind my colleagues that when law enforcement plays footsie with the White House, law enforcement decisions become political. And that can lead to a gross abuse of the powers of law enforcement. Civil liberties can be trampled on, and the pursuit of justice can be frustrated.

After the White House travel office firings, the FBI was accused of allowing itself to be politicized. Bureau Director Louis Freeh said he would put an end to even the appearance of a cozy relationship. He said, ''I told the President that the FBI must maintain its independence and have no role in politics.'' Mr. Freeh understands the necessity of keeping a wall between politics and law enforcement.

But, Mr. President, many of us in the Congress are not convinced that Mr. Freeh has reconstructed that wall. Questions arise because of specific actions taken in the Filegate matter by his general counsel. Mr. Shapiro is Director Freeh's hand-picked counsel. In the wake of the allegations, Mr. Freeh has expressed confidence in Mr. Shapiro, much as he did with agent Larry Potts. Mr. Potts was involved in the disaster at Ruby Ridge.

The sum of Mr. Shapiro's actions greatly benefited the subjects of congressional and independent counsel investigations; that is, present and former White House employees. At the same time, Mr. Shapiro's actions may have done much harm to the investigations.

Four specific actions suggest that Mr. Shapiro played ball with the White House:

Issue 1. On July 16, Shapiro gave a heads-up to the White House about what was found in Craig Livingstone's FBI background file by the staff of the House Government Reform and Oversight Committee. The chairman had been invited to review the Livingstone file by Director Freeh. But before the chairman arrived, Mr. Shapiro notified the White House of a politically explosive item contained in the file.

In the file, it was discovered that an FBI agent had interviewed former White House Counsel Bernard Nussbaum. The agent's notes say that Nussbaum reported the First Lady was instrumental in hiring Mr. Livingstone.

Mr. Livingstone is one of two central players in the Filegate affair. One of the important, unanswered questions is, who hired him and why. Clearly, the information had relevance to the investigation.

But the effect of Mr. Shapiro's heads-up was to alert the White House damage control operation. That way, everyone could get their stories straight before being interviewed. Sixteen people under investigation, and/or their attorneys, and/or members of the damage control team knew about the item before the Chairman of the Committee could read the file. This includes a witness about to go before a federal grand jury.

Mr. Shapiro claims his purpose for the heads-up was to make sure both sides were equally apprised. It was his effort to appear neutral. However, Mr. Shapiro managed to achieve the opposite of his stated intention. He gave everyone being investigated a heads-up. That's a fact. The investigators were the last to know. That's also a fact. If Mr. Shapiro were really being neutral, he would have refrained from doing anything. Instead, he gratuitously appointed himself referee and inserted himself in the middle of three investigations. Now, as a result, his actions and judgment must be called into question.

Just one month prior to this—on June 14—this very same Howard Shapiro personally authored the FBI's own review of the files matter. That review vowed that the FBI never would be ''victimized'' again by the White House. In my judgment, that hollow promise was broken barely a month later.

Issue 2. Mr. Shapiro also gave the White House an advance copy of the Gary Aldrich book. That's the controversial and revealing book written by the FBI agent who formerly investigated the backgrounds of White House employees. Mr. Shapiro gave the advance copy to the White House damage control outfit. That way, the White House could prepare ahead of time its vitriolic attack-responses against Mr. Aldrich once the book was published.

Mr. Shapiro's stated reason for this heads-up was he was concerned the

book might reveal sensitive White House security information. Yet, in a letter dated September 18 from White House counsel Jack Quinn to Chairman WILLIAM CLINGER regarding the matter, Mr. Quinn mentions no such issue. Rather, Quinn says the issue was ''the integrity of the Bureau's background investigation process.'' It wasn't sensitive White House security matters at all.

In addition, when asked for the first time about giving the Aldrich book to the White House, Shapiro described the exchange as a much more casual event. On July 30, he was deposed by the House committee. On page 82 of his deposition, Shapiro says, ''Well, I called and advised Jack Quinn that there was a book in draft that had been given to us to review that * * * based on our prior experience we could not ensure would not be published before we completed our review of it. And I believe, if my recollection is correct, that I asked him if he wanted to have a copy of it.'' Mr. Shapiro goes on to say he didn't discuss the contents of the book with Mr. Quinn.

This is how I see it, Mr. President. First, Mr. Shapiro provided the book to the White House as a courtesy. Then he discovered his action came under scrutiny. It was highly controversial. Once again, he was accused of playing footsie with his contracts at the White House. So he rationalized what he had done by inventing the story of sensitive White House security information being at the heart of his concern.

Frankly, I don't buy it. It isn't backed up by Mr. Quinn, and it isn't backed up by Mr. Shapiro's own testimony when he was first asked about it. Furthermore, isn't it fair to assume that, if Mr. Shapiro is sincere about his motives, he would have sent a copy of the Aldrich book to the Secret Service since it is responsible for sensitive White House security matters?

Issue 3. On July 16, Mr. Shapiro authorized two FBI agents to pay a visit to Agent Dennis Sculimbrene upon Shapiro's discovery of the controversial information found in Mr. Livingstone's FBI background file. Mr. Sculimbrene was the agent who had prepared the Livingstone file. White House officials were questioning the accuracy of the file. As a consequence, Mr. Shapiro took it upon himself to once again referee the situation. He sent the two agents to Sculimbrene to clarify the discrepancies. Later that day, Sculimbrene's work station was also searched by FBI agents.

The problem with this action by Shapiro is that it could be seen as intimidation of an agent at the behest of White House officials. Moreover, in the process of sending these agents, Shapiro created at least the appearance of a conflict of interest for himself. As General Counsel, he inserted himself into an operational matter. On that part of the operation, he could no longer be an independent, impartial legal advisor to the Director. Instead of defending the FBI, he has to defend his own actions. This conflict now allows the public to question his motives and the plausibility of his explanations.

Finally, Mr. Shapiro took this action without consulting the independent counsel, and despite the Attorney General's June 20 announcement that continued involvement in this matter by the FBI would constitute a conflict of interest.

Issue 4. A July 25 letter from Mr. Quinn to the FBI Director was first read to Mr. Shapiro over the phone to get his opinion as to the tone and some editorial content of the letter. That letter was highly political, attacking the credibility of some FBI agents, and also attacking the chairman of a standing committee of the U.S. House of Representatives in the performance of his oversight responsibilities. That hardly shows an arm's-length relationship between the White House and the FBI in the midst of this political confrontation.

Mr. Shapiro has responded to each of these issues. It's on the record, for everyone to see.

I have reviewed that record. In my view, Mr. Shapiro's explanations ring empty. The inescapable conclusion is, he's been playing footsie with the White House. At the very least, there's a clear-cut appearance problem. Neither is good for the FBI's image or for the public's confidence in the Bureau.

I look at the results, not the explanations. The results are, what he did helped those being investigated. What he did interferred with the investigations. That's my interpretation. And that's a fair interpretation because he inserted himself into these matters. He appointed himself a referee in the arena of politics. And frankly, that gives the FBI a black eye, and it further erodes the confidence the public has in the Bureau.

As a senior member of the Judiciary Committee, and chairman of its oversight subcommittee, this Senator can no longer have confidence in Mr. Shapiro's impartiality. I do not have confidence that he will discontinue this cozy relationship with the White House.

I note the many credible voices in both bodies of Congress calling for Mr. Shapiro's resignation. This Senator has reserved judgment on that question. It is my intention to thoroughly review the complete hearing record, together with Mr. Shapiro's responses to my and others' follow-up questions. Upon completion of that review, I will come to my own conclusion as to whether or not Mr. Shapiro can continue to fulfill his responsibilities in a credible and impartial manner.

DETENTION AND 212(c) WAIVERS FOR CRIMINAL ALIENS PROVISIONS OF H.R. 2202

Mr. ABRAHAM. Mr. President, I would like to ask the chairman of the Judiciary Committee to clarify a few changes made in the criminal alien provisions of the Senate immigration bill when the House and Senate conferees adopted the conference report on H.R. 2202, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. These provisions are included in this omnibus appropriations measure. I know Senator HATCH was deeply involved in the development of the section on criminal aliens, as a conferee on this legislation.

First, I would like to ask about a change made to the exception to mandatory detention for criminal aliens. Section 303(a) of the conference report would add to the Immigration and Nationality Act a new section providing for mandatory detention of criminal aliens by the Attorney General prior to deportation or exclusion, which was already required under the Anti-terrorism and Effective Death Penalty Act signed into law earlier this year. That section in the conference report also includes a provision permitting release in extremely narrow circumstances—specifically, only for criminal aliens who qualify for the Witness Protection Program under section 3521 of title 18, United States Code, in the discretion of the Attorney General. I would like to ask the Senator if this section, new section 236(c)(2), requires that the criminal alien actually be admitted to the Witness Protection Program, under section 3521 of title 18, before being eligible for release?

Mr. HATCH. Yes. The criminal aliens may be released from custody only if the Attorney General has accepted the alien into the Witness Protection Program. That is reflected in the statutory language specifically providing that the release provision applies ''only if'' the Attorney General makes a determination pursuant to section 3521 of title 18, United States Code to accept an alien into the Witness Protection Program.

Mr. ABRAHAM. Then, the release criteria regarding the criminal alien's safety to the community, the severity of the offense, and the criminal alien's likelihood of appearing for deportation proceedings are to be applied after the alien has been accepted to the witness protection program?

Mr. HATCH. Yes. Those criteria are intended to limit the circumstances in which criminal aliens who have been admitted to the Witness Protection Program may be released. The statutory language in new section 236(c)(2) clearly provides that those are additional limits on the Attorney General's release authority. The fact that a criminal alien has been admitted to the program is not alone sufficient to justify releasing that alien. In order to release the alien, the Attorney General must also be satisfied that the alien will not pose a danger to the safety of other persons or of property, is likely to appear for any scheduled proceedings, and the Attorney General is required to give due consideration to the severity of the offense committed by the alien.

Mr. ABRAHAM. The Senate Immigration bill included a somewhat different set of criteria for the release of criminal aliens prior to deportation, permitting release only for aliens who are cooperating with law enforcement authorities or for purposes of national security, in the Attorney General's sole and unreviewable discretion. Could you explain the purpose of this change?

Mr. HATCH. The conference report provision is intended to limit the conditions for release permitted in the Senate bill to those necessary to serve the purposes the Senate was trying to accomplish. The Senate provisions may have permitted releases under more circumstances than were truly necessary. To begin with, the conference report does not permit the release of criminal aliens for purposes of cooperating with law enforcement unless the alien has been accepted into the Witness Protection Program pursuant to section 3521 of title 18. Nor does the conference report permit the release of criminal aliens for purposes of national security, because it was difficult to imagine a circumstance in which the release of a convicted criminal would serve our national security interests—unless the criminal had been accepted into the Witness Protection Program.

Thus, I can assure the Senator from Michigan that the central purpose of the Senate amendments regarding mandatory detention—preventing the release of criminal aliens to further prey on American citizens—is furthered by the conference provision to an even greater degree than the Senate provision.

Mr. ABRAHAM. Finally, I have one more question for the distinguished Senator from Utah, regarding the changes made to eligibility of criminal aliens for waivers of deportation or exclusion under old section 212(c) of title 8, United States Code. The Anti-terrorism and Effective Death Penalty Act signed into law earlier this year, as well as the Senate Immigration bill, eliminated the possibility of 212(c) waivers for any criminal aliens who had committed any of several crimes that make aliens deportable under section 241 of title 8, United States Code. The conference report restores 212(c)-type waivers for criminal aliens who have not been convicted of aggravated felonies. Could you explain the purpose of this change?

Mr. HATCH. Let me say first of all that I share the Senator's concern with the procedural abuses under this country's immigration laws that have long been available to criminal aliens. The limitations on 212(c)-type eligibility for criminal aliens in the conference report, which appear in new section 240A(a), is intended to put an end to that. The reason the total bar on 212(c) review for criminal aliens in the Terrorism Act was revised to bar only aggravated felons was that, first, the definition of ''aggravated felony'' has been expanded to encompass most of the deportable crimes under old section 241, for which 212(c) review was barred in the Terrorism Act. Second, there was some concern that there might be certain rare circumstances we had not contemplated, when removal of a particular criminal alien might not be appropriate. For example, an alien with one minor criminal conviction several decades ago, who has clearly reformed and led an exemplary life and made great contributions to this country, we believed ought to retain eligibility for a waiver of deportation or exclusion.

Mr. ABRAHAM. So, 212(c) relief—or new section 240A(a) relief—is intended only for highly unusual cases involving outstanding aliens such as the one you describe?

Mr. HATCH. That is correct. The extraordinary circumstances necessary for a grant of 212(c) relief should refer to the insignificance of the crime, and to substantial contributions to society made by the alien. To qualify for section 212(c) or analogous relief, despite the existence of a criminal conviction, an alien will have to show substantial benefits this county from granting the relief—not the potential hardship to the alien from not granting relief. I understand your concern that relief under this section will not be so limited, since it has not been so limited in practice in the past. We believed, however, that passage of the Anti-terrorism and Effective Death Penalty Act sufficiently demonstrated the Congress' serious concern about the abuse of section 212(c), that we could expect Immigration Judges to begin using their discretion under section 212(c) more judiciously. As you know, the Terrorism Act eliminated 212(c) relief for virtually any alien who had been convicted of any crime, including some misdemeanors. Several members believed that only by eliminating Immigration Judges' discretion to grant section 212(c) relief to criminal aliens altogether could we prevent section 212(c) from being used to grant relief too freely. The prevailing view was that the Terrorism Act sent a clear message that section 212(c) was being abused, and that Immigration Judges could be expected to respond to that message and take a hard look at 212(c) relief. The partial restoration of section 212(c) relief for aliens who have not committed aggravated felonies will test that theory.

Mr. ABRAHAM. That, of course, has been my concern. Section 212(c) relief was always intended to apply only to ''those cases where extenuating circumstances clearly require such action''—as Congress put it when it enacted section 212(c) as part of the Immigration and Nationality Act in 1952. For the past 8 years, however, 212(c) relief has been granted to more than half of all who apply, the vast majority of whom are criminal aliens, amounting to thousands of criminal aliens per year.

Mr. HATCH. I agree with the Senator. Now that we have restored section 212(c) waivers for a small percentage of criminal aliens we expect Immigration Judges to use their discretion under this new section only in unusual cases involving exceptional immigrants whose criminal records consist only of minor crimes committed many years ago.We expect that to be the case under these new provisions.

Mr. ABRAHAM. If the limited restoration of section 212(c) relief does not include reasonable limitations on its use, I will be prepared to work with my colleagues to address that problem. Is my understanding correct that you too will pay close attention to how this provision is interpreted?

Mr. HATCH. Yes. I would also like to let the Senator from Michigan know how much I appreciate his commitment and dedication on this issue.

Mr. ABRAHAM. Thank you. I would likewise thank the Chairman of the Judiciary Committee for his diligent efforts on this issue in conference and his explanation of the conference report's provisions.

TRANSFER OF PERSONS FOUND NOT GUILTY BY REASON OF INSANITY

Mr. HATCH. Mr. President, I would like to make several brief comments regarding a provision included in the Economic Espionage Act passed yesterday. That legislation included an amendment I offered when this bill first passed the Senate to permit the transfer of Federal defendants found not guilty by reason of insanity from the inadequate facility of St. Elizabeths Hospital to the custody of the Attorney General.

Each of the approximately 26 inmates affected by this legislation were confined prior to the enactment of the Insanity Defense Reform Act of 1984. Since 1984, Federal inmates found not guilty by reason of insanity have been turned over to the custody of the Attorney General for appropriate treatment. This corrective legislation would extend this treatment to the pre-IDRA confinees.

St. Elizabeths Hospital is in a state of disrepair. According to press reports, the 70-year-old heating system is unreliable and can leave patients shivering in the cold during the winter months. The hospital staff is completely overwhelmed, and shortages of important antidepressant medicines have been reported by doctors.

These conditions should concern us all, and we should seek workable long-term solutions. But, we should deal promptly with current problems. What is particularly troubling is the lack of security at the facility, which is putting the public at risk. There are 26 Federal defendants in the hospital that may be a danger to themselves and others. Among these inmates is John Hinckley, Jr., who attempted to assassinate President Reagan in 1981.

According to the Department of Justice, there have already been three known escapes by these inmates in the

last 2 years. Fortunately, all of these inmates were recaptured, but not before one of them traveled to North Carolina and allegedly sexually molested two 3-year-old girls before he was found and returned to custody. Sadly, the hospital did not notify the Marshals Service, which is responsible for the security of these inmates, of a single escape.

St. Elizabeths Hospital apparently does not have the capability to provide adequately for the security or well-being of these 26 Federal defendants, even though the Federal Government pays $450 per inmate per day, which works out to $164,250 per inmate annually. It is time that the Federal Government take responsibility of these individuals for their own safety and the safety of the general public.

This bill transfers these 26 Federal defendants to the custody of the Attorney General. This will allow the defendants to be placed in appropriate Federal Bureau of Prisons medical facilities, for a fraction of the current cost, and to receive care appropriate to their conditions. The Justice Department has estimated that by transferring even half of the 26 patients to Federal medical facilities that the United States would save at least $1.5 million annually.

The bill also requires that St. Elizabeth's Hospital provide to the Department of Justice the medical and treatment records for these inmates and bars the hospital from preventing doctors from discussing the inmates' treatment with Department of Justice officials. The hospital has been withholding the records, making it impossible for the Department—which is, after all responsible both for the inmates' well-being and for paying for their upkeep—to make effective decisions.

With respect to this records and access provision, I would like to briefly mention another related provision of this legislation. At the request of Senator LEAHY, we have included a provision clarifying the effect of the record and access provision on doctor-patient testimonial privileges.

This provision is intended to ensure that this legislation in no way alters the current state of the law regarding such testimonial privileges. Where these testimonial privileges currently exist, they will continue to have effect. Where they do not now apply, this legislation does not make them applicable.

I do not believe that any doctor-patient privilege is applicable to the treatment of the patients affected by this legislation. Indeed, it would be anomalous if, in a post-adjudication setting, such a privilege did exist. It would frustrate the ability of the government to provide appropriate care and treatment for these patients entrusted to the Government's care as a result of the adjudication.

Mr. President, this legislation provides for the safety and well-being of the public and of affected patients in a fiscally responsible manner. I am pleased by its adoption by the Congress.

Mr. President, I ask unanimous consent that a letter from the Department of Justice endorsing this legislation be printed in the RECORD following my remarks.

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

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, February 7, 1996.

Hon. ALBERT GORE,
President of the Senate,
U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed for your review and appropriate reference is a draft bill, entitled the ''Act to Improve the Treatment of and Security for Certain Persons Found Not Guilty by Reason of Insanity in the District of Columbia'' (''Act''). A section by section analysis of the bill is also enclosed.

This legislation is intended to improve the treatment and security of approximately twenty-six persons who were found not guilty by reason of insanity in the District of Columbia, prior to the enactment of the Insanity Defense Reform Act of 1984 (IDRA). At present, these persons are committed to the custody of the District of Columbia's St. Elizabeths Hospital, although the United States remains financially responsible for them.

The Act would amend 18 U.S.C. §4243 to establish constitutional procedures—in essence notice and an opportunity for a hearing for each individual person—under which the Attorney General could take custody of these persons. To foreclose constitutional concerns that might arise if the release conditions and procedures pertaining to such persons were changed, the Act makes a series of technical amendments to 18 U.S.C. §4243 to ensure that these matters would continue to be governed by standards identical to those under the District of Columbia rather than IDRA.

The enactment of the bill would give the Justice Department the option of leaving this fairly small class of persons in St. Elizabeths, contracting with a state or private facility for their treatment in a secure setting, or placing them in a Bureau of Prisons medical facility. The Department would not have to handle all the persons the same way, but could pick and choose the best course of treatment for them individually, keeping in mind required security and public safety concerns.

The benefits of this legislation are threefold. First, the transfer of custody may allow for an improvement of medical and mental health care and treatment over that which is presently available at St. Elizabeths Hospital. Second, some patients have escaped from St. Elizabeths and engaged in criminal activity. These patients should be placed in more secure facilities. Third, the United States is presently incurring medical bills of $450.00 per day for each of these inmates. Transfer of custody to a Federal medical facility would result in savings per patient of nearly $120,000.00 per year. Even if only half of these patients were transferred to such a facility, the United States would realize annual savings of at least $1.5 million.

The Act would require the District of Columbia and St. Elizabeths Hospital to provide the Attorney General access, within prescribed time limits, to medical records pertaining to the persons whose custody could be transferred to the Attorney General. This portion of the bill would resolve a pending suit the Department of Justice has brought against the District of Columbia over these records. The District has refused the Department access to these records, despite the fact that the United States is financially responsible for the care and treatment of the persons to whom the records pertain at an annual cost of more than $4 million. Access to these records, interviews with mental health professionals who have examined the persons to whom they pertain, and access to the patients themselves, are all important in enabling the Department of Justice to properly evaluate the condition of these patients before any transfer would be effected. The Act would prohibit the District of Columbia from preventing persons in its employ from providing such information to the Department of Justice or a contractor hired for this purpose, and would permit an interview with any patient who voluntarily consented to be interviewed.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this proposal to Congress.

I hope the bill will be promptly introduced, referred to the appropriate committee for consideration and enacted.

Sincerely,

ANDREW FOIS,
Assistant Attorney General.

INTERIOR APPROPRIATIONS

Mr. DOMENICI. Mr. President, I rise to engage the distinguished chairman of the Interior Appropriations Committee in a brief colloquy on the recently passed Omnibus Appropriations bill.

Mr. GORTON. I would be happy to engage my colleague in a colloquy.

Mr. DOMENICI. Mr. President, the recently passed months appropriations bill contains funding for many programs within the Department of Interior. It also includes funding for several programs administered by the Department of Energy [DOE]. I rise today to offer my support for continued funding for the DOE Office of Oil and Gas Technologies.

This program plays an important role in the technological aspects of oil and gas development. Moreover, this office plays a critical role in the international arena at a time when the world energy market is undergoing a substantial transformation. The move away from central planning and increased competition in many nations has presented unprecedented opportunities for U.S. companies with the expertise and experience in developing oil and gas production.

The fall of the Soviet Union and the gradual opening of markets in Latin America and Asia have unleashed significant potential for United States companies. For several decades, and some cases longer, oil and gas reserves have been almost entirely under State control. Only recently have these markets been open to outside investment.

Mr. GORTON. Would the Senator yield for a question?

Mr. DOMENICI. I would be happy to respond to the chairman of the subcommittee.

Mr. GORTON. If the opportunities exist for U.S. companies, what role does the Government play?

Mr. DOMENICI. The Office of Oil and Gas Technologies plays a vital role in two major areas. First, DOE will help ensure that the regulatory structures that emerge in these developing countries are favorable to U.S. businesses. This is a particularly important mission for the DOE to undertake because the Office of Oil and Gas Technologies has the technical experience and day-to-day interactions with businesses involved in this area. Moreover, because the energy business in many countries is still wholly or partially controlled by the Government, the prestige of the U.S. Government play a key role in gaining access to the markets for U.S. companies.

Second, the U.S. government needs to be vigilant in helping ensure that the technical and business implications of new trading agreements in the energy sector do not discriminate against U.S. businesses—especially service companies and smaller independent producers who often lack the resources to track these international developments. Since we are making the investment in the technology, we should also make the relatively much smaller investment in helping to ensure that this business and technology do not face unfair competition overseas.

Mr. GORTON. I thank the Senator for yielding.

Mr. DOMENICI. As we have seen in the past few years, tremendous opportunities have arisen for U.S. companies abroad. I hope that the Chairman will join me in supporting continued funding for the Office of Oil and Gas Technologies and their international competitiveness work. I yield the floor.

COMMENDING MICHAEL J. MATTHES FOR HIS SERVICE TO THE U.S. SENATE

Mr. WARNER. Mr. President, I would like to commend Michael J. Matthes for his exemplary service to the U.S. Senate, and to me, for these past two legislative sessions of the 104th Congress.

Mike is a graduate of the U.S. Naval Academy and has served with distinction for fifteen years in the U.S. Navy.

He has earned the rank of commander and has had extensive experience as a nuclear submarine officer.

He has served as a legislative military advisor in my office with great skill and professionalism.

The Senate will greatly miss his sound judgment, good counsel, and witty sense of humor. Soon he will assume his new duties as a commander of a nuclear submarine.

As Mike quickly became a member of my office family, I witnessed in his daily demeanor his devotion and love for his wife, Mara, and his four lovely daughters, Kelly, Cailin, Colleen, and Sarah.

Mr. President, the Senate has benefited greatly from Mike's service. I wish he and his family every success in the future and hope that his Navy career will soon bring him back to the Senate.

EXPATRIATION PROVISION OF THE IMMIGRATION BILL

Mr. MOYNIHAN. Mr. President, the immigration bill signed into law on September 30 includes the following provision:

SEC. 352. EXCLUSION OF FORMER CITIZENS WHO RENOUNCED CITIZENSHIP TO AVOID UNITED STATES TAXATION

(E) FORMER CITIZENS WHO RENOUNCED CITIZENSHIP TO AVOID TAXATION.—Any alien who is a former citizen of the United States who officially renounces United States citizenship and who is determined by the Attorney General to have renounced United States citizenship for the purpose of avoiding taxation by the United States is excludable.

The wording of the statute is embarrassing. How can an alien renounce U.S. citizenship? In what capacity would said alien do so officially? One assumes that a court of law would find the language incoherent and unenforceable. Still, the intention is clear and needs to be addressed.

This is the way we legislate at 5 o'clock in the morning 4 days before adjournment. One wonders how many other similar items ended up in the continuing resolution passed by the Senate less than 6 hours before the end of the fiscal year.

The provision imposes an extraordinary penalty on certain persons who exercise the legal prerogative of expatriation: permanent exile from the United States. Wealthy individuals who renounce their American citizenship to avoid U.S. taxation—expatriates, as they are called—have now been added to the list of terrorists, convicted criminals, persons with communicable diseases, and others who are by statute deemed unworthy of admission to the United States.

It occurs infrequently, but expatriation to avoid taxes is even so a genuine abuse. By renouncing their U.S. citizenship, individuals may avoid taxes on gains that accrued during the period in which they acquired their wealth—and while they were afforded the benefits and protections of U.S. citizenship.

This issue was considered by the Finance Committee early in the 104th Congress. In March 1995, a measure to address the problem was included in Senate legislation to restore the health insurance deduction for the self-employed. Prior to the House-Senate conference, however, concerns were raised about whether the expatriation provision comported with article 12 of the International Covenant on Civil and Political Rights, which states: ''Everyone shall be free to leave any country, including his own.'' The United States is a party to this treaty, and it is accordingly law. We consulted a number of scholars, but there was no immediate consensus on the matter.

Because of the urgency of the underlying legislation, which had to be enacted before the April 17th tax return filing deadline, the conferees chose to drop the expatriation provision so that the questions of international law could be studied. That decision by the conferees was met with criticism in the Senate. This was surprising, since I believed—and I said on the Senate floor more than once—that it was our duty to act with special care when dealing with the rights of persons who are despised.

The issues of international law were later resolved, and on April 6, 1995, I introduced S. 700, the first Senate bill to tax expatriates on gains accrued prior to expatriation. Subsequently, Chairman ARCHER introduced a bill that did not follow the accrued gains approach, but instead built on current law. In my view and that of the Treasury Department and most other tax experts, the House bill will not effectively deter tax-motivated expatriation. However, the Joint Committee on Taxation estimated that the House bill raised more revenue, and it was included as an offset in the recently enacted Health Insurance Portability and Accountability Act of 1996.

Now, having failed to adopt the preferable—in my view—Senate expatriation measure, we have compounded our error by enacting an ill-advised provision to punish tax-motivated expatriates by banishing them from the land.

The appropriate response to exploitation of a loophole in the Tax Code is to close the loophole. Just 6 months ago, the Deputy Attorney General of the United States agreed. On March 13, 1996, Deputy Attorney General Jamie S. Gorelick wrote to House Speaker GINGRICH in opposition to the provision. She wrote:

> The Administration believes that tax issues should be addressed within the context of the Internal Revenue Code, and that it would be inappropriate to use the [Immigration and Naturalization Act] to attempt to deter tax-motivated expatriation.

A short while later, however, the administration reversed its position. On May 31, 1996, Ms. Gorelick wrote another letter in support of the provision. I ask unanimous consent that excerpts of both letters be printed in the RECORD.

Mr. President, we were unable in this Congress to secure needed changes in the tax laws to resolve, again in my view, the expatriation problem. We ought to have enacted S. 700. Instead, we have enacted a measure that does not reflect well on a free society. I do hope we will reconsider this matter early in the 105th Congress.

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

OFFICE OF THE
DEPUTY ATTORNEY GENERAL,
Washington, DC, March 13, 1996.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER GINGRICH: This letter presents the views of the Administration concerning H.R. 2202, the ''Immigration in the National Interest Act of 1995,'' as reported by the Committee on the Judiciary on October 24, 1995.

Many of the provisions in H.R. 2202 advance the Administration's four-part strategy to control illegal immigration. This strategy calls for regaining control of our borders; removing the job magnet through worksite enforcement; aggressively pursuing the removal of criminal aliens and other illegal aliens; and securing from Congress the resources to assist states with the costs of illegal immigration that are a result of failed enforcement policies of the past. The Administration's legislative proposal to advance that strategy is H.R. 1929, the ''Immigration Enforcement Improvements Act of 1995,'' introduced by Representative Howard Berman on June 27, 1995.

The Administration endorses a framework of legal immigration reform that respects our immigration tradition while achieving a moderate reduction in overall admission numbers to promote economic opportunities for all Americans. The Administration seeks legal immigration reform that promotes family reunification, protects U.S. workers from unfair competition while providing employers with appropriate access to international labor markets to promote our global competitiveness, and promotes naturalization to encourage full participation in the national community.

While the Administration strongly supports reform of the current immigration law that affects both illegal and legal immigration, and H.R. 2202 contains many provisions that are similar or identical to the Administration's legislative proposal, enforcement initiatives, and overall strategy, H.R. 2202 raises serious concerns in specific areas that we hope the House of Representatives will examine thoroughly. The Administration's concerns include, but are not limited to the following:

* * *

Section 301(e) amends section 212 (a)(10) of the INA, as redesignated by this bill, by adding a new subparagraph which makes inadmissible any alien, who is a former citizen and who the Attorney General determines has officially renounced his citizenship for purposes of avoiding taxation by the United States.

The Administration has proposed changes in the Internal Revenue Code to remove incentives that encourage certain U.S. citizens to avoid U.S. taxes by renouncing U.S. citizenship. The Administration approach has been passed by the Senate twice and is being considered in the ongoing balanced budget negotiations. The Administration believes that tax issues should be addressed within the context of the Internal Revenue Code, and that it would be inappropriate to use the INA to attempt to deter taxmotivated expatriation.

* * *

Sincerely,

JAMIE S. GORELICK,
Deputy Attorney General.

OFFICE OF THE
DEPUTY ATTORNEY GENERAL,
Washington, DC, May 31, 1996.

Hon. LAMAR SMITH,
Chairman, Subcommittee on Immigration and Claims, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter presents the views of the Administration on H.R. 2202, the ''Immigration Control and Financial Responsibility Act of 1996''. The Administration is reversing decades of neglect in controlling illegal immigration. Many of the provisions in both the House and Senate bills would ratify the Administration's efforts in the field to combat illegal immigration. The administration's four-part strategy calls for regaining control of our borders; protecting U.S. workers through worksite enforcement; aggressively removing criminal and other deportable aliens; and obtaining the resources that are necessary to make the strategy work. Both the House and Senate bills contain many provisions that support the Administration's enforcement initiatives and are based on or similar to the Administration's legislative and budget proposals.

We look forward to working with the conference committee to craft a strong, fair, and effective immigration bill. However, H.R. 2202 raises serious concerns in specific areas that we hope the conference committee will examine thoroughly. In addition, a number of amendments to the Immigration and Nationality Act (INA) made by the Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. 104–132, present substantial obstacles to the effective enforcement of the immigration laws. The conference committee has an opportunity to remedy some of those problems with a careful and more comprehensive approach to amending the INA. The Administration's views include, but are not limited to the following:

* * *

We strongly recommend adoption of the House provisions contained in sections 301 (except 301(c) and (f)), 303, 304, 305, 307, 308, and 309. However, an amendment must be made to strike section 241(d) (added by the AEDPA) which provides that aliens ''found in'' the United States without having been inspected and admitted are inadmissible. This language is problematic, will lead to litigation; and is inconsistent with the House immigration bill. In addition, there is no waiver provision for inadmissibility under the newly-created section 212(a)(9), even for immediate relatives of U.S. citizens. We strongly recommend the inclusion of a discretionary waiver of inadmissibility.

* * *

Sincerely,

JAMIE S. GORELICK,
Deputy Attorney General.

The PRESIDING OFFICER. The Senator from Virginia.

FAREWELL TO OUR COLLEAGUE FROM NEBRASKA

Mr. WARNER. Mr. President, may I add my remarks to those by many Senators in the Chamber as we bid a fond farewell to our colleague from Nebraska. Senator EXON and I came to the Senate together and, from our first day, served together on the Senate Armed Services Committee. Senator EXON attended his last hearing of that committee earlier this afternoon and, once again, propounded the tough questions as he has done year after year, coming directly to the point of the issue, but bringing to bear a background in which he draws upon the distinguished period of his life from World War II, when he was proud to wear the uniform of this country in the cause of freedom.

He is another who has worn the uniform who is leaving the Senate. The Senate gradually, primarily because of change of times and demographics, has fewer and fewer in its membership who served in uniform. Having had that privilege, he brought with him that knowledge that could be applied, that is unique and particularly useful when our Armed Services Committee had to make decisions relative to the safety, welfare, training, and the active duty pay of the men and women of the Armed Forces.

So, not only does the Senate today salute him at the end of this chapter of his career in public service, but so do generations of the men and women of the Armed Forces.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I thank my dear friend and colleague from Virginia for his most kind remarks. Indeed, we came here together. But, indeed, we knew each other even before that.

I remember very well my friend, the Senator from Virginia, when he served as Secretary of the Navy with great distinction. When I was Governor of Nebraska, he was the head of the centennial commission and came out to Nebraska. That is the first time I really got well acquainted with JOHN WARNER. At that time I had no idea we would eventually serve in the U.S. Senate.

As students of history understand, and I think most people would believe, probably more great individual contributors to government at all levels have come from the State of Virginia than from any other. Certainly, I just want to say from my perspective, none has done more, none has dedicated himself more fervently to what he thought was right for Virginia and for the United States of America than my good and dear friend, JOHN WARNER.

I wish you nothing but the best, my friend. I assure you that we will be keeping in touch.

Thank you very much.

Mr. WARNER. I thank my distinguished colleague. I wish to carefully note in the RECORD that that was a statement of courage, looking to the future, and not marking any imminent retirement by myself from the U.S. Senate.

The PRESIDING OFFICER. The Senator from Virginia.

A TRIBUTE TO SAM NUNN

Mr. WARNER. Mr. President, I was privileged to shake the hand of SAM NUNN just now, the distinguished, esteemed Senator from Georgia, as he departed the Chamber. He said to me, ''This will be our last handshake on the floor of the U.S. Senate.''

That was, indeed, a very moving split second for me, because we have, through the 18 years that I have been a member of the Armed Services Committee, shaken hands many times on this floor—and on occasion shaken a few fists at one another. But the period that I remember the best is when he was chairman of the committee, having succeeded a long line of very distinguished individuals: John Stennis, ''Scoop'' Jackson, John Tower, Barry Goldwater—all Senators. But my most memorable period is when I was privileged to serve as the ranking memberof

the Armed Services Committee some 6 years. I served with the chairman, who was Senator NUNN, and we took, in each of those years, to this floor legislation of our committee, the authorization bills, and debated them with our colleagues, sometimes long into the night.

We don't seem to have the night sessions as we did in the old days, but I can remember leaving the Chamber with some of those bills and the Sun was coming up—12, 14, 16 hours of continuous debate as 1 day's activities on usually a 3- or 4-day consideration of our bill.

So I will miss him a great deal. He is a very dear friend.

I think back on how he was elected to the Senate in 1972 and served on the Armed Services Committee for 24 years. He served as chairman of the Manpower and Personnel Subcommittee in the seventies. I remember serving briefly with him on that subcommittee. He was chairman of the committee, of course, after becoming ranking minority member. It is a distinguished career.

He was chairman of the full committee from 1986 to 1993 and now, in the last years of his career, again is the ranking member. I point that out because he was always, to the maximum extent possible by any Member of the U.S. Senate, bipartisan in his approach to the responsibilities of our committee and those issues that related to national security and foreign affairs.

He followed in the tradition of two great Georgia Members of the U.S. Congress, his uncle, Congressman Carl Vinson, chairman of the House Armed Services Committee. I have a picture, which I treasure greatly, from when I was Secretary of the Navy. I recommended to the President of the United States, at that time Richard Nixon, that the tradition in the U.S. Navy that existed from the first day of a sailing ship should be broken and that the Navy should name a ship for a living individual.

The Secretary of Defense, Mel Laird, at that time, consulted with me. I took the decision to Mr. Laird. He said, ''Let's give it a try.''

Mr. Laird had been in the U.S. Navy in World War II. We went to see the President. The President had been in the Navy. He was an officer during World War II. Three sailors sat down and decided we would name a supercarrier the ''Carl Vinson,'' on the occasion of his 50th year in the Congress of the United States and concluding many of those years as chairman of the House Armed Services Committee.

I mention that because we had a model of the ship built and the President of the United States, myself and Secretary Laird presented that model to Carl Vinson. SAM NUNN is in the picture. It is a remarkable picture, because Senator NUNN's sideburns were down almost below his jaw. I will never forget that. It hangs in his office.

Another distinguished Member of Congress, of course, was Richard Russell, who was chairman of the Senate Armed Services Committee for 16 years. I will have further to say about that Senator as I close my remarks.

Senator NUNN quickly established himself as one of the leading experts in the Congress and, indeed, all of the United States on national security and foreign policy. He gained a reputation in our country and, indeed, worldwide as a global thinker, and that is where I think he will make his greatest contribution in the years to come, wherever he may be, in terms of being a global thinker.

His approach to national security issues has been guided by one fundamental criteria: What SAM NUNN believes is in the best interest of the United States of America.

As a junior Senator in 1978, he ultimately voted in favor of the Panama Canal Treaty because he thought—Mr. President, he thought—it was in the long-term national security interest of our Nation, even though he knew it was not a popular position, particularly in the South and most particularly in Georgia. He supported the policies of Presidents of both parties when he thought they were right, and he raised questions about the policies of the Presidents of both parties when he thought questions needed to be raised.

But, again, as we look back in the history of Congress and its constitutional role in foreign policy—and how many debates have I been in and Senator NUNN and others, for example, on the War Powers Act, on consultation? Just today in the Senate Armed Services Committee, and I think quite properly, questions were raised about the level of consultation between the President, President Clinton, and the Congress. But SAM NUNN, to me, applied what is known as the ''Vandenberg rule,'' a very distinguished former Member of the U.S. Senate, recognized for his strength in foreign policy, who, to paraphrase his saying, always believed that partisanship politics should be checked at the water's edge, and that has been a guiding light for Senator NUNN.

SAM NUNN always worked, as I say, in a bipartisan fashion, almost invariably. His numerous initiatives and legislative accomplishments invariably have Republican and Democratic cosponsors. Senator NUNN is fond of saying that he has yet to see a problem or a challenge facing this country that can be solved by only one political party. How true that is in national security and foreign policy.

I started to go over his accomplishments and just selected a few, because I was involved. He was a tremendous supporter of the welfare of our men and women in uniform and their families. He helped restore quality of force, the total arms force, following the serious problems that we had in the aftermath of Vietnam; indeed, during Vietnam. He coauthored the Nunn-Warner benefits package of 1980, perhaps the first single piece of legislation for which I have received, I think unjustifiably, but nevertheless some modest recognition.

He was a leader in establishing a program of transition benefits in the nineties to military and civilian employees of DOD who lost their jobs as a result of the downsizing of the defense infrastructure of the military services.

NATO was a very, very favorite subject. I traveled with him on many occasions to NATO, as I did through the capitals of the world, and sat with him when he, on a one-on-one equal basis shared views with heads of state, heads of government, world leaders in Europe, in Asia, and the Middle East.

He was a strong supporter of maintaining NATO as an active and energetic alliance. He wrote three reports to the Senate on the health of the NATO alliance. He is very highly regarded by political and military leaders throughout the NATO community.

If there were one subject to concern him the most—and, indeed, it does me and, I am sure, almost every Member of this body—it is the proliferation of the knowledge of how to construct weapons of mass destruction, proliferation of that knowledge and, indeed, the proliferation of the arming of the weapons themselves.

Senator NUNN, together with Senator LUGAR of Indiana, created the Cooperative Threat Reduction Program to help countries of the former Soviet Union dismantle their weapons of mass destruction and the facilities to produce such weapons.

He also offered legislation to improve our domestic capability in counterterrorist use of weapons of mass destruction. I joined him. I happened to be the manager of the defense bill at the time that amendment was raised by Senators NUNN, LUGAR, and DOMENICI.

And I joined as a cosponsor in authorizing the Department of Defense and other Government agencies of the Federal Government to share with local law enforcement some of the basic knowledge of how to deal with the situation, should they be confronted with the threat of the use of, say, a crude weapon, chemical or biological weapon of mass destruction in any of our 50 States. I urge the communities to avail themselves of that authorization in our most recent 1997 bill.

We had our differences. We have fought toe to toe on this floor when I, together with Senator Dole and others, passed the gulf resolution, that resolution to authorize President Bush to utilize the men and women of the United States, a half a million of whom were in positions ready, together with perhaps the most magnificent allied coalition ever formed in the history of the world, to repel the invasion of Saddam Hussein.

But it was necessary in the President's mind to have the support of the Congress of the United States. And that is a chapter in history that should be studied carefully by all Presidents,

because when the men and women of the Armed Forces go forward beyond our shores, in harm's way, we want the total support of both the Presidency and the Congress and, to the extent possible, the people of the United States behind those troops, particularly when the risk of personal injury is very high.

We had our differences. We fought that battle. It was about a 5-vote difference in the outcome. But from the very moment of the decision of the United States to support the resolution, which I was privileged to draft under the direction of the then-leader, Senate Dole, from the very first minute of the vote by the Senate of the United States, Senator NUNN backed President Bush in his decision to use force and to turn around the situation that was tragic in the eyes of the world.

We had our differences on the interpretation of the ABM, the SALT, the START treaties, but always, once again, bipartisanship was foremost.

A moment ago Senator NUNN spoke about the staff of the Senate. One of his hallmarks was his ability to attract the finest people for professional staff, in the years particularly when he was chairman and ranking member of the Senate Armed Services Committee, and in the Governmental Operations Committee. And I think that is the hallmark of a great Senator, the ability to attract quality staff, to spend long hours of dedicated service to their Nation and to their Senate.

Mr. President, Senator NUNN always had a profound preference, as he should, for Senator Russell. He used to say from time to time that he only temporarily was the holder of the Senate seat from Georgia which was once held by Richard Russell. And I thought I would conclude my remarks by reading the remarks of our distinguished colleague, the Senator from West Virginia, Senator BYRD, at the unveiling of the statue in the Russell rotunda of Senator Richard Russell of Georgia. I ask unanimous consent to have the entire remarks printed in the RECORD.

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

RICHARD B. RUSSELL, Jr. (D–GA, 1933–1971)

At the unveiling of the statue of Russell in the rotunda of the Russell Senate Office Building on January 24, 1996, Senator Byrd said of Russell:

''He was *the* senator, the uncrowned king of the southern block, and he was as truly a Senate man as was Henry Clay or Daniel Webster or John C. Calhoun or Thomas Benton or any of the other giants who had preceded him.

''Senator Russell's philosophy of government was rooted in constitutionalism. . . . He was always regarded as one of the most fair and conscientious members of this body.

''Through it all he served his nation well. Richard Russell followed his own star. He did not pander. His confidant was his conscience. He was always the good and faithful servant of the people. He was good for the Senate, and he loved it dearly. I can say without any hesitation that he was a remarkable senator, a remarkable American, a remarkable man who enjoyed the respect and the affecting of all who served with him.''

Mr. WARNER. But I shall read this one paragraph.

Through it all he served his nation well. Richard Russell followed his own star. He did not pander. His confidant was his conscience. He was always the good and faithful servant of the people. He was good for the Senate, and he loved it dearly. I can say without any hesitation that he was a remarkable Senator, a remarkable American, a remarkable man who enjoyed the respect and the affection of all who served with him.

I think, Mr. President, certainly this Senator, and I feel most, can say that Senator BYRD's remarks capturing the magnificence of Richard Russell—SAM NUNN can return to Georgia with a clear conscience that he did his best to fulfill the reputation of Richard Russell of Georgia. I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

TRIBUTE TO RETIRING SENATORS

Mr. LAUTENBERG. Mr. President, I too join our many colleagues in wanting to say goodbye, good luck, and thank you to our colleagues. All of them are leaving this body. And as they leave they leave a mark of great distinction, each and every one of them.

I cannot help, Mr. President, as I review the names of those who are retiring—we have heard several comments from many colleagues about the names, and they are all familiar—but I cannot help but note that when you talk about people like Senator PELL, Senator HATFIELD, Senator NUNN, Senator KASSEBAUM, Senator JOHNSTON, Senator SIMPSON, Senator BRADLEY, Senator COHEN, Senator EXON, Senator HEFLIN, Senator PRYOR, Senator SIMON, Senator BROWN, this is a really distinguished group of people, Mr. President.

And when I think of what each of them brings to our deliberations, to the body, to the Senate, they have enriched us substantially, each one of them, some with longer lists of legislation than others, but each one with a unique character, and a list of people of principle, of integrity, of honesty. And one of the things I think that each of us has to consider is who is going to follow, who is going to follow over these next few years as we approach the 21st century. Is there going to be a sense of what this institution is about? Are they going to have respect?

Mr. President, as I said, the question as to those who follow, will they have the respect, the reverence, not only for this institution, but for the way we operate as a Government, with the respect that I think has been denied of more recent years by many, who choose to use this place often as a battleground, as opposed to a people's forum, trying to, in many cases, get the edge, get the leg up, get the publicity, get the press?

I do not want to be too nostalgic here. These are wonderful people who, with the help of good health, will go on to do many other things. It strikes me, at a particular time when things seem to be so unruly in our society, so much hostility, so much anger, so much confusion that we take the best of us in this group and say so long to them with not only respect and reverence for them but with some misgivings, some apprehension as to the ordinary citizens of our society who are not serving in this body as they greet the newcomers. There will be many of them—I do not know how it ranks in the numbers that have come in a single class.

Mr. President, I say goodbye to each of those individuals. I want to make particular note of the retirement of my colleague, Senator BILL BRADLEY, with whom I have worked very closely over these years, with whom I have shared prospects for what we can do for New Jersey, for the country, unity of opinion, and sometimes a different approach to how we got to these goals, Mr. President, but nevertheless someone whose friendship I treasure and whose presence will be missed here, in particular by me, because of our close association.

In particular, as I mentioned BILL BRADLEY, Senator MARK HATFIELD and others, who have served this body so well. I will miss them all and I know we will be a different place.

This body is far bigger than the total sum of the individuals who serve it, and we will continue on, God willing, with strength and with purpose and with comity and collegiality. That is my wish.

TRIBUTE TO SENATOR MARK HATFIELD

Mr. President, I rise to say goodbye, once again, to my colleague, MARK HATFIELD, who is retiring after serving the people of Oregon, and the United States, for 30 years as a member of this body.

Recently, I have been contemplating MARK' absence from the Appropriations Committee. Whether as chairman or ranking member, his leadership will be missed. And as I reviewed our contacts over the years, I wanted to acknowledge that, even given our different party affiliations, our relationship has been one of the most satisfying associations I've ever had in my life. This man has special qualities that endeared him to many, including this Senator.

Despite the constant fray, MARK was always true to his beliefs and was able to maintain and express his convictions, without confrontation or belligerence. His value system set standards in the Senate for all to admire, and perhaps emulate. Undoubtedly, his legacy of good will, honesty and integrity benefited all who served with him.

In the area of public service, Senator HATFIELD's career has been distinguished by an uncompromising commitment to improve the human condition and to address what he has so eloquently called ''the desperate human needs in our midst.'' Among the many

issues on which we fought together, was the work we did to ensure that hundreds of thousands of refugees from Southeast Asia would not face persecution and that refugees, worldwide, are given a fair hearing by the American Government. Under his leadership, we also worked together to end U.S. nuclear testing and to reduce defense spending. Although MARK HATFIELD has sometimes stood alone in his humanitarian and courageous efforts, he never shied away from acting according to his conscience. So it is no wonder that all of his Senate colleagues have the deepest and most sincere respect for him.

As chairman of the Senate Appropriations Committee, MARK has been an inspiration. He was consistently a voice of reason. He tried to avoid partisanship and worked tirelessly to unite, not divide. His concern was always policy, not politics. As Chairman of the Transportation Subcommittee, Senator HATFIELD has demonstrated that he views investment in our infrastructure as an investment in our future.

Because he chose to spend 30 years in the public arena, we are all better off. Whether addressing health care, energy, environment, transportation policy, nuclear testing, or refugee issues, Senator HATFIELD's convictions and commitment have elevated the debate in this chamber. He has always been passionate; he has always been thoughtful; he has always been fair.

I know I speak for all my colleagues when I say that MARK HATFIELD's compassion and convictions will be sorely missed by all of us in this Chamber. It has been a pleasure to serve with him and to enjoy the warmth of his friendship; I wish him my very best as he goes on to new challenges and continues to contribute to his State and his country.

TRIBUTE TO SENATOR ALAN SIMPSON

Mr. President, I rise today to pay tribute to Senator ALAN SIMPSON of Wyoming, who is retiring from the U.S. Senate.

Mr. President, I know that many of my colleagues on both sides of the aisle, and across the political spectrum, will miss ALAN SIMPSON in the years to come. You do not have to agree with ALAN on every issue to appreciate his warmth, his great sense of humor, and his outstanding abilities as a legislator. Perhaps ALAN's greatest talent is being able to tenaciously fight for an issue, but in a manner that leaves even his opponents with smiles on their faces.

Mr. President, I also think of ALAN SIMPSON as someone who is willing to stand up for what he believes, even when his closest colleagues may disagree with him. I have special respect for his steadfast support for a woman's right to choose, a position that put him at odds with many in his party. ALAN's belief that families, not politicians, should make basic moral decisions like abortion is consistent with his principles, and he deserves our credit and our respect for his willingness to defend those principles, no matter what the cost. Undeniably, ALAN is a man of courage.

Mr. President, ALAN SIMPSON and I have disagreed on many issues. But I have tremendous respect for the Senator and a real affection for the man. Whatever our differences on policy, I consider him a great friend. And I hope that he and Ann and I will find the occasion to share some time together whenever and wherever we can do that.

Senator SIMPSON has made a real contribution to this great institution. I wish him the very best as he leaves the Senate, and I hope we will continue to hear his views, and benefit from his quick mind and unique wit, in the years ahead.

TRIBUTE TO SENATOR HOWELL HEFLIN

Mr. President, I rise today to honor a truly great U.S. Senator, HOWELL HEFLIN, on his retirement from this body. The Senator was a tireless champion for the people and interests of Alabama. And as a lawyer, judge, and a U.S. Senator, HOWELL has been a consistent and constant supporter of racial justice and civil rights for all.

One of the most moving movements in the Senate was when Senator HEFLIN spoke about Senator MOSELEY-BRAUN's attempt to deny the United Daughters of the Confederacy a renewal of the patent for their organization's official design. Senator HEFLIN rose and said, ''I have many connections through my family to the Daughters of the Confederacy * * * but the Senator from Illinois is a descendant of those that suffered the ills of slavery.'' Senator HEFLIN voted with Senator MOSELEY-BRAUN.

Mr. President, although we did not agree on every issue, I always respected Senator HEFLIN's intelligence, integrity, and independence. It is very unfortunate that the Halls of the Senate will no longer resonate with his voice of moderation and reason.

Mr. President, as Senator HEFLIN leaves the Senate, I want to wish him and his family all the best.

TRIBUTE TO SENATOR CLAIBORNE PELL

Mr. President, I rise to pay tribute to a true giant of the U.S. Senate, the senior Senator from Rhode Island, CLAIBORNE PELL. He has served our Nation and his State with great distinction for 36 years in this body.

Mr. President, Senator PELL has so many Senate accomplishments that I do not have time to recount them all. However, I do want to highlight his work in three areas: Foreign relations, education, and transportation.

In foreign affairs, he has worked for peace since the end of World War II. He actually helped establish the modern United Nations. He served as a Foreign Service officer, and later as chairman and ranking member of the Foreign Relations Committee. In all of these positions, he tirelessly worked to expand democracy throughout the world and to promote peaceful resolutions to conflict.

Mr. President, whenever you hear the word education in the Senate, the first person you think of is CLAIBORNE PELL. He was a key architect of the 1965 Education Act that provided the first Federal funding for elementary and secondary education. He was also instrumental in creating the National Endowment for the Arts and the National Endowment for the Humanities. Finally, he wrote the student aid program that bears his name: Pell Grants. These grants give low income students the opportunity to attend college and the chance to attain the American dream.

Mr. President, Senator PELL and I worked most closely on transportation issues. And it is no exaggeration to say that CLAIBORNE PELL is a visionary in the transportation field. Many years ago, he wrote a book, ''Megalopolis Unbound'', which advocated high speed ground transportation to deal with future urban congestion. Senator PELL and I worked to make his vision a reality by fighting to ensure quality rail service in the Northeast corridor and through the construction of the new Providence AMTRAK station.

Mr. President, the Senate is losing an extraordinary Senator and statesman. Although he leaves a great void in the Senate, I want to wish my friend CLAIBORNE PELL and his family health and happiness for many years.

TRIBUTE TO SENATOR BENNETT JOHNSTON

Mr. President, I rise today to honor BENNETT JOHNSTON, the senior Senator from Louisiana, as he prepares to leave this body after 24 years of distinguished service. It has been a privilege to serve with BENNETT.

I worked with Senator JOHNSTON on the Budget and Appropriations Committees, and I was impressed with the way he handled the tough issues. He is a skillful negotiator, always willing to try to find a compromise to end legislative gridlock. For JOHNSTON, the important thing was policy, not politics.

Although we will all miss Senator JOHNSTON, he will be especially missed by the people of the Pelican State. He actively championed Louisiana's interests, particularly in the areas of education and infrastructure.

At the national level, Senator JOHNSTON understood the dangers of depending on foreign oil. And he consistently argued for the formulation of a comprehensive, national energy policy.

Mr. President, it is true that the Senator from Louisiana and I did not agree on every issue that came before the Senate. But I learned quickly that he was a very skilled legislator, who was always willing to defend his convictions.

Mr. President, the citizens of Louisiana will certainly miss BENNETT JOHNSTON's commitment and concern, and I will miss the integrity and intelligence he brought to the Senate. I wish him well in his future endeavors.

TRIBUTE TO SENATOR SAM NUNN

Mr. President, I rise today to pay tribute to one of the most dedicated

Members of the United States Senate, SAM NUNN, on his retirement.

Few members have worked so doggedly to protect the defense and security of our country as Senator NUNN. When he came to the Senate in 1972, Sam brought a commitment to make this Nation more secure by strengthening America's defenses, by reducing the threat of nuclear war, by eliminating wasteful Pentagon spending and by fostering pride in America.

While his accomplishments are numerous, I view his leadership in the effort to support the dismantling of nuclear weapons in the former Soviet Union as one of his most important and far reaching contributions. Without exaggeration, this initiative significantly reduced the risk of accidental nuclear war. For this alone, all Americans owe him a debt of gratitude.

Through his dedication to our men and women in uniform, Senator NUNN proved that there is more than one way to defend your country. And by securing the enactment of National Service legislation, which offers generous education benefits in exchange for public service, Senator NUNN is helping to instill in our young people the importance of public service and as well as a respect for American values.

Mr. President, I have tremendous respect for Senator NUNN's work on behalf of the people of Georgia and the United States. Though we have not always shared the same view on defense policy, I have always admired his careful analysis, deliberation and evaluation.

His 24 years of public service in the Senate will undoubtedly leave a lasting imprint on the national security and defense policy of our Nation. I know that I join with all of his Senate colleagues in saying that Senator NUNN's presence will be sorely missed. I extend my best wishes as SAM leaves the Senate and begins the next phase of his career.

TRIBUTE TO SENATOR BILL COHEN

Mr. President, I rise today to honor a distinguished Member of this body, Senator BILL COHEN, who will be leaving the Senate at the end of the 104th Congress.

Mr. President, the Senate is losing one of its most respected and dedicated members. BILL COHEN is the kind of person that Americans want, and America needs, in Government. He is someone with unquestioned integrity, who has always done what he believes to be right, even if his own party disagrees with him.

BILL COHEN first came to national attention at one of our Nation's darkest hours, during the Watergate scandal. As a member of the House Judiciary Committee, he was one of the first Republicans to break ranks with President Nixon, and he led a group of moderate Members who supported a resolution of impeachment. It was the right thing to do. And it was typical of the kind of independent thinking that has marked BILL COHEN's career ever since.

From his days on the Watergate Committee, BILL COHEN has worked hard to promote ethics in Government, and he has made an enormous contribution in this area. He has helped strengthen the Office of Government Ethics, and he worked to enact legislation that substantially increased reporting requirements for lobbyists. Senator COHEN also joined me in the successful effort to ban most gifts to Members of Congress.

Mr. President, BILL COHEN is one of the most thoughtful Members of this body, someone who thoroughly studies an issue before announcing a position. Consequently, when BILL COHEN comes to this floor, people listen. They admire his judgment, his fairness, his integrity, and so do I. I have not agreed with BILL COHEN on every issue, but I have always respected his scholarship, his leadership, his statesmanship.

It has been a privilege to serve with BILL COHEN in the Senate, and it is unfortunate that people of his stature have decided to leave this body. But I want to wish BILL all the best as he leaves this body for new challenges. He has served his country with distinction, we will all miss him very much.

TRIBUTE FOR SENATOR PAUL SIMON

Mr. LAUTENBERG. Mr. President, I rise to pay tribute to my colleague and friend, PAUL SIMON. When I think of PAUL's extraordinary career in the Senate, I'm reminded of a remark by Toni Morrison, ''As you enter positions of trust and power, dream a little before you think.'' Although PAUL's intellectual abilities are well known, he even holds 39 honorary degrees, he is also a great dreamer. For he has dreamed of a country where no child has to live in poverty, where no young person is denied an education because of financial reasons and where no senior citizen is bankrupted by a medical emergency.

And PAUL has tirelessly fought to make those dreams reality. It is not surprising that in 1983, during his 10 years in the House, Time magazine noted that SIMON passed more legislation that year than other Members of the House of Representatives.

In the Senate, PAUL has been particularly concerned with affording every American the opportunity of an affordable education. Among his accomplishments in this area, he recently enacted major education and job training legislation which includes the National Literacy Act, the School-to-Work Opportunities Act and the Job Training Partnership Act Amendments. He was also the leading champion of the new direct college loan program, enacted in 1991 as a pilot program and expanded in 1993 as a replacement for the guaranteed student loan program.

Mr. President, PAUL and I have personally fought many battles together. And although I could speak about his support on any number of issues, I want to especially recall his constant and consistent efforts on the issue of gun control. I knew that I could always count on Senator SIMON's support in the continuing struggle to take guns off our streets.

When I think of PAUL's retirement from the Senate, I remember the words of Thomas Jefferson. When Jefferson presented his credentials as U.S. Minister to France, the French Premier remarked, ''I see that you have come to replace Benjamin Franklin. Jefferson corrected him; saying, ''No one can replace Dr. Franklin, I am only succeeding him.''

In much the same way, Paul SIMON is also irreplaceable. As he begins the next phase of his career, I wish my friend continued success and best wishes.

TRIBUTE FOR SENATOR DAVID PRYOR

Mr. President, I rise to offer my best wishes to Senator PRYOR on his retirement from the Senate. All of his colleagues will miss DAVID's candor and commitment, but his presence in Washington will be especially missed by the people of Arkansas and by our Nation's senior citizens.

Senator PRYOR's motto has always been ''Arkansas Comes First.'' And as he's noted, it's more than a slogan—it's a way of life. Throughout his career, he's been a fighter for Arkansas' interests and for her people. As a member of the Agricultural Committee, DAVID's leadership led to the development of innovative programs and legislation to aid Arkansas' farmers and to protect her resources.

Senator PRYOR is also considered one of Washington's leading advocates for older Americans. Starting in 1989, he served for 6 years as chairman of the Senate Special Committee on Aging. He is nationally recognized for his work to help save the Social Security system, to reform the nursing home industry and to lower the price of prescription drugs. He also endeavored to ensure that Government institutions preserve the essential dignity of our country's elderly.

Mr. President, as a member of the Finance Committee, Senator PRYOR also wrote the Taxpayer Bill of Rights, the first piece of legislation in over 40 years which guaranteed certain rights to individuals when dealing with the Internal Revenue Service.

If I had to sum up DAVID PRYOR's Senate career, including the 6 years he held the number three leadership post, in a single word, that word would be service. And that reminds me of a remark by the great humanitarian, Albert Schweitzer. He noted, ''The only ones among you who will be truly happy are those who have sought out, and found how to serve.'' If that's true, than DAVID PRYOR is definitely the happiest of men.

As he leaves the Senate, I wish my colleague well as he begins the next stage of his career, and his life.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting one nomination which was referred to the Committee on Commerce, Science, and Transportation.

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

REPORTS ON MOTOR VEHICLE SAFETY AND HIGHWAY SAFETY FOR CALENDAR YEAR 1995—MESSAGE FROM THE PRESIDENT—PM–176

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

I transmit herewith the 1995 calendar year reports as prepared by the Department of Transportation on activities under the Highway Safety Act, the National Traffic and Motor Vehicle Safety Act of 1966, and the Motor Vehicle Information and Cost Savings Act of 1972, as amended.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 3, 1996.*

MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

S. 94. A bill to amend the Congressional Budget Act of 1974 to prohibit the consideration of retroactive tax increases.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry:

Ann Jorgensen, of Iowa, to be a Member of the Farm Credit Administration Board, Farm Credit Administration, for a term expiring May 21, 2002.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 2190. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to require the Internal Revenue Service to collect child support through wage withholding and to eliminate State enforcement of child support obligations other than medical support obligations; to the Committee on Finance.

By Mr. SIMPSON (for himself and Mr. KYL):

S. 2191. A bill to amend the Immigration and Nationality Act, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, to modify provisions of law relating to public assistance and benefits for aliens; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. 2192. A bill to authorize the Secretary of the Army to award the Ranger Tab to veterans of certain service in the Republic of Vietnam during the Vietnam era; to the Committee on Armed Services.

By Mr. LUGAR:

S. 2193. A bill to establish a program for the disposition of donated private sector and United States Government nonlethal personal property needed by eligible foreign countries; to the Committee on Foreign Relations.

By Mr. CRAIG:

S. 2194. A bill to provide the public with access to quality outfitter and guide services on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself, Mr. DODD, and Mr. SIMON):

S. 2195. A bill to provide for the regulation of human tissue for transplantation to ensure that such tissue is handled in a manner to preserve its safety and purity, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LAUTENBERG (for himself, Mr. LEVIN, Mr. BRADLEY, and Mr. DEWINE):

S. 2196. A bill to require the Secretary to mint coins in commemoration of the sesquicentennial of the birth of Thomas Alva Edison, to redesign the half dollar circulating coin for 1997 to commemorate Thomas Edison, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FAIRCLOTH (for himself and Ms. MOSELEY-BRAUN):

S. 2197. A bill to extend the authorized period of stay within the United States for certain nurses; considered and passed.

By Mr. STEVENS (for himself and Mr. MOYNIHAN):

S. 2198. A bill to provide for the Advisory Commission on Intergovernmental Relations to continue in existence, and for other purposes; considered and passed.

By Mr. LEAHY (for himself, Mr. MCCONNELL, and Mr. HEFLIN):

S. 2199. A bill to provide funding for the nutrition, education, and training program authorized under the Child Nutrition Act of 1966, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCAIN (for himself, Mr. ABRAHAM, Mr. BAUCUS, Mr. BENNETT, Mr. BINGAMAN, Mrs. BOXER, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. CAMPBELL, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. CRAIG, Mr. D'AMATO, Mr. DASCHLE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. EXON, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HATCH, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. PELL, Mr. PRESSLER, Mr. REID, Mr. ROCKEFELLER, Mr. SIMON, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE):

S. Res. 311. A resolution designating the month of November 1996 as ''National American Indian Heritage Month''; to the Committee on the Judiciary.

By Mr. LOTT (for himself, Mr. ROTH, and Mr. DASCHLE):

S. Res. 312. A resolution saluting the service of John L. Doney; considered and agreed to.

By Mr. LOTT:

S. Res. 313. A resolution relating to the retirement of Jeanie Bowles, Superintendent of Documents, United States Senate; considered and agreed to.

By Mr. LOTT:

S. Res. 314. A resolution authorizing the President of the Senate, the President of the Senate pro tempore, and the Majority and Minority Leaders to make certain appointments after the sine die adjournment of the present session; considered and agreed to.

By Mr. LOTT:

S. Res. 315. A resolution appointing a committee to notify the President concerning the proposed adjournment of the session; considered and agreed to.

By Mr. LOTT:

S. Res. 316. A resolution tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate; considered and agreed to.

By Mr. LOTT:

S. Res. 317. A resolution tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate.

By Mr. LOTT:

S. Res. 318. A resolution to commend the exemplary leadership of the Democratic Leader; considered and agreed to.

By Mr. DASCHLE:

S. Res. 319. A resolution to commend the exemplary leadership of the Majority Leader; considered and agreed to.

By Mr. LOTT (for Mr. HATFIELD):

S. Res. 320. A resolution authorizing the printing of a Senate document; considered and agreed to.

By Mr. BYRD:

S. Res. 321. A resolution authorizing the acceptance of pro bono legal services by a Member of the Senate challenging the validity of a Federal Statute in a civil action pursuant to a statute expressly authorizing Members of Congress to bring such a civil action; considered and agreed to.

By Mr. THURMOND:

S. Res. 322. A resolution to commend the exemplary leadership of the Democratic Leader; considered and agreed to.

By Mr. THURMOND:

S. Res. 323. A resolution to commend the exemplary leadership of the Majority Leader; considered and agreed to.

By Mr. LOTT:

S. Res. 324. A resolution to provide funding for the Office of Senate Fair Employment Practices to carry out certain transition responsibilities; considered and agreed to.

By Mr. BROWN:

S. Con. Res. 74. A concurrent resolution to provide for a change in the enrollment of H.R. 3539.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 2190. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to require the Internal Revenue Service to collect child support through wage withholding and to eliminate State enforcment of child support obligations other than medical support obligations; to the Committee on Finance.

THE UNIFORM CHILD SUPPORT ENFORCEMENT ACT OF 1996

Mr. KERRY. Mr. President, I am introducing legislation today to help ensure that children across this country get the economic support they need and deserve from both parents in order to have a wholesome childhood, grow up healthy, and thrive.

Mr. President, child support reform is an urgent public issue because it affects so many children. In 1994, one out of every four children lived in a family with only one parent present in the home. Half of all the 18.7 million children living in single-parent families in 1994 were poor, compared with only slightly more than one out of every 10 children in two-parent families. Clearly the payment of child support by the absent parent is an important determinant of the economic status of these children.

Unfortunately, the failure to pay child support is extraordinarily widespread, cutting across income and racial lines. Of the 10 million women raising children with an absent parent, over 4 million had no support awarded. Of those 5.4 million women who were due support, slightly over half received the full amount due, while a quarter received partial payment, and a quarter received nothing at all. Let me repeat that, Mr. President—more than half of the women with child support orders received no support or less than the full amount.

Mr. President, common sense will tell you that children are hurt when parents do not pay support. But perhaps some evidence will make the point even clearer. A recent survey of single parents in Georgia, Oregon, Ohio, and New York documents the real harm children suffer when child support is not paid: During the first year after the parent left the home, more than half the families surveyed faced a serious housing crisis. Nearly a third reported that their children went hungry at some point during the year. And over a third reported that their children lacked appropriate clothing such as a winter coat.

Mr. President, it is also clear that better child support enforcement can produce a lot more money for children. A 1994 study by the Urban Institute estimates that if child support orders were established for all children with a living noncustodial father and these orders were fully enforced, aggregate child support payments would have been $47.6 billion dollars in 1990—nearly three times the amount of child support actually paid in this country.

Unfortunately, this country has made all too little progress in tackling the child support problem, and this has been true under both Democratic and Republican administrations. For all women over the past decade, the average child support payment due, the average amount received, as well as the percentage of women with awards, have remained virtually unchanged—adjusting for inflation. Similarly, the State child support enforcement system that serves welfare families and nonwelfare families who ask for help has made progress in paternity establishment, but little progress overall. Over 500,000 children had their paternity established by State agencies in fiscal year 1994—a 50 percent increase over the last 5 years. But fewer than one out of every five cases served by State agencies had any child support paid in fiscal year 1994—a figure that has risen only slightly since fiscal year 1990. Mr. President, it is an intolerable situation for our Nation's children when State child support agencies are making absolutely no collection in 80 percent of their cases.

My bill will help make sure that we achieve real progress for children. During this session, Congress passed some important improvements in the child support system in the welfare bill that recently became law. My bill would give States a chance to implement these new changes and then assess their success or failure. If these reforms succeed in dramatically improving the performance of State child support offices, then this bill would not tinker with success. If, however, we do not see dramatic improvement in collections within the next 3 years, this bill would ensure that we take bold steps to help children. This bill would leave establishment of paternity and child support orders at the State level but move collection of support to the national level where we can more aggressively pursue interstate cases and send a message to all parents obligated to pay support that making full and timely support payments is an obligation as serious as making full and timely payment of taxes. If more than half the States do not achieve a 75-percent collection rate in their child support cases, then the system of collection would be federalized to ensure that children get the support they need and deserve.

Mr. President, it has been 12 years since this Congress passed the first major child support legislation. However, despite this legislative effort and additional reforms in 1988, according to a recent study there is a higher default rate on child support payments than on used car loans. I do not believe a single Member of this body will argue with me that this is wrong. If, under the newly revised Federal law, States can rectify this situation, we can all take pleasure and satisfaction from watching them do it. If they cannot, we must no longer stand idly by wringing our hands. I urge my colleagues to support this bill so that America's children of every income level will be assured of the support they need and deserve.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 2190

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Uniform Child Support Enforcement Act of 1996''.

SEC. 2. EFFECTIVE DATE; AMENDMENTS.

(a) IN GENERAL.—This Act and the amendments made by this Act shall take effect on the 1st day of the 1st calendar month that begins after the 3-year period that begins with the date of the enactment of this Act, if the Secretary of Health and Human Services certifies to the Congress that on such 1st day more than 50 percent of the States have not achieved a 75 percent collection rate in child support cases in which child support is awarded and due under the jurisdiction of such States pursuant to part D of title IV of the Social Security Act.

(b) ELIMINATION OF PROVISIONS OF LAW RELATING TO STATE ENFORCEMENT OF CHILD SUPPORT OBLIGATIONS OTHER THAN MEDICAL SUPPORT OBLIGATIONS.—Not later than 90 days after the effective date of this Act and the amendments made by this Act, the Secretary of Health and Human Services shall submit to the appropriate committees of the Congress a legislative proposal proposing such technical and conforming amendments as are necessary to eliminate State enforcement of child support obligations other than medical support obligations and to bring the law into conformity with the policy embodied in this Act.

SEC. 3. NATIONAL CHILD SUPPORT ORDER REGISTRY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of the Treasury shall establish in the Internal Revenue Service a national registry of abstracts of child support orders.

(2) CHILD SUPPORT ORDER DEFINED.—As used in this section, the term ''child support order'' means an order, issued or modified by a State court or an administrative process established under State law, that requires an individual to make payments for support and maintenance of a child or of a child and the parent with whom the child is living.

(b) CONTENTS OF ABSTRACTS.—The abstract of a child support order shall contain the following information:

(1) The names, addresses, and social security account numbers of each individual with rights or obligations under the order, to the extent that the authority that issued the order has not prohibited the release of such information.

(2) The name and date of birth of any child with respect to whom payments are to be made under the order.

(3) The dollar amount of child support required to be paid on a monthly basis under the order.

(4) The date the order was issued or most recently modified, and each date the order is required or scheduled to be reviewed by a court or an administrative process established under State law.

(5) Any orders superseded by the order.

(6) Such other information as the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, shall, by regulation require.

SEC. 4. CERTAIN STATUTORILY PRESCRIBED PROCEDURES REQUIRED AS A CONDITION OF RECEIVING FEDERAL CHILD SUPPORT FUNDS.

Section 466(a) of the Social Security Act (42 U.S.C. 666(a)), as amended by section 382 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, is amended by inserting after paragraph (19) the following:

''(20)(A) Procedures which require any State court or administrative agency that issues or modifies (or has issued or modified) a child support order to transmit an abstract of the order to the Internal Revenue Service on the later of—

''(i) the date the order is issued or modified; or

''(ii) the effective date of this paragraph.

''(B) Procedures which—

''(i) require any individual with the right to collect child support pursuant to an order issued or modified in the State (whether before or after the effective date of this paragraph) to be presumed to have assigned to the Internal Revenue Service the right to collect such support, unless the individual affirmatively elects to retain such right at any time; and

''(ii) allow any individual who has made the election referred to in clause (i) to rescind or revive such election at any time.''.

SEC. 5. COLLECTION OF CHILD SUPPORT BY INTERNAL REVENUE SERVICE.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions), as amended by section 1204(a) of the Taxpayer Bill of Rights 2, is amended by adding at the end the following new section:

''SEC. 7525. COLLECTION OF CHILD SUPPORT.

''(a) EMPLOYEE TO NOTIFY EMPLOYER OF CHILD SUPPORT OBLIGATION.—

''(1) IN GENERAL.—Each employee shall specify, on each withholding certificate furnished to such employee's employer—

''(A) the monthly amount (if any) of each child support obligation of such employee, and

''(B) the TIN of the individual to whom each such obligation is owed.

''(2) WHEN CERTIFICATE FILED.—In addition to the other required times for filing a withholding certificate, a new withholding certificate shall be filed within 30 days after the date of any change in the information specified under paragraph (1).

''(3) PERIOD CERTIFICATE IN EFFECT.—Any specification under paragraph (1) shall continue in effect until another withholding certificate takes effect which specifies a change in the information specified under paragraph (1).

''(4) AUTHORITY TO SPECIFY SMALLER CHILD SUPPORT AMOUNT.—In the case of an employee who is employed by more than 1 employer for any period, such employee may specify less than the monthly amount described in paragraph (1)(A) to each such employer so long as the total of the amounts specified to all such employers is not less than such monthly amount.

''(b) CERTAIN OBLIGATIONS EXEMPT.—This section shall not apply to a child support obligation for any month if the individual to whom such obligation is owned has so notified the Secretary and the individual owing such obligation more than 30 business days before the beginning of such month.

''(c) EMPLOYER OBLIGATIONS.—

''(1) REQUIREMENT TO DEDUCT AND WITHHOLD.—

''(A) IN GENERAL.—Every employer who receives a certificate under subsection (a) that specifies that the employee has a child support obligation for any month shall deduct and withhold from the wages (as defined in section 3401(a)) paid by such employer to such employee during each month that such certificate is in effect an additional amount equal to the amount of such obligation or such other amount as may be specified by the Secretary under subsection (d).

''(B) LIMITATION ON AGGREGATE WITHHOLDING.—In no event shall an employer deduct and withhold under this section from a payment of wages an amount in excess of the amount of such payment which would be permitted to be garnished under section 303(b) of the Consumer Credit Protection Act.

''(2) NOTICE TO SECRETARY.—

''(A) IN GENERAL.—Every employer who receives a withholding certificate shall, within 30 business days after such receipt, submit a copy of such certificate to the Secretary.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to any withholding certificate if—

''(i) a previous withholding certificate is in effect with the employer, and

''(ii) the information shown on the new certificate with respect to child support is the same as the information with respect to child support shown on the certificate in effect.

''(3) WHEN WITHHOLDING OBLIGATION TAKES EFFECT.—Any withholding obligation with respect to a child support obligation of an employee shall commence with the first payment of wages after the certificate is furnished.

''(d) SECRETARY TO VERIFY AMOUNT OF CHILD SUPPORT OBLIGATION.—

''(1) VERIFICATION OF INFORMATION SPECIFIED ON WITHHOLDING CERTIFICATES.—Within 45 business days after receiving a withholding certificate of any employee, or a notice from any person claiming that an employee is delinquent in making any payment pursuant to a child support obligation, the Secretary shall determine whether the information available to the Secretary under section 3 of the Uniform Child Support Enforcement Act of 1996 indicates that such employee has a child support obligation.

''(2) EMPLOYER NOTIFIED IF INCREASED WITHHOLDING IS REQUIRED.—If the Secretary determines that an employee's child support obligation is greater than the amount (if any) shown on the withholding certificate in effect with respect to such employee, the Secretary shall, within 45 business days after such determination, notify the employer to whom such certificate was furnished of the correct amount of such obligation, and such amount shall apply in lieu of the amount (if any) specified by the employee with respect to payments of wages by the employer after the date the employer receives such notice.

''(3) DETERMINATION OF CORRECT AMOUNT.—In making the determination under paragraph (2), the Secretary shall take into account whether the employee is an employee of more than 1 employer and shall appropriately adjust the amount of the required withholding from each such employer.

''(e) CHILD SUPPORT OBLIGATIONS REQUIRED TO BE PAID WITH INCOME TAX RETURN.—

''(1) IN GENERAL.—The child support obligation of any individual for months ending with or within any taxable year shall be paid—

''(A) not later than the last date (determined without regard to extensions) prescribed for filing his return of tax imposed by chapter 1 for such taxable year, and

''(B)(i) if such return is filed not later than such date, with such return, or

''(ii) in any case not described in clause (i), in such manner as the Secretary may by regulations prescribe.

''(2) CREDIT FOR AMOUNT PREVIOUSLY PAID.—The amount required to be paid by an individual under paragraph (1) shall be reduced by the sum of—

''(A) the amount collected under this section with respect to periods during the taxable year, plus

''(B) the amount (if any) paid by such individual under section 6654 by reason of subsection (f)(3) thereof for such taxable year.

''(f) FAILURE TO PAY AMOUNT OWING.—If an individual fails to pay the full amount required to be paid under subsection (e) on or before due date for such payment, the Secretary shall assess and collect the unpaid amount in the same manner, with the same powers, and subject to the same limitations applicable to a tax imposed by subtitle C the collection of which would be jeopardized by delay.

''(g) CREDIT OR REFUND FOR WITHHELD CHILD SUPPORT IN EXCESS OF ACTUAL OBLIGATION.—There shall be allowed as a credit against the taxes imposed by subtitle A for the taxable year an amount equal to the excess (if any) of—

''(1) the aggregate of the amounts described in subparagraphs (A) and (B) of subsection (e)(2), over

''(2) the actual child support obligation of the taxpayer for such taxable year.

The credit allowed by this subsection shall be treated for purposes of this title as allowed by subpart C of part IV of subchapter A of chapter 1.

''(h) CHILD SUPPORT TREATED AS TAXES.—

''(1) IN GENERAL.—For purposes of penalties and interest related to failure to deduct and withhold taxes, amounts required to be deducted and withheld under this section shall be treated as taxes imposed by chapter 24.

''(2) OTHER RULES.—Rules similar to the rules of sections 3403, 3404, 3501, 3502, 3504, and 3505 shall apply with respect to child support obligations required to be deducted and withheld.

''(3) SPECIAL RULE FOR COLLECTIONS.—For purposes of collecting any unpaid amount which is required to be paid under this section—

''(A) paragraphs (4), (6), and (8) of section 6334(a) (relating to property exempt from levy) shall not apply, and

''(B) there shall be exempt from levy so much of the salary, wages, or other income of an individual as is being withheld therefrom in garnishment pursuant to a judgment entered by a court of competent jurisdiction for the support of his minor children.

''(i) COLLECTIONS DISPERSED TO INDIVIDUAL OWED OBLIGATION.—

''(1) IN GENERAL.—Payments received by the Secretary pursuant to this section or by reason of section 6654(f)(3) which are attributable to a child support obligation payable for any month shall be paid (to the extent such payments do not exceed the amount of such obligation for such month) to the individual to whom such obligation is owed as quickly as possible. Any penalties and interest collected with respect to such payments also shall be paid to such individual.

''(2) SHORTFALLS IN PAYMENTS MADE BY OTHER WITHHELD AMOUNTS.—If the amount payable under a child support obligation for any month exceeds the payments (referred in paragraph (1)) received with respect to such obligation for such month, such excess shall be paid from other amounts received under subtitle C or section 6654 with respect to the individual owing such obligation. The treasury of the United States shall be reimbursed for such other amounts from collections from the individual owing such obligation.

''(3) FAMILIES RECEIVING STATE ASSISTANCE.—In the case of an individual with respect to whom an assignment of child support payments to a State is in effect—

''(A) of the amounts collected which represent monthly support payments, the first $50 of any payments for a month shall be

paid to such individual and shall not be considered as income for purposes of calculating amounts of State assistance, and

''(B) all other amounts shall be paid to such State pursuant to such assignment.

''(j) TREATMENT OF ARREARAGES UNDER CHILD SUPPORT OBLIGATIONS NOT SUBJECT TO SECTION FOR PRIOR PERIOD.—If—

''(1) this section did not apply to any child support obligation by reason of subsection (b) for any prior period, and

''(2) there is a legally enforceable past-due amount under such obligation for such period,

then such past-due amount shall be treated for purposes of this section as owed (until paid) for each month that this section applies to such obligation.

''(k) DEFINITIONS AND SPECIAL RULES.—

''(1) DEFINITIONS.—For purposes of this section—

''(A) WITHHOLDING CERTIFICATE.—The term 'withholding certificate' means the withholding exemption certificate used for purposes of chapter 24.

''(B) BUSINESS DAY.—The term 'business day' means any day other than a Saturday, Sunday, or legal holiday (as defined in section 7503).

''(2) TIMELY MAILING.—Any notice under subsection (c)(2) or (d)(2) which is delivered by United States mail shall be treated as given on the date of the United States postmark stamped on the cover in which such notice is mailed.

''(l) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''

(b) WITHHELD CHILD SUPPORT TO BE SHOWN ON W–2.—Subsection (a) of section 6051 of such Code, as amended by section 310(c)(3) of the Health Insurance Portability and Accountability Act of 1996, is amended by striking ''and'' at the end of paragraph (10), by striking the period at the end of paragraph (11) and inserting '', and'', and by inserting after paragraph (11) the following new paragraph:

''(12) the total amount deducted and withheld as a child support obligation under section 7525(c).''

(c) APPLICATION OF ESTIMATED TAX.—

(1) IN GENERAL.—Subsection (f) of section 6654 of such Code (relating to failure by individual to pay estimated income tax) is amended by striking ''minus'' at the end of paragraph (2) and inserting ''plus'', by redesignating paragraph (3) as paragraph (4), and by inserting after paragraph (2) the following new paragraph:

''(3) the aggregate amount of the child support obligations of the taxpayer for months ending with or within the taxable year (other than such an obligation for any month for which section 7525 does not apply to such obligation), minus''.

(2) Paragraph (1) of section 6654(d) of such Code is amended by adding at the end the following new subparagraph:

''(D) DETERMINATION OF REQUIRED ANNUAL PAYMENT FOR TAXPAYERS REQUIRED TO PAY CHILD SUPPORT.—In the case of a taxpayer who is required under section 7525 to pay a child support obligation (as defined in section 7525) for any month ending with or within the taxable year, the required annual payment shall be the sum of—

''(i) the amount determined under subparagraph (B) without regard to subsection (f)(3), plus

''(ii) the aggregate amount described in subsection (f)(3).''

(3) CREDIT FOR WITHHELD AMOUNTS, ETC.—Subsection (g) of section 6654 of such Code is amended by adding at the end the following new paragraph:

''(3) CHILD SUPPORT OBLIGATIONS.—For purposes of applying this section, the amounts collected under section 7525 shall be deemed to be a payment of the amount described in subsection (f)(3) on the date such amounts were actually withheld or paid, as the case may be.''

(d) PENALTY FOR FALSE INFORMATION ON WITHHOLDING CERTIFICATE.—Section 7205 of such Code (relating to fraudulent withholding exemption certificate or failure to supply information) is amended by adding at the end the following new subsection:

''(c) WITHHOLDING OF CHILD SUPPORT OBLIGATIONS.—If any individual willfully makes a false statement under section 7525(a), then such individual shall, in addition to any other penalty provided by law, upon conviction thereof, be fined not more than $1,000, or imprisoned not more than 1 year, or both.''

(e) NEW WITHHOLDING CERTIFICATE REQUIRED.—Not later than 90 days after the date this Act takes effect, each employee who has a child support obligation to which section 7525 of the Internal Revenue Code of 1986 (as added by this section) applies shall furnish a new withholding certificate to each of such employee's employers. An certificate required under the preceding sentence shall be treated as required under such section 7525.

(f) REPEAL OF OFFSET OF PAST-DUE SUPPORT AGAINST OVERPAYMENTS.—

(1) Section 6402 of such Code, as amended by section 110(*l*)(7) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, is amended by striking subsections (c) and (h) and by redesignating subsections (d), (e), (f), (g), (i), and (j) as subsections (c), (d), (e), (f), (g), and (h), respectively.

(2) Subsection (a) of section 6402 of such Code, as so amended, is amended by striking ''(c), (d), and (e)'' and inserting ''(c) and (d)''.

(3) Subsection (c) of section 6402 of such Code (as redesignated by paragraph (1)) is amended—

(A) by striking ''(other than past-due support subject to the provisions of subsection (c))'' in paragraph (1),

(B) by striking ''after such overpayment is reduced pursuant to subsection (c) with respect to past-due support collected pursuant to an assignment under section 402(a)(26) of the Social Security Act and'' in paragraph (2).

(4) Subsection (d) of section 6402 of such Code (as redesignated by paragraph (1)) is amended by striking ''or (d)''.

(g) REPEAL OF COLLECTION OF PAST-DUE SUPPORT.—Section 6305 of such Code is hereby repealed.

(h) CLERICAL AMENDMENTS.—

(1) The table of sections for subchapter A of chapter 64 of such Code is amended by striking the item relating to section 6305.

(2) The table of sections for chapter 77 of such Code is amended by adding at the end thereof the following new item:

''Sec. 7525. Collection of child support.''

(h) USE OF PARENT LOCATOR SERVICE.—Section 453(a) of the Social Security Act (42 U.S.C. 653(a)) is amended by inserting ''or the Internal Revenue Service'' before ''information as''.

By Mr. SIMPSON (for himself and Mr. KYL):

S. 2191. A bill to amend the Immigration and Nationality Act, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, to modify provisions of law relating to public assistance and benefits for aliens; to the Committee on the Judiciary.

THE ALIEN PUBLIC ASSISTANCE BENEFITS AMENDMENTS OF 1996

Mr. SIMPSON. Mr. President, this legislation is necessary to put into law those very important provisions of the recent immigration bill which were deleted at the insistence of the White House.

The taxpayers of the United States, and particularly those in the most heavily immigration-impacted States such as California, deserve our protection of the public treasury as contained in this measure.

Without the provisions included in this bill, persons who are eligible to receive food stamps and other public assistance will now be permitted to bring to the United States their immigrant relatives whose income is also below the threshold for many of the Nation's welfare programs. And this, despite, our professed tradition of not allowing any person ''likely, at any time, to become a public charge'' to immigrate to this country.

Without the provisions of this bill, illegal aliens will continue to receive drivers' licenses, and under the ''motor-voter'' law provisions, these illegal aliens with drivers' licenses could well wind up voting in U.S. elections.

Without the protections contained in this bill, illegal aliens could continue to receive treatment for AIDS at taxpayers' expense. Please hear that—persons who should not even be in the country—who are here in violation of our laws—could receive treatment for AIDS at a current average cost of $119,000 per person.

Without this legislation, illegal aliens will be permitted to remain in public housing for up to 18 months, even after they have been identified and are determined to be ineligible for this taxpayer-funded assistance. An unconscionable result.

Without the provisions of this bill, immigrants who have become dependent on taxpayer-funded welfare will now be able to evade deportation because of a previous court decisionmaking immigrants on public assistance immune from deportation. This bill will clearly define the term ''public charge'' and make that important provision enforceable once again.

Without the provisions herein, illegal aliens will continue to receive Social Security credit for performing unauthorized work in the United States. A startling result.

Without the procedures provided in the measure for verifying an immigrant's eligibility for welfare, we will continue to have illegal aliens who obtain welfare merely by claiming they are a U.S. citizen.

And, without the authorization provided in this bill, States will not have the authority to establish their own verification systems in order to prevent illegal aliens from obtaining State and local welfare benefits.

Mr. President, the provisions in this bill were included in the illegal immigration bills that passed by overwhelming majorities in both Houses of Congress. However, by holding the sword of a Government shutdown over the head of the Congress, President Clinton forced the Senate to delete these important provisions. This legislation will swiftly restore them.

Most immigrants are hard working and self-sufficient. Many of those who do use welfare use it only because our laws and processes make it available to them. If it is not available, they will continue to work hard, succeed, and obtain the American dream without welfare—just as immigrants to this country have for most of our history.

However, this administration not only resists sensible controls on the use of welfare by legal immigrants, it also insists on provisions that will result in illegal aliens accessing the welfare system—for example, by falsely claiming to be U.S. citizens. The American people should be appalled by that.

Mr. President, the efforts of this administration to so dramatically change a vital part of title V of the illegal immigration bill at the last minute ill-serves the taxpayers of this country. Both its policies and its tactics are dead wrong. This bill will remedy that cunning manipulation of the legislation process, and I urge my colleagues to support it.

By Mr. LUGAR:

S. 2193. A bill to establish a program for the disposition of donated private sector and United States Government nonlethal personal property needed by eligible foreign countries; to the Committee on Foreign Relations.

THE U.S. VOLUNTARY AND MATERIAL ASSISTANCE ACT OF 1996

• Mr. LUGAR. Mr. President, I introduce the ''United States Voluntary and Material Assistance Act of 1996.''

This bill establishes a program for the voluntary transfer of nonlethal equipment and goods donated by the private sector and made available as surplus personal property by Federal agencies. The recipients of these donations are eligible foreign countries who make legitimate requests through the program.

My bill combines the surpluses generated from our wealth, the innate generosity of the American people, our entrepreneurial dynamism, and our humanitarianism into a cost-effective program of public-private assistance to serve our foreign policy and commercial interests.

The bill I am introducing today would look to both Federal agencies and the private sector for donations of usable goods and equipment for shipment abroad. The disposition of surplus personal property from the Federal Government is managed and regulated under the Federal Property and Administrative Services Act of 1949, and amendments thereto. The system of priorities that now exists for disposing surplus Federal property would not be altered by this new program. My bill would simply add foreign recipients to the list of eligible domestic recipients. It would place foreign countries at the end of the current pecking order of eligibility behind domestic claimants for receiving surplus Federal property.

U.S. private organizations and individuals presently donate surplus property to virtually any recipient they want. Many prefer to donate their goods to domestic groups or to private voluntary organizations. However some wish to ship their donated goods to foreign recipients. Nothing in my proposed bill would mandate any change in the manner private sector organizations now donate their surplus properties. In fact, private organizations wishing to donate charitable goods abroad now find the process difficult, time consuming, and expensive. This bill would make it easier, faster, and less costly to do so.

Mr. President, this legislation will bring benefits to many participants. It will provide us with another tool to conduct American foreign policy. It will benefit private enterprises such as businesses, farms, associations, schools, and others who make charitable donations to the program. It will strengthen private voluntary groups and non-governmental organizations who receive and transfer donated items, and it will bring help to recipient countries and requesting organizations in those countries. The bill is, I believe, a winner for all parties involved.

If enacted, this bill would add another cost-effective tool for carrying out U.S. foreign policy. It will help fill some of the gap created by the steady reductions in our official foreign assistance program.

My bill would provide donated equipment and goods at much lower costs than official foreign assistance, thereby further reducing the burden on American taxpayers. Because the goods are donated and not procured, because the shipping costs can be negotiated downward through competitive bidding, because the program requires very little management and bureaucratic infrastructure, and because it will rely heavily on volunteers and nongovernmental organizations, the cost of providing foreign assistance will be significantly reduced.

Mr. President, some small-scale model programs now providing donated humanitarian goods abroad claim they provide more than ten dollars' worth of items for every one dollar invested. In cases where transportation costs are low and the value of the donated goods are high, there can be a better than 100 to 1 ratio in the value of donations supplied to the cost of the program.

In addition to the cost effectiveness, this program inspires and reinforces the generosity and volunteer spirit of the American people. It encourages extensive grassroots involvement to make the program a success.

There are numerous private groups and individuals already lending voluntary assistance overseas. Many are supported by the Federal Government, others operate on their own funds or with funds privately raised. A modestly funded program providing humanitarian assistance to the Newly Independent States of the former Soviet Union, for example, involves charitable contributions and shipments of donated goods from more than 700 cities in all 50 States and from virtually every congressional district. Thousands of American citizens willing to give of their time, talents, and resources make this program work. The program I am proposing will involve less bureaucracy, less redtape, less funding, and more voluntarism. Because of this, spare equipment and disposable goods can be provided more quickly and at lower costs than traditional official foreign assistance.

Participation in international assistance efforts by the private sector is generally limited to collecting and making donations or preparing goods for shipment. My bill seeks to expand and strengthen their participation by creating a viable second track for assistance alongside the government-to-government track.

While overall responsibility for management of the program will reside with a program coordinator in the Department of State, several provisions in my bill strengthen and encourage the role of the private sector. The coordinator is authorized to enlist the services of private organizations and voluntary organizations to collaborate in all phases of the program. Finally, the bill enhances the role of private organizations and voluntary groups by authorizing their involvement in identifying and verifying requests from abroad, receiving donations, and distributing and monitoring items once they are delivered.

Donations of excess goods to eligible countries can bring many tangible and nontangible benefits to American business. Many American firms already donate large quantities of usable medical, agricultural, educational, pharmaceutical, and other equipment and consumables to foreign countries. This is testimony to the generosity and pragmatism of American business.

The practicality of donating surplus goods is extensive. Apart from the positive public relations that voluntary donations can bring, the disposal of surplus goods can reap other concrete advantages for American business. Donations of goods can help open valuable storage space and reduce related costs for both the Federal Government and private donors who wish to upgrade, restructure, or reinventory their stocks of equipment and products. It can generate financial benefits to private businesses by reducing tax liabilities derived from charitable donations not fully depreciated.

American businesses can also enjoy market advantages by making donations to countries where they have little or no market presence. This can be a considerable advantage for companies wishing to establish an international market presence, to learn about foreign markets, establish or expand business networks, or generate interest in their products. Acts of good will can have a self-serving motive.

Let me spell out some of the major features of this bill. First, my bill would establish a program coordinator in the Department of State who would be responsible for the overall management of the program. The coordinator will be more than a recycler of surplus property. He will have the responsibility for responding to legitimate requests from abroad by developing a system for identifying, receiving, and shipping donations. He will be charged with overseeing the receipt, classification, storage, shipment, and use of donated properties to the program. Finally, he will be charged with ensuring quality control of the donations and surplus properties so that the program does not become a repository for unwanted goods. He would be charged with assisting private voluntary organizations and nongovernmental organizations in the implementation of the program.

My bill will permit only non-lethal property donations or surplus items under the program. No item designed for military, religious, or political use will be allowed.

The program will not generate needs but would attempt to satisfy those requests which have been authenticated through our overseas missions, Peace Corps, or private voluntary organizations. The search for usable items in the United States will take place only after the coordinator has received a legitimate request from abroad and entered it into the program. Once identified, a donation must be certified as acceptable for their intended use. This program must not and will not be an outlet for damaged goods which only add to the cost of the program and undermine its objectives.

In addition to quality assurances, the bill requires that the coordinator develop a policy to ensure that the donations and Federal surpluses be used, operated, and maintained by the recipient in a manner that was intended when requested and transferred.

Only those countries now eligible for U.S. foreign assistance can participate. Additional requirements to enhance the integrity of the program are built into the program. The transferred items cannot be resold for profit by or in the recipient country and no transfer will be permitted to countries which impose special import duties on the donated properties.

The bill suggests that the President and the coordinator test the efficacy of the program in pilot programs in sub-Saharan Africa. While there are needs around the world, the needs of sub-Saharan Africa countries are most serious and extensive. It is my hope that a significant effort can be devoted to this underdeveloped region of the world.

Finally, the bill authorizes a modest appropriations for fiscal years 1997 and 1998 of $20 and $25 million respectively. These funds will be used to establish the program, and pay for personnel, related infrastructure, and transportation costs involved in shipping donations abroad.

I hope the United States Voluntary and Material Assistance Act of 1996 will draw the support of the U.S. Senate and the Congress.●

By Mr. CRAIG:

S. 2194. A bill to provide the public with access to quality outfitter and guide services on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

THE OUTFITTER AND GUIDE POLICY ACT OF 1996

● Mr. CRAIG. Mr. President, I am introducing today legislation to provide the public with access to high quality outfitter and guide services on Federal lands.

The public served are visitors to the remote and challenging backcountry of our national forests, public lands, wildlife refuges, national parks, and in a dew instances, lands managed by the Bureau of Reclamation. Many people lack the skills, equipment, and experience to visit the rugged areas found on our public lands. They depend upon the services of professional outfitters and guides for traveling into these areas, for their comfort and safety, and for gaining the memorable experiences that keep millions of people returning to these special places each year.

The 374 small outiftter and guide businesses spread across my State of Idaho are stable businesses and substantial contributors to Idaho's economy. The total gross economic effect attributed to outfitting and guiding activities in Idaho is in excess of $100 million annually, benefiting many local motels, restaurants, retail stores, and a backcountry transportation network of charter air and bus companies.

Because Idaho is a prime destination for American and international visitors, the typical Idaho outfitter does reasonably well in his or her business, with a net return of 10 percent of gross revenue, according to a study in 1993 by the University of Idaho's Department of Resource Recreation and Tourism.

Nationally, the statistics are not as rosy. Studies indicate the outfitter and guide industry as a whole expect to net only 4.1 percent of their gross revenue. Nonetheless, these outfitter and guide services will attract a significant economic benefit—new money, if you will—to the rural communities and counties in which they operate.

With the exception of concessioner law governing hospitality services at national parks, this Congress has never addressed the practices of the outfitter and guide industry and the needs of the millions of visitors who use these services on Federal lands.

The outfitter and guide industry is a multifaceted venture. Idaho's cowboys are such an integral part of our culture that it's difficult to establish a date upon which they became part of the recreation industry. Idaho's whitewater industry traces back as an offshoot of surplus World War II rafts and has enjoyed booming growth since the end of the 1940's. Alongside these activities has developed a complex offering of hunting, fishing, hiking, llama packing, photography tours, outdoor skills training—anything needed to whet the appetite and meet the expectations of visitors to our State.

It wasn't until 1982 that the Forest Service and the Bureau of Land Management established a formal policy for the issuance and administration of outfitter and guide special use permits. But Bureau of Reclamation has only this year begun to develop such a policy with no input whatsoever from this Congress.

Most outfitters will tell you that they have an excellent relationship with their agency partners. There is a clear emphasis in this partnership on high quality service to the public, resource protection and a fair return to the government for the opportunity of doing business on public lands.

Over the past 4 years, however, an increasing number of outfitters and guides have witnessed steady deterioration of this professional relationship. That deterioration is occurring at the field level, undoubtedly as a consequence of agency reorganization, down-sizing, budget restraints, and decentralization of policy review. Individual problems are difficult to address in formal administrative procedures, because Congress has never created the fundamental principles to guide this relationship.

Outfitters in my State also believe—and they make a credible case—that there is an alarming surge of bias against commercial operations in congressionally designated wilderness and other backcountry management areas. As guiding services are eliminated or reduced in these areas, so go the opportunities for our own citizens and our international visitors to experience the American West in a manner reminiscent of the way Jim Bridger and Lewis and Clark once saw it.

I am introducing legislation today to address this deficiency. I am introducing this legislation so a discussion can begin on an outfitter and guide policy. I will pursue a policy in the coming Congress.

This bill begins a process of setting in place clear policy for agency managers to provide access to the Federal lands for that segment of the public that needs or desires the services of outfitters and guides. It expresses the intent of this Congress that those needs will be met through competition in the quality of services offered to the public, through responsible resource protection, and through a fair fee to the government.

This bill also raises the bar and sets a higher standard for outfitter and guide performance in the next century. We want and need their investment in the training and equipment and facilities required by the public to visit backcountry. That's not a job the agencies can or should be doing.

If outfitters are living up to their commitment to the public, their investment should be secured and good service rewarded by performance-based renewal of a right to operate.

But I think Congress has been very clear in debating proposed concessions policy reform that satisfactory is just no longer good enough. Congress needs to give the agencies a clear signal that the bad and the mediocre are to be removed from a system upon which the American public relies for its use and enjoyment of recreation resources.

Over the past 4 years, my colleague from Utah and my colleague from Arkansas have grappled with the unique and sometimes peculiar details of the outfitter and guide industry. Similarly my colleague from Alaska, who is also the author of concessions policy legislation, is very knowledgeable of the very large outfitter and guide industry in his State.

I would hope that in the next Congress we can combine our efforts to meet the needs of a public who confront a very diverse choice of recreation opportunities on Federal lands. I am convinced that we err in attempting to squeeze these diverse operations into the same mold. There is a uniqueness in the outfitters and guide industry that deserves to be addressed separately.

I want to assure my colleagues that my introduction of outfitter and guide legislation is not solely a reaction to their efforts. The possibility of this legislation has been a point of discussion among Idaho outfitters and myself for over 2 years.

In the meantime, the hunch that the agency relationship was disintegrating has become a reality. Some far-ranging problems have been developing and have taken on clarity for an industry that is critically important to the economy of my State and most other Western States. We were perhaps shortsighted in not addressing the overall structure and operations of this industry in a more formal fashion at the beginning of this decade.

I look forward in the coming months to detailed discussions of the steps to be taken in correcting these problems.●

By Mr. WYDEN (for himself, Mr. DODD, and Mr. SIMON):

S. 2195. A bill to provide for the regulation of human tissue for transplantation to ensure that such tissue is handled in a manner to preserve its safety and purity, and for other purposes; to the Committee on Labor and Human Resources.

THE HUMAN TISSUES SAFETY ACT OF 1996

● Mr. WYDEN. Mr. President, I introduce the Human Tissues Safety Act of 1996. I want to acknowledge at this time the hard work and cosponsorship of my colleagues, Senators DODD and SIMON, who have acted tirelessly in crafting this legislation which I believe enjoys broad support throughout the industry, and which offers patients receiving transplanted human tissues substantial new safety protection and assurance of quality.

This bill addresses regulation by the Food and Drug Administration of human tissue, including cells grown from a patient's own tissue, for transplantation. The bill also addresses the regulation of stem cells obtained from umbilical cord blood, which involves similar issues.

The purpose of this legislation is to ensure that human tissue is regulated in a manner that ensures its safety, while allowing efficacy to be demonstrated through the use of patient outcome registries rather than premarket approval mechanisms that would impede patient access and burden the development of important new tissue repair therapies.

Mr. President, I find it shocking that FDA does not even have a list of the hundreds of tissue banks in this country that process human tissue from cadavers. Without such a list, FDA cannot send inspectors to these tissue banks to ensure that they comply with the Agency's infectious disease screening requirements. We should not wait until a child get AIDS from infected tissue to empower FDA to ensure compliance with its infectious disease screening requirements.

At the same time, our bill would create reduced regulation for the safest type of human tissue—human cells that are taken from a patient biopsy, grown in cell culture, and then reimplanted into the same patient to repair or replace similar tissue. This type of tissue, known as autologous tissue, presents no risk of infectious disease. Although autologous tissue has historically been unregulated, both in the U.S. and throughout the world, the FDA recently announced that it would begin requiring premarket approval for this class of tissue in December 1997.

The FDA's policies for allogeneic, that is, from a donor source, and autologous, that is, from the same patient, tissue are inconsistent with the concept of regulating products based on risk. For instance, cartilage that is obtained from a cadaver presents a number of risks—infectious disease, rejection by the patient's body, graft-versus-host disease, and the risks associated with using immunosuppressive drugs—but is not subject to premarket approval. It does not make sense to require premarket approval for a patient's own cartilage, when alternative, and more risky, sources of cartilage are essentially unregulated.

This bill approaches this field from a very different perspective. We begin with a recognition that transplantation of human tissue, whether allogeneic or autologous, has been an unregulated practice of medicine for over thirty year. During this time, the major problems with tissue and, for that matter, organ transplantation have been, first, the risk of infectious disease and, second, the lack of enough donated tissues and organs for all the patients who need them. There has never been any demonstrated need for a premarket approval mechanism for tissue transplantation. Indeed, the lack of premarket approval has permitted rapid progress to occur in this field, along with faster patient access to important new therapies.

This bill also recognizes that human cells and tissues are not drugs, biological products, or medical devices, and that it is inappropriate to regulate them as if they were. Drugs may be toxic or carcinogenic, while tissue is not. Drugs circulate in the bloodstream and have systemic effects, while tissue is typically transplanted into a localized area and does not circulate in the blood. For these, and many other reasons, tissue is generally less risky than the products that FDA traditionally regulates. The results of transplantation generally are much more predictable than are the effects of a synthetic chemical. It does not make sense to regulate human tissue under a regulatory regime designed for vastly different products. Nor does it make sense to regulate autologous tissue more stringently than allogeneic tissue.

We also recognize that, unlike the patented products that FDA regulates, human tissue transplantation typically involves nonproprietary substances, such as heart valves, bone marrow, corneas, and ligaments. As a result, it's difficult for physicians, tissue banks, and biotechnology companies that develop new ways to use tissue to financially justify the expenditures associated with meeting premarket approval requirements. It is unclear, for instance, that bone marrow transplantation would have been developed had FDA required premarket approval for this technology. And, indeed, when FDA decided to require premarket approval for human heart valves, two of the four tissue banks that supplied these heart valves to surgeons went out of business.

The bottom line is that FDA's plan to regulate many types of human tissue as if they were drugs, and to regulate autologous tissue more stringently than allogeneic tissue, is an exercise of trying to fit square pegs in round holes. It will significantly increase the costs of developing new tissue repair therapies, while delaying patient access for years.

This bill also addresses the regulation of umbilical cord blood, a related field with tremendous medical promise. Until recently, a baby's umbilical cord was considered to be a disposable medical waste. Now we know that umbilical cord blood is a rich source of stem cells, which like bone marrow can be used in transplantation to treat childhood leukemia and other cancers. In

fact, cord blood stem cells are even better than bone marrow stem cells because cord blood cells require less precise donor matching than bone marrow cells.

Bone marrow transplantation has been essentially unregulated for the past 30 years, and during that time the principal problem has not been a lack of safety or efficacy, but a lack of bone marrow. Only about 10 percent of transplant candidates are able to obtain a donor match in time to save their lives. So cord blood transplantation is an exciting and potentially lifesaving new development.

Unfortunately, while bone marrow transplantation was developed at a time when FDA did not feel the need to subject every new therapy to premarket approval, cord blood transplantation was not. As in the case of autologous cell therapies, FDA is proposing to regulate cord blood transplantation as if it were a drug, significantly hindering the development of this new therapy.

Mr. President, this bill does not answer all of the questions. For example, I believe that when we take up this legislation at the beginning of the next Congress we must address issues including safeguarding the confidentiality of proprietary company and patient information likely to be recorded during the registry process. Also, oversight will be needed to ensure that if and when FDA implements this process, an overriding theme drives the regulatory exercise . . . that being that the rigor of the FDA's requirements match, but not exceed, the degree of manipulation a particular human tissue product undergoes.

This is an exciting and potentially very important new field of biomedical research. It is my intention to focus on this issue early in the next Congress.●

By Mr. LAUTENBERG (for himself, Mr. LEVIN, Mr. DEWINE, and Mr. BRADLEY):

S. 2196. A bill to require the Secretary of the Treasury to mint coins in commemoration of the sesquicentennial of the birth of Thomas Alva Edison, to redesign the half dollar circulating coin for 1997 to commemorate Thomas Edison, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE THOMAS ALVA EDISON SESQUICENTENNIAL COMMEMORATIVE COIN ACT

Mr. LAUTENBERG. Mr. President, I rise on behalf of Senators BRADLEY, LEVIN, and myself, to submit a resolution that would direct the Secretary of the Treasury to mint coins in 1997 commemorating the 150th anniversary of Thomas Alva Edison's birth.

The genius behind more than 1,300 inventions, including the incandescent light bulb, the alkaline battery, the phonograph and motion pictures, Edison was awarded the Congressional gold medal in 1928 ''for development and application of inventions that have revolutionized civilization in the last century.'' We have the opportunity to again honor one of the world's greatest inventors by issuing both commemorative and circulating coins with Mr. Edison's likeness.

Mr. President, not only would these coins honor the memory of Thomas Edison, they would also raise revenue to support organizations that preserve his legacy. The two New Jersey Edison sites, the ''invention factory'' in West Orange, NJ, and the Edison Memorial Tower in Edison, NJ, are both in poor condition. Irreplaceable records and priceless memorabilia are in danger of being destroyed because of leaky roofs, defective electrical systems and faulty sprinkler systems. The profits raised from surcharges on the commemorative coins would provide funds to repair and preserve these and five other historical Edison sites across the country and to expand educational programs that teach us about this great American.

Let me emphasize that this legislation would have no net cost to the Government. In fact, because circulating coins are a source of Government revenue known as seigniorage, this bill will reduce Government borrowing requirements, thereby lowering the annual interest payments on the national debt. An Edison commemorative coin program also has strong support among America's numismatists whose interest is crucial to the success of any coin program.

Mr. President, I introduce this legislation at the end of the 104th Congress with the expectation that it will be reintroduced in the next Congress and passed next year during the sesquicentennial of the birth of Thomas Alva Edison. This legislation would honor a great American inventor, it would provide seigniorage to the Treasury to help service the national debt, it is popular among coin collectors, and it would provide sorely needed funds to important historical sites.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2196

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Thomas Alva Edison Sesquicentennial Commemorative Coin Act''.

SEC. 2. FINDINGS.

The Congress hereby finds the following:

(1) Thomas Alva Edison, one of America's greatest inventors, was born on February 11, 1847, in Milan, Ohio.

(2) Thomas A. Edison's inexhaustible energy and genius produced more than 1,300 inventions in his lifetime, including the incandescent light bulb and the phonograph.

(3) In 1928, Thomas A. Edison received the Congressional gold medal ''for development and application of inventions that have revolutionized civilization in the last century''.

(4) 1997 will mark the sesquicentennial of Thomas A. Edison's birth.

TITLE I—COMMEMORATIVE COINS

SEC. 101. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In commemoration of the sesquicentennial of the birth of Thomas A. Edison, the Secretary of the Treasury (in this Act referred to as the ''Secretary'') shall mint and issue the following coins:

(1) $1 SILVER COINS.—Not more than 350,000 1 dollar coins, each of which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(2) HALF DOLLAR SILVER COINS.—Not more than 350,000 half dollar coins, each of which shall—

(A) weigh 12.50 grams;

(B) have a diameter of 1.205 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this title shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

SEC. 102. SOURCES OF BULLION.

The Secretary shall obtain silver for minting coins under this title only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 103. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this title shall be emblematic of the many inventions made by Thomas A. Edison throughout his prolific life.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this title there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the years ''1847–1997''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(3) OBVERSE OF COIN.—The obverse of each coin minted under this title shall bear the likeness of Thomas A. Edison.

(b) DESIGN COMPETITION.—Before the end of the 3-month period beginning on the date of the enactment of this Act, the Secretary shall conduct an open design competition for the design of the obverse and the reverse of the coins minted under this title.

(c) SELECTION.—The design for the coins minted under this title shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 104. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this title shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this title.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this title beginning January 1, 1997.

(d) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this title after December 31, 1997.

SEC. 105. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this title shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this title at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this title before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales of coins minted under this title shall include a surcharge of—

(1) $14 per coin for the $1 coin; and

(2) $7 per coin for the half dollar coin.

SEC. 106. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this title.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this title from complying with any law relating to equal employment opportunity.

SEC. 107. DISTRIBUTION OF SURCHARGES.

(a) IN GENERAL.—The first $7,000,000 of the surcharges received by the Secretary from the sale of coins issued under this title shall be promptly paid by the Secretary as follows:

(1) 1/7 to the Museum of Arts and History, in the city of Port Huron, Michigan for the endowment and construction of a special museum on Thomas A. Edison's life in Port Huron.

(2) 1/7 to the Edison Birthplace Association, Incorporated, in Milan, Ohio, to assist in such association's efforts to raise an endowment as a permanent source of support for the repair and maintenance of the Thomas A. Edison birthplace, a national historic landmark.

(3) 1/7 to the National Park Service for use in protecting, restoring, and cataloguing historic documents and objects at Thomas A. Edison's ''invention factory'' in West Orange, New Jersey.

(4) 1/7 to the Edison Plaza Museum in Beaumont, Texas, for expanding educational programs on Thomas A. Edison and for the repair and maintenance of the museum.

(5) 1/7 to the Edison Winter Home and Museum in Fort Myers, Florida, for historic preservation, restoration, and maintenance of Thomas A. Edison's historic home and chemical laboratory.

(6) 1/7 to Greenfield Village in Dearborn, Michigan, for use in maintaining and expanding displays and educational programs associated with Thomas A. Edison.

(7) 1/7 to the Edison Memorial Tower in Edison, New Jersey, for the preservation, restoration, and expansion of the tower and museum.

(b) EXCESS PAYABLE TO THE NATIONAL NUMISMATIC COLLECTION.—After payment of the amount required under subsection (a), the Secretary shall pay the remaining surcharges to the National Museum of American History, Washington, D.C., for the support of the National Numismatic Collection at the museum.

(c) AUDITS.—The Comptroller General of the United States shall have the rights to examine such books, records, documents, and other data of any organization which receives any payment from the Secretary under this section, as may be related to the expenditures of amounts paid under this section.

SEC. 108. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this title will not result in any net cost to the United States Government.

Mr. BRADLEY. Mr. President, I rise today to pay tribute to an extraordinary American and New Jerseyan. A hero of the imagination whose ingenuity and continuing output of technology profoundly changed the lives of people throughout the world. A genius who set a standard for American inventiveness that has keyed our progress as a nation.

Mr. President, it gives me great pleasure in my final floor statement to join my colleague from New Jersey, Senator LAUTENBERG, in introducing the THOMAS A. Edison Commemorative Coin Act.

In the spring of 1876, the young Thomas Alva Edison, not yet 30 years old, moved 15 of his workers to the small town of Menlo Park, NJ. This young man, who had decided to go into the ''invention business,'' did not see inventions as strokes of luck. Rather, Edison believed that inventions were the products of dedicated work and purpose.

Mr. President, before he had reached 21 years of age, Edison was granted his first patent for a telegraphic vote-recording machine. He had developed this machine while he was reporting the votes of Congress over the press wires from his job as a telegraph operator. With this invention, at each rollcall Members of Congress would simply press a button at their seats, immediately registering the vote at the Speaker's desk, where votes were counted automatically. Already at this early age, Edison showed that he was ahead of his time. In response to his invention, the House declared that it was not ready for automated voting, and the Senate today continues to go by voice vote. For this, at the very least, it is suitable that Congress recognize Thomas Edison.

At Menlo Park, Edison developed a string of remarkable new technologies that would shape human history. In 1876 he was instrumental in improving the telephone to reach marketability. In 1877, Edison sang ''Mary Had a Little Lamb'' and played it back to his astonished workers, having invented the first ''talking machine,'' or phonograph. On New Years' Eve in 1880, Edison illuminated Menlo Park at night with forty incandescent light bulbs, which he had developed 1 year earlier. In 1883, he extended the use of electricity to develop an electric railway that soon became the basis of an electric street car system. In 1891, he produced a Kinetoscope and 35 mm film using celluloid, two products which were the predecessors of all later motion-picture machines and film.

Despite his achievements, Edison was a man who held that there was no such thing as genius, and his many failed trials and efforts inspired him to say that his success was ''99 percent perspiration and 1 percent inspiration.'' For Thomas Edison, inventing was a passion, and he demanded as much from those who worked with him.

In authorizing the Secretary of the Treasury and the U.S. Mint to produce a commemorative coin in his memory, it is my hope that we will never forget to acknowledge Edison's contributions and inventive spirit. Once the costs of the production of the coin are recovered, proceeds from the sale of this coin will fund the renovation and upkeep of seven sites in five different States dedicated to preserving Edison's work, including the Invention Factory in West Orange, NJ, and the Edison Memorial Tower in Edison, NJ.

Mr. President, it is an honor for me to pay tribute to the Wizard of Menlo Park, whose inventions had a scope and effect which are truly awe-inspiring. We are duty-bound as a nation to preserve the memory of a man who developed technology that carried human speech and experience beyond time and space, and transformed night into day for millions of Americans.

I hope my colleagues will join me in strong support of this legislation.

ADDITIONAL COSPONSORS

S. 47

At the request of Mr. SARBANES, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 47, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

S. 1385

At the request of Mr. BREAUX, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 1385, a bill to amend title XVIII of the Social Security Act to provide for coverage of periodic colorectal screening services under part B of the Medicare Pprogram.

S. 1660

At the request of Mr. GLENN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1660, a bill to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes.

S. 1756

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1756, a bill to provide additional pension security for spouses and former spouses, and for other purposes.

S. 1951

At the request of Mr. FORD, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 1951, a bill to ensure the competitiveness of the United States textile and apparel industry.

S. 2061

At the request of Ms. SNOWE, the name of the Senator from Maine (Mr.

COHEN) was added as a cosponsor of S. 2061, a bill to amend title II of the Trade Act of 1974 to clarify the definition of domestic industry and to include certain agricultural products for purposes of providing relief from injury caused by import competition, and for other purposes.

S. 2165

At the request of Mr. SPECTER, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 2165, a bill to require the President to impose economic sanctions against countries that fail to eliminate corrupt business practices, and for other purposes.

S. 2188

At the request of Mr. SIMPSON, the names of the Senator from Wyoming (Mr. THOMAS) and the Senator from South Dakota (Mr. PRESSLER) were added as cosponsors of S. 2188, a bill to provide for the retention of the name of the mountain at the Devils Tower National Monument in Wyoming known as ''Devils Tower'', and for other purposes.

SENATE CONCURRENT RESOLUTION 73

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of Senate Concurrent Resolution 73, a concurrent resolution concerning the return of or compensation for wrongly confiscated foreign properties in formerly Communist countries and by certain foreign financial institutions.

SENATE CONCURRENT RESOLUTION 74—TO PROVIDE FOR A CHANGE IN THE ENROLLMENT OF H.R. 3539

Mr. BROWN submitted the following resolution; which will lie over, under the rule:

S. CON. RES. 74

Resolved by the Senate (the House of Representatives concurring); That the action of the Acting President pro tempore of the Senate and the Speaker of the House of Representatives in signing the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, is rescinded and the Clerk of the House of Representatives shall, in the reenrollment of such bill, add the following section at the end of title XII:

SAC. 12 . CONSTRUCTION OF RUNWAYS.

Notwithstanding section 332 of the Department of Transportation and Related Agencies Appropriations Act, 1996 (109 Stat. 457), or any other provision of law that specifically restricts the number of runways at a single international airport, the Secretary of Transportation may obligate funds under chapters 471 and 481 of title 49, United States Code, for any project to construct a new runway at such airport, unless this section is expressly repealed.

SENATE RESOLUTION 311—DESIGNATING THE MONTH OF NOVEMBER 1996 AS ''NATIONAL AMERICAN INDIAN HERITAGE MONTH''

Mr. MCCAIN (for himself, Mr. ABRAHAM, Mr. BAUCUS, Mr. BENNETT, Mr. BINGAMAN, Mrs. BOXER, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. CAMPBELL, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. CRAIG, Mr. D'AMATO, Mr. DASCHLE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. EXON, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HATCH, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. PELL, Mr. PRESSLER, Mr. REID, Mr. ROCKEFELLER, Mr. SIMON, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 311

Whereas American Indians and Alaska Natives were the original inhabitants of the land that now constitutes the United States;

Whereas American Indian tribal governments developed the fundamental principles of freedom of speech and separation of powers that form the foundation of the United States Government;

Whereas American Indians and Alaska Natives have traditionally exhibited a respect for the finiteness of natural resources through a reverence for the earth;

Whereas American Indians and Alaska Natives have served with valor in all of America's wars beginning with the Revolutionary War through the conflict in the Persian Gulf, and often the percentage of American Indians who served exceeded significantly the percentage of American Indians in the population of the United States as a whole;

Whereas American Indians and Alaska Natives have made distinct and important contributions to the United States and the rest of the world in many fields, including agriculture, medicine, music, language, and art;

Whereas American Indians and Alaska Natives deserve to be recognized for their individual contributions to the United States as local and national leaders, artists, athletes, and scholars;

Whereas this recognition will encourage self-esteem, pride, and self-awareness in American Indians and Alaska Natives of all ages; and

Whereas November is a time when many Americans commemorate a special time in the history of the United States when American Indians and English settlers celebrated the bounty of their harvest and the promise of new kinships: Now, therefore, be it

Resolved, That the Senate designates November 1996 as ''National American Indian Heritage Month'' and requests that the President issue a proclamation calling on the Federal Government and State and local governments, interested groups and organizations, and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

SENATE RESOLUTION 312—SALUTING THE SERVICE OF JOHN L. DONEY

Mr. LOTT (for himself and Mr. ROTH) submitted the following resolution; which was considered and agreed to:

S. RES. 312

Whereas, John L. Doney has served the United States Senate since September 1980;

Whereas, Mr. Doney has during his Senate career served in the capacities of staff assistant to Senator Bill Roth, Senate Post Office Clerk, Republican Cloakroom assistant, assistant secretary to the minority, culminating in his appointment as assistant secretary to the majority:

Whereas, throughout his Senate career Mr. Doney has been a reliable source of advice to Senators and staff alike;

Whereas, Mr. Doney's more than 16 years of service have been characterized by infinite patience, unfailing good humor, and a deep sense of respect for this institution;

Therefore be it resolved, That the Senate salutes John L. Doney for his career of public service to the United States Senate and its members.

SENATE RESOLUTION 313—RELATING TO THE RETIREMENT OF THE SUPERINTENDENT OF DOCUMENTS, U.S. SENATE

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 313

Whereas the Senate has been advised of the retirement of its Superintendent of Documents, Ms. Jeanie Bowles;

Whereas Jeanie Bowles became an employee of the Senate of the United States on January 3, 1971, and since that date has ably and faithfully upheld the high standards and traditions of the staff of the Senate of the United States for a period that included thirteen Congresses;

Whereas Jeanie Bowles has served with distinction as Assistant Editor in the Office of the Official Reporters, which position she was appointed to February 2, 1981;

Whereas Jeanie Bowles has served with distinction as Superintendent of Documents, which position she has held since June 16, 1986;

Whereas Jeanie Bowles has discharged her responsibilities with efficiency, devotion, and grace, in particular dedicating her Senate service to the advancement of young people.

Now, therefore, be it

Resolved, That the Senate of the United States commends Jeanie Bowles for her exemplary service to the Senate and the Nation; wishes to express its deep gratitude and appreciation for her long, faithful, and outstanding service; and extends its best wishes upon her retirement.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Jeanie Bowles.

SENATE RESOLUTION 314—TO AUTHORIZE CERTAIN APPOINTMENTS AFTER THE SINE DIE ADJOURNMENT OF THE PRESENT SESSION

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 314

Resolved, That notwithstanding the sine die adjournment of the present session of the Congress, the President of the Senate, the President of the Senate pro tempore, the Majority Leader of the Senate, and the Minority Leader of the Senate be, and they are hereby, authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

SENATE RESOLUTION 315—RELATIVE TO THE PROPOSED ADJOURNMENT OF THE SESSION

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 315

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join a similar committee of the House of Representatives to notify the President of the United States that two Houses have completed their business of the session and are ready to adjourn unless he has some further communication to make to them.

SENATE RESOLUTION 316—TENDERING THE THANKS OF THE SENATE TO THE VICE PRESIDENT

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 316

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Al Gore, Vice President of the United States and President of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Fourth Congress.

SENATE RESOLUTION 317—TENDERING THE THANKS OF THE SENATE TO THE PRESIDENT PRO TEMPORE

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 317

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Strom Thurmond, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Fourth Congress.

SENATE RESOLUTION 318—TO COMMEND THE EXEMPLARY LEADERSHIP OF THE DEMOCRATIC LEADER

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 318

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Democratic Leader, the Senator from South Dakota, the Honorable Thomas A. Daschle, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 104th Congress.

SENATE RESOLUTION 319—TO COMMEND THE EXEMPLARY LEADERSHIP OF THE MAJORITY LEADER

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 319

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Majority Leader, the Senator from Mississippi, the Honorable Trent Lott, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 104th Congress.

SENATE RESOLUTION 320—AUTHORIZING THE PRINTING OF A SENATE DOCUMENT

Mr. LOTT (for Mr. HATFIELD) submitted the following resolution; which was considered and agreed to:

S. RES. 320

Resolved, That there be printed with illustrations as a Senate document a compilation of materials entitled ''Committee on Appropriations, United States Senate, 129th Anniversary, 1867–1996'', and that there be printed two thousand additional copies of such document for the use of the Committee on Appropriations.

SENATE RESOLUTION 321—AUTHORIZING THE ACCEPTANCE OF PRO BONO LEGAL SERVICES BY A MEMBER OF THE SENATE

Mr. BYRD submitted the following resolution; which was considered and agreed to:

S. RES. 321

Resolved, That (a) notwithstanding the provisions of the Standing Rules of the Senate or Senate Resolution 508, adopted by the Senate on September 4, 1980, pro bono legal services provided to a Member of the Senate with respect to a civil action challenging the validity of a Federal statute that expressly authorizes a Member to file an action—

(1) shall not be deemed a gift to the Member;

(2) shall not be deemed to be a contribution to the office account of the Member; and

(3) shall not require the establishment of a legal expense trust fund.

(b) The Select Committee on Ethics shall establish regulations providing for the public disclosure of information relating to pro bono legal services performed as authorized by this resolution.

SENATE RESOLUTION 322—TO COMMEND THE EXEMPLARY LEADERSHIP OF THE DEMOCRATIC LEADER

Mr. THURMOND submitted the following resolution; which was considered and agreed to:

S. RES. 322

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Democratic Leader, the Senator from South Dakota, the Honorable Thomas A. Daschle, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 104th Congress.

SENATE RESOLUTION 323—TO COMMEND THE EXEMPLARY LEADERSHIP OF THE MAJORITY LEADER

Mr. THURMOND submitted the following resolution; which was considered and agreed to:

S. RES. 323

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Majority Leader, the Senator from Mississippi, the Honorable Trent Lott, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 104th Congress.

SENATE RESOLUTION 324—RELATIVE TO SENATE FAIR EMPLOYMENT PRACTICES

Mr. LOTT submitted the following resolution; which was considered and agreed to.

S. RES. 324

Resolved, That the Secretary of the Senate shall transfer an amount not to exceed $100,000, from the resolution and reorganization reserve of the miscellaneous items appropriations account, within the contingent fund of the Senate, for use by the Director of the Office of Senate Fair Employment Practices for salaries and expenses of such Office through January 30, 1997, related to carrying out the responsibilities of such Office in accordance with section 506 of the Congressional Accountability Act of 1995 (2 U.S.C. 1435). Effective date is October 1, 1996.

AMENDMENTS SUBMITTED

SINE DIE ADJOURNMENT CONCURRENT RESOLUTION

LOTT AMENDMENT NO. 5426

Mr. LOTT proposed an amendment to the concurrent resolution (H. Con. Res. 230) providing for the sine die adjournment of the second session of the One Hundred Fourth Congress; as follows:

Strike all after the resolving clause, and substitute the following in lieu thereof:

''That when the House adjourns on the legislative day of Wednesday, October 2, 1996, Thursday, October 3, 1996, or Friday, October 4, 1996, on a motion offered pursuant to this concurrent resolution by the Majority Leader, or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, and that when the Senate adjourns on Wednesday, October 2, 1996, Thursday, October 3, 1996, or Friday, October 4, 1996, on a motion offered pursuant to this concurrent resolution by the Majority Leader, or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2 The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

THE CACHE LA POUDRE RIVER NATIONAL WATER HERITAGE AREA ACT

BROWN AMENDMENT NO. 5427

Mr. LOTT (for Mr. BROWN) proposed an amendment to the bill (S. 342) to establish the Cache La Poudre River National Water Heritage Area in the State of Colorado, and for other purposes, as follows:

Strike all after the enacting clause and add the following:

CACHE LA POUDRE

SECTION 100. SHORT TITLE.

This Act may be cited as the ''Cache La Poudre River Corridor Act''.

SEC. 101. PURPOSE.

The purpose of this title is to designate the Cache La Poudre Corridor within the Cache La Poudre River Basin and to provide for the interpretation, for the educational and inspirational benefit of present and future generations, of the unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Corridor.

SEC. 102. DEFINITIONS.

In this title:

(1) COMMISSION.—The term ''Commission'' means the Cache La Poudre Corridor Commission established by section ____04(a).

(2) CORRIDOR.—The term ''Corridor'' means the Cache La Poudre Corridor established by section ____03(a).

(3) GOVERNOR.—The term ''Governor'' means the Governor of the State of Colorado.

(4) PLAN.—The term ''Plan'' means the corridor interpretation plan prepared by the Commission pursuant to section ____08(a).

(5) POLITICAL SUBDIVISION OF THE STATE.—The term ''political subdivision of the State'' means a political subdivision of the State of Colorado, any part of which is located in or adjacent to the Corridor, including a county, city, town, water conservancy district, or special district.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 103. ESTABLISHMENT OF THE CACHE LA POUDRE CORRIDOR.

(a) ESTABLISHMENT.—There is established in the State of Colorado the Cache La Poudre Corridor.

(b) BOUNDARIES.—The boundaries of the Corridor shall include the lands within the 100-year flood plain of the Cache La Poudre River Basin, beginning at a point where the Cache La Poudre River flows out of the Roosevelt National Forest and continuing east along the floodplain to a point ¼ mile west of the confluence of the Cache La Poudre River and the South Platte Rivers in Weld County, Colorado, comprising less than 35,000 acres, and generally depicted as the 100-year flood boundary on the Federal Flood Insurance maps listed below:

(1) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0146B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(2) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0147B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(3) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0162B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(4) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0163C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(5) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0178C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(6) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080102 0002B, February 15, 1984. Federal Emergency Management Agency, Federal Insurance Administration.

(7) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0179C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(8) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0193D, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(9) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0194D, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(10) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0208C, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(11) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0221C, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(12) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0605D, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(13) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080264 0005A, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(14) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0608D, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(15) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0609C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(16) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0628C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(17) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080184 0002B, July 16, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(18) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0636C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(19) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0637C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a detailed description and map of the boundaries of the Corridor.

(c) PUBLIC ACCESS TO MAPS.—The maps shall be on file and available for public inspection in—

(1) the offices of the Department of the Interior in Washington, District of Columbia, and Denver, Colorado; and

(2) local offices of the city of Fort Collins, Larimer Country, the city of Greeley, and Weld County.

SEC. 104. ESTABLISHMENT OF THE CACHE LA POUDRE CORRIDOR COMMISSION.

(a) CACHE LA POUDRE CORRIDOR COMMISSION.—

(1) IN GENERAL.—Upon the recommendation of the Governor, the Secretary is authorized to recognize, for the purpose of developing and implementing the plan referred to in subsection (g)(1), the Cache La Poudre Corridor Commission, as such Commission may be established by the State of Colorado or its political subdivisions.

(2) REFLECTION OF CROSS-SECTION OF INTERESTS.—The Secretary may provide recognition under paragraph (1) only if the Commission reflects the following:

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 15 members appointed not later than 6 months after the date of enactment of this Act. Of these 15 members—

(A) 1 member shall be a representative of the Secretary of the Interior which member shall be an ex officio member;

(B) 1 member shall be a representative of the Forest Service, appointed by the Secretary of Agriculture, which member shall be an ex officio member;

(C) 3 members shall be recommended by the Governor and appointed by the Secretary, of whom—

(i) 1 member shall represent the State;

(ii) 1 member shall represent Colorado State University in Fort Collins; and

(iii) 1 member shall represent the Northern Colorado Water Conservancy District;

(D) 6 members shall be representatives of local governments who are recommended by the Governor and appointed by the Secretary, of whom—

(i) 1 member shall represent the city of Fort Collins;

(ii) 2 members shall represent Larimer County, 1 of which shall represent agriculture or irrigated water interests;

(iii) 1 member shall represent the city of Greeley;

(iv) 2 members shall represent Weld County, 1 of which shall represent agricultural or irrigated water interests; and

(v) 1 member shall represent the city of Loveland; and

(E) 3 members shall be recommended by the Governor and appointed by the Secretary, and shall—

(i) represent the general public;

(ii) be citizens of the State; and

(iii) reside within the Corridor.

(2) CHAIRPERSON.—The chairperson of the Commission shall be elected by the members of the Commission from among members appointed under subparagraph (C), (D), or (E) of paragraph (1). The chairperson shall be elected for a 2-year term.

(3) VACANCIES.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(c) TERMS OF SERVICE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), each member of the Commission shall be appointed for a term of 3 years and may be reappointed.

(2) INITIAL MEMBERS.—The initial members of the Commission first appointed under subsection (b)(1) shall be appointed as follows:

(A) 3-YEAR TERMS.—The following initial members shall serve for a 3-year term:

(i) The representative of the Secretary of the Interior.

(ii) 1 representative of Weld County.

(iii) 1 representative of Larimer County.

(iv) 1 representative of the city of Loveland.

(v) 1 representative of the general public.

(B) 2-YEAR TERMS.—The following initial members shall serve for a 2-year term:

(i) The representative of the Forest Service.

(ii) The representative of the State.

(iii) The representative of Colorado State University.

(iv) The representative of the Northern Colorado Water Conservancy District.

(C) 1-YEAR TERMS.—The following initial members shall serve for a 1-year term:

(i) 1 representative of the city of Fort Collins.

(ii) 1 representative of Larimer County.

(iii) 1 representative of the city of Greeley.

(iv) 1 representative of Weld County.

(v) 1 representative of the general public.

(3) PARTIAL TERMS.—

(A) FILLING VACANCIES.—A member of the Commission appointed to fill a vacancy occurring before the expiration of the term for which a predecessor was appointed shall be appointed only for the remainder of the member's term.

(B) EXTENDED SERVICE.—A member of the Commission may serve after the expiration of that member's term until a successor has taken office.

(d) COMPENSATION.—Members of the Commission shall receive no compensation for their service on the Commission.

(e) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

SEC. 105. STAFF OF THE COMMISSION.

(a) STAFF.—The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out the duties of the Commission.

(1) APPOINTMENT AND COMPENSATION.—Staff appointed by the Commission—

(A) shall be appointed without regard to the civil service laws (including regulations); and

(B) shall be compensated without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(c) STAFF OF OTHER AGENCIES.—

(1) FEDERAL.—Upon request of the Commission, the head of a Federal agency may detail, on a reimbursement basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the Commission's duties. The detail shall be without interruption or loss of civil service status or privilege.

(2) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(3) STATE.—The Commission may—

(A) accept the service of personnel detailed from the State, State agencies, and political subdivisions of the State; and

(B) reimburse the State, State agency, or political subdivision of the State for such services.

SEC. 106. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to carry out this title.

(2) SUBPOENAS.—The Commission may not issue subpoenas or exercise any subpoena authority.

(b) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(c) MATCHING FUNDS.—The Commission may use its funds to obtain money from any source under a program or law requiring the recipient of the money to make a contribution in order to receive the money.

(d) GIFTS.—Except as provided in subsection (e)(3), the Commission may, for the purpose of carrying out its duties, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services received from any source.

(e) REAL PROPERTY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Commission may not acquire real property or an interest in real property.

(2) EXCEPTION.—Subject to paragraph (3), the Commission may acquire real property in the Corridor, and interests in real property in the Corridor—

(A) by gift or device;

(B) by purchase from a willing seller with money that was given or bequeathed to the Commission; or

(C) by exchange.

(3) CONVEYANCE TO PUBLIC AGENCIES.—Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate non-Federal public agency, as determined by the Commission. The conveyance shall be made—

(A) as soon as practicable after acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used in furtherance of the purpose for which the Corridor is established.

(f) COOPERATIVE AGREEMENTS.—For the purpose of carrying out the Plan, the Commission may enter into cooperative agreements with Federal agencies, State agencies, political subdivisions of the State, and persons. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of any action that may affect the implementation of the Plan.

(g) ADVISORY GROUPS.—The Commission may establish such advisory groups as it considers necessary to ensure open communication with, and assistance from Federal agencies, State agencies, political subdivisions of the State, and interested persons.

(h) MODIFICATION OF PLANS.—

(1) IN GENERAL.—The Commission may modify the Plan if the Commission determines that such modification is necessary to carry out this title.

(2) NOTICE.—No modification shall take effect until—

(A) any Federal agency, State agency, or political subdivision of the State that may be affected by the modification receives adequate notice of, and an opportunity to comment on, the modification;

(B) if the modification is significant, as determined by the Commission, the Commission has—

(i) provided adequate notice of the modification by publication in the area of the Corridor; and

(ii) conducted a public hearing with respect to the modification; and

(C) the Governor has approved the modification.

SEC. 107. DUTIES OF THE COMMISSION.

(a) PLAN.—The Commission shall prepare, obtain approval for, implement, and support the Plan in accordance with section ___08.

(b) MEETINGS.—

(1) TIMING.—

(A) INITIAL MEETING.—The Commission shall hold its first meeting not later than 90 days after the date on which its last initial member is appointed.

(B) SUBSEQUENT MEETINGS.—After the initial meeting, the Commission shall meet at the call of the chairperson or 7 of its members, except that the commission shall meet at least quarterly .

(2) QUORUM.—Ten members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(3) BUDGET.—The affirmative vote of not less than 10 members of the Commission shall be required to approve the budget of the Commission.

(c) ANNUAL REPORTS.—Not later than May 15 of each year, following the year in which the members of the Commission have been appointed, the Commission shall publish and submit to the Secretary and to the Governor, an annual report concerning the Commission's activities.

SEC. 108. PREPARATION, REVIEW, AND IMPLEMENTATION OF THE PLAN.

(a) PREPARATION OF PLAN.—

(1) IN GENERAL.—Not later than 2 years after the Commission conducts its first meeting, the Commission shall submit to the Governor a Corridor Interpretation Plan.

(2) DEVELOPMENT.—In developing the Plan, the Commission shall—

(A) consult on a regular basis with appropriate officials of any Federal or State agency, political subdivision of the State, and local government that has jurisdiction over or an ownership interest in land, water, or water rights within the Corridor; and

(B) conduct public hearings within the Corridor for the purpose of providing interested persons the opportunity to testify about matters to be addressed by the Plan.

(3) RELATIONSHIP TO EXISTING PLANS.—The Plan—

(A) shall recognize any existing Federal, State, and local plans;

(B) shall not interfere with the implementation, administration, or amendment of such plans; and

(C) to the extent feasible, shall seek to coordinate the plans and present a unified interpretation plan for the Corridor.

(b) REVIEW OF PLAN.—

(1) IN GENERAL.—The Commission shall submit the Plan to the Governor for the Governor's review.

(2) GOVERNOR.—The Governor may review the Plan and, if the Governor concurs in the Plan, may submit the Plan to the Secretary, together with any recommendations.

(3) SECRETARY.—The Secretary shall approve or disapprove the Plan within 90 days. In reviewing the Plan, the Secretary shall consider the adequacy of—

(A) public participation; and

(B) the Plan in interpreting, for the educational and inspirational benefit of present and future generations, the unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Corridor.

(c) DISAPPROVAL OF PLAN.—

(1) NOTIFICATION BY SECRETARY.—If the Secretary disapproves the Plan, the Secretary shall, not later than 60 days after the

date of disapproval, advise the Governor and the Commission of the reasons for disapproval, together with recommendations for revision.

(2) REVISION AND RESUBMISSION TO GOVERNOR.—Not later than 90 days after receipt of the notice of disapproval, the Commission shall revise and resubmit the Plan to the Governor for review.

(3) RESUBMISSION TO SECRETARY.—If the Governor concurs in the revised Plan, he may submit the revised Plan to the Secretary who shall approve or disapprove the revision within 60 days. If the Governor does not concur in the revised Plan, he may resubmit it to the Commission together with the Governor's recommendations for further consideration and modification.

(d) IMPLEMENTATION OF PLAN.—After approval by the Secretary, the Commission shall implement and support the Plan as follows:

(1) CULTURAL RESOURCES.—

(A) IN GENERAL.—The Commission shall assist Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations in the conservation and interpretation of cultural resources within the Corridor.

(B) EXCEPTION.—In providing the assistance, the Commission shall in no way infringe upon the authorities and policies of a Federal agency, State agency, or political subdivision of the State concerning the administration and management of property, water, or water rights held by the agency, political subdivision, or private persons or entities, or affect the jurisdiction of the State of Colorado over any property, water, or water rights within the Corridor.

(2) PUBLIC AWARENESS.—The Commission shall assist in the enhancement of public awareness of, and appreciation for, the historical, recreational, architectural, and engineering structures in the Corridor, and the archaeological, geological, and cultural resources and sites in the Corridor—

(A) by encouraging private owners of identified structures, sites, and resources to adopt voluntary measures for the preservation of the identified structure, site, or resource; and

(B) by cooperating with Federal agencies, State agencies, and political subdivisions of the State in acquiring, on a willing seller basis, any identified structure, site, or resource which the Commission, with the concurrence of the Governor, determines should be acquired and held by an agency of the State.

(3) RESTORATION.—The Commission may assist Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations in the restoration of any identified structure or site in the Corridor with consent of the owner. The assistance may include providing technical assistance for historic preservation, revitalization, and enhancement efforts.

(4) INTERPRETATION.—The Commission shall assist in the interpretation of the historical, present, and future uses of the Corridor—

(A) by consulting with the Secretary with respect to the implementation of the Secretary's duties under section ___10;

(B) by assisting the State and political subdivisions of the State in establishing and maintaining visitor orientation centers and other interpretive exhibits within the Corridor;

(C) by encouraging voluntary cooperation and coordination, with respect to ongoing interpretive services in the Corridor, among Federal agencies, State agencies, political subdivisions of the State, nonprofit organizations, and private citizens; and

(D) by encouraging Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations to undertake new interpretive initiatives with respect to the Corridor.

(5) RECOGNITION.—The Commission shall assist in establishing recognition for the Corridor by actively promoting the cultural, historical, natural, and recreational resources of the Corridor on a community, regional, statewide, national, and international basis.

(6) LAND EXCHANGES.—The Commission shall assist in identifying and implementing land exchanges within the State of Colorado by Federal and State agencies that will expand open space and recreational opportunities within the flood plain of the Corridor.

SEC. 109. TERMINATION OF TRAVEL EXPENSES PROVISION.

Effective on the date that is 5 years after the date on which the Secretary approves the Plan, section ___04 is amended by striking subsection (e).

SEC. 110. DUTIES OF THE SECRETARY.

(a) ACQUISITION OF LAND.—The Secretary may acquire land and interests in land within the Corridor that have been specifically identified by the Commission for acquisition by the Federal Government and that have been approved for the acquisition by the Governor and the political subdivision of the State where the land is located by donation, purchase with donated or appropriated funds, or exchange. Acquisition authority may only be used if the lands cannot be acquired by donation or exchange. No land or interest in land may be acquired without the consent of the owner.

(b) TECHNICAL ASSISTANCE.—The Secretary shall, upon the request of the Commission, provide technical assistance to the Commission in the preparation and implementation of the Plan pursuant to section 108.

(c) DETAIL.—Each fiscal year during the existence of the Commission, the Secretary shall detail to the Commission, on a nonreimbursable basis, 2 employees of the Department of the Interior to enable the Commission to carry out the Commission's duties under section 107.

SEC. 111. OTHER FEDERAL ENTITIES.

(a) DUTIES.—Subject to section 112, a Federal entity conducting or supporting activities directly affecting the flow of the Cache La Poudre River through the Corridor, or the natural resources of the Corridor shall consult with the Commission with respect to the activities;

(b) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary or Administrator of a Federal agency may acquire land in the flood plain of the Corridor by exchange for other lands within the agency's jurisdiction within the State of Colorado, based on fair market value, if the lands have been identified by the Commission for acquisition by a Federal agency and the Governor and the political subdivision of the State or the owner where the lands are located concur in the exchange. Land so acquired shall be used to fulfill the purpose for which the Corridor is established.

(2) CONVEYANCE OF SURPLUS REAL PROPERTY.—Without monetary consideration to the United States, the Administrator of General Services may convey to the State of Colorado, its political subdivisions, or instrumentalities thereof all of the right, title, and interest of the United States in and to any surplus real property (within the meaning of section 3(g) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(g)) within the State of Colorado which the Secretary has determined is suitable and desirable to meet the purposes for which the Corridor is established. Subparagraph (B) of section 203(k)(3) of such Act shall apply to any conveyance made under this paragraph. For purposes of the preceding sentence, such subparagraph shall be applied by substituting ''the purposes for which the Cache La Poudre Corridor is established'' for ''historic monument purposes''.

SEC. 112. EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS, RESTRICTIONS, AND SAVINGS PROVISIONS.

(a) EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS.—

(1) VOLUNTARY COOPERATION.—In carrying out this title, the Commission and Secretary shall emphasize voluntary cooperation.

(2) RULES, REGULATIONS, STANDARDS, AND PERMIT PROCESSES.—Nothing in this title shall be considered to impose or form the basis for imposition of any environmental, occupational, safety, or other rule, regulation, standard, or permit process that is different from those that would be applicable had the Corridor not been established.

(3) ENVIRONMENTAL QUALITY STANDARDS.—Nothing in this title shall be considered to impose the application or administration of any Federal or State environmental quality standard that is different from those that will be applicable had the Corridor not been established.

(4) WATER STANDARDS.—Nothing in this title shall be considered to impose any Federal or State water use designation or water quality standard upon uses of, or discharges to, waters of the State or waters of the United States, within or adjacent to the Corridor, that is more restrictive than those that would be applicable had the Corridor not been established.

(5) PERMITTING OF FACILITIES.—Nothing in the establishment of the Corridor shall abridge, restrict, or alter any applicable rule, regulation, standard, or review procedure for permitting of facilities within or adjacent to the Corridor.

(6) WATER FACILITIES.—Nothing in the establishment of the Corridor shall affect the continuing use and operation, repair, rehabilitation, expansion, or new construction of water supply facilities, water and wastewater treatment facilities, stormwater facilities, public utilities, and common carriers.

(7) WATER AND WATER RIGHTS.—Nothing in the establishment of the Corridor shall be considered to authorize or imply the reservation or appropriation of water or water rights for any purpose.

(b) RESTRICTIONS ON COMMISSION AND SECRETARY.—Nothing in this title shall be construed to vest in the Commission or the Secretary the authority to—

(1) require a Federal agency, State agency, political subdivision of the State, or private person (including an owner of private property) to participate in a project or program carried out by the Commission or the Secretary under the title;

(2) intervene as a party in an administrative or judicial proceeding concerning the application or enforcement of a regulatory authority of a Federal agency, State agency, or political subdivision of the State, including, but not limited to, authority relating to—

(A) land use regulation;

(B) environmental quality;

(C) licensing;

(D) permitting;

(E) easements;

(F) private land development; or

(G) other occupational or access issue;

(3) establish or modify a regulatory authority of a Federal agency, State agency, or political subdivision of the State, including authority relating to—

(A) land use regulation;

(B) environmental quality; or

(C) pipeline or utility crossings;

(4) modify a policy of a Federal agency, State agency, or political subdivision of the State;

(5) attest in any manner the authority and jurisdiction of the State with respect to the acquisition of lands or water, or interest in lands or water;

(6) vest authority to reserve or appropriate water or water rights in any entity for any purpose;

(7) deny, condition, or restrict the construction, repair, rehabilitation, or expansion of water facilities, including stormwater, water, and wastewater treatment facilities; or

(8) deny, condition, or restrict the exercise of water rights in accordance with the substantive and procedural requirements of the laws of the State.

(c) SAVINGS PROVISION.—Nothing in this title shall diminish, enlarge, or modify a right of a Federal agency, State agency, or political subdivision of the State—

(1) to exercise civil and criminal jurisdiction within the Corridor; or

(2) to tax persons, corporations, franchises, or property, including minerals and other interests in or on lands or waters within the urban portions of the Corridor.

(d) ACCESS TO PRIVATE PROPERTY.—Nothing in this title requires an owner of private property to allow access to the property by the public.

SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated not to exceed $50,000 to the Commission to carry out this Act for each of the first 5 fiscal years following the date of enactment of this Act.

(b) MATCHING FUNDS.—Funds may be made available pursuant to this section only to the extent they are matched by equivalent funds or in-kind contributions of services or materials from non-Federal sources.

Amend the title so as to read: ''A Bill To Establish the Cache La Poudre River Corridor''.

THE BLACK REVOLUTIONARY WAR PATRIOTS COMMEMORATIVE COIN ACT

D'AMATO AMENDMENT NO. 5428

Mr. LOTT (for Mr. D'AMATO) proposed an amendment to the bill (H.R. 1776) to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''United States Commemorative Coin Act of 1996''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—COMMEMORATIVE COIN PROGRAMS

Sec. 101. Commemorative coin programs.
Sec. 102. Design.
Sec. 103. Legal tender.
Sec. 104. Sources of bullion.
Sec. 105. Quality of coins.
Sec. 106. Sale of coins.
Sec. 107. General waiver of procurement regulations.
Sec. 108. Financial assurances.

TITLE II—NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND

Sec. 201. National Law Enforcement Officers Memorial Maintenance Fund.

TITLE III—STUDY OF FIFTY STATES COMMEMORATIVE COIN PROGRAM

Sec. 301. Short title.
Sec. 302. Study.
Sec. 303. Fixed terms for members of the Citizens Commemorative Coin Advisory Committee.
Sec. 304. Mint managerial staffing reform.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term ''Fund'' means the National Law Enforcement Officers Memorial Maintenance Fund established under section 201;

(2) the term ''recipient organization'' means an organization described in section 101 to which surcharges received by the Secretary from the sale of coins issued under this Act are paid; and

(3) the term ''Secretary'' means the Secretary of the Treasury.

TITLE I—COMMEMORATIVE COIN PROGRAMS

SEC. 101. COMMEMORATIVE COIN PROGRAMS.

In accordance with the recommendations of the Citizens Commemorative Coin Advisory Committee, the Secretary shall mint and issue the following coins:

(1) DOLLEY MADISON.—

(A) IN GENERAL.—In commemoration of the 150th anniversary of the death of Dolley Madison, the Secretary shall mint and issue not more than 500,000 $1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent copper.

(B) DESIGN OF COINS.—The design of the coins minted under this paragraph shall be emblematic of the 150th anniversary of the death of Dolley Madison and the life and achievements of the wife of the fourth President of the United States.

(C) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(D) ISSUANCE OF COINS.—

(i) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this paragraph beginning January 1, 1999.

(ii) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this paragraph after December 31, 1999.

(E) SURCHARGES.—All sales of the coins issued under this paragraph shall include a surcharge of $10 per coin.

(F) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary to the National Trust for Historic Preservation in the United States (hereafter in this paragraph referred to as the ''National Trust'') to be used—

(i) to establish an endowment to be a permanent source of support for Montpelier, the home of James and Dolley Madison and a museum property of the National Trust; and

(ii) to fund capital restoration projects at Montpelier.

(2) GEORGE WASHINGTON.—

(A) IN GENERAL.—The Secretary shall mint and issue not more than 100,000 $5 coins, each of which shall—

(i) weigh 8.359 grams;

(ii) have a diameter of 0.850 inches; and

(iii) contain 90 percent gold and 10 percent alloy.

(B) DESIGN OF COINS.—The design of the coins minted under this paragraph shall be emblematic of George Washington, the first President of the United States.

(C) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(D) ISSUANCE OF COINS.—

(i) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this paragraph beginning May 1, 1999.

(ii) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this paragraph after November 31, 1999.

(E) SURCHARGES.—All sales of coins minted under this paragraph shall include a surcharge of $35 per coin.

(F) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary to the Mount Vernon Ladies' Association (hereafter in this paragraph referred to as the ''Association'') to be used—

(i) to supplement the Association's endowment for the purpose of providing a permanent source of support for the preservation of George Washington's home; and

(ii) to provide financial support for the continuation and expansion of the Association's efforts to educate the American people about the life of George Washington.

(3) BLACK REVOLUTIONARY WAR PATRIOTS.—

(A) IN GENERAL.—In commemoration of Black Revolutionary War patriots and the 275th anniversary of the birth of the first Black Revolutionary War patriot, Crispus Attucks, who was the first American colonist killed by British troops during the Revolutionary period, the Secretary shall mint and issue not more than 500,000 $1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent copper.

(B) DESIGN OF COINS.—The design of the coins minted under this paragraph—

(i) on the obverse side of the coins, shall be emblematic of the first Black Revolutionary War patriot, Crispus Attucks; and

(ii) on the reverse side of such coins, shall be emblematic of the Black Revolutionary War Patriots Memorial.

(C) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(D) ISSUANCE OF COINS.—The Secretary may issue coins minted under this paragraph only during the period beginning on January 1, 1998, and ending on December 31, 1998.

(E) SURCHARGES.—All sales of coins issued under this paragraph shall include a surcharge of $10 per coin.

(F) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary to the Black Revolutionary War Patriots Foundation for the purpose of establishing an endowment to support the construction of a Black Revolutionary War Patriots Memorial.

(4) FRANKLIN DELANO ROOSEVELT.—

(A) IN GENERAL.—To commemorate the public opening of the Franklin Delano Roosevelt Memorial in Washington, D.C., which will honor President Roosevelt's leadership and legacy, during a 1-year period beginning on or after May 15, 1997, the Secretary shall issue not more than 100,000 $5 coins, each of which shall—

(i) weigh 8.359 grams;

(ii) have a diameter of 0.850 inches; and

(iii) contain 90 percent gold and 10 percent alloy.

(B) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(C) SURCHARGES.—All sales of the coins issued under this paragraph shall include a surcharge of $35 per coin.

(D) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary to the Franklin Delano Roosevelt Memorial Commission.

(5) YELLOWSTONE NATIONAL PARK.—

(A) IN GENERAL.—To commemorate the 125th anniversary of the establishment of Yellowstone National Park as the first national park in the United States, and the birth of the national park idea, during a 1-year period beginning in 1999, the Secretary shall issue not more than 500,000 $1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent alloy.

(B) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(C) SURCHARGES.—All sales of the coins issued under this paragraph shall include a surcharge of $10 per coin.

(D) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary in accordance with the following:

(i) Fifty percent of the surcharges received shall be paid to the National Park Foundation to be used for the support of national parks.

(ii) Fifty percent of the surcharges received shall be paid to Yellowstone National Park.

(6) NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL.—

(A) IN GENERAL.—To recognize the sacrifice of law enforcement officers and their families in preserving public safety, during a 1-year period beginning on or after December 15, 1997, the Secretary shall issue not more than 500,000 $1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent alloy.

(B) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(C) SURCHARGES.—All sales of the coins issued under this paragraph shall include a surcharge of $10 per coin.

(D) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), after receiving surcharges from the sale of the coins issued under this paragraph, the Secretary shall transfer to the Secretary of the Interior an amount equal to the surcharges received from the sale of the coins issued under this paragraph, which amount shall be deposited in the Fund established under section 201.

(7) JACKIE ROBINSON.—

(A) IN GENERAL.—In commemoration of the 50th anniversary of the breaking of the color barrier in major league baseball by Jackie Robinson and the legacy that Jackie Robinson left to society, the Secretary shall mint and issue—

(i) not more than 100,000 $5 coins, each of which shall—

(I) weigh 8.359 grams;

(II) have a diameter of 0.850 inches; and

(III) contain 90 percent gold and 10 percent alloy; and

(ii) not more than 200,000 $1 coins, each of which shall—

(I) weigh 26.73 grams;

(II) have a diameter of 1.500 inches; and

(III) contain 90 percent silver and 10 percent copper.

(B) DESIGN OF COINS.—The design of the coins minted under this paragraph shall be emblematic of Jackie Robinson and his contributions to major league baseball and to society.

(C) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(D) ISSUANCE OF COINS.—The Secretary may issue coins minted under this paragraph only during the period beginning on July 1, 1997, and ending on July 1, 1998.

(E) SURCHARGES.—All sales of the coins issued under—

(i) subparagraph (A)(i) shall include a surcharge of $35 per coin; and

(ii) subparagraph (A)(ii) shall include a surcharge of $10 per coin.

(F) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act)—

(i) all surcharges received by the Secretary from the sale of the initial 100,000 coins issued under subparagraph (A)(ii), shall be promptly paid by the Secretary to the National Fund for the United States Botanic Garden; and

(ii) all surcharges received by the Secretary from the sale of any coins issued under this paragraph (other than the coins described in clause (i)) shall be promptly paid by the Secretary to the Jackie Robinson Foundation for the purposes of—

(I) enhancing the programs of the Jackie Robinson Foundation in the fields of education and youth leadership skills development; and

(II) increasing the availability of scholarships for economically disadvantaged youths.

SEC. 102. DESIGN.

(a) SELECTION.—The design for each coin issued under this paragraph shall be—

(1) selected by the Secretary after consultation with the appropriate recipient organization or organizations and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

(b) DESIGNATION AND INSCRIPTIONS.—On each coin issued under this paragraph there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the year; and

(3) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

SEC. 103. LEGAL TENDER.

(a) LEGAL TENDER.—The coins issued under this title shall be legal tender, as provided in section 5103 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134(f) of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

SEC. 104. SOURCES OF BULLION.

(a) GOLD.—The Secretary shall obtain gold for minting coins under this title pursuant to the authority of the Secretary under other provisions of law.

(b) SILVER.—The Secretary shall obtain silver for minting coins under this title from sources the Secretary determines to be appropriate, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 105. QUALITY OF COINS.

Each coin minted under this title shall be issued in uncirculated and proof qualities.

SEC. 106. SALE OF COINS.

(a) SALE PRICE.—Each coin issued under this title shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coin;

(2) the surcharge provided in section 101 with respect to the coin; and

(3) the cost of designing and issuing the coin (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this title before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 107. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

Section 5112(j) of title 31, United States Code, shall apply to the procurement of goods or services necessary to carrying out the programs and operations of the United States Mint under this title.

SEC. 108. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this title will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this title unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

TITLE II—NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND

SEC. 201. NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the National Law Enforcement Officers Memorial Maintenance Fund, which shall be a revolving fund administered by the Secretary of the Interior (or the designee of the Secretary of the Interior).

(2) FUNDING.—Amounts in the Fund shall include—

(A) amounts deposited in the Fund under section 101(6); and

(B) any donations received under paragraph (3).

(3) DONATIONS.—The Secretary of the Interior may accept donations to the Fund.

(4) INTEREST-BEARING ACCOUNT.—The Fund shall be maintained in an interest-bearing account within the Treasury of the United States.

(b) PURPOSES.—The Fund shall be used—

(1) for the maintenance and repair of the National Law Enforcement Officers Memorial in Washington, D.C.;

(2) to periodically add the names of law enforcement officers who have died in the line of duty to the National Law Enforcement Officers Memorial;

(3) for the security of the National Law Enforcement Officers Memorial site, including

the posting of National Park Service rangers and United States Park Police, as appropriate;

(4) at the discretion of the Secretary of the Interior and in consultation with the Secretary and the Attorney General of the United States, who shall establish an equitable procedure between the Fund and such other organizations as may be appropriate, to provide educational scholarships to the immediate family members of law enforcement officers killed in the line of duty whose names appear on the National Law Enforcement Officers Memorial, the total annual amount of such scholarships not to exceed 10 percent of the annual income of the Fund;

(5) for the dissemination of information regarding the National Law Enforcement Officers Memorial to the general public;

(6) to administer the Fund, including contracting for necessary services, in an amount not to exceed the lesser of—

(A) 10 percent of the annual income of the Fund; or

(B) $200,000 during any 1-year period; and

(7) at the discretion of the Secretary of the Interior, in consultation with the Fund, for appropriate purposes in the event of an emergency affecting the operation of the National Law Enforcement Officers Memorial, except that, during any 1-year period, not more than $200,000 of the principal of the Fund may be used to carry out this paragraph.

(c) BUDGET AND AUDIT TREATMENT.—The Fund shall be subject to the budget and audit provisions of chapter 91 of title 31, United States Code..

TITLE III—STUDY OF FIFTY STATES COMMEMORATIVE COIN PROGRAM

SECTION 301. SHORT TITLE.

This title may be cited as the ''50 States Commemorative Coin Program Act''.

SEC. 302. STUDY.

(a) STUDY.—The Secretary of the Treasury shall by June 1, 1997 complete a study of the feasibility of a circulating commemorative coin program to commemorate each of the 50 States. The study shall assess likely public acceptance of and consumer demand for different coins that might be issued in connection with such a program (taking into consideration the pace of issuance of coins and the length of such a program), a comparison of the costs of producing coins issued under the program and the revenue that the program would generate, the impact on coin distribution systems, the advantages and disadvantages of different approaches to selecting designs for coins in such a program, and such other factors as the Secretary considers appropriate in deciding upon the feasibility of such a program. No steps taken in order to gather information for this study shall be considered a collection of information within the meaning of 44 U.S.C. 3502.

(b) REPORT.—The Secretary shall submit the study required in (a) above, to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, simultaneously on its receipt by the Secretary.

(c) 50-STATE COMMEMORATIVE COIN PROGRAM.—The Secretary shall determine by August 1, 1997 whether the results of the study authorized by subsection (a) justify such a program. If the Secretary determines that such a program is justified, then he shall by January 1, 1999, notwithstanding the 4th sentence of subsection (d)(1) and subsection (d)(2) of section 5112, title 31, United States Code, commence a commemorative coin program consisting of the minting and issuance of quarter dollar coins bearing designs, selected in accordance with paragraph (4) of this subsection, which are emblematic of the 50 States. If the Secretary determines that such a commemorative coin program is justified but that it is not practicable to commence the program by January 1, 1999, then he shall notify the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of such impracticability and of the date on which the program will commence.

(1) DESIGN.—The design for each quarter dollar issued under the program shall be emblematic of 1 of the 50 States. The designs for quarter dollar coins issued during each year of the program shall be emblematic of States which have not previously been commemorated under the program.

(2) ORDER OF ISSUANCE.—Each State will be honored by a coin in the order of that State's admission to the United States.

(3) NUMBER OF COINS.—Of the quarter dollar coins issued during each year of the program, the Secretary shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of quarter dollar coins which shall be issued with each of the designs selected for such year.

(4) SELECTION OF DESIGN.—Each of the 50 designs required for quarter dollars issued under the program shall be—

(A) selected pursuant to a process, decided upon by the Secretary, on the basis of the study conducted pursuant to subsection (a), which process shall involve, among other things, consultation with appropriate officials of the State being commemorated with such design; and

(B) reviewed by the Citizens Commemorative Coin Advisory Committees and the Commission of Fine Arts.

(5) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5138 of title 31, United States Code, all coins minted under this section shall be considered to be numismatic items.

(6) NUMISMATIC ITEMS.—

(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) of this subsection in uncirculated and proof qualities as the Secretary determines to be appropriate.

(B) SILVER COINS.—Notwithstanding the provisions of subsection 5112(b) of title 31, the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) of this subsection as the Secretary determines to be appropriate with a content of 90 percent silver and 10 percent copper.

(C) SOURCE OF BULLION.—The Secretary may obtain silver for minting coins under paragraph (6)(B) from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

(d) FUNDING.—Funds used to complete this study shall be offset from funds from the Department of the Treasury.

SEC. 303. FIXED TERMS FOR MEMBERS OF THE CITIZENS COMMEMORATIVE COIN ADVISORY COMMITTEE.

(a) IN GENERAL.—Section 5135(a)(4) of title 31, United States Code, is amended to read as follows:

''(4) TERMS.—

''(A) IN GENERAL.—Each individual appointed to the Advisory Committee under clause (i) or (iii) of paragraph (3)(A) shall be appointed for a term of 4 years.

''(B) INTERIM APPOINTMENTS.—Any member appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term.

''(C) CONTINUATION OF SERVICE.—Each member appointed under clause (i) or (iii) of paragraph (3)(A) may continue to serve after the expiration of the term to which such member was appointed until a successor has been appointed and qualified.''.

(b) STAGGERED TERMS.—Of the members appointed to the Citizens Commemorative Coin Advisory Committee under clause (i) or (iii) of section 5135(a)(3)(A) of title 31, United States Code, who are serving on the Advisory Committee as of the date of the enactment of this Act—

(1) 1 member appointed under clause (i) and 1 member appointed under clause (iii), as designated by the Secretary, shall be deemed to have been appointed to a term which ends on December 31, 1997;

(2) 1 member appointed under clause (i) and 1 member appointed under clause (iii), as designated by the Secretary, shall be deemed to have been appointed to a term which ends on December 31, 1998; and

(3) 1 member appointed under clause (i) and 1 member appointed under clause (iii), as designated by the Secretary, shall be deemed to have been appointed to a term which ends on December 31, 1999.

(c) STATUS OF MEMBERS.—The members appointed to the Citizens Commemorative Coin Advisory Committee under clause (i) or (iii) of section 5135(a)(3)(A) of title 31, United States Code, shall not be treated as special Government employees.

SEC. 304. 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).

Amend the title so as to read: ''An Act to establish United States commemorative coin programs, and for other purposes.''.

THE DRUG–INDUCED RAPE PREVENTION AND PUNISHMENT ACT OF 1996

HATCH (AND OTHERS) AMENDMENT NO. 5429

Mr. LOTT (for Mr. HATCH for himself, Mr. BIDEN, and Mr. COVERDELL) proposed an amendment to the bill (H.R. 4137) to combat drug-facilitated crimes of violence, including sexual assaults; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Drug-Induced Rape Prevention and Punishment Act of 1996''.

SEC. 2. PROVISIONS RELATING TO USE OF A CONTROLLED SUBSTANCE WITH INTENT TO COMMIT A CRIME OF VIOLENCE.

(a) PENALTIES FOR DISTRIBUTION.—Section 401(b) of the Controlled Substances Act is amended by adding at the end the following:

''(7) PENALTIES FOR DISTRIBUTION.—

''(A) IN GENERAL.—Whoever, with intent to commit a crime of violence, as defined in section 16 of title 18, United States Code (including rape), against an individual, violates subsection (a) by distributing a controlled substance to that individual without that individual's knowledge, shall be imprisoned not more than 20 years and fined in accordance with title 18, United States Code.

''(B) DEFINITION.—For purposes of this paragraph, the term 'without that individual's knowledge' means that the individual is unaware that a substance with the ability to alter that individual's ability to appraise conduct or to decline participation in or communicate unwillingness to participate in conduct is administered to the individual.''.

(b) ADDITIONAL PENALTIES RELATING TO FLUNITRAZEPAM.—

(1) GENERAL PENALTIES.—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended—

(A) in subsection (b)(1)(C), by inserting '', or 1 gram of flunitrazepam,'' after ''I or II''; and

(B) in subsection (b)(1)(D), by inserting ''or 30 milligrams of flunitrazepam,'' after ''schedule III,''.

(2) IMPORT AND EXPORT PENALTIES.—

(A) Section 1009(a) of the Controlled Substances Import and Export Act (21 U.S.C. 959(a)) is amended by inserting ''or flunitrazepam'' after ''I or II''.

(B) Section 1010(b)(3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended by inserting ''or flunitrazepam,'' after ''I or II,''.

(C) Section 1010(b)(4) of the Controlled Substances Import and Export Act is amended by inserting ''(except a violation involving flunitrazepam)'' after ''III, IV, or V,''.

(3) SENTENCING GUIDELINES.—

(A) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend as appropriate the sentencing guidelines for offenses involving flunitrazepam.

(B) SUMMARY.—The United States Sentencing Commission shall submit to the Congress—

(i) a summary of its review under subparagraph (A); and

(ii) an explanation for any amendment to the sentencing guidelines made under subparagraph (A).

(C) SERIOUS NATURE OF OFFENSES.—In carrying out this paragraph, the United States Sentencing Commission shall ensure that the sentencing guidelines for offenses involving flunitrazepam reflect the serious nature of such offenses.

(c) INCREASED PENALTIES FOR UNLAWFUL SIMPLE POSSESSION OF FLUNITRAZEPAM.—Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by inserting after ''exceeds 1 gram.'' the following: ''Notwithstanding any penalty provided in this subsection, any person convicted under this subsection for the possession of flunitrazepam shall be imprisoned for not more than 3 years, shall be fined as otherwise provided in this section, or both''.

SEC. 3. STUDY ON RESCHEDULING FLUNITRAZEPAM.

(a) STUDY.—The Administrator of the Drug Enforcement Administration shall, in consultation with other Federal and State agencies, as appropriate, conduct a study on the appropriateness and desirability of rescheduling flunitrazepam as a Schedule I controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the Committees on the Judiciary of the House of Representatives and the Senate the results of the study conducted under subsection (a), together with any recommendations regarding rescheduling of flunitrazepam as a Schedule I controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.).

SEC. 4. EDUCATIONAL PROGRAM FOR POLICE DEPARTMENTS.

The Attorney General may—

(1) create educational materials regarding the use of controlled substances (as that term is defined in section 102 of the Controlled Substances Act) in the furtherance of rapes and sexual assaults; and

(2) disseminate those materials to police departments throughout the United States.

THE FEDERAL COURTS IMPROVEMENT ACT OF 1996

HATCH AMENDMENT NO. 5430

Mr. LOTT. (for Mr. HATCH) proposed an amendment to the bill (S. 1887) to make improvements in the operation and administration of the Federal courts, and for other purposes; as follows:

On page 4, line 15, strike through line 25.

On page 5, line 8, strike through line 14 on page 6 and insert the followings:

SEC. 202. CONSENT TO TRAIL IN CERTAIN CRIMINAL ACTIONS.

(a) AMENDMENTS TO TITLE 18.—(1) Section 3401(b) of title 18, United States Code, is amended—

(A) in the first sentence by inserting '', other than a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction,'' after ''misdemeanor'';

(B) in the second sentence by inserting ''judge'' after ''magistrate'' each place it appears;

(C) by striking out the third sentence and inserting in lieu thereof the following: ''The magistrate judge may-not proceed to try the case unless the defendant, after such explanation, expressly consents to be tried before the magistrate judge and expressly and specifically waives trial, judgment, and sentencing by a district judge. Any such consent and waiver shall be made in writing or orally on the record.''; and

(D) by striking out ''judge of the district court'' each place it appears and inserting in lieu thereof ''district judge''.

(2) Section 3401(g) of title 18, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: ''the magistrate judge may, in a petty offense case involving a juvenile, that is a class C misdemeanor, or an infraction, exercise all powers granted to the district court under chapter 403 of this title. The magistrate judge may, in any other class B or C misdemeanor case involving a juvenile in which consent to trail before a magistrate judge has been filed under subsection (b), exercise all powers granted to the district court under chapter 403 of this title.''.

(b) AMENDMENTS TO TITLE 28.—Section 636(a) of title 28, United States Code, is amended—

(1) by striking out '', lieu thereof a semicolon; and

(2) by striking out paragraph (4) and inserting the following:

''(4) the power to enter a sentence for a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction; and

''(5) the power to enter a sentence for a class A misdemeanor, or a class B or C misdemeanor not covered by paragraph (4), in a case in which the parties have consented.''.

On page 6, line 15, strike through the matter following line 2 on page 7.

On page 9, line 6, strike through line 2 on page 11.

On page 13, line 4, strike through line 7 on page 15.

On page 17, line 1, strike through line 3 on page 19.

On page 19, line 22, strike through line 9 on page 23.

On page 31, line 8, strike through line 2 on page 32.

On page 35, line 21, strike through line 2 on page 36.

On page 44, line 20, strike through line 21 on page 48.

On page 48, add after line 21 the following:

SEC. 611. PLACE OF HOLDING COURT IN THE SOUTHERN DISTRICT OF NEW YORK.

The last sentence of section 112(b) of title 28, United States Code, is amended to read as follows:

''Court for the Southern District shall be held at New York, White Plains, and in the Middletown-Wallkill area of Orange County or such nearby location as may be deemed appropriate.''.

SEC. 612. VENUE FOR TERRITORIAL COURTS.

(a) CHANGE OF VENUE.—Section 1404(d) of title 28, United States Code, is amended to read as follows:

''(d) As used in this section, the term 'district court' includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, and the term 'district' includes the territorial jurisdiction of each such court.''.

(b) CURE OF WAIVER OF DEFECTS.—Section 1406(c) of title 28, United States Code, is amended to read as follows:

''(c) As used in this section, the term 'district court' includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, and the term 'district' includes the territorial jurisdiction of each such court.''.

(c) APPLICABILITY.—The amendments made by this section apply to cases pending on the date of the enactment of this Act and to cases commenced on or after such date.

Amend the table of contents accordingly.

LEGISLATION TO ENHANCE FAIRNESS OF PATENTS

HATCH AMENDMENT NO. 5431

Mr. LOTT (for Mr. HATCH) proposed an amendment to the bill (H.R. 632) to enhance fairness in compensating owners of patents used by the United States; as follows:

On page 2, line 8, strike all after the period through ''Act.'' on line 13 and insert ''Notwithstanding the preceding sentences, unless the action has been pending for more than 10 years from the time of filing to the time that the owner applies for such costs and fees, reasonable and entire compensation shall not include such costs and fees if the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.''.

On page 2, line 17, strike ''January 1, 1995'' and insert ''the date of the enactment of this Act''.

HATCH (AND KENNEDY) AMENDMENT NO. 5432

Mr. LOTT (for Mr. HATCH for himself and Mr. KENNEDY) proposed an amendment to the bill (S. 2197) to extend the authorized period of stay within the United States for certain nurses; as follows:

Add at the end of the bill the following:

SEC. 2. TECHNICAL CORRECTION.

Effective on September 30, 1996, subtitle A of title III of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended—

(1) in section 306(c)(1), by striking ''to all final'' and all that follows through ''Act and'' and inserting ''as provided under section 309, except that'';

(2) in section 309(c)(1), by striking ''as of'' and inserting ''before''; and

(3) in section 309(c)(4), by striking ''described in paragraph (1)''.

THE INCREASED MANDATORY MINIMUM SENTENCES ACT OF 1996

DEWINE (AND HELMS) AMENDMENT NO. 5433

Mr. LOTT (for Mr. DEWINE for himself and Mr. HELMS) proposed an amendment to the bill (S. 1612) to provide for increased mandatory minimum sentences for criminals possessing firearms, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. FIREARMS OFFENSES.

(a) IN GENERAL.—Sections 924(c)(1) and 929(a)(1) of title 18, United States code, are each amended by striking ''uses or carries'' and inserting ''possesses''.

(b) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal Sentencing Guidelines and the policy statements of the Commission to provide an appropriate sentence enhancement with respect to any defendant who discharges a firearm during or in relation to any crime of violence or any drug trafficking crime.

(2) CONSISTENCY.—In carrying out this subsection, the United States Commission shall—

(A) ensure that there is reasonable consistency with other Federal Sentencing Guidelines;

(B) avoid duplicative punishment for substantially the same offense; and

(C) take into account any mitigating circumstances that might justify an exception to any amendment made under paragraph (1).

(3) DEFINITIONS.—For purposes of this subsection, the terms ''crime of violence'' and ''drug trafficking crime'' have the same meanings as in section 924(c) of title 18, United States Code.

Amend the title so as to read: ''A bill to broaden the scope of certain firearms offenses, and for other purposes.''.

PRESIDENTIAL AND EXECUTIVE OFFICE ACCOUNTABILITY ACT

COATS AMENDMENT NO. 5434

Mr. LOTT (for Mr. COATS) proposed an amendment to the bill (H.R. 3452) to make certain laws applicable to the Executive Office of the President, and for other purposes, as follows:

In section 1(b), strike the items relating to sections 4 through 9, and insert the following:

Sec. 4. Applicability of future employment laws.
Sec. 5. Repeal of section 303 of the Government Employee Rights Act of 1991.

In the table of contents relating to title 3, United States Code (as added by section 2), redesignate the item relating to section 420 as an item relating to section 421.

In the table of contents relating to title 3, United States Code (as added by section 2), redesignate the item relating to section 430 as an item relating to section 431.

In the table of contents relating to title 3, United States Code (as added by section 2), in the item relating to subchapter III, strike the hyphen and insert a space.

In the table of contents relating to title 3, United States Code (as added by section 2), strike the item relating to section 457.

In the table of contents for title 3, United States Code (as amended by section 2), strike the items relating to subchapters IV and V and insert the following:

''SUBCHAPTER IV—EFFECTIVE DATE

''471. Effective date.''.

In section 401 of title 3, United States Code (as added by section 2), insert before ''Except'' the following:

''(a) IN GENERAL.—''.

In section 401 of title 3, United States Code (as added by section 2), add at the end the following:

''(b) DEFINITIONS RELATING TO CERTAIN MATTERS.—For purposes of applying this chapter with respect to any practice or other matter—

''(1) to which section 411 relates, the terms 'employing office' and 'covered employee' shall each be considered to have the meaning given to the term by such section;

''(2) to which section 412 relates, the term 'covered employee' means a covered employee described in section 412(a)(2)(B);

''(3) to which section 413 relates, the term 'covered employee' excludes interns and volunteers, as described in section 413(a)(2); and

''(4) to which section 416 relates, the term 'covered employee' means a covered employee described in section 416(a)(2).''.

In section 411 of title 3, United States Code (as added by section 2), redesignate subsection (d) as subsection (e).

In section 411 of title 3, United States Code (as added by section 2 and so redesignated) insert after subsection (c) the following:

''(d) REGULATIONS TO IMPLEMENT SECTION.—

''(1) IN GENERAL.—The President, or the designee of the President, shall issue regulations to implement paragraphs (1) and (3) of subsection (a) and paragraphs (1) and (3) of subsection (b).

''(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the appropriate officer of an executive agency to implement the statutory provisions referred to in paragraphs (1) and (3) of subsection (a) and paragraphs (1) and (3) of subsection (b)—

''(A) except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

''(B) except that the President or designee may, at the discretion of the President or designee, issue regulations to implement a provision of section 717 of the Civil Rights Act of 1964 or section 501 of the Rehabilitation Act of 1973 that applies to employees in the executive branch of the Federal Government in lieu of an analogous statutory provision referred to in paragraph (1) or (3) of subsection (a) or paragraph (1) or (3) of subsection (b), if the issuance of such regulations—

''(i) would be equally effective for the implementation of the rights and protections under this section; and

''(ii) would promote uniformity in the application of Federal law to employees in the executive branch of the Federal Government.''.

In section 411 of title 3, United States Code (as added by section 2 and so redesignated), add at the end the following:

''(f) EFFECTIVE DATE.—This section shall take effect on October 1, 1997.''.

In section 412(b) of title 3, United States Code (as added by section 2), strike ''such damages'' and insert ''such remedy''.

In section 412 of title 3, United States Code (as added by section 2), add at the end the following:

''(c) REGULATIONS TO IMPLEMENT SECTION.—

''(1) IN GENERAL.—The President, or the designee of the President, shall issue regulations to implement this section.

''(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b)—

''(A) except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

''(B) except that the President or designee may, at the discretion of the President or designee, issue regulations to implement a provision of subchapter V of chapter 63 of title 5, United States Code, that applies to employees in the executive branch of the Federal Government in lieu of an analogous statutory provision referred to in subsection (a) or (b), if the issuance of such regulations—

''(i) would be equally effective for the implementation of the rights and protections under this section; and

''(ii) would promote uniformity in the application of Federal law to employees in the executive branch of the Federal Government.

''(d) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on the earlier of—

''(1) the effective date of regulations issued under subsection (c); or

''(2) October 1, 1998.''.

In section 413(c)(1) of title 3, United States Code (as added by section 2), strike ''President'' and insert ''President, or the designee of the President,''.

In section 413(c)(2) of title 3, United States Code (as added by section 2), strike ''subsection (a) except insofar as the President'' and insert ''subsections (a) and (b) except to the extent that the President or designee''.

In section 413(c)(3) of title 3, United States Code (as added by section 2), strike ''President'' and insert ''President or designee''.

In section 413 of title 3, United States Code (as added by section 2), add at the end the following:

''(d) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on the earlier of—

''(1) the effective date of regulations issued under subsection (c); or

''(2) October 1, 1998.''.

In section 414(c)(1) of title 3, United States Code (as added by section 2), strike ''President'' and insert ''President, or the designee of the President,''.

In section 414(c)(2) of title 3, United States Code (as added by section 2), strike ''insofar as the President'' and insert ''to the extent that the President or designee''.

In section 414 of title 3, United States Code (as added by section 2), add at the end the following:

''(d) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on the earlier of—

''(1) the effective date of regulations issued under subsection (c); or

''(2) October 1, 1998.''.

In section 415(a)(2)(A) of title 3, United States Code (as added by section 2), strike ''does not succeed himself'' and insert ''is not elected to a successive term''.

In section 415(c)(1) of title 3, United States Code (as added by section 2), strike ''President'' and insert ''President, or the designee of the President,''.

In section 415(c)(2) of title 3, United States Code (as added by section 2), strike ''subsection (a) except insofar as the President'' and insert ''subsections (a) and (b) except to the extent that the President or designee''.

In section 415 of title 3, United States Code (as added by section 2), add at the end the following:

''(d) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on the earlier of—

''(1) the effective date of regulations issued under subsection (c); or

''(2) October 1, 1998.''.

In section 416(c)(1) of title 3, United States Code (as added by section 2), strike ''President'' and insert ''President, or the designee of the President,''.

In section 416(c) of title 3, United States Code (as added by section 2), strike paragraph (2) and insert the following:

''(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b)—

''(A) except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

''(B) except that the President or designee may, at the discretion of the President or designee, issue regulations to implement a provision of section 4314 or 4324 of title 38, United States Code, that applies to employees in the executive branch of the Federal Government in lieu of an analogous statutory provision referred to in subsection (a) or (b), if the issuance of such regulations—

''(i) would be equally effective for the implementation of the rights and protections under this section; and

''(ii) would promote uniformity in the application of Federal law to employees in the executive branch of the Federal Government.''.

In section 416 of title 3, United States Code (as added by section 2), add at the end the following:

''(d) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on the earlier of—

''(1) the effective date of regulations issued under subsection (c); or

''(2) October 1, 1998.''.

In section 417 of title 3, United States Code (as added by section 2), strike subsection (c).

In section 420 of title 3, United States Code (as added by section 2), strike ''**420.**'' and insert ''**421.**''.

In section 421 of title 3, United States Code (as added by section 2 and so redesignated), add at the end the following:

''(d) REGULATIONS TO IMPLEMENT SECTION.—

''(1) IN GENERAL.—The President, or the designee of the President, shall issue regulations to implement this section.

''(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the appropriate officer of an executive agency to implement the statutory provisions referred to in subsections (a) and (b)—

''(A) except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

''(B) except that the President or designee may, at the discretion of the President or designee, issue regulations to implement a provision of section 1, 2, 3, or 6 of the Act entitled 'An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped', approved August 12, 1968 (commonly known as the 'Architectural Barriers Act of 1968') or section 501 of the Rehabilitation Act of 1973 that applies to agencies of the executive branch of the Federal Government in lieu of an analogous statutory provision referred to in subsection (a) or (b), if the issuance of such regulations—

''(i) would be equally effective for the implementation of the rights and protections under this section; and

''(ii) would promote uniformity in the application of Federal law to agencies of the executive branch of the Federal Government.

''(e) EFFECTIVE DATE.—Subsections (a), (b), and (c) shall take effect on the earlier of—

''(1) the effective date of regulations issued under subsection (d); or

''(2) October 1, 1998.''.

In section 425(c)(3)(A) of title 3, United States Code (as added by section 2), strike ''he'' and insert ''the employer''.

In section 425(c)(5) of title 3, United States Code (as added by section 2), strike ''appropriate United States circuit court of appeals'' and insert ''United States Court of Appeals for the Federal Circuit''.

In section 425(d)(1) of title 3, United States Code (as added by section 2), strike ''President'' and insert ''President, or the designee of the President,''.

In section 425(d)(2) of title 3, United States Code (as added by section 2), strike ''subsection (a) except to the extent that the President'' and insert the following: ''subsections (a) and (b)—

'''(A) except to the extent that the President or designee''.

In section 425(d)(2) of title 3, United States Code (as added by section 2), strike the period at the end and insert the following: ''; and

'''(B) except that the President or designee may, at the discretion of the President or designee, issue regulations to implement a provision of section 19 of the Occupational Safety and Health Act of 1970 that applies to agencies or employees of the executive branch of the Federal Government in lieu of an analogous statutory provision referred to in subsection (a) or (b), if the issuance of such regulations—

'''(i) would be equally effective for the implementation of the rights and protections under this section; and

'''(ii) would promote uniformity in the application of Federal law to employees in the executive branch of the Federal Government.''.

In section 425 of title 3, United States Code (as added by section 2), add at the end the following:

''(e) EFFECTIVE DATE.—Subsections (a) through (c) shall take effect on the earlier of—

''(1) the effective date of regulations issued under subsection (d); or

''(2) October 1, 1998.''.

In section 430 of title 3, United States Code (as added by section 2), strike ''**430.**'' and insert ''**431.**''.

In section 431(c)(2)(B) of title 3, United States Code (as added by section 2 and so redesignated), strike ''deems'' and insert ''may determine that a modification of such regulations is''.

In section 431(d)(1) of title 3, United States Code (as added by section 2 and so redesignated), strike ''Federal Labor Relations''.

In section 431(d)(2)(E) of title 3, United States Code (as added by section 2 and so redesignated), strike ''Advisors'' and insert ''Advisers''.

In section 431(d)(2)(G) of title 3, United States Code (as added by section 2 and so redesignated), strike the semicolon and insert ''; and''.

In section 431(d)(2)(H) of title 3, United States Code (as added by section 2 and so redesignated), strike ''; and'' and insert a period.

In section 431(d)(2) of title 3, United States Code (as added by section 2 and so redesignated), strike subparagraph (I).

In section 431 of title 3, United States Code (as added by section 2 and so redesignated), add at the end the following:

''(e) EFFECTIVE DATE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a) and (b) shall take effect on the earlier of—

''(A) the effective date of regulations issued under subsection (c); or

''(B) October 1, 1998.

''(2) CERTAIN EMPLOYING OFFICES.—Subsections (a) and (b) shall take effect, with respect to employing offices, and employees of employing offices, referred to in subsection (d)(2), on the earlier of—

''(A) the effective date of regulations issued under subsection (d); or

''(B) October 1, 1998.''.

In section 435(a) of title 3, United States Code (as added by section 2), strike ''420'' and insert ''421''.

In section 435 of title 3, United States Code (as added by section 2), strike subsection (g) and insert the following:

''(g) POLITICAL AFFILIATION.—It shall not be a violation of any provision of this chapter to consider, or make any employment decision based on, the party affiliation, or political compatibility with the employing office, of an employee who is a covered employee.''.

In section 452(a) of title 3, United States Code (as added by section 2), strike ''President'' and insert ''President, or the designee of the President,''.

In section 453(1) of title 3, United States Code (as added by section 2), strike ''administrative''.

In section 454(a) of title 3, United States Code (as added by section 2), add at the end the following: ''The complaint in an action involving such an alleged violation shall be processed under the procedures specified by the President, or the designee of the President, in such regulations as the President or designee may issue.''.

In section 454(b)(1) of title 3, United States Code (as added by section 2), strike ''other Federal employee'' and insert ''employee in the executive branch of the Federal Government (other than a covered employee)''.

In section 454(b)(2) of title 3, United States Code (as added by section 2), strike ''However, in'' and insert ''In''.

In section 454(b)(2) of title 3, United States Code (as added by section 2), strike ''(c)(1)''.

In section 454(b)(3) of title 3, United States Code (as added by section 2), strike ''appropriate circuit court of appeals'' and insert ''United States Court of Appeals for the Federal Circuit''.

In section 455 of title 3, United States Code (as added by section 2), strike ''President'' and insert ''President, or the designee of the President,''.

In title 3, United States Code (as amended by section 2), strike section 457.

In title 3, United States Code (as amended by section 2), strike subchapter IV.

In title 3, United States Code (as amended by section 2), redesignate subchapter V as subchapter IV.

In title 3, United States Code (as amended by section 2), strike section 481 and insert the following:

''SEC. 471. EFFECTIVE DATE.

''(a) IN GENERAL.—Except as otherwise provided in this chapter, this chapter shall take effect on October 1, 1997.

''(b) REGULATIONS.—Sections 411(d), 412(c), 413(c), 414(c), 415(c), 416(c), 421(d), 425(d), 431(c), 431(d), 452(a), and 454(a) shall take effect on the date of enactment of this Act.''.

Section 2(b) is amended to read as follows:

(b) REGULATIONS.—Appropriate measures shall be taken to ensure that—

(1) any regulations required to implement section 411 of title 3, United States Code, shall be in effect by October 1, 1997; and

(2) any other regulations needed to implement chapter 5 of title 3, United States Code shall be in effect as soon as practicable, but not later than October 1, 1998.

In section 3(a)(1), strike ''(1) Chapter'' and insert the following:

''(1) IN GENERAL.—Chapter''.

In section 1296(a) of title 3, United States Code (as added by section 3(a)(1)), strike ''the courts of appeals (other than the United States Court of Appeals for the Federal Circuit)'' and insert ''the United States Court of Appeals for the Federal Circuit''.

In section 1296(a)(2) of title 3, United States Code (as added by section 3(a)(1)), strike ''under chapter'' and all that follows through ''such title'' and insert ''made under part D of subchapter II of chapter 5 of title 3, notwithstanding section 7123 of title 5''.

In section 1296 of title 3, United States Code (as added by section 3(a)(1)), strike subsection (c).

In section 3(a)(2), strike ''(2) The table of sections for chapter 158'' and insert the following:

''(2) TABLE OF SECTIONS.—The table of sections for chapter 83''.

In section 3(b)(2)(A), strike ''(A) Chapter'' and insert the following:

''(A) IN GENERAL.—Chapter''.

In section 3(b)(2)(B), strike ''(B)'' and insert the following:

''(B) TABLE OF SECTIONS.—''.

In section 3(b)(3), strike ''(A)''.

In section 3(b)(3), insert opening quotation marks after ''striking''.

In section 3(c), strike ''PROCEDURE.—'' and all that follows through ''Part VI'' and insert the following: ''PROCEDURE.—Part VI''.

In section 3903 of title 28, United States Code (as added by section 3(c)), strike ''President'' and insert ''President, the designee of the President, or the Federal Labor Relations Authority''.

In section 3905(a) of title 28, United States Code (as added by section 3(c)), strike ''420'' and insert ''421''.

In section 3905 of title 28, United States Code (as added by section 3(c)), add at the end the following:

''(c) PUNITIVE DAMAGES.—Except as otherwise provided in chapter 5 of title 3, no punitive damages may be awarded with respect to any claim under chapter 5 of title 3.''.

In section 3906(2) of title 28, United States Code (as added by section 3(c)), strike ''such office'' and insert ''the office involved''.

In title 28, United States Code (as amended by section 3(c)), strike section 3908 and insert the following:

''§ 3908. Definitions.

''For purposes of applying this chapter, the terms 'employing office' and 'covered employee' have the meanings given those terms in section 401 of title 3.''.

Section 3(d) is amended to read as follows:

''(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997.''

In section 3(e), strike ''(1)''.

Strike sections 4 and 5.

Strike section 6 and insert the following:

SEC. 4. APPLICABILITY OF FUTURE EMPLOYMENT LAWS.

(a) IN GENERAL.—Each provision of Federal law that is made applicable to the legislative branch under section 102 of the Congressional Accountability Act of 1995 (2 U.S.C. 1302), and that is enacted later than 12 months after the date of the enactment of this Act, shall be deemed to apply with respect to ''employing offices'' and ''covered employees'' (within the meaning of section 401 of title 3, United States Code, as added by this Act), unless such law specifically provides otherwise and expressly cites this section.

(b) REGULATIONS.—

(1) IN GENERAL.—The President, or the designee of the President, shall issue regulations to implement such provision.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) to implement a provision shall be the same as substantive regulations promulgated by the head of the appropriate executive agency to implement the provision, except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under the section.

In section 7, in the section heading, strike ''**320**'' and insert ''**303**''.

In section 7(a), strike ''320 of the Government Employee Rights Act of 1991'' and insert ''303 of the Government Employee Rights Act of 1991 (as redesignated by section 504(a)(3) of the Congressional Accountability Act of 1995)''.

Section 7(b) is amended to read as follows:

''(b) EFFECTIVE DATE.—This section shall take effect on October 1, 1997.''

In section 7(c), strike ''in which the'' and insert ''under such section 303 in which a''.

Redesignate section 7 as section 5.

Strike sections 8 and 9.

In chapter 5 of title 3, United States Code (as added by section 2), strike the subchapter heading for subchapter I and insert the following:

''SUBCHAPTER I—GENERAL PROVISIONS''.

In chapter 5 of title 3, United States Code (as added by section 2), strike the subchapter heading for subchapter II and insert the following:

''SUBCHAPTER II—EXTENSION OF RIGHTS AND PROTECTIONS''.

In chapter 5 of title 3, United States Code (as added by section 2), strike the subchapter heading for subchapter III and insert the following:

''SUBCHAPTER III—ADMINISTRATIVE AND JUDICIAL DISPUTE RESOLUTION PROCEDURES''.

In chapter 5 of title 3, United States Code (as added by section 2), strike the subchapter heading for subchapter IV (as so redesignated) and insert the following:

''SUBCHAPTER IV—EFFECTIVE DATE''.

In section 401 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

''§ 401. Definitions''.

In section 402 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

''§ 402. Application of laws''.

In section 411 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

''§ 411. Rights and protections under title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, and title I of the Americans with Disabilities Act of 1990''.

In section 412 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

''§ 412. Rights and protections under the Family and Medical Leave Act of 1993''.

In section 413 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

''§ 413. Rights and protections under the Fair Labor Standards Act of 1938''.

In section 414 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

''§ 414. Rights and protections under the Employee Polygraph Protection Act of 1988''.

In section 415 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

''§ 415. Rights and protections under the Worker Adjustment and Retraining Notification Act''.

In section 416 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

''§ 416. Rights and protections relating to veterans' employment and reemployment''.

In section 417 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

''§ 417. Prohibition of intimidation or reprisal''.

In section 421 of title 3, United States Code (as added by section 2 and so redesignated), strike the section heading and insert the following:

''§ 421. Rights and protections under the Americans with Disabilities Act of 1990''.

In section 425 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

''§ 425. Rights and protections under the Occupational Safety and Health Act of 1970; procedures for remedy of violations''.

In section 431 of title 3, United States Code (as added by section 2 and so redesignated), strike the section heading and insert the following:

''§ 431. Application of chapter 71 of title 5, relating to Federal service labor-management relations; procedures for remedy of violations''.

In section 435 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

''§ 435. Generally applicable remedies and limitations''.

In section 451 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

''§ 451. Procedure for consideration of alleged violations''.

In section 452 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

''§ 452. Counseling and mediation''.

In section 453 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

''§ 453. Election of proceeding''.

In section 454 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

''§ 454. Appropriate agencies''.

In section 455 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

''§ 455. Effect of failure to issue regulations''.

In section 456 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

''§ 456. Confidentiality''.

In section 471 of title 3, United States Code (as added by section 2 and so redesignated),

strike the section heading and insert the following:

"§471. Effective date".

HUMAN RIGHTS RESTORATION ACT OF 1996

PELL AMENDMENT NO. 5435

Mr. LOTT (for Mr. PELL) proposed an amendment to the bill (H.R. 4036) to strengthen the protection of internationally recognized human rights; as follows:

Delete sections 101 and 102

KERRY AMENDMENT NO. 5436

Mr. LOTT (for Mr. KERRY) proposed an amendment to the bill (H.R. 4036) supra; as follows:

At the end of the bill add the following new title:

TITLE III—CLAIBORNE PELL INSTITUTE FOR INTERNATIONAL RELATIONS AND PUBLIC POLICY

SEC. 301. SHORT TITLE.

This title may be cited as the ''Claiborne Pell Institute for International Relations and Public Policy Act''.

SEC. 302. GRANT AUTHORIZED.

In recognition of the public service of Senator Claiborne Pell, the Secretary of Education is authorized to award a grant, in accordance with the provisions of this title, to assist in the establishment and operation of the Claiborne Pell Institute for International Relations and Public Policy, located at Salve Regina University, Newport, Rhode Island, including the purchase and renovation of facilities to house the Institute.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 1997 such sums, not to exceed $3,000,000, as may be necessary to carry out this title.

SEC. 304. EFFECTIVE DATE.

This title shall take effect on the date of enactment of this Act.

TITLE IV—GEORGE BUSH SCHOOL OF GOVERNMENT AND PUBLIC SERVICE

SEC. 401. SHORT TITLE.

This Act may be cited as the ''George Bush School of Government and Public Service Act''.

SEC. 402. GRANT AUTHORIZED.

In recognition of the public service of President George Bush, the Secretary of Education is authorized to make a grant in accordance with the provisions of this Act to assist in the establishment of the George Bush Fellowship Program, located at the George Bush School of Government and Public Service of the Texas A & M University.

SEC. 403. GRANT CONDITIONS.

No payment may be made under this Act except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary of Education may require.

SEC. 404. APPROPRIATIONS AUTHORIZED.

There are authorized to be appropriated such sums, not to exceed $3,000,000, as may be necessary to carry out the provisions of this Act.

SEC. 405. EFFECTIVE DATE.

This Act shall take effect on October 1, 1996.

FORD AMENDMENT NO. 5437

Mr. LOTT (for Mr. FORD) proposed an amendment to the bill, H.R. 4036, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . EDMUND S. MUSKIE FOUNDATION.

In recognition of the public service of Senator and Secretary of State Edmund S. Muskie, the Secretary of Education is authorized to award a grant in accordance with the provisions of this Act to assist in the establishment of the Edmund S. Muskie Foundation, located in Washington, DC, by providing assistance to support the foundation, including assistance to be used for awarding stewardships, supporting the Muskie archives, and supporting the Edmund S. Muskie Institute of Public Affairs.

KASSEBAUM AMENDMENT NO. 5438

Mr. LOTT (for Mrs. KASSEBAUM) proposed an amendment to the bill, H.R. 4036, supra; as follows:

Strike Section 104.

JEFFORDS AMENDMENT NO. 5439

Mr. LOTT (for Mr. JEFFORDS) proposed an amendment to the bill, H.R. 4036, supra; as follows:

At the appropriate place, insert the following:

SEC. . CALVIN COOLIDGE MEMORIAL FOUNDATION GRANT.

(a) DEFINITIONS.—In this section:

(1) FOUNDATION.—The term ''Foundation'' means the Calvin Coolidge Memorial Foundation.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(b) GRANT AUTHORIZED.—The Secretary is authorized to make a grant in the amount of $1,000,000 in accordance with the provisions of this section to the Foundation.

(c) GRANT CONDITIONS.—

(1) APPLICATION.—No payment may be made under this section except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

(2) USE OF GRANT FUNDS.—Funds received under this section may be used for any of the following purposes:

(A) To increase the endowment of the Foundation.

(B) To conduct educational, archival, or preservation activities of the Foundation.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $1,000,000, without fiscal year limitation, to carry out the provisions of this section.

(e) EFFECTIVE DATE.—This section shall take effect on October 1, 1996.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, October 3, 1996, at 9 a.m. to consider the nomination of Ann Jorgenson, of Iowa, to be a member of the Farm Credit Administration, for the term expiring May 21, 2002.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, October 3, 1996, at 10 a.m. to hold a closed business meeting.

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

SUBCOMMITTEE ON READINESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Readiness of the Committee on Armed Services be authorized to meet at 1 p.m. on Thursday, October 3, 1996, in open session, to receive testimony on the U.S. Military Forces in Bosnia and President Clinton's decision to send an additional 5,000 troops.

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

ADDITIONAL STATEMENTS

TRIBUTE TO REAR ADM. JAMES E. FORREST, SC, USN (RET)

● Mr. MCCAIN. Mr. President, today I rise to honor my friend, Rear Adm. Jim Forrest. He is an outstanding American, an exemplary naval officer, and a man who has made a very significant contribution to the development of our national defense.

Over the years, the U.S. Senate has paid tribute to many people for their commitment to making this country great. Most of those so honored have in common with Admiral Forrest an extraordinary sense of dedication, the ability to marshall people and resources toward a common goal, and the good judgement to know what course of action to take in a given situation. Very few of them however, can match Admiral Forrest's record of consistent outstanding public service spanning 56 years. For many of us on Capitol Hill, Admiral Forrest was already an influential force and source of excellent advice when we arrived. Over the years I have greatly appreciated his knowledge on defense matters and his wise counsel.

As Admiral Forrest prepares to retire as executive director of the Naval Reserve Association, a position that he has held for the past 22 years, he should be proud that he has established a bench mark for excellence for others in the Navy to follow. As you can see, his accomplishments speak for themselves. A native of Palms, CA, Admiral Forrest enlisted in the Navy in 1940 and served on the battleships *Tennessee* and *Wyoming* and the fleet oiler *Cuyama*, before earning an appointment to the Naval Academy in 1942. Following his commissioning in June 1945, he commanded three auxiliary motor minesweepers before transferring to the Supply Corps in 1948. Admiral Forrest was selected for flag rank in 1971 and served for 3 years as the Auditor General of the Navy. His academic achievements include obtaining an MBA from Stanford University and graduating from the Navy Postgraduate School and the Industrial College of the Armed Forces.

Upon his retirement from active duty in 1975, Admiral Forrest accepted the many challenges associated with the position of executive director of the Naval Reserve Association, where he made many important contributions to the Naval Reserve, the Navy, and our national defense. Most importantly, through his personal interaction with national leaders, Admiral Forrest brought about an increase in mutual trust and improved coordination between the Reserve and Active components of the Navy. He also increased the readiness of the Naval Reserve. In addition, long before we had promoted quality of life issues, Admiral Forest was one of the most active proponents of adequate pay and benefits for Active and Reserve military personnel and their dependents. If there was a need, he identified it and worked to fill the void. If there was a problem, he recognized it early, proposed the solutions, and worked toward resolution. In short, if I had only one word to sum up his actions over the past 56 years, it would be leadership. As a nation, we owe Adm. Jim Forrest a great deal for his contribution. I know I speak for the entire U.S. Senate when I say thank you, Admiral, for a job ''extremely well done!'' To my friend, Jim Forrest, who is truly a great American, ''Fair winds and following seas!''●

TRIBUTE TO PROCTOR JONES

● Mr. JOHNSTON. Mr. President, it was my great fortune to be assigned to the Committee on Appropriations relatively early in my first term in the Senate. It is through that Committee that I have been able to serve my State in a way that I believe has contributed measurably to an improvement in the economic quality of life for the people of Louisiana.

As I began my second full term in the Senate, I had the added good fortune of taking over the reins of the Appropriations Subcommittee on Public Works, as it was known at the time, from a wonderful man who taught me so much about the Senate, the late and beloved Senator John Stennis of Mississippi. When I fell heir to that chairmanship, I also inherited the services of the longtime staff director of the subcommittee, Proctor Jones. It is of Proctor and his service to the Senate and his country that I wish to speak today.

Every now and then in this body, someone of the thousands of loyal staff who toil for us and our constituents achieves an elevated status among Senators and staff colleagues. I think few would deny that Proctor has long since reached that plateau.

Proctor Jones came to this body in 1960, and, aside from 4 years of service as a proud Marine, he has served here continuously since that time. He has seen and participated in more of the sweep of politics and public policy than most of us can imagine, and along the way he has amassed an unrivaled knowledge of the legislative process and a nearly unmatched institutional memory.

Members in both Houses and on both sides of the aisle know they can turn to Proctor for advice and assistance with absolute confidence that their requests will be treated fairly and respectfully. They also know that he gets results. Proctor's broad and detailed knowledge of his appropriation areas helps account for his uncanny ability to find the means, even when none appears available, to achieve the legislative goals that we set.

While such knowledge gives Proctor authority, he would never think of abusing the great powers we entrust to him. He is a man who loves and cherishes the institutions of Government and who is guided by the fine Georgia code of honor he learned from his early mentor, the late Senator Richard Russell, the giant whom Proctor served early in his Senate career.

If anything, Proctor is self-deprecating and deferential to a fault: as he is fond of saying, ''I just work here, I don't vote. And I love my job.'' He has indeed loved his job and has performed his duties in a way that has made a profound difference in those areas covered under our Energy and Water Development Appropriations Subcommittee. He has always understood that we have a serious obligation to protect and improve the country's physical infrastructure and to support and nurture the Nation's scientific brain trust at the national laboratories and throughout the Federal Government. Uninformed critics have sometimes derided those vital responsibilities as pork or misplaced priorities, but I firmly believe that Proctor's vision and dedication have contributed mightily to the security and strength of this country.

Proctor has also become my valued personal friend, owing in large measure to his infectious enthusiasm for everything in life from opera, to travel, to sports, to hiking and joyous gatherings of friends and family. As I conclude my service in the Senate, I want Proctor and his family to know that I speak for my colleagues, past and present, in saying thanks for a job done well and as no one else could have done it.●

APPROPRIATIONS IMPORTANT TO DOMESTIC VIOLENCE, SEXUAL ABUSE

● Mr. LEAHY. Mr. President, there are a few matters contained within the omnibus appropriations bill that I would like to highlight. In the overall context of a multibillion dollar bill, these may not be significant to some, but they are to me and to the people of Vermont.

First, I note that we have been able to include an amendment to the Family Violence Prevention and Services Act that doubles the amount that Vermont and other small States will receive annually. This change completes the increase that we have been trying to accomplish since enactment of the Violent Crime Control and Law Enforcement Act of 1994 to provide small States with $400,000 a year in Federal funding for family violence prevention programs. It is appropriate that in October, which is National Domestic Violence Awareness Month, we finally conclude this amendment.

Domestic violence remains the leading cause of violent death in Vermont. Over 50 percent of homicides in the State last year reportedly arose from domestic violence situations—and this is down from the percentages in prior years. Also contained in the omnibus appropriations bill is legislation making conviction of a crime of domestic violence a disqualification from gun ownership. Too many women and children are threatened by domestic violence and too many become victims of that violence.

I commend the Vermont Network Against Domestic Violence and Sexual Assault, the Vermont Center for Crime Victims Services, and all of the local community organizations that work so hard and provide such essential services to those at risk of domestic and family violence. I note that Vermont established its own statewide domestic violence hotline and sexual abuse hotline almost a year before the national hotline was finally created this spring. I expect that Vermont will also lead the country in terms of developing services and programs to confront the problems of rural domestic violence.

We were also able to increase funding for the Violence Against Women Act programming to $197.5 million this year. Because of Vermont's outstanding advocates and programs, ours was the first State to receive a VAWA grant 2 years ago and I am confident that Vermont will remain on the leading edge in these important programs. This year Vermont received over $700,000 for VAWA programming.

We have also been able to protect the Juvenile Justice and Delinquency Prevention Act programs that sends important funding to Vermont and other States to assist in efforts to prevent crime and delinquency. I want to thank, in particular, Ken Schatz and the Vermont Children and Family Council for Prevention Programs and Shirley Martin, Vermont's JJDP Specialist, for their help in working to protect and preserve the Juvenile Justice Program and avoid the loss of as much as $187,500 from the nearly $800,000 that Vermont receives annually. Vermont could not afford the loss of such Federal assistance. In the omnibus appropriations bill, we were able to include $170 million for national juvenile justice programming this year, which is a significant increase from last year.

Finally, we were able to include in the appropriations bill is a much needed adjustment to the Victims of Crime Act to extend for an additional year the time in which the State and victim assistance grantees may retain and use

grants from the Federal Crime Victims Fund. This is important in years in which collections of fines and penalties at the Federal level are exceptionally large, as they were this past year. Through this amendment we are trying to ensure that State grants from the crime victims fund can be used wisely over a more extended period of time. This amendment will augment the increase in the minimum victim assistance grant to small States from $200,000 to $500,000 per year that I was able to include in the Justice for Victims of Terrorism Act, which passed earlier this year.●

DEDICATION OF SHIRLEY L. MILLER PAVILION

● Mr. GRAHAM. Mr. President, on October 5, 1996, the Children's Cancer Caring Center will dedicate the Shirley L. Miller Pavilion at the prestigious Cleveland Clinic of Broward County, FL. The pavilion will house facilities used by the Clinic to treat its hundreds of young outpatients. Mr. President, it is fitting that this pavilion memorialize the good name and extraordinary life of Shirley L. Miller of Miami, FL who passed away on September 24, 1996.

Shirley L. Miller, along with her close friends, Lee Klein and Erma Podvin, have been deeply involved in providing medical care to children with cancer for 35 years. The Children's Cancer Caring Center, of which Shirley was a cofounder and vice president, provides totally free cancer treatment for hundreds of children from Florida and elsewhere. In addition to medical treatment, the caring center provides ancillary services—counseling, special events, and an overnight summer camp—to afflicted children and their families. Beyond donating thousands of volunteer hours, Shirley and her colleagues have raised tens of millions of dollars to support their efforts over the years.

Mr. President, Shirley L. Miller represents what is great in America. Her dear friend and president of the caring center, Lee Klein, called her ''a beautiful gift to the thousands of children who confronted this disease and whose lives she touched.'' Shirley L. Miller was a great credit to her community and her family, including her husband of 46 years, Irving, and her brother, Samuel Levine, and sister, Gloria Berger. Her children, Roger Miller, Sherri Gersten, Miki Goldstein, Renee Simmons, and Cary Caster, and her 13 grandchildren, have much to be proud of. She received numerous awards in recognition of her civic activities on behalf of Mount Sinai Medical Center, Hebrew Academy, the Greater Miami Jewish Federation, the Girl Scouts of America, the National Council of Jewish Women, Temple Beth Shalom of Miami Beach, and the Youth Orchestra of Florida. Her son, Roger, explained ''She was a woman who spent so many waking hours helping others less fortunate than she.''

Mr. President, although the Shirley L. Miller Pavilion at the Cleveland Clinic in Broward County will serve to memorialize her name, the lifetime of unlimited caring Shirley L. Miller provided to thousands of children and their families will be our greatest monument to this extraordinary woman.●

TRIBUTE TO THE STAFF OF THE SENATE SPECIAL COMMITTEE ON AGING

● Mr. COHEN. Mr. President, as the 104th Congress and my own tenure in the Senate draw to a close, I want to take this opportunity to thank and pay tribute to my staff on the Senate Special Committee on Aging for their fine work, dedicated service, and exemplary commitment to the needs of our Nation's elderly.

I have had the privilege of serving as a member of the Aging Committee since first coming to the Senate, after having served on the House Aging Committee for many years. In 1991, I assumed the position of ranking Republican member on the Senate Special Committee on Aging, after the sudden and tragic death of John Heinz, our beloved friend and colleague from Pennsylvania. He left us long before his contributions were fully credited and before his mission could be completed. It was daunting indeed to follow in the footsteps of John Heinz, who was legendary in his advocacy on behalf of our Nation's senior citizens.

In 1995, I succeeded another giant in the field of aging issues, Senator DAVID PRYOR, as chairman of the committee. Senator PRYOR has been an indefatigable leader on issues affecting the quality of life for our seniors and protecting them from all forms of exploitation. DAVID has decided to retire from the Senate, but the high standard of excellence that he set throughout his years as a Congressman, Governor, and Senator will be remembered with great fondness and gratitude by those who have been honored to serve with him, and by those who were so honorably served by him.

Mr. President, I am proud that in these last 5 years the Aging Committee has had a strong record of achievement, thanks in large part to my highly dedicated and talented committee staff. The committee has brought many problems now facing our Nation's elderly to the attention of the Congress, policy makers, and the public. It has provoked public debate and has proposed solutions on how our Government programs can better serve the elderly and disabled.

For example, the committee has examined a host of issues relating to Medicare and Medicaid. It has examined how managed care trends will affect the elderly and disabled populations, and how some Medicare HMO's have given poor quality and service to Medicare enrollees. We have reviewed the Medicare hotline and the level of service provided by the Medicare program itself to enrollees. The committee has identified how those with Alzheimer's disease and other chronic conditions of aging often fall through the cracks of our health care system, and how we should rethink our programs to provide more integrated care.

The committee has placed strong emphasis on the long-term care needs of our Nation's elderly and disabled, recommending ways to protect the rights of nursing home residents and offering proposals on how to help families prepare for the crushing financial burden of long-term care.

The committee has held hearings on the mental health needs of older Americans and heard riveting testimony on the once taboo subject of suicide among the elderly. Our hearings have cast a bright spotlight on the high prescription drug costs facing older Americans and how, tragically, some older Americans face the Hobson's choice of whether to buy food or medicine, because they simply cannot afford both.

As has been the long tradition of the Aging Committee, we have exercised an active investigative agenda, focusing on how senior citizens are often prime targets of scams and con artists. Our investigations have revealed how some health care providers manipulate the system to siphon off as much as $100 billion a year from our health care system. We have heard sobering testimony from perpetrators on how easy it is to rip off the health care system and the taxpayers. Major reforms have been now signed into law to crack down against these abuse, in large part due to the investigations and recommendations from the Aging Committee.

We have investigated telemarketer who offer prize giveaway, contests, investment schemes and other promises of gold to trusting senior citizens. Tragically, these scams have resulted in many seniors losing thousands of dollars, and often their entire retirement savings.

The committee has devoted much attention to the unfettered growth of the Social Security disability program and how this program suffers from management deficiencies, fraud and abuse, and far too little oversight. We have provoked important public debate on problems in our Federal disability programs and have stressed the need to start facing head on the problems posed by the future insolvency of the Social Security and Medicare trust funds.

While this is but a taste of the entire record of the Aging Committee's activities over the past 5 years, it gives a flavor of how this committee has alerted the Congress and the public to the needs of our aging population.

I want to pay special tribute to my staff on the Aging Committee who have played a major role in each of these committee efforts.

Since 1991, my Aging Committee staff has been under the able direction of Mary Gerwin, who has been the driving

force behind the issues we have reviewed and who has shaped many of the legislative proposals we made as a result of our investigative and oversight efforts.

I also want to recognize the fine work and dedication of deputy staff director Priscilla Hobson Hanley; chief investigator Helen Albert; professional staff member Victoria Blatter; professional staff member Liz Liess; committee chief clerk Sally Ehrenfried; systems administrator Beth Watson; research assistants Lance Wain and Lindsey Ledwin; staff assistants Karina Lynch, Wendy Moltrup; and Myrna Webb; and GPO printer Joyce Ward. I extend my gratitude to these and all of the many committee staff, both past and present, who have contributed greatly to the mission of the committee.

I also want to recognize the fine work of Kathryn Gest, my press secretary and Mike Townsend, committee press secretary, for their excellent work in promoting the work of the Aging Committee.

Mr. President, the Aging Committee is perhaps unique among congressional committee due to its strong bipartisan cooperation. I want to congratulate and thank Senator PRYOR's dedicated staff on the committee for their many years of service to both the Senate and our senior citizens.

As I retire from the Senate, my staff will disperse to seek new opportunities and to make their contributions to the Nation in other ways. I wish them well and am deeply indebted to them for their service. The Senate Special Committee on Aging serves a very special purpose for the Congress and the Nation—and my staff on that committee has been very special indeed.●

FLOW CONTROL LEGISLATION

● Mr. WELLSTONE. Mr. President, the U.S. Congress has failed this year to resolve a serious solid waste problem, that of flow control. Many solid waste management issues have been rightly addressed by State and local governments. State and local governments have decided how solid waste will be managed, preferring landfilling, incineration, recycling, composting, waste reduction, or a combination thereof. Similarly, they have also provided the needed funding for their solid waste programs.

However, while State and local governments have played the key role, the Federal Government has also been involved in the management of solid waste. Through regulatory actions and federal court rulings, the Federal Government has dramatically influenced how State and local governments have approached their solid waste problems. For example, when the Supreme Court recently held that State and local governments could no longer designate where privately collected waste could be disposed of, some States and localities—including many in my State of Minnesota—were adversely affected.

No longer could a State—except in rare instances—prohibit waste shipments from out-of-State or impose fees on waste disposal that discriminate on the basis of origin, nor direct where privately collected waste had to be disposed. As a result of this decision—and those of other courts—many local governments teeter on the brink of bankruptcy. Without the ability to guarantee a volume of waste flow to their waste facilities, local governments are less able to finance the facility, as well as to plan for future development.

Recent Congresses, in addition to this one, have attempted to address the flow control problem. Legislation has been introduced to give States the authority to restrict the amount of solid waste imported from other States. However, the Senate and House have yet to agree on a solution. Due to Congress' inability to address flow control, many local governments are contemplating—or have already undertaken—drastic actions such as laying off employees and raising taxes. In addition, some local governments have had their bonds downgraded. Alarmingly, it seems that if the flow control problem is not addressed soon, the financial problems of many communities in my State of Minnesota and elsewhere will only worsen.

I have wholeheartedly supported flow control legislation in the past. While many in Congress continue to oppose such legislation, I will not rest. In the 105th Congress, I will continue to advocate flow control legislation to help communities in our country better manage their solid waste.●

THE OMNIBUS APPROPRIATIONS BILL

● Mr. KEMPTHORNE. Mr. President, I wish to talk about the omnibus appropriations bill adopted by the Senate this week and signed into law by the President.

Passage and enactment before the end of the fiscal year was important to keep the Government in business and meeting the needs of American citizens.

The bill is significant in that it continues the Republican Congress' move to balance the Federal budget by the year 2002. It would have been easier had the President and his party not been more interested in obstruction over cooperation. Still, this Congress has cut around 300 unneeded Federal programs and saved $53 billion in discretionary spending.

We provide for a higher level of defense funding than the President requested. We also approved strong anticrime and antidrug packages, aggressive antiterrorism programs and stringent antiillegal immigration measures. The bill increases funding to our States and communities hard hit by natural disasters.

My State of Idaho is one where residents and businesses had to cope with rains, floods, and wildfires this year. There is a role for the Federal Government in helping stabilize riverbeds and hillsides, reducing environmental damage, putting businesses back on solid footing and firefighting efforts. This bill accomplishes that.

The USDA's Natural Resources Conservation Service watershed and flood prevention operations receive a $63 million increase in this bill, $5 million will go to help the Boise area recover from the devastating 8th Street fire in the Boise foothills. Without immediate attention to the fragile hillsides, this winter's rains and next spring's snowmelt could send tons of water and mud into homes and businesses all along the Boise front.

Additionally, the Bureau of Land Management's firefighting account will get a $17 million increase over last year. Wildfires are claiming more and more Western land, and the BLM's resources are stretched to the limit.

The Forest Service, which manages more than 20 million acres in Idaho, gets a $144.5 million increase in firefighting funding, $17.7 million for management of the National Forest System, almost $2 million for forest and rangeland research and nearly $19 million in State and private cooperative programs.

The Federal Government owns two-thirds of the land in Idaho, so I'm pleased these needed increases will help develop and maintain solid management and cooperation with private and State landowners.

Preservation of our natural resources and treasured environment is important to me and to Idaho. I'm pleased to see the U.S. Fish and Wildlife Service will get a $6 million dollar increase for the cooperative Endangered Species Conservation Fund. This grant program to the States will allow for cooperative agreements to save species and habitat. As I work on a revised Endangered Species Act, I want to encourage cooperation of States and private land owners to enter into these types of arrangements. States and local governments will play a greater role in species protection and recovery in the future.

Native Americans in Idaho and across the country will see increases in the Bureau of Indian Affairs and the Indian Health Service. These increases are important so we don't neglect our obligations to tribes and their residents.

Besides what this bill does, it is important for what it does not do. There are no increases in grazing fees for ranchers in the West. Other amendments which limit Native American sovereignty were also dropped.

Mr. President, I am proud that this Congress passed, and the President signed, the Safe Drinking Water Act. The bill is the only major environmental legislation of the 104th Congress, and represents the way environmental laws should work. It protects public health and safety while giving States and communities the flexibility

to manage water systems to meet their local needs. It is truly the best way to ensure safe and affordable drinking water to every American.

This omnibus appropriations bill includes an additional $40 million for the new Safe Drinking Water Act. $10 million will be dedicated to important health research on contaminants that are present in drinking water and that pose real threats to humans, like the microbe cryptosporidium that killed over 100 people in Milwaukee in 1993. With better science and a better understanding of contaminants in our drinking water, the Environmental Protection Agency and our States will be able to target their limited resources on the most serious water problems.

Earlier I mentioned how this bill strengthens our national defense. While I do not agree with all that is in this omnibus package, especially the funding for foreign aid, I have to applaud stronger national defense.

This bill provides an additional $9 million to slow the pace of the Clinton defense cuts. I believe this administration has cut too far, too fast. At a time when we're asking men and women in uniform to do more, we shouldn't be providing less. As our Armed Forces take part in so-called peace-keeping operations around the world, we should be supporting them, not cutting them. As chairman of the Armed Services Personnel Subcommittee, I'm pleased our military forces will be getting a 3 percent pay raise. I wish it could be more, but at least we're taking care of the troops and their families.

Idaho plays a key role in research and development to keep our national defense the best and strongest in the world. I am proud of the dedicated scientists, engineers, and workers in Idaho who fill important roles to make sure when our troops are called into action, they have the best and most advanced equipment and technology. The work at laboratories from Idaho Falls to Sandpoint saves lives.

The Department of Defense appropriations bill in this omnibus package funds projects which help diversify the missions at the Idaho National Engineering Laboratory. It provides $3.5 million for an Air Force Battle Management System and $3 million for the chemical weapons demilitarization Mobile Munitions Assessment System. These projects are designed to protect our forces in the field, where training and equipment are expected to perform.

Our Navy benefits from this bill as well. This bill funds $40 million over the President's request for advanced submarine technology development, much of this work is done at the Navy's acoustic center at Lake Pend Oreille in northern Idaho. Pend Oreille is the deepest lake in the country, and provides an excellent laboratory and training ground for development of the quietest and hardest to detect submarines in any ocean.

Mr. President, while I don't like the fact this bill is more than $6.5 billion dollars more than Congress originally proposed, it does continue to bring fiscal responsibility to the Federal budget, and continues the pledge this Republican Congress made to Americans to balance the budget. It is important to note these spending increases are paid for with other provisions in this bill.

Therefore, Mr. President, I can only hope that in the next Congress, we can not only trim discretionary spending, but we can pass laws that will attack runaway mandatory spending. It is possible, if we have a President and a Congress that will work together.●

CITY OF HOLLAND

● Mr. LEVIN. Mr. President, I rise today to honor the city of Holland, MI. In June 1996, the National Civic League selected Holland as 1 of 10 All-America Cities that best displayed their ability to recognize and respond to problems in the community.

Holland was singled out for several of its successful community programs. These include: the Maple Avenue Church recreation facility, which provides supervised youth programs which reduce gang violence; Van Raalte Elementary School's program of offering tutoring, drug prevention training, recreation, and family help; and the Our-street program, which helps homeowners, landlords, and tenants. These programs work to bring down racial and ethnic barriers that have divided people and foster a strong sense of community.

When announcing this year's winners, John W. Gardner, chairman of the National Civic League said, ''These ten communities have one thing in common: A belief in the power of grassroots problem solving.'' I can think of no better description of the city of Holland. The residents of Holland have taken it upon themselves to reach out to their neighbors and work to improve their community.

I know my Senate colleagues join me in congratulating the city of Holland on this distinction.●

RETIREMENT OF JOHN GALLOS, TWIN CITIES TELEVISION PIONEER

● Mr. GRAMS. Mr. President, there was a song actor Walter Brennan made popular in the early 1960's in which he reminisces about an old farmhand he recalled from his childhood. ''I can't remember when he 'tweren't around,'' went the lyrics. I rise today to pay tribute to an outstanding Minnesotan, one of our State's pioneers in television, of whom can truly be said, ''We can't remember when he 'tweren't around.''

An entire generation of Minnesotans fondly remembers John Gallos as Commodore Cappy and Clancy the Cop, the characters he created for a pair of early-morning children's programs at WCCO Television in Minneapolis. In the early 1950's, television was in its infancy. It was anything goes as John and his colleagues experimented with and defined this new medium. The weekly prop budget of $1.50 did not buy much in those early years, but the kids who flocked to their television sets to start their days with a dose of Cappy or Clancy did not care: they had found a place where they were always welcome.

Besides his children's programming, John hosted a nondenominational religious talk show entitled ''Sunday Morning With John Gallos'' which ran on WCCO for 31 years. The show was honored in 1995 with a Wilbur Award from the Religious Public Relations Council for its excellence in communicating religious and ethical issues. John rightly counts ''Sunday Morning'' as one of his proudest achievements.

When I think of John, another of his Sunday projects comes to mind: a weekly salute to Laurel and Hardy that introduced the comic legends to a new generation.

There is one story John often tells because to him, it demonstrates the positive impact local television can have on a community. For the rest of us, it exemplifies the positive impact John Gallos himself has had on the lives of Minnesota families. It happened just before Valentines Day around 1959. John, as Commodore Cappy, was talking on the air with Vivian Vulture, one of his puppets. ''I suppose you'll get a lot of Valentines this year,'' he told her. ''No, Commodore, I never get any Valentines,'' answered Vivian, and she started to cry. The Commodore wiped a tear from his own eye and said, ''Perhaps the children will think of you this year.''

Mr. President, over the next few days, more than 10,000 Valentine cards poured into the WCCO studios addressed to that little puppet.

In recent years, the voices of most of the pioneering talents in Twin Cities television have grown quiet, as they trade their shifts in front of the cameras and microphones for retirement. And now, after nearly a half century spent inside the radio and television studios of WCCO, John Gallos is retiring, too. My colleagues in the Senate join with me in congratulating John for his lifetime of service to his community. We thank him for his generous spirit, and wish him well in the years to come.●

MONETA J. SLEET

● Mr. LEVIN. Mr. President, on September 30, 1996, our Nation, and the world, lost one of its most gifted documenters of history, photographer Moneta J. Sleet.

Moneta was the first African-American to win journalism's most prestigious award. He won the Pulitzer Prize in 1969 for documenting the funeral of Dr. Martin Luther King, Jr. His photograph of Coretta Scott King holding her 5-year-old daughter at Dr. King's funeral has come to symbolize the tragedy of this turbulent period in our nation's history.

Moneta spent the majority of his career chronicling our Nation's civil rights movement. We are grateful to have had Moneta to record this important part of our history. In 1956, he met a 28-year-old Martin Luther King, Jr., who at the time was a minister in Atlanta. Moneta fostered a close relationship with King, and later would travel with him to Sweden when he received the 1964 Nobel Peace Prize. Moneta also accompanied Vice President Richard M. Nixon to Africa in 1957 when that continent was on the verge of independence.

Moneta was born in Kentucky in 1926. He attended Kentucky State and received a master's degree in journalism from New York University. Moneta went on to work for the Amsterdam News, Our World, Ebony, and Jet magazines. Moneta Sleet died in New York City at the age of 70, leaving behind his wife, three children, and three grandchildren.

On September 30, we lost an American treasure. I know my Senate colleagues join me in honoring the life of Moneta J. Sleet.●

THE WELLNESS PLAN OF DETROIT, MI, AND HEALTHSOURCE SAGINAW

● Mr. ABRAHAM. Mr. President, with the 104th Congress coming to a close, this Senator wanted to come to the floor and express his disappointment at the failure of Congress to act on a couple of extremely important issues affecting the State of Michigan.

One of the matters is a Medicare 50/50 enrollment composition rule waiver for the Wellness Plan of Detroit, MI. The Wellness Plan is a federally certified Medicaid health maintenance organization located in Detroit, MI. It currently has 150,000 enrollees—141,000 of whom are Medicaid, 12,000 commercial and 2,000 Medicare. Since 1993, the Wellness Plan has had a health care prepayment plan contract with Medicare. However, technical changes enacted by Congress effective January 1, 1996, unintentionally prevent the Wellness Plan from enrolling additional Medicare beneficiaries under the HCPP contract. So while the Wellness Plan now is positioned to become a full Medicare risk contractor, it currently is precluded from doing so due to the 50/50 Medicare/Medicaid enrollment composition rule.

My colleague from Michigan, Senator LEVIN, and I introduced legislation recently to grant this waiver to the Wellness Plan. It is important to note that even the Health Care Financing Administration [HCFA] supports the Wellness Plan receiving this plan-specific 50/50 waiver. Because this legislation is noncontroversial, only affects the State of Michigan, and is supported by the entire State delegation, it was our hope that we could either include this measure in the omnibus appropriation bill the Senate passed this week.

Regrettably, we were unable to include this language in the omnibus appropriation bill due to opposition from the Finance Committee to the addition of any Medicare or Medicaid provisions. While this Senator intends to pursue this initiative in the next Congress, it is truly disappointing that we were not allowed to enact this provision this year. This may appear to be a relatively minor, technical legislative issue, but it would have had a profound impact on the ability of Medicare beneficiaries in the State of Michigan to participate in this effective health care plan.

Mr. President, the other matter has to do with HealthSource Saginaw hospital facility in Saginaw, MI. For the past 2 years, several of us in the Michigan delegation have been working diligently to provide a temporary extension of the moratorium that Congress had enacted and previously extended that prohibits the Department of Health and Human Services from considering HealthSource Saginaw to be an institution for mental diseases [IMD]. The most recent moratorium expired on December 31, 1995. We were able to get a moratorium extension in last year's reconciliation bill. Obviously, the President's veto of that bill dashed our hopes of solving this problem through that mechanism. In the interim, however, the State of Michigan has been forced to subsidize the losses incurred by HealthSource Saginaw since the expiration of the most recent moratorium. Reportedly, this has cost the State of Michigan $902,000 to date since January 1, 1996, it is estimated that amount will increase to $1.2 million by the end of the year.

The fiscal year 1997 Labor-HHS-Education appropriation bill passed by the House of Representatives contained legislative language providing an extension of the moratorium through the year 2000 or until the first day of the first quarter in which Michigan's State plan would become effective under the new MediGrant program. It was our hope that such language would be included the omnibus appropriation bill or any continuing resolution that was sent to the President. Once again, the Finance Committee's opposition to any such Medicare or Medicaid provisions prevented us from succeeding in enacting this moratorium for HealthSource Saginaw this year. That is very unfortunate for the people of Saginaw, who risk losing an important health care facility in their area, and for the people of Michigan, who continue to have to subsidize this facility's operation because of the unwillingness of some in Congress to address this matter prior to adjournment.

As with the waiver for the Wellness Plan, this Senator intends to continue to press for the moratorium for HealthSource Saginaw in the 105th Congress.●

MARVIN C. PRYOR

● Mr. LEVIN. Mr. President, I rise today to honor Pastor Marvin C. Pryor, who on Saturday, October 12, 1996 will be consecrated to the office of bishop to the episcopacy of the Third Ecclesiastical Jurisdiction of Southwest Michigan. Pastor Pryor is a member of the Church of God in Christ, Inc. The ceremony will be conducted by Bishop Chandler D. Owens, chief apostle of the 4 million member organization.

Marvin Pryor is pastor of the Victorious Believers Ministries, where he has served since 1984. Under Pastor Pryor's strong leadership, church membership has grown from 30 to 700 parishioners. Pastor Pryor has also been influential in the establishment and operation of the church's After School Tutorial Program, Food and Clothing Assistance Program, and Prison Ministry.

Pastor Pryor is no stranger to public service. He worked for the Flint School District for nearly 30 years before retiring in 1992 to devote his full time to the ministry. He served as an administrator for 24 years and was Flint Northern High School's Principal for 16 years.

Marvin Pryor is a Michigan native who has received advanced degrees from both the University of Michigan and Michigan State University. One of Marvin's greatest joys in life is the time he shares with his wife and four children and their extended family. Of the numerous awards he has received for his community, civic, and religious involvement, he is most proud of being named Father of the Year by city of Flint Mayor Woodrow Stanley.

I know that my Senate colleagues join me in honoring Marvin C. Pryor on a long life of faithful service to the community, and in congratulating him on becoming a bishop in the Church of God in Christ, Inc.●

TRIBUTE TO THE STAFF OF THE SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT AND THE DISTRICT OF COLUMBIA

● Mr. COHEN. Mr. President, today I rise to pay tribute to the staff of the Subcommittee on Oversight of Government Management and the District of Columbia.

I have had the pleasure of serving either as the chairman or the ranking member during my entire tenure in the Senate. The subcommittee has been responsible for a number of significant legislative and oversight accomplishments during the past 18 years and, while it would take too long to describe each of these accomplishments, I want to mention just a few of them:

The Competition in Contracting Act [CICA] of 1984, major procurement reform which remarkably improved the way Government agencies acquire goods and services.

The independent counsel law, which serves to ensure that wrongdoing at the highest levels of Government will be impartially investigated.

The Clinical Laboratory Improvement Act of 1988, designed to improve

the regulation and accuracy of medical laboratory tests.

More recently and under the leadership of Senator LEVIN, the Subcommittee was instrumental in the passage of the Lobbying Disclosure Act which requires public registration of professional lobbyists.

Just this year, the subcommittee was responsible for the enactment of the Information Technology Management Reform Act. This landmark legislation will save taxpayers billions of dollars by changing the way the federal government approaches, purchases and uses technology.

As a result of two subcommittee hearings, the Federal Employee Travel Reform Act of 1996 recently became law. This act represents the biggest change in Federal travel rules in 40 years and will result in an estimated savings of $4 billion over the next five years.

Not only has the subcommittee staff achieved significant legislative accomplishments, but they have worked tirelessly to ensure that the subcommittee's oversight function was performed aggressively, credibly, and with the utmost integrity and care. Regardless of the issue, the subcommittee has undertaken its oversight role with vigor and tenacity. The subcommittee has performed oversight on issues ranging from procurement to Government ethics and, more recently, from bank failures and federal construction to aviation safety.

The subcommittee has also published a number of investigative reports which have had significant impact on Government reform. These reports include ''Federal Government Losing Millions By Not Minding the Concessions Store'' and ''Computer Chaos: Billions Wasted Buying Federal Computer Systems''. A soon to be released report on Federally Funded Research and Development Centers [FFRDC] will lay the groundwork to significantly improve the Federal role in promoting scientific research.

Today, I wanted to pay tribute to the staff who have worked tirelessly in recent years to continue the tradition of excellence always associated with the Subcommittee on Oversight of Government Management. Under the leadership of staff director Kim Corthell and deputy staff director Paul Brubaker, the staff continues to perform a respected and recognized oversight and legislative function on Capitol Hill.

I want to express my gratitude and thanks to the current subcommittee staff—Kim Corthell, Paul Brubaker, Paulina Collins, Bill Greenwalt, Frankie deVergie, and Andrea Gerber.

I also want to recognize and thank other members of my staff who served on the subcommittee in the past—Mary Gerwin, Priscilla Hanley, Andy Antrobus, Jennifer Goldthwait, Kelly Metcalf Meese, Julie Denison, and Matthew Frost.

Finally, I want to mention and thank the individuals who have most recently served on the subcommittee as fellows and detailees—Don Mullinax, Ralph Dawn, Marty Grenn, Chris Condon, and Peter Wade.

These women and men made an invaluable contribution to the subcommittee's work and to improving government. I deeply appreciate their loyalty and dedication, and I wish all of these talented and hard working individuals continued success and much happiness in their future endeavors.●

A MORE BALANCED IMMIGRATION BILL

● Mr. AKAKA. Mr. President, as we move toward adjournment, I wish to comment on the recently passed illegal immigration reform bill. I also wish to commend everyone who helped hammer out the compromise that was incorporated into H.R. 4278, the Omnibus Consolidated Appropriations bill.

The resulting compromise properly shifted the focus from penalizing those legally admitted to this country to those who illegally cross our borders. The conference report, as passed by the House of Representatives last week, would have severely restricted benefit eligibility for legal permanent residents and other lawfully admitted immigrants. Legal residents—people who contribute to our society by working hard, paying taxes, serving in our Nation's Armed Forces, and observing all laws to remain in the United States—would have been ineligible for most Federally funded public assistance based on income.

The resulting compromise eliminates deeming provisions that would have restricted the ability of legal immigrants to receive federal benefits during their first 5 years in the United States. Moreover, it dropped provisions mandating deportation or denial of naturalized status to immigrants who accept Federal benefits during a 12-month period over 7 years.

These are significant changes which soften the newly enacted welfare reform bill that bars legal resident aliens from receiving a number of Federal benefits.

The House-passed conference agreement also called for establishing income standards for the sponsorship by U.S. citizens of family members that were unrealistically high and would have had a deleterious effect on family reunification—a long-standing goal of U.S. immigration policy. The conference agreement numbers would have kept sponsorship of immediate family members out of the reach of many hard-working, tax-paying families. Under the compromise, sponsors of immigrant relatives must now earn a minimum of 125 percent of the Federal poverty level. This is a more realistic standard that will assist low-income wage earners in reuniting with their family members.

I voted for the Senate immigration reform bill in May, not because I thought it was perfect, but because it addressed the issue of illegal immigration. I was hopeful that the House and Senate bills could be negotiated in a bipartisan fashion so that Congress could enact meaningful immigration reform. During the conference, Democrats were excluded from the process. The results, Mr. President, were predictable.

The Congress does not represent only one opinion. We must be willing and able to compromise, to hear one another's concerns, and find solutions that will not harm our citizens and legal immigrants. Congress was on the verge of enacting legislation that would have created a second-class citizenship for legal immigrants. I am pleased that we were able to avert action that would have unfairly treated those legally admitted to this country, threatened to close the door on refugees fleeing persecution, and denied working Americans the right to be reunited with their families.●

REGARDING THE TRAUMA REDUCTION INITIATIVE

● Mr. MACK. Mr. President, as we complete our business in the Senate today, I rise to note with interest the support the Appropriations Committees in the House and Senate gave to the trauma reduction initiative under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program of the Bureau of Justice Assistance.

On page H11848 of the September 28, 1996 CONGRESSIONAL RECORD, the Commerce, Justice, State, the Judiciary and Appropriation subcommittee members of the House and Senate urge the Bureau of Justice Assistance to favorably consider funding the initiative. As you may know, the trauma reduction project was developed by Cooper Hospital/University Medical of Camden, NJ, and NOVA Southeastern University of Fort Lauderdale, FL, to respond to and prevent violence and crime in our neighborhoods. What makes this initiative unique is the joining of therapeutic and alternative dispute resolution methods to train personnel who intervene most often in violent or even chronic abuse situations.

I look forward to working with my colleagues from New Jersey and the Department of Justice to make this proposal a reality. Not only will it assist immediate victims of abuse and crime, but it will contribute to reduce the spiral of crime and violence which plagues our neighborhoods and burdens our health care system.●

URBAN WOES AND SOLUTIONS

Mr. MOYNIHAN. Mr. President, I would like to call the Senate's attention to an op-ed in the New York Daily News by Professor Mitchell Moss. Professor Moss, director of the Taub Urban Research Center of New York University, has a long history of illuminating our Nation's urban woes, and potential solutions.

I ask that the article entitled ''U.S. Cities Need a Helping Hand'' by Mitchell Moss be printed in the RECORD.

The article follows:

U.S. CITIES NEED A HELPING HAND

(By Mitchell Moss)

Like suburbanites who commute to high-income jobs in downtown offices, Bill Clinton and Bob Dole treat cities as places to raise money, not as centers of commerce and culture with physical and human needs.

The same is true across the political spectrum. Both parties used cities to stage their conventions—but failed to acknowledge the economic and social importance of cities in their party platforms. Neither party has a set of policies to deal with the impact of immigrants, to help schools, to pump private dollars into housing or to use the renewal of the infrastructure as a way to create jobs.

The Democrats' only strategy for cities is to create more empowerment zones. That's supply-side idea stolen from Jack Kemp's playbook, but it is too unproven to warrant expansion into a national spending program. And congressional Democrats still support the entrenched interest groups that impede innovation at the community level.

As for the Republicans, it took Kemp, a former housing secretary, to remind them that cities are still part of the United States. In fact, the GOP platform virtually ignores cities while paying homage to the nation's agricultural heritage and calling for tax policies to preserve the family farm.

The GOP would shift most domestic programs to the states, putting cities at the mercy of suburban and rural-dominated legislatures that consistently shortchange urban schools and mass transit systems.

And both parties have joined in passing anti-urban welfare reform legislation. The targets of this law—poor people and legal immigrants—are disproportionately located in the nation's major cities. Moreover, welfare reform, when combined with the bi-partisan agreement to balance the budget without reducing entitlements, will force Washington to intensify its two-decade-old policy of urban disinvestment.

Ironically, the federal government's abandonment of cities is occurring at the precise moment when central-city office markets are rebounding, when business improvement districts are cleaning up streets and sidewalks and when church and community-based corporations have mastered the art of developing low-cost housing.

There is even a new cadre of mayors trying to do what was once considered impossible: Govern big cities. Giuliani in New York, Riordan in Los Angeles, Daley in Chicago, Rendell in Philadelphia and White in Cleveland are taking on the challenge of reducing high taxes, holding down municipal labor costs, stimulating tourism and improving safety—all without the help of their governors and legislatures.

So what can Washington do to help mayors and their cities? There are no quick fixes. But there are priorities that warrant funds and attention:

National immigration policy has caused overcrowding in big-city schools, especially in New York and Los Angeles. The cost of educating the children immigrants should be partially covered by the federal government and not just local taxpayers.

Washington should build on its successful use of tax incentives to attract private dollars to finance low-income housing and stimulate minority employment in the contracting and construction trades. Federal policy makers also should recognize the importance of religious-based organizations in housing and economic development.

The federal government can help create jobs while improving urban infrastructures by fostering public and private investment in mass transit, intelligent highways and waterfront development.

The federal government cannot cure the problems of cities, but voters must not let the presidential candidates run away from the cities, either.●

VOLUNTEER AMATEUR RADIO OPERATORS

● Mr. COHEN. Mr. President, I rise today to pay tribute to volunteer amateur radio operators who provide an essential emergency communications service to government and private relief agencies during times of national disasters.

After floods, hurricanes, earthquakes, fires, and tornados, amateur radio, or ''ham'' operators as they are often called, provide emergency communications when other forms of communications are down. They are often the only ones who can relay messages from victims in disaster areas to loved ones in other locations. There are over 4,000 ham radio operators in Maine, over 650,000 nationwide, and several million internationally.

To give you an example of the valuable public service that ham radio operators provide, I want to tell you about a story that came to my attention last year. A couple honeymooning on St. Maarten were lost during Hurricane Luis. The hurricane caused massive destruction to the island, leveling neighborhoods, tearing apart hotels and restaurants, and washing out roads. Thousands of tourists were stranded without electricity, running water, or telephone service.

George Foss, a ham radio operator from Franconia, NH, worked with Linda Leeman and David Seaborn of my staff, and ham radio operators in Cuba, Panama, North Carolina, and Aruba to contact the U.S. Consulate on the Dutch side of the island where one of the diplomats was operating an amateur radio station on emergency power. At the time, there were only two cellular telephones in service for the entire island. All other forms of communication had been destroyed by the hurricane. The hard work of these amateur radio operators made it possible to locate this couple and let their friends and family back home know they were alright.

Mr. President, I want to publicly thank George Foss and the millions of amateur radio operators worldwide who volunteer their time to aid in these search and rescue efforts. We all owe them our thanks and sincere gratitude.●

RESOLUTIONS OF THE VERMONT ASSOCIATION OF CHIEFS OF POLICE

● Mr. LEAHY. Mr. President, I ask to have printed in the RECORD, copies of two resolutions passed on May 31, 1996, by the Vermont Association of Chiefs of Police dealing with the creation of a national clearinghouse for information on police performance and the police officer bill of rights.

I would like to thank them for sharing these resolutions with me.

The resolutions follow:

RESOLUTION FOR THE SUPPORT OF NATIONAL OFFICER CLEARINGHOUSE LEGISLATION

Whereas the vast majority of police officers serve and protect their communities professionally and successfully with diligences, courage and integrity; and

Whereas it is essential that the public maintain confidence in the professionalism and integrity of its police officers, and the ability of police agencies to maintain those standards; and

Whereas only a small percentage of police officers have acted in a manner that does not meet the public's expectations or the profession's standards of ethics and conduct; and

Whereas it is in the best interest of the public and the policing profession to assure that such officers are denied further opportunities to serve as police officers; and

Whereas such officers who are terminated or who resign because of misconduct can often secure subsequent police service employment at other agencies, often by reason of not fully disclosing the circumstances of a previous termination or resignation; and

Whereas the ability of such officers to move from one agency to another severely limits police agency's ability to identify officers that should not be working police services; and

Whereas the ability of a prospective employing agency to identify such officers could be enhanced through a national clearinghouse of information by which prior police service employment is made known to prospective employing agencies; and

Whereas, at the urging of the International Association of Chiefs of Police, the Florida Police Chief's Association, and the Florida Department of Law Enforcement, legislation was introduced by Senator Bob Graham and Congressman Harry Johnson to create a National Officer Clearinghouse, but the legislation was not enacted by the 103rd Congress: Now, therefore, be it

Resolved, That the Vermont Association of Chiefs of Police calls for Vermont's Congressional delegation to support S. 484—the ''Law Enforcement and Correctional Officers Registration Act of 1995'' and companion House legislation co-sponsoring this legislation, and be it further

Resolved, That the Vermont Association of Chiefs of Police, through its membership, actively participate in the clearinghouse once it is established.

Passed this 31st day of May, 1996 in Vergennes, Vermont.

GARY WATSON,
President.

RESOLUTION IN OPPOSITION OF POLICE OFFICERS' BILL OF RIGHTS LEGISLATION

Whereas, the U.S. Congress is presently considering legislation to establish a federal Police Officers' Bill of Rights; and

Whereas, if adopted, this legislation would require every local, county and state law enforcement agency to adopt a Law Enforcement Officers' Bill of Rights, or lose substantial amounts of federal grants; and

Whereas, the Vermont Association of Chiefs of Police believes that due process rights for all police officers subject to (1) investigation for violation of department rules and regulations; and (2) subsequent disciplinary action are well provided for in individual agency policy and procedure in compliance with prevailing federal and state law and court mandates; and

Whereas, this legislation violates the theory of states' rights established under the 10th Amendment to the U.S. Constitution, through which the states retain the right to regulate those matters that the federal government had not regulated; and

Whereas, specific provisions of the Police Officers' Bill of Rights will deprive police administrators of vital and necessary powers to conduct both informal and internal investigations to resolve employee grievances, and to maintain a civil service system free of politics;

Now therefore be it resolved that the Vermont Association of Chiefs of Police hereby affirms its opposition to H.R. 2946, H.R. 2537 and all bills and amendments of a similar nature that would establish a federal Police Officers' Bill of Rights.

Be it further resolved that a copy of this resolution be delivered to Vermont's Congressional Delegation along with a request that the resolution be entered into the Congressional Record.

Passed this 31st day of May, 1996 in Vergennes, Vermont.

GARY WATSON,
President.●

TRIBUTE TO J. MARK TIPPS

● Mr. FRIST. Mr. President, I rise to pay tribute today to a member of my staff who has served me and the State of Tennessee with dedication and excellence for the past 2 years. When I came to the U.S. Senate, I had no previous political experience. That meant that I had no staff waiting for their next assignment, no idea how to set up an office, and no time to learn. Luckily, I did have Mark Tipps.

To my great benefit, Mark Tipps agreed to take a leave of absence from his law partnership at Bass, Berry, and Sims in Nashville and bring his wife Joi and two beautiful daughters, Annie and Grace, to Washington to serve as my Chief of Staff.

I first came to know Mark when he volunteered to help me clarify and articulate my position on various issues during my campaign. Although he also had no direct previous political experience, I was instantly impressed by his ability to bring complicated state and national issues into focus and his level-headed, common-sense approach. Throughout his tenure in Washington, he has used these qualities to help me put together and maintain a first-rate staff; keep a strong presence in Tennessee, even when the Senate schedule keeps me in Washington; develop a successful, focused legislative agenda; and make the right decisions for Tennesseans on tough issues.

Most importantly, Mark has played a major role for me and my entire staff in making sure these past 2 years were not only challenging, but also enjoyable. I remember the first trip I made to Washington with Mark after my election. We were late to a meeting because we were wandering around the Capitol looking for the Russell Building. We eventually found it, but it has been the source of many jokes over the past 2 years as we recount just how far we've come. Mark is known among my staff and throughout the office for his open-door policy and good judgment. Staff members know that if they have a problem or need advice, personal or professional, all they have to do is knock. With his easygoing, affable personality, Mark is more than just a boss to my staff—he is a friend. Mark has also become far more than just a staff member to me and my wife, Karyn. He is a personal friend and we look forward to staying in touch with his family during our frequent visits to Nashville.

The one request that Mark made of me when he came to Capitol Hill was that I not make him stay more than 2 years. I am begrudgingly and with much hesitation keeping that promise, and I wish Mark the very best of luck as he returns to his home in Nashville to resume his law practice. If Mark takes nothing else back home with him after his 2-year ''baptism by fire'' here, he is at least taking a fifth family member and his first son. John Alfred Tipps was born on May 29 and may not remember much of his stay here, but can hopefully read this tribute and know how much his Dad contributed to this country. The whole Frist office will miss Mark, but we all send him off with our very fond memories, sincere gratitude and best wishes.●

SAVINGS BANK LIFE INSURANCE INDUSTRY

● Mr. KERRY. Mr. President, although I do not serve on the Finance Committee, I was pleased to work closely with that committee during this Congress on a number of issues which have a special impact on the people of Massachusetts. For example, in the Small Business Job Protection Act, we were able to provide tax relief for fishing families in New Bedford, MA, as well as extend the research and development tax credit and employer-provided education tax deduction. In addition, in that legislation, we raised the minimum wage by 90 cents an hour—the first installment of that raise just went into effect this week, and the benefit is being felt by families all across Massachusetts.

Mr. President, while we can take pride in this work, there were several miscellaneous tax provisions that the committee, without making any judgment about their merit, found unable to give proper review or consideration. One of these technical amendments would clarify the tax treatment of the State-mandated consolidation of savings banks life insurance departments. Specifically, the amendment would address the potential unfair consequences for the savings bank life insurance [SBLI] industry which is unique to New York, Connecticut, and Massachusetts.

While the Finance Committee did not act on this issue in the current Congress, it is my hope and expectation that the Senate will be able to make the necessary technical clarifications in the law early next year.

I should point out that all six Senators from affected States wrote to the chairman of the Finance Committee, the Senator from Delaware, requesting committee consideration of the measure. That letter, which I ask to be printed in the RECORD immediately following my remarks, was signed by Senators KENNEDY, MOYNIHAN, D'AMATO, DODD, LIEBERMAN and me. Mr. President, in addition to the clear, bipartisan support for this technical amendment, the Treasury Department has indicated the Clinton administration has no objection to this proposal.

I look forward to working with my colleagues on this issue in the 105th Congress. I yield the floor.

The letter follows:

U.S. SENATE,
Washington, DC, December 12, 1995.

Hon. WILLIAM V. ROTH, JR.,
Chairman, Senate Finance Committee,
Washington, DC.

DEAR MR. CHAIRMAN: During upcoming negotiations on the Balanced Budget Act of 1995, we would ask that you support a technical amendment to address potential unfair tax consequences for the savings bank life insurance (SBLI) organizations in New York, Connecticut and Massachussets. SBLI is an industry unique to our three States. The provision would clarify the tax treatment of the state-mandated consolidation of mutual savings bank's life insurance departments.

More specifically, the provision would clarify how the Internal Revenue Code of 1986 should treat certain additional policyholders dividends mandated by the Massachusetts State Legislature in 1990. As explained further in the attached paper, the legislation consolidated the state's savings banks' life insurance departments into a new non-public stock company, while still providing for the sale of its products through these state banking institutions. Because of the IRS' expansive interpretation of current law, it is essential that Congress clarify that the 12-year dividend payout associated with this consolidation should be treated as a deductible policyholder dividend rather than a non-deductible redemption of equiy. The IRS has indicated that if the tax clarification of this issue is not made this year, SBLI and its policyholders will be subjected to this tax inequity which will be regrettably and unfairly passed on to the consumer.

Only the Savings Bank Life Insurance Company of Massachusetts is immediately affected by the IRS' interpretation of the Code. However, the sister industries in both New York and Connecticut may be adversely affected if the Tax Code is not properly clarified because they may follow the consolidation approach taken by Massachusetts. Revenue estimates by the Joint Committee on Taxation project that the cost of this clarification to the Tax Code would not exceed $25 million over the next five years, and the Administration has testified that it does not oppose providing legislative relief to SBLI.

Mr. Chairman, for the aforementioned reasons, we would appreciate your cooperation in clarifying the Tax Code as it relates to this timely issue.

Sincerely,

ALFONSE M. D'AMATO,
U.S. Senator.
EDWARD M. KENNEDY,
CHRISTOPHER J. DODD,
DANIEL PATRICK MOYNIHAN,
U.S. Senator.
JOHN F. KERRY,
JOSEPH I. LIEBERMAN.●

PROFESSIONAL BOXING SAFETY ACT

● Mr. MCCAIN. Mr. President, as the Senate comes to the close of this session, I want to express a few words on the passage of H.R. 4167, The Professional Boxing Safety Act. I am extremely pleased that the 104th Congress will be the first in 35 years—since the days of the Kefauver Committee—to reform professional boxing. The bill has been sent to the President for his consideration.

I thank my colleague, Senator BRYAN, who represents the premier boxing State in our country, for his great help and counsel on this bipartisan legislation. In the House, Subcommittee Chairman MIKE OXLEY, Chairman BLILEY of the Commerce Committee, Rep. PAT WILLIAMS, and Rep. JOHN DINGELL all played vital roles in getting this historic legislation passed in that body.

I have been an avid fan of professional boxing all my life. I still go to several fights each year. Boxing can be a thrilling and honorable contest between highly skilled athletes. At its best, professional boxing for me and millions of other fans is the ''sweet science.''

But professional boxing in our country is also a big money, often unregulated industry that has been aptly described as the ''red light district of sports.'' I regret it has earned that distinction through decades of controversy, scandals, and ethical abuses.

Of primary importance for me has been the lack of proper health and safety measures for the unknown, journeymen boxers who sustain the sport. They may never make more than a few hundred dollars a night, and are subject to physical and financial exploitation from unscrupulous promoters. It is the only profession they know.

As soon as they are of no use to a promoter, they are discarded. Left with the debilitating effects that result from years of punishment. No pension, no medical care, no assistance from any league or association in the industry.

Other major sports have well-run private associations that provide benefits to their athletes, and address ethical abuses on behalf of the public. Boxing has none.

With no private organization in this industry, and uneven public oversight at the State level, it is appropriate for the Congress to act on behalf of the athletes whose health and safety is often put at risk.

In fact, five States have absolutely no public oversight of professional boxing. That can easily lead to dangerous or fraudulent situations.

This bipartisan legislation, H.R. 4167, is closely based on the bill Senator BRYAN and I passed through the Senate last October—S. 187. It is a modest but practical bill. It establishes a series of health, safety, and ethical standards for each professional boxing event in the United States.

This act will greatly assist dedicated State boxing commissioners as they strive to responsibly regulate this industry. The Association of Boxing Commissions strongly endorsed S. 187, and I received letters from boxing officials from all over the United States in support of it.

This is not a Washington-based, bureaucratic solution to the problems affecting boxing that are matters of public concern. I sought the views of State officials from each commission in the country before drafting this legislation.

It is a common sense, limited proposal that puts the interest of the athletes above those of the promoters who would otherwise cut corners on safety. The primary effect of the bill will be to ensure that all boxing events are supervised by State officials. H.R. 4167 will ensure that a modest level of health and safety measures are provided.

It will also assist State commissioners as they work with their colleagues in neighboring States to stop fraudulent or unsafe events. All medical suspensions placed on injured or debilitated boxers must be respected under this bill.

A significant provision added in the House will prevent conflicts of interest in the industry. State commissioners who serve the public interest in regulating professional boxing will be prohibited from receiving compensation from the business side of the sport. That will help address the troublesome influence that the self-serving sanctioning bodies have gained over the years.

Importantly, I'd like to emphasize what this bill does not do. It does not require appropriations; it does not create a Federal boxing bureaucracy or entity of any kind. And it does not impose costly mandates on State commissions.

H.R. 4167, the Professional Boxing Safety Act, properly leaves regulation of the sport to State officials. But it will strengthen health and safety standards on behalf of the athletes, and require responsible oversight by these commissioners.

I believe this legislation will make professional boxing a safer and more honorable sport. That's a solid achievement for industry members, State officials, and the fans who long for it to be as great a sport as it can be.●

FCC'S IMPLEMENTATION OF THE TELECOMMUNICATIONS ACT OF 1996

● Mr. BURNS. Mr. President, I'd like to take a moment today to offer some observations on the FCC's recent attempts to implement the important Telecommunications Act that we passed during the 104th Congress. I ask unanimous consent that my comments appear as if presented in morning business.

As we all know, prior to the 104th Congress, we had been debating communications issues for almost 20 years with little forward progress. During the 104th, the chairman of the Senate Commerce, Science, and Transportation Committee, Senator LARRY PRESSLER, hammered out a balanced, bipartisan piece of legislation that addressed the extremely technical and controversial issues raised in deregulating the broadcasting and communications industries. When we all gathered in the Library of Congress on February 8, 1996, to witness the signing of this historic legislation into law, I think pretty much all of us were proud of our collective accomplishment. We hoped and expected that our efforts would produce new services, new competitive options, new jobs and investment, and a competitive marketplace.

However, recently, I have been watching the highly controversial efforts of the FCC at it has worked to implement this new law. And, as Yogi Berra once said, it's starting to look like deja vu all over again.

Congress hammered out a consensus blueprint—one that was fair and balanced, and one that all the various industries signed onto. That process took a lot of work; in fact, the Senate-House conference took over 4 months. However, I am concerned with the manner in which the FCC has gone about implementing this bill. In fact, yesterday's Wall Street Journal contained an article which identified many of the problems arising from the FCC's implementation of the Telecommunications Act. I ask unanimous consent that a copy of that article be printed in the RECORD at the end of my statement.

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

(See exhibit 1.)

Mr. BURNS. Mr. President, I am concerned that the FCC's implementation of the Interconnection provision—the FCC's order implementing this provision is 932 pages and contains some 4,062 footnotes—has alienated virtually all of the State regulators, and it has generated a massive appeal to the courts by the local exchange companies—this represents about three-quarters of the entire industry. Thus, the balanced, consensus approach that Congress achieved has, apparently, been set aside, and now, unfortunately, we are seeing these issues before the courts.

Mr. President, this situation is not good for anyone. Confusion, industry strife, and massive court filings don't facilitate the construction of the information superhighway. Because I believe that the U.S. competitiveness in the global information economy will be dependent upon how quickly we upgrade our communications networks, it is absolutely essential that the FCC not adopt implementation policies that frustrate the timely deployment of information and communications infrastructure. I encourage the FCC to go back to the legislation that we passed and to follow the roadmap that Congress outlined. That roadmap calls for,

first, encouraging private sector negotiations, and, second, relying upon the State commissions to arbitrate solutions to the problems that private parties cannot work out. The FCC is responsible for overseeing this process but should not try to take over the process by rehashing all the issues that Congress resolved in the enactment of this act. It needs to implement Congress' blueprint in a balanced, consensus fashion, so that the communications industry can begin the important job of bringing new services, new options, and new technologies to the American public.

Thank you, Mr. President. I yield the floor.

EXHIBIT 1

[From the Wall Street Journal, Oct. 2, 1996]

HOW BUREAUCRATS REWRITE LAWS

(By John J. DiIulio Jr.)

As the historic 104th Congress draws to a close, scholars have already begun to debate its legislative record. Some stress that the first Republican Congress in four decades enacted fewer major laws than any Congress since the end of World War II. Others respond that it was only natural that a new conservative Congress committed to restraining the post-New Deal rise of national government activism would pass fewer big-government bills. Likewise, while some interpret President Clinton's bright re-election prospects as a negative referendum on the GOP-led House and Senate, other focus on how Republicans ended up setting the agenda on everything from balancing the budget to welfare reform.

For at least two reasons, however, both sides in this early war over the 104th history are firing intellectual blanks. One reason is that it is not yet clear how much of the legislation will stick politically. For example, Mr. Clinton has made plain that, if reelected, he plans to ''fix'' the new welfare law. And should the House fall to the Democrats, ultraliberal committee chairmen will move quickly to undo much of what the Republicans did legislatively on welfare, crime, immigration and more.

The other and more fundamental reason is that, no matter what happens in November, it is by no means certain that the laws passed by the Republican Congress over the last two years will survive administratively.

BUREAUCRATIC WARS

Victories won on the legislative battlefield are routinely lost in the fog of bureaucratic wars over what the laws mean and how best to implement them. One of many recent examples is how the Federal Communications Commission has already virtually rewritten the Telecommunications Act of 1996.

On Feb. 8, President Clinton signed the first major rewrite of telecommunications law in 62 years. To many observers, the act represented the culmination of a series of political and judicial decisions that began in 1974 when the U.S. Justice Department filed an antitrust suit against AT&T, leading to a breakup of the old telephone monopoly and the creation in 1984 of the seven regional ''Baby Bells.'' The bill-signing ceremony, the first ever held at the Library of Congress, was draped in symbolism. The president signed the bill with a digital pen that put his signature on the Internet. On a TV screen, Comedian Lily Tomlin played her classic telephone company operator Ernestine, opening her skit with ''one gigabyte'' instead of ''one ringle-dinglie.''

During the debate over the bill and for weeks after its enactment, the press played up the law's social-policy side-shows, like the requirement that most new television sets contain a ''V-chip'' enabling parents to lock out programs deemed inappropriate for children. But its true significance lay in removing barriers to competition in the telecommunications industry, and devolving responsibility for remaining regulation to the states. While its language is often technical, you need not be a telecom junkie to understand the letter of the law or the record of floor debates in Congress.

For example, Sections 251 and 252 of the law promote competition in local telephone markets, expressly giving state commissions authority to decide, via a strictly localized, case-specific process, what constitutes ''just and reasonable'' rates. It affords the FCC no role whatsoever in setting local exchange prices: ''Nothing in this chapter shall be construed to apply or to give the Commission jurisdiction with respect to . . . charges, classifications, practices, facilities, or regulations for or in connection with intrastate communication service.''

The law's devolutionary language and deregulatory intent was so clear that groups such as the National Council of Governors' Advisors quickly produced reports advising key state and local decision makers to prepare for ''telewars in the states.'' Soon, one NCGA report on the law explained, ''governors' offices, state legislatures and state public utility commissioners will be drawn into state debates on how to ensure a 'level playing field for competition' among those firms seeking to provide local and intrastate telephone service.'' The major battles, the NCGA predicted, would be over the terms of price and interconnection agreements. Telephone company rivals could be expected to lobby governors, utility commissions and state legislatures in search of allies.

But within six months of the law's enactment, the FCC declared a victor in the ''telewars in the states''—namely, itself. The commission produced a 600-page document promulgating presumptive national pricing standards in local telephone markets. The FCC insists that the order is necessary to pry open local markets to long-distance carriers like AT&T, small firms like Teleport, and cable and wireless companies. Otherwise, the commission asserts, incumbent local carriers like the Regional Bell Operating Companies will remain invulnerable to real competition as potential entrants to intrastate markets are forced to contend with 50 different, localized state regulatory regimes.

But the FCC's rushed, revanchist rewrite of the telecommunications law is based on a hypothetical pricing scheme that only an armchair economist could love. In its hundreds of pages of national regulatory dictates, the FCC almost completely ignores the actual costs that local companies incurred to create the system, and the regional and other variation in how they operate.

On Aug. 28, GTE Corp. and Southern New England Telephone Co. jointly challenged the FCC in court, arguing that the FCC's order constitutes an uncompensated taking under the Fifth Amendment by requiring them to sell their services at below actual costs. The order, they claim, would almost certainly enervate competition by permitting long-distance giants like AT&T to buy up local phone networks at huge discounts—an ironic potential outcome indeed given how all this began in 1974. Moreover, not only giants like AT&T but fly-by-night arbitrage artists could enrich themselves at the expense of consumers on the spread between actual operating costs and the prices set by the FCC. In response to the suit, a federal appeals court ordered a temporary stay of the FCC regulations and will hear oral arguments in the case tomorrow.

At a recent press conference, GTE's senior vice president and general counsel, former U.S. Attorney General William F. Barr, demanded to know why the FCC believes that it is better at making decisions ''for 50 states than the state commissions are, who have done this historically, who have all the data that are relevant to the state before them.''

A MOCKERY

But whether or not the FCC is wiser than the states, but regardless of who is right about the economics of the case, the FCC bureaucrats' order mocks key provisions of a democratically enacted law. The FCC's action is at odds not only with the textbook understanding of ''how a bill becomes law,'' but the first principles of limited government and American constitutionalism.

The FCC's action should serve to remind us that the devolution and deregulation of federal authority are always in the administrative details. On telecommunications, welfare, and almost every other major issue, big government is the administrative state in which judges and unelected officials, and not the elected representatives who debate and enact the laws, govern us all.●

1984 SINO-BRITISH JOINT RESOLUTION ON THE QUESTION OF HONG KONG

● Mr. MACK. Mr. President, only 270 days of freedom remain for the people of Hong Kong unless the principles of the 1984 Sino-British Joint Declaration on the Question of Hong Kong are upheld and enforced. Although Governor Chris Patton proclaimed yesterday his intention not to go quietly from his post as last Governor of Hong Kong, his stated goals do not go far enough. Martin Lee, Hong Kong's Democratic Party leader, correctly identified Patton's shortcomings on behalf of those who will remain after Beijing takes control of the colony next July.

Governor Patton proclaimed yesterday that he intended to accomplish many things during his remaining time in Hong Kong, but his proposed actions fall short of what is required. We see former Communist states all over the world transitioning to free market economies and forms of democratic governance. The United States and our friends and allies are investing a great deal of effort to aid and assist these transitions. We cannot turn our backs on the only instance of a successful and shining free market democracy transitioning to the darkness of communism. I fear that this will happen on midnight of June 30, 1997.

The world must insist upon implementation of the Sino-British Joint Declaration on the Question of Hong Kong signed in 1984. And then the world must ensure Beijing upholds their agreement. Neither Beijing nor London should back down from this agreement now.

I commend Mr. Patton for his good work on freedom, stability, and prosperity during his tenure as Governor. He has pursued reforms while facing resistance and indeed intimidation from Beijing. But he has been forced to compromise in order to maintain his relationship with Beijing. The price of this compromise is too great.

I must support Hong Kong's Democratic Party leader Martin Lee, who yesterday called on Patton to do more. I also call on the Government in London to do more. The people of Hong Kong should be asked to accept nothing less. The Joint Declaration of 1984 is an international treaty registered in the United Nations. A violation of this treaty by either party represents a violation of international law. London must hold Beijing to the terms of this treaty for the benefit of the people of Hong Kong.

In assessing the situation today, we have Patton's speech and Beijing's promises, but we must focus not on words, but actions. I am primarily concerned with actions taken by Beijing that undermine the promises made in the Joint Declaration. These include: harassing journalists by Beijing such as Hong Kong reporter Xi Yang; threatening to replace the democratically elected legislative council with an appointed provisional legislature; proposing to repeal Hong Kong's Bill of Rights; and assigning power of judicial interpretation to the national People's Congress rather than Hong Kong's courts.

The United States must strongly urge Beijing to grant Hong Kong the level of autonomy promised in the Joint Declaration. United States policy must acknowledge the Joint Declaration as an international treaty possessing the force of law. It is a matter of international law that the parties to the treaty abide by their solemn obligations undertaken in the Joint Declaration.

The United Kingdom should make a determination as to whether China's plans to replace the legislative council are a violation of the Joint Declaration. But even if London fails in this responsibility, the United States cannot sit idly by when, by anyone's reasonable interpretation, China violates its international treaty obligations, especially when the stakes are as high as they are with Hong Kong.

Over the next 9 months, I intend to continue to raise the level of attention of the Hong Kong transition. The principles at stake touch the core of the minimum standard of freedom upon which we must insist.●

TRIBUTE TO THE STAFF OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

● Mr. JOHNSTON. Mr. President, when I first came to the U.S. Senate, I was assigned to the Committee on Interior and Insular Affairs, which we of course know today as the Committee on Energy and Natural Resources. As I prepare to finish my Senate career, I look back on my years on that committee as the source of the most rewarding and intellectually stimulating challenges of my years here. From the Arab embargo of 1973 to the natural gas wars of 1978, from the complex Alaska land issues of the early 1980's to the National Energy Policy Act of 1992, we have been engaged in vitally important work that is often long on complexity and short on glamour.

I am proud of the record we achieved, not only during my 8 years as chairman, but throughout my service, and I wish today to say thank you to a professional staff unlike any other, one which has served the committee and the country so well over the years.

Some of the best minds in the country have served on the committee staff over the years. Whatever their reasons for coming, I believe most stayed and relished their time there because they found themselves in the company of other keen minds, and they knew that their mission would not be mortgaged to politics and that their task was to find honest, pragmatic, workable solutions to vexing problems. Almost all of them have gone on to rewarding careers in government and business, and I can only hope they were as enriched by their experience as the public product was by their service.

Luckily for me, some of the very best and brightest have remained to assist me as my service in this body comes to a close.

BEN COOPER

One of those staff members who has served me the longest and with particular distinction is the minority staff director of the committee, Dr. Ben Cooper. About the time I joined the committee, we became involved in the development of national energy policy in response to the crude oil supply interruptions in the Middle East that were disrupting our domestic economy. The committee has continued to be involved deeply in this issue, as indicated by its current name, which was attached to the committee during the reorganization of Senate committees that occurred in early 1977.

Shortly after I joined the committee, a long-haired doctor of physics joined the Democratic committee staff from Iowa State, where he had been an instructor. He first joined the staff as a congressional science fellow employed by the then-chairman, our dear departed colleague, Senator Henry M. Jackson. Since those early days, I have worked closely with Ben, who officially became part of my staff in 1981, when I became ranking minority member of the committee. Ben has continued with me through my chairmanship of the committee and through our return to the minority.

Mr. President, there can be no better staff than Dr. Ben Cooper. He is perhaps the only remaining staff of either the House or Senate who has a complete institutional memory of the evolution of modern Federal energy policy. Ben has been active on energy issues that range from crude oil pricing to natural gas deregulation to the current electric restructuring debate. Ben is particularly an expert on nuclear policy, as would be expected from his physics background. I can say without reservation that Ben has played an active and, usually, key staff role on every piece of legislation relating to nuclear matters that has been considered by Congress in the last 20 years. In addition, Ben has played a key role on non-energy-related legislation ranging from public lands legislation to the risk assessment legislation that has been considered by the Senate during the last two Congresses.

Mr. President, throughout his long career as Senate staff, Ben has earned a reputation for honesty and professionalism both among the staff and Members of the House and Senate. Unfortunately for the Senate and, I believe, the process of developing sound public policy, Ben has indicated that he will be leaving the Senate by the end of the year to pursue new challenges.

Mr. President, my friendship with Dr. Ben Cooper will continue, but our daily interaction is not likely to continue, and I will miss Ben's daily good counsel tremendously. I commend Ben for a career well spent and well conducted, congratulate him on the contribution he has made to our Nation and wish him the best in his future pursuits.

TOM WILLIAMS

The Senate Energy and Natural Resources Committee has been fortunate to have a second long-term Democratic staff member who is as eminent in his field as is Dr. Cooper in the field of energy policy. I refer, of course, to Tom Williams, who is without equal in his knowledge of Federal policy toward public lands, national parks, the U.S. Forest Service and a variety of lands issues relating to the great State of Alaska.

Tom joined the Democratic staff of the committee in 1973 and has continued his service with the committee through today, except for a brief interlude at the Department of the Interior early in the current administration. During his service with the committee, Tom has served as key staff on every public lands and national parks bill that has been considered or enacted by the U.S. Senate. No staff member in the Congress has a greater institutional knowledge of these important, and often divisive issues that are often at once arcane and tremendously important both to the Nation as a whole and to individuals that may be affected directly by Federal policy.

I have had the pleasure of considering Tom ''my'' staff since I became ranking member of the committee in 1981. Throughout that period of time, I have valued Tom's counsel not only on the parks and lands issues, but on a host of other issues including the mining reform legislation that has been considered by the committee in the past several Congresses. Tom has the ability to counsel wisely and honestly on the various policy options available and on the often diametrically opposed arguments of industry and the environmental community. Tom has that great ability, shared by Ben Cooper and many of my staff, to remain calm and

professional in the midst of the hottest and most divisive debates. For that reason, among others, Tom Williams has earned an excellent reputation among Members and staff alike in both the House and Senate.

Mr. President, I will miss my daily interaction with Tom, but I understand that Tom's talents will not be lost to the Senate or the public. I understand that Tom desires to continue in his service and I am sure that my colleague and friend, the senior Senator from Arkansas, who will become the ranking Democrat on the committee, will continue Tom's service with the committee.

Mr. President, I extend my thanks to Tom for his service and counsel to me and for his friendship, and I am pleased that the committee and the Senate will continue to have access to Tom's talents and service.

SAM FOWLER

A uniquely talented attorney serves as minority chief counsel of the committee: Sam Fowler. Sam has a long history of distinguished public service, first with the Smithsonian Institution, then with the President's Council on Environmental Quality, next with the House Interior and Insular Affairs Committee and, finally, beginning in 1991, with our committee.

Mr. President, Sam is a lawyer's lawyer. If Sam says the law says X, then you can be sure that the law says X. He is one of the most fastidious and careful researchers I have ever encountered. He has a special talent for expressing himself through the written word in a concise and precise manner.

Sam has staffed many issues in which I have taken particular interest. Perhaps in no area has his contribution been greater than in the area of nuclear policy. Sam has exhibited the rare talent, at least among lawyers, for mastering the scientific terms and concepts associated with the development of nuclear power and the safe disposal of nuclear waste.

Finally, Mr. President, I would be remiss if I did not mention one other activity of Sam's that has enlightened and enriched my life and those of the committee staff. Sam, on his own time, prepares incisive memoranda that trace the history and development of various aspects of the institution of republican government. Among his topics have been a history of gift rules, privileged motions, and the evolution of the modern State of the Union address. This aspect of Sam's life illustrates his wonderful intellectual curiosity that is so vital in good staff.

Mr. President, Sam is a treasure of the committee, a treasure I will miss greatly.

DAVID BROOKS

David Brooks came over from the House Interior Committee to join our staff in 1989. He has played a major role in shaping much of this country's recent policy on public lands, national parks, and historic preservation. The California Desert Protection Act is one such example of David's craftsmanship. And there could be no more appropriate bill with which to associate David—whom we often refer to as the third Senator from Arizona —than the Arizona Wilderness Act, to which he devoted his unstinting attention. If we are fortunate enough to see enactment of the pending omnibus parks bill before the end of this Congress, it will owe in significant measure to David's determination and negotiating skills. His great knowledge and exemplary work ethic have added so much to the work of our committee, and I am most grateful.

BOB SIMON

In 1993, I learned that Bob Simon of the Department of Energy would be detailed to the Energy and Natural Resouces Committee. Bob had started working for the Department during the Bush administration, and my staff director, Ben Cooper, told me of the high regard he had for Bob's acumen and integrity. I can say now from the perspective of 3 years later that Ben's endorsement, strong though it was, has turned out to be an understatement.

While many agency detailees treat their time with congressional offices as something like school without the examinations, Bob took his opportunity very seriously and began distinguishing himself almost immediately by his deft and thorough handling of difficult issues. Since coming on board, Bob has won the respect and admiration of his colleagues on the staff and the trust of the members who rely on his work, and he has demonstrated his possession of a rare combination of attributes—intellectual and technical mastery, outstanding political and strategic judgment, and complete reliability—which has made his work extremely valuable.

In particular, Bob's knowledge and expertise in the area of the Federal Government's energy research programs is unrivaled. And on the issue of risk assessment, which is only matched in its importance to the Nation by its lack of glamour and its complexity, Bob Simon provided staff work that was truly remarkable for its thoroughness and incisiveness.

I want to express my sincere appreciation for Bob Simon's hard work and dedication, and I wish him the very best in the future.

CLIFF SIKORA

No subject has presented more of a challenge to my committee or consumed more of our time than the vast issue of electricity deregulation, and I am frank to say that the sterling work done by Betsy Moeller, Don Santa, and Bill Conway raised the bar significantly on my expectations for staff work in this area.

I am pleased to say that Cliff Sikora, whom we enticed to come from the Federal Energy Regulatory Commission, has more than met those standards. I am persuaded that no one in the country has a more commanding overall grasp of the thorny issue of electricity deregulation than Cliff, and he has done an exceptional job of bringing those talents to bear to assist me and other members of the committee in our deliberations in the scant year or so that he has been on the staff.

VICKI THORNE

Vicki Thorne, through her years as majority and minority office manager and clerk, has performed the unsung, often unnoticed, but always critical job of keeping the committee running, whether in organizing hearings, supervising publications, or playing den mother to a large and diverse family of staff. Her efficiency has been matched only by an equable temperament and warm smile that enabled her and us to get our way far more often than not. She has my deepest thanks.

THE CYCLE OF VIOLENCE

● Mr. COHEN. Mr. President, I am submitting for the RECORD a Washington Post article about two young boys here on Capitol Hill, who recently deliberately inflicted pain upon someone's pet dog just for the fun of it. The Post article states that the dog was a friendly animal toward people. Witnesses state they saw the dog wagging its tail and going up to the two youths, expecting to be petted. Instead, one of the boys slapped the dog, took it to the top of an apartment building and hurled it to the ground.

Research suggests that people who abuse animals require immediate attention. They are involved in a cycle of violence, either as a victim, perpetrator, or both. These violent symptoms manifested by a troubled youth appear to be a particularly important and accurate early indicator of future violent behavior. Numerous experts cite the link between animal abuse and human violence as one early warning signal that the people involved in such acts of violence may either be a victim, or a perpetrator in some violent incidents. Experts state that those who are abusive to animals lack empathy, compassion, and respect for life. However, researchers agree that these personality attributes can be taught. A successful example of such, is the country of Israel, where a national humane education program to reduce violent crime in their country has been implemented.

Research on this issue also compels us to take action to detect, treat, and prevent perpetrators of animal violence before they turn their violent impulses toward humans. Many experts agree that animal abuse is not just a personality flaw of the abuser, but may be an indication of a deeply disturbed family. The Federal Bureau of Investigation has conducted research on the correlation between people who are abusers of animals to their committing future violent acts. In numerous interviews with prison inmates convicted of violent crimes, the deliberate infliction of pain on animals was a common link.

Last May, I advised Attorney General Janet Reno that cruelty to animals is a particularly troublesome

manifestation of youth violence. I encouraged the Attorney General to review the Justice Department's plan of action in exposing the correlation between animal and human violence, that prevention and treatment may begin. Since that time, I have been working with the Justice Department, law enforcement officials, and others in evaluating this linkage and how this knowledge can be used to decrease crime among juveniles.

Mr. President, today I wrote to Donna Shalala, the Department of Health and Human Services Secretary, and encouraged her to begin a program to educate the social services communities about the correlation between animal and human violence. I also wrote to Richard Riley, the Department of Education Secretary, encouraging him to implement an educational program among school guidance counselors, teachers, and school administrators in recognizing the signs of violence. School officials and the social services communities are among the first to recognize and work with troubled youth. Many see first hand the early symptoms of abusive behavior toward animals. However, most of these officials do not realize the correlation between animal abusers and the cycle of violence.

It is necessary for us to look at ways to reduce violence in this country. It makes good sense to evaluate further this correlation, which the FBI has used for almost two decades now in profiling serial killers and other violent offenders. Implementation of a humane education program in the school systems throughout the United States of America offers some hope for reduction of violence among our youth and at this point, any sensible approach should not be dismissed.

Mr. President, I also submit for the RECORD an interview with an FBI agent and professor at the FBI Academy in Quantico, VA, with the Humane Society of the United States. I believe it is time for Americans to pursue seriously every avenue to address and eliminate the cycle of violence.

I ask that these items be printed in the RECORD.

The material follows:

[From the Washington Post]

COCO THE SPANIEL IS SENT PLUNGING THREE STORIES

(By Linda Wheeler)

D.C. police are searching for two boys who walked a neighbor's dog up three flights of stairs to the roof of a Capitol Hill apartment building and then dropped her to the hard earth below.

Coco, a liver-and-white Brittany spaniel, landed spread-eagled, her right front leg shattered and the left limp from nerve damage.

''The [right] leg is blasted, what we call a high-energy fracture,'' said veterinarian Peter Glassman, of Friendship Hospital for Animals in Northwest Washington, ''Thank God we don't see these kind of injuries very often.''

According to Washington Humane Society officials, most animal cruelty cases in the city involve pets that have been starved or beaten by their owners. Rarely are they deliberately hurt by strangers, said Rosemary Vozobule, the society's law enforcement officer.

''This was a very sweet dog, and she just went up to these kids,'' she said. ''We have reports that one boy yelled at her and slapped her. Then he took her to the roof.''

The dogs owners, Nancy and Harold Smalley, live a block from the Kentucky Court housing complex in Southeast Washington, where the incident occurred Sept. 9. Nancy Smalley said that Coco, adopted two years ago from the D.C. Animal Shelter, was never allowed to roam. Coco must have slipped out of the house, she said, when Harold Smalley left for work early that morning.

''He took the trash out. He was half asleep,'' she said.

When Nancy Smalley couldn't find Coco to join their other dog—a black Labrador retriever named Mr. B—and five cats for breakfast, she called her husband. Had he taken Coco with him? No, he said. She then called the shelter to report Coco missing. The dog had a collar and name tag, she told them.

About the same time, someone called the shelter to report an injured dog. It was Coco, belly-down on the packed earth, which is so hard that no grass grows there. Someone had covered her with a tattered blanket. Humane officers took the dog back to the shelter for evaluation and called Nancy Smalley.

When she saw Coco a few minutes later, she said, ''my mind went blank. It was impossible for me to believe anyone would do this to a dog. I just couldn't understand it. I can't understand it. These things aren't supposed to happen.''

Despite her trauma, Coco struggles to balance on three feet and leans against a visitor's leg to have her head patted. Her right leg is in a cast, and the left dangles almost daintily. If she doesn't recover feeling in that leg, Glassman said, it will have to be amputated, because she will drag it and scrape it, leaving her vulnerable to constant infection.

''She's a very sweet dog,'' Glassman said, adding that she would be able to get along fine on three legs.

Vozobule said she has received several calls from neighbors who saw the incident or heard the boys talking about it. There is a $1,500 award for information leading to the arrest of the suspects, she said.

Vozobule said although what happened to Coco is ''tragic,'' she is pleased that residents were willing to call in tips. ''I think people are starting to realize treating animals this way just isn't right,'' she said.

DEADLY SERIOUS

AN FBI PERSPECTIVE ON ANIMAL CRUELTY

(By Randall Lockwood and Ann Church)

The HSUS has a long history of working closely with local, state, and federal law enforcement agencies to combat cruelty to animals. Many of these agencies have become acutely interested in the connection between animal cruelty and other forms of violent, antisocial behavior. They have found that the investigation and prosecution of crimes against animals is an important tool for identifying people who are, or may become, perpetrators of violent crimes against people.

Earlier this year Sen. William Cohen of Maine formally asked U.S. attorney general Janet Reno to accelerate the U.S. Department of Justice's research in this area. On June 6 The HSUS met with the staff of Senator Cohen and Sen. Robert Smith of New Hampshire and with representatives of the FBI and the Justice Department. One participant was Supervisory Special Agent Alan Brantley of the FBI's Investigative Support Unit (ISU), also known as the Behavioral Science Unit. The ISU is responsible for providing information on the behavior of violent criminals to FBI field offices and law enforcement agencies worldwide. Special Agent Brantley served as a psychologist at a maximum-security prison in North Carolina before joining the FBI. He has interviewed and profiled numerous violent criminals and has direct knowledge of their animal-abuse histories. In his role as an ISU special agent, he shares that information with agents at the FBI Academy and law enforcement officers selected to attend the FBI's National Academy Program. When we asked Special Agent Brantley how many serial killers had a history of abusing animals, his response was, ''The real question should be, how many have not?''

As law enforcement officials become more aware of the connection between animal abuse and human-directed violence, they become more supportive of strong anticruelty laws and their enforcement. We are encouraged by this development. We were granted permission to visit the FBI Academy, in Quantico, Virginia, to continue our discussion with Special Agent Brantley.

HSUS: What is the history of the Behavioral Science Unit/ISU?

Brantley: The Behavioral Science Unit originated in the 1970s and is located at the FBI Academy. Its purpose is to teach behavioral sciences to FBI trainees and National Academy students. The instructors were often asked questions about violent criminals, such as, ''What do you think causes a person to do something like this?'' The instructors offered some ideas, and as the students went out and applied some of these ideas, it was seen that there might be some merit to using this knowledge in field operations. In the mid-1980s, the National Center for the Analysis of Violent Crime was founded with the primary mission of identifying and tracking serial killers, but it also was given the task of looking at any violent crime that was particularly vicious, unusual, or repetitive, including serial rape and child molestation. We now look at and provide operational assistance to law enforcement agencies and prosecutors worldwide who are confronted with any type of violent crime.

HSUS: You have said that the FBI takes the connection between animal cruelty and violent crime very seriously. How is this awareness applied on a daily basis?

Brantley: A lot of what we do is called threat assessment. If we have a known subject, we want as much information as we can obtain from family members, co-workers, local police, and others, before we offer an opinion about this person's threat level and dangerousness. Something we believe is prominently displayed in the histories of people who are habitually violent is animal abuse. We look not only for a history of animal abuse, torment, or torture, but also for childhood or adolescent acts of violence toward other children and possibly adults and for a history of destructiveness to property.

Sometimes this violence against animals is symbolic. We have had cases where individuals had an early history of taking stuffed animals or even pictures of animals and carving them up. That is a risk indicator.

You can look at cruelty to animals and cruelty to humans as a continuum. We first see people begin to fantasize about these violent actions. If there is escalation along this continuum, we may see acting out against inanimate objects. This may also be manifest in the writings or drawings of the individual affected. The next phase is usually acting out against animals.

HSUS: When did the FBI first begin to see this connection?

Brantley: We first quantified it when we did research in the late 1970s, interviewing thirty-six multiple murderers in prison. This kind of theme had already emerged in our work with violent criminals. We all believed this was an important factor, so we said, ''Let's go and ask the offenders themselves and see what they have to say about it.'' By self report, 36 percent described killing and torturing animals as children and 46 percent said they did this as adolescents. We believe that the real figure was much higher, but that people might not have been willing to admit to it.

HSUS: You mean that people who commit multiple, brutal murders might be reluctant to admit to killing animals?

Brantley: I believe that to be true in some cases. In the inmate population, it's one thing to be a big-time criminal and kill people—many inmates have no empathy or concern for human victims—but they might identify with animals. I've worked with prisoners who kept pets even though they weren't supposed to. They would consider someone else hurting their pet as reason enough to commit homicide. Also, within prisons, criminals usually don't want to talk about what they have done to animals or children for fear that other inmates may retaliate against them or that they may lose status among their peers.

HSUS: Where is violence against animals coming from? Are criminals witnessing it in others? Convicted serial killer Ted Bundy recounted being forced to watch his grandfather's animal abuse.

Brantley: For the most part, in my experience, offenders who harm animals as children pretty much come up with this on their own. Quite often they will do this in the presence of others and teach it to others, but the ones with a rich history of violence are usually the instigators. Some children might follow along to be accepted, but the ones we need to worry about are the one or two dominant, influential children who initiate the cruelty.

HSUS: What components need to be present for you to think a child or adolescent is really in trouble?

Brantley: You have to look at the quality of the act and at the frequency and severity. If a child kicks the dog when somebody's been aggressive toward him, that's one issue, but if it's a daily thing or if he has a pattern of tormenting and physically torturing the family dog or cat, that's another. I would look to see if the pattern is escalating. I look at any type of abuse of an animal as serious to begin with, unless I have other information that might explain it. It should not be dismissed. I've seen it too often develop into something more severe.

Some types of abuse, for example, against insects, seem to be fundamentally different. Our society doesn't consider insects attractive or worthy of affection. But our pets are friendly and affectionate and they often symbolically represent the qualities and characteristics of human beings. Violence against them indicates violence that may well escalate into violence against humans.

You also need to look at the bigger picture. What's going on at home? What other supports, if any, are in place? How is the child doing in school? Is he drinking or doing drugs?

HSUS: We are familiar with the ''classic'' cases of serial killers, like Jeffrey Dahmer, who had early histories of animal abuse (see the Summer 1986 *HSUS News*). Are there any recent cases you have worked on?

Brantley: The Jason Massey case jumps out as being a prominent one. This was a case from 1993 in Texas. This individual, from an early age, started his career killing many dogs and cats. He finally graduated, at the age of 20, to beheading a thirteen-year-old girl and shooting her fourteen-year-old stepbrother to death.

He was convicted of murder. I was brought in for the sentencing phase to testify as to his dangerousness and future threat to the community. The prosecutors knew that he was a prolific killer of animals, and that he was saving the body parts of these animals. The prosecutor discovered a cooler full of animal remains that belonged to Massey and brought it to the courtroom for the sentencing hearing. It caused the jurors to react strongly, and ultimately the sentence was death.

HSUS: Mr. Massey had been institutionalized at his mother's request two years before the murders since she was aware of his diaries, which recorded his violent fantasies, and his animal killings, yet he was released. Do you think that mental health officials have been slower than law enforcement agencies in taking animal abuse seriously?

Brantley: We've made this a part of a lot of our training for local police, and I think most police recognize that when they see animal mutilation or torture that they need to check it out; but police have to triage and prioritize their cases. We try to tell people that investigating animal cruelty and investigating homicides may not be mutually exclusive.

We are trying to do the same for mental health professionals. We offer training to forensic psychiatrists through a fellowship program and provide other training to the mental health community. I think psychiatrists are receptive to our message when we can give them examples and case studies demonstrating this connection. The word is getting out.

HSUS: Do you think more aggressive prosecution of animal-cruelty cases can help get some people into the legal system who might otherwise slip through?

Brantley: I think that it is a legitimate way to deal with someone who poses a threat. Remember, Al Capone was finally imprisoned for income-tax evasion rather than for murder or racketeering-charges which could never be proven.

HSUS: Have you ever encountered a situation where extreme or repeated animal cruelty is the only warning sign you see in an individual, where there is no other violent behavior? Or does such abuse not occur in a vacuum?

Brantley: I would agree with that last concept. But let's say that you do have a case of an individual who seems not to have had any other adjustment problems but is harming animals. What that says is that while, up to that point, there is no documented history of adjustment problems, there are adjustment problems now and there could be greater problems down the road. We have some kids who start early and move toward greater and greater levels of violence, some who get into it starting in adolescence, and some who are adults before they start to blossom into violent offenders.

HSUS: Do you find animal cruelty developing in those who have already begun killing people?

Brantley: We know that certain types of offenders who have escalated to human victims will, at times, regress back to earlier offenses such as making obscene phone calls, stalking people, or killing animals. Rarely, if ever, do we see humans being killed as a precursor to the killing of animals.

HSUS: How would you respond to the argument that animal cruelty provides an outlet that prevents violent individuals from acting against people?

Brantley: I would disagree with that. Animal cruelty is not as serious as killing human beings, we have to agree to that, but certainly it's moving in a very ominous direction. This is not a harmless venting of emotion in a healthy individual; this is a warning sign that this individual is not mentally healthy and needs some sort of intervention. Abusing animals does not dissipate those violent emotions; instead, it may fuel them.

HSUS: What problems do you have in trying to assess the dangerousness of suspect or a known offender?

Brantley: Getting background information is the main problem. People know this person has done these things, but there may be no record or we haven't found the right people to interview.

HSUS: That's one of the reasons why we have put an emphasis on stronger anticruelty laws and more aggressive encorcement—to get such information in the record.

Brantley: A lot of time people who encounter this kind of behavior are looking for the best in people. We also see cases where people are quite frankly afraid to get involved, because it they are dealing with a child or adult who seems to be bizarre or threatening, they are afraid that he or she may no longer kill animals but instead come after them. I've seen a lot of mental health professionals, law enforcement officers, and private citizens who don't want to get involved because they are afraid . . . and for good reason. There are very scary people out there doing scary things. That's largely why they are doing it and talking about it: they want to intimidate and shock and offend, sometimes regardless of the consequences.

HSUS: Is there hope for such an individual?

Brantley: The earlier you can intervene, the better off you'll be. I like to be optimistic. I think in the vast majority of cases, especially if you get to them as children, you can intervene. People shouldn't discount animal abuse as a childish prank or childish experimentation.

HSUS: Have you ever seen any serial killers who have been rehabilitated?

Brantley: I've seen no examples of it and no real efforts to even attempt it! Even if you had a program that might work, the potential consequences of being wrong and releasing someone like that greatly outweigh the benefits of attempting it, in my opinion.

HSUS: There is also a problem in trying to understand which acts against animals and others are associated with the escalation of violence, since police records, if they exist, are often unavailable or juvenile offenses are expunged. Sometimes only local humane societies or animal-control agencies have any record. The HSUS hopes to facilitate consolidating some of these records.

Brantley: That would be great. If animal-cruelty investigators are aware of a case such as a sexual homicide in their community and they are also aware of any animal mutilation going on in the same area, I would encourage them to reach out to us.●

TRIBUTE TO STAFF OF SENATOR JOHNSTON

● Mr. JOHNSTON. Mr. President, no senator has been blessed with a more capable, more loyal, more effective personal staff than I have. For 24 years, they have worked for my office, our State and our Nation with energy and diligence. All of the staff over these years have been excellent, but at this time I want to especially recognize the three most senior staffers in my Washington office for their special talents and contributions.

PATSY GUYER

When I arrived in Washington in November 1972, I was taken in tow by Bill Cochrane of the Rules Committee, who gave me invaluable assistance and counsel in setting up my office. Like most new Senators, I was short-handed and uncertain about the best way to staff my office and deal with the avalanche of mail, telephone calls, and visitors. Bill mentioned to me that he knew of a young woman, Patsy Guyer, who had worked with him on the staff of Senator B. Everett Jordan of North Carolina, and who was available and was a prodigious worker. She was quickly hired, and I don't think her output has slowed one iota over the 24 years she has been on my staff. As my executive assistant, Patsy has handled a huge array of responsibilities over the years, ranging from supervising State offices to managing summer interns, to creating and overseeing an exceptionally efficient mail operation.

But if Patsy should be singled out for anything, it is her management of and deep personal commitment to a case work operation that is unmatched in the volume and quality of service it has rendered to countless thousands of Louisianians in need. I am very proud of the aid my office has given over the years to people who had nowhere else to turn, whether it was securing a visa, locating a loved one, or breaking an impasse on a disability payment or a VA widow's benefits.

We were able to be effective principally because Patsy Guyer has an astounding network of friends and colleagues throughout the Congress and among Federal agencies and, most of all, because she greeted every case, no matter how routine, with the enthusiasm and commitment she brought to her first day on the job in November of 1972. Whether the challenge was to bring home from Abu Dhabi a tragically injured Louisiana businessman, locate a missing child in a Rwandan refugee camp or organize a food airlift to Cambodia, we always knew Patsy would have the ingenuity and contacts to start the process and the absolutely iron-willed determination and dedication to see it through to completion. I have never known a more selfless and giving individual, and I know I speak for untold thousands in Louisiana in expressing deep gratitude for the extraordinary service that this loyal daughter of North Carolina has rendered to Louisiana and our country.

BECKY PUTENS

Mr. President, as many Senators know, Becky Putens has been my personal secretary for the last 18 years. While that is her title, it hardly does justice to the multitude of roles that she has had to play in that time. She has been my gatekeeper, my scheduler, my right-hand person; she keeps track of where I need to be, arranges how I will get there, and generally has acted as a buffer between me and the enormous number of outside demands on my time and attention that go along with being a Senator. Most of all, though, Becky Putens is a fixer: she takes care of problems, from the routine to the seemingly insurmountable, with an aplomb and calmness that is remarkable, and that has, in countless large and small ways, made my time as a Senator more effective, more efficient, and generally more fun.

As my colleagues and her peers—a group of Senators' personal secretaries who call themselves the Senior Babes—can attest, the small area just outside a Senator's personal office often takes on the aspect of Grand Central Station at rush hour. Becky is the person who keeps it all together and running smoothly. Through it all, and maybe because of it all, Becky displays a sense of humor and a way with people and with words that is legendary among many of the longtime staff and Senators. For someone in a position that is always demanding and often thankless, such an attitude and outlook is almost a requirement, and for me it has often served to make even the most tiring and demanding days and nights in the Senate bearable.

But, to me, the most fundamental aspect of Becky's personality is her unquestioning dedication. Whatever the circumstances, however late or early, on weekends or during vacations, if I am there, Becky is there; if I am under the gun, Becky is at my side. In short, in a field of endeavor where loyalty is an often-invoked but seldom-realized ideal, Becky personifies it. I am grateful for her service.

ERIC SILAGY

Mr. President, Eric Silagy has managed to pack more achievements into his brief career than any young man I know. He came to my office in 1987, fresh out of the University of Texas. In less than 2 years, he was chief scheduler for a Senate campaign that was as politically significant and hard fought as any in this century. His intelligence, good judgment and youthful energy were important factors in our victory. For the next 4 years, he served as my legislative assistant while attending Georgetown University Law School, performing superbly in both capacities. Since 1994, he has been my administrative assistant and chief of staff. Thanks to his excellent organizational skills and his tact and good humor, it is an office that has been a productive workplace for a happy, hardworking, and extremely talented staff.

Just as important to me as his skill in running the office, however, has been his remarkable political and policy judgment, which I rely upon in making all the most crucial decisions that come before me; and his extraordinary effectiveness in getting the job done, no matter what the odds against it. Once a legislative goal has been targeted, there is very little that can stand in the way of Eric's efforts to achieve it. In short, while some divide the world into thinkers and doers, Eric Silagy manages to combine the best aspects of both. I want to express my gratitude for his diligence and devotion, and commend him for a job well done.●

VERMONT'S GREEN MOUNTAIN POWER CORP. WINS DISTINGUISHED AWARD

● Mr. JEFFORDS. Mr. President, I would like to rise today in recognition of the Green Mountain Power Corp. Green Mountain Power [GMP] was recently honored with the Edison Electric Institute Common Goals Special Distinction Award for energy efficiency.

Douglas Hyde, GMP president and CEO, and a close friend of mine, was in Washington to accept the award which recognizes GMP's work as a part of EVermont. A public-private partnership, EVermont was formed to test and improve the winter performance of electric vehicles, or EV's. EV's provide clean, quiet, and environmentally sound transportation. For this service, we commend Green Mountain Power and EVermont and congratulate them on winning the EEI Common Goals Award.●

SATISFYING THE HUNGER FOR READING

● Mr. BINGAMAN. Mr. President, encouraging strong reading habits in schoolchildren is a goal that we all share. Reading skills are a core element of the National Education Goals, and literacy is the subject of a new Presidential initiative.

To highlight the importance of reading, I would like to take a brief moment to describe the achievements of an innovative program at a very special school in New Mexico that I believe captures what we should all be trying to do to promote reading.

This fall, the lunch period at Dolores Gonzales Elementary School in Albuquerque will be satisfying a different kind of appetite: A hunger for reading. Thanks to their Join-a-School Partners—Sunwest Bank, Bueno Foods, the Albuquerque Zoological Park, and community members—more than 50 students at Dolores Gonzales Elementary will have a partner to read with under a pilot program which I helped initiate at the school last spring.

The Read-Write-Now program pairs an adult volunteer with a student from Dolores Gonzales for reading. The program has grown from a dozen or so volunteers last spring to more than 50 this fall. I commend principal Dora Ortiz and her dedicated staff and teachers for fostering the Read-Write-Now program at their school.

I borrowed the idea from a similar program which originated in New York City. Volunteers pledge 1 lunch hour a week for the entire semester to read with the children. This one-on-one approach helps the children develop their reading ability and love of books, as well as make a new friend. It is impossible to overestimate the value of this

program because so much of one's educational and personal success is built on one's ability to read.

If we are to be a nation of learners and achievers, we have to first be a nation of readers. A recent National Educational Goals Panel report indicated that students in New Mexico and many other States are not achieving in reading comprehension as well as they need to do in order to succeed in school and work.

This initiative will help us improve, and I would urge other businesses in our communities in New Mexico and around the Nation to initiate the Read-Write-Now program at their partner schools.●

NATIONAL MARKET IMPROVEMENT ACT OF 1996

● Mr. D'AMATO. Mr. President, I am very pleased that the Senate passed the conference report to H.R. 3005, the National Market Improvement Act of 1996, on Tuesday, November 1, 1996. This bill is a critical piece of legislation that will streamline securities regulation and provide important investor and consumer protections—maintaining the preeminence of the U.S. capital markets.

Section 102 of the bill will enable issuers whose securities are listed or authorized for listing on the New York Stock Exchange, the American Stock Exchange, the National Market System of the Nasdaq or a comparable exchange (or tier or segment thereof) to register those securities only with the Securities and Exchange Commission. Those issuers would not have to register their listed securities—or those securities that have been authorized for listing—with the 50 States.

The conferees intended for this provision to accord equal treatment to each of the exchanges explicitly listed in the statute (the New York Stock Exchange, the American Stock Exchange, the National Market System of the Nasdaq) as well as any other exchange (or segment or tier thereof) with comparable listing standards.

The conferees are concerned, however, that a strict reading of the statutory language may lead to the interpretation that the conferees intended the provision to accomplish something different than absolute parity of treatment among the eligible exchanges. Mr. President, this is unequivocally not the case.

In the future, I will seek to correct the drafting error to avoid any ambiguity in the statute. Pending that legislative fix, I take this opportunity to make the record clear—the conferees intended for issuers whose securities are listed or authorized for listing on the National Market System of the Nasdaq to be exempt from State registration requirements under section 102 of H.R. 3005.●

TRIBUTE TO DR. BILL WILEY

● Mr. JOHNSTON. Mr. President, I have been privileged in my career in the U.S. Senate, through my work on the Energy and Natural Resources Committee and on the Appropriations Subcommittee on Energy and Water Development, to work with many of the great scientific minds of this country. I rise today to pay tribute to one of those scientists with whom I worked especially closely and who was a longtime close personal friend before his death last summer.

Dr. Bill Wiley of the Battelle Memorial Institute built a monumental career and left a huge legacy first and foremost because of his special gifts and training as a fine scientist. His achievements over his 30-year career with Battelle, beginning as a staff research scientist and ending with his position as vice president for Science and Technology, contributed significantly to this country's scientific understanding.

But I believe that the work for which Bill Wiley should and will be best remembered is the concrete result of his vision which is now nearing completion on the banks of the Columbia River in Richland, WA, the Environmental Molecular Sciences Laboratory (EMSL), which will be the jewel of the Pacific Northwest National Laboratory and which may very well hold the key to this country's Herculean effort to the cleanup of the Hanford Nuclear Reservation and other, similar sites around the country.

Armed only with this vision and his irrepressible charm and enthusiasm, Bill Wiley came to see me several years ago to lay out his plans for EMSL, undaunted by skeptics who had told him at every turn that it might be a good idea, but the Congress was unlikely to embrace such a costly project. I must say that had it been anyone other than Bill Wiley pushing the dream, the skeptics probably would have been right. But Bill not only convinced me that it was worth doing, he persuaded all the other relevant players that not only was it something we could do, but that it was something a great nation should not fail to do. I visited the EMSL facility in its late stages of construction shortly before Bill's death last summer. Anyone who ever harbored doubts about the wisdom of this research facility should go have a look when it opens its doors next month. It will be home to America's finest scientists employing the latest tools doing the best research in the world today. And it is a point of special pride to those of us who were his friends that they will be doing so in the building named in memory of William R. Wiley.

This African-American son of an Oxford, MS, cobbler served his Nation well professionally and as a humanitarian who was never too busy in his career to help the less fortunate who were trying to work their way up the ladder or merely to get to the first rung of the ladder. I know many colleagues join me in expressing our condolences to Bill's loving wife Gus and to his daughter Johari Wiley-Johnson and in expressing our deep gratitude for the paths that Bill Wiley charted and the mark he left behind.●

RECOGNITION OF KEVIN PRICE

● Mr. CONRAD. Mr. President, before the 104th Congress adjourns, I want to take a moment of the Senate's time to thank someone who will be leaving my office in a few weeks.

Four years ago, Kevin Price joined my staff as a legislative assistant for agriculture from Senator KERREY's office, where he had served as a legislative correspondent. Kevin quickly established himself as one of the hardest working people on my staff. It seemed like he was almost always one of the first here in the morning and one of the last to leave at night. And that was before serious preparation for the 1995 farm bill had even begun.

Kevin also was very successful at reaching out to North Dakota farmers and farm groups. Although he initially had to overcome some skepticism because he was from the northwestern Minnesota town of Steven, and not a native of North Dakota, he soon earned their trust, respect, and friendship through his work for me on the 1993 budget, disaster assistance, grazing, and many, many other issues.

At the same time, Kevin developed a strong working relationship with other staff on agriculture issues that made him a persuasive actor in all of the staff work that goes on behind the scenes around here. His ties to both Democrats and Republicans, House and Senate staff, and key administration players made him very effective at protecting the interests of North Dakota farmers on myriad, small but often very important, issues that are effectively determined at the staff level.

For the past 3 years, Kevin immersed himself in the details of the 1995 farm bill to ensure that my priorities were addressed. For North Dakota, the farm bill is essential legislation. Its provisions, in large part, determine my State's economic future. During consideration of the farm bill, it is essential that I have accurate, timely information and thoughtfully prepared options. I ask a lot of my staff.

Kevin came through—for me, and for the people of North Dakota. He not only worked incredibly long hours himself, he did a terrific job of coordinating the many other members of my staff who also helped work on the farm bill, and, despite the enormous pressure that he must sometimes have felt, Kevin was always a pleasure to be around. Although I believe the overall approach to farm policy taken by the Republicans in the 1995 farm bill is misguided and I could not support it, it does contain numerous provisions that will make an important difference for North Dakota that would not be in the bill had Kevin not worked so hard on my behalf.

In a few weeks, Kevin will be going to work for the American Crystal Sugar cooperative in Moorhead, MN. He has very big shoes to fill, because he is taking over from former Gov. George Sinner. But I have no doubt that he will fill them well, because he also leaves behind big shoes for my next agriculture legislative assistant to fill.

On behalf of the people of North Dakota, I thank Kevin for a job well done and wish him well in his new endeavor.●

DOMESTIC VIOLENCE AWARENESS MONTH

● Mr. DODD. Mr. President, I rise today to speak about domestic violence. This subject has quite literally been brought more clearly into focus in recent days by photographs exhibited in the Russell Senate Building rotunda. As we begin the observance of October as Domestic Violence Awareness Month, the photographs of three Connecticut women who have lived through—and perhaps still endure—the pain of domestic violence are on display in the Russell rotunda, along with the names of many individuals from every state who have died as a result of domestic violence.

Mr. President, the statistics on domestic violence are horrifying. While the victims are not only women, women are significantly more likely to be victims of domestic violence than are men. Once every 15 seconds, a woman is beaten by her husband or boyfriend, according to the FBI's crime statistics. Four women a day are killed at the hands of their attackers, according to the National Clearinghouse for the Defense of Battered Women. And last year's National Crime Victimization Survey, conducted by the Department of Justice, showed that 29 percent of all violence against women by a single offender is committed by an intimate—a husband, ex-husband, boyfriend, or ex-boyfriend.

In Connecticut in 1994, there were 18,768 incidents of family violence that resulted in at least one arrest, according to the Connecticut State Department of Public Safety. And 29 people were killed by family violence in Connecticut in 1994 according to the same source.

But in the photographs displayed in the Russell rotunda, photographer Annie Liebovitz captures more than just the grim statistics. She brings into focus both the physical pain and emotional anguish suffered by victims of domestic violence. One can see the hurt and the horror, the shame and the solitude, and the fighting and the fear.

And while this pain, hopefully, will diminish one day, it will never completely go away. The battered individuals, Mr. President, are not the only victims. Domestic violence leaves scars on all those who live with it—especially the children.

Domestic Violence Awareness Month is a time when we can step up the effort to prevent domestic violence. We must educate Americans about this terrible problem and reach out to victims to let them know that help is available and that, sadly, they are not alone.

Mr. President, I am proud to support Domestic Violence Awareness Month and other measures to combat domestic violence, including a provision in the omnibus bill recently passed by Congress and signed by the President to prevent anyone convicted of any kind of domestic violence from owning a gun. I look forward to the day when we will no longer need to designate a Domestic Violence Awareness Month, but until then, I remain committed to preventing and healing the wounds of domestic violence.●

MEDICARE 50/50 ENROLLMENT COMPOSITION RULE WAIVER

● Mr. LEVIN. Mr. President, I am disappointed that the bill introduced by Senator ABRAHAM and myself, which provides for a Medicare 50/50 enrollment composition rule waiver for the Wellness Plan of Michigan, has not been cleared. However, I look forward to working with my colleagues on the Finance Committee to ensure that we enact such a waiver as early as possible in the 105th Congress. We cannot continue to deny Michigan Medicare beneficiaries the opportunity to enroll in this well-established quality plan.●

UNITED STATES TROOP DEPLOYMENT IN BOSNIA

● Mr. FEINGOLD. Mr. President, I rise today to comment on the plan to send an additional 5,000 troops to Bosnia over the next few days. The report, which first appeared in articles in the Wall Street Journal and Washington Post earlier this week, came as a surprise to me and I am sure to many of my colleagues. Apparently, members of the media learned about this new troop deployment before Congress itself had been notified. Now I learn that Secretary Perry will appear before the Senate Armed Services Committee—only after the chairman sent him a stinging letter of rebuke.

I have held strong reservations about United States troop deployment in Bosnia ever since it was initially announced last year. As many in this Chamber will recall, I was one of the few Members of Congress to vote against the deployment of U.S. troops to support the Dayton accord.

I said then, and I reiterate today, that I doubted the value of a heavy U.S. investment in this region. I felt then, and I still feel today, that administration promises to have U.S. troops out of the region within a year's time were unrealistic and would not be kept. And I questioned then, and still question today, whether or not the Dayton plan would truly level the playing field between Serbs and Muslims.

I recognize that the Dayton accord, and the deployment of the NATO Implementation Force [IFOR] to enforce it, has not been without some real benefit. We can all be grateful that people are no longer dying en masse in Bosnia. U.S. troops, in conjunction with troops from other countries, should be applauded for having largely succeeded in enforcing the military aspects of the agreement.

In addition, many of the peacekeeping tasks delegated to IFOR troops also have been completed, including overseeing the transfer of territory, the demobilization of troops, and the storage of heavy weapons.

Furthermore, while they were not without problems, the September 14 elections have now created a new political structure in Bosnia, although its viability is yet to be tested.

In the past, I have raised concerns regarding compliance with the war powers resolution and the constitutional implications of troop deployment without prior congressional authorization. I will not revisit that larger issue now. In this case, I understood that there was an implicit—if not explicit—understanding between the administration and the Congress that the Congress would be consulted regarding any proposed changes in the mandate of United States troops in Bosnia. Certainly, this deployment of 5,000 more troops would fall within that understanding.

At a hearing before the Senate Foreign Relations Committee on September 10, several administration witnesses noted that, even though IFOR's mandate will expire in December, it was unclear what the security needs on the ground would be in Bosnia at that time. But as Thomas Longstreth, Principal Deputy Assistant Secretary of Defense and Director of DOD's Bosnia task force, made clear during the hearing, further decisions would ''have to be made in concert with our allies and, obviously, in consultation with the Congress between the [September 14] elections period and the end of IFOR's mandate [on December 20].''

I understood this to mean that the Defense Department would—at the very least—let the relevant congressional committees know about any troop enhancements before releasing such information to the press.

On Tuesday, October 1, at a followup hearing in the Foreign Relations Committee less than 24 hours before the Washington Post article appeared, no mention was made of this specific troop enhancement, but only passing references to the possibility that additional troops might be needed depending on the security situation on the ground in December.

Instead, at that second hearing, Assistant Secretary of State John Kornblum told the Committee that

> ''We fully understand and appreciate the need to work closely with Congress on questions that involve the deployment of U.S. troops. Clearly, the prospects for the success of any such effort, if it occurs, depend significantly on whether we have gained Congressional and public support.

Mr. President, I do not think releasing information to the press that has

not been released—formally or informally—to the Congress qualifies as ''working with the Congress.''

There are a number of questions that I believe must be answered about the mandate of these additional troops. How many additional troops are being planned for and what will they be doing? Will these men and women be an additional part of the U.S. contribution to IFOR? Or will they be deployed as part of a post-IFOR force of some kind? Will these new troops be under the command of NATO, or of a U.S. commander, and what rules of engagement must they abide by? Is the timing of this deployment at all related to NATO announcements last week that it was studying the anticipated security situation in Bosnia over the next few months?

Then there continue to be questions on the political-diplomatic side. The Organization for Security and Cooperation in Europe [OSCE], the international body tasked with implementing the elections, recommended the postponement of municipal elections because of security concerns, allowing only national elections to take place on September 14. These municipal elections are currently scheduled for November, but many observers feel they should be postponed until the spring of 1997. My question is what kind of U.S. troop commitment will the Administration be looking for if the elections are postponed? And when do they intend to notify the Congress of their plans?

I know that many of these questions will be answered at today's hearing before the Armed Service Committee. But I also would like to remind my colleagues here, and at the Department of Defense, that the Senate Foreign Relations Committee continues to have a significant interest in the details concerning any deployment of U.S. troops. I think it is fair to assume that if the Administration expects to have Congressional and public support, as it has said in public testimony, then it should make some effort to consult with all the relevant committees before its plans are announced in the morning newspaper.

A year ago—in October 1995—I asked whether or not the U.S. would be able to withdraw troops from IFOR in December 1996, as the administration said then, even if the mission clearly had not been successful.

I had my doubts then that the stated goal—ending the fighting and raising an infrastructure capable of supporting a durable peace—would be doable in 12 month's time. I foresaw a danger that conditions would remain so unsettled that it would then be argued that it would be folly—and waste—to withdraw on schedule.

My concerns and hesitations of 1 year ago can only be compounded by the fact that additional troops are being deployed to Bosnia—perhaps even as I speak—without the Congress having been notified in advance.●

THE REPEAL OF CONTROLS ON INDEPENDENT COUNSEL COSTS

● Mr. LEVIN. Mr. President, the appropriations bill we passed on Monday contained pleasant surprises, such as reasonable funding for education and research programs. But there have also been some troubling provisions. One was so troubling that I could not allow it to pass without some expression of my dismay. This provision, section 118, overturns one of the reforms Congress made in 1994 to independent counsel law to hold down costs.

The provision in the bill was never approved by any committee. It was never voted on by either House. It was never included in a bill that either body approved. This provision appeared for the first time in the omnibus appropriations bill on Monday and was presented to the Senate under rules that didn't permit a single amendment to the bill.

I first heard of this provision last week, when I was told that some House Republicans had added it to their wish list for the bill. Senator BILL COHEN and I, as chairman and senior Democrat respectively of the Senate subcommittee with jurisdiction over the independent counsel law, immediately expressed our joint opposition to the provision. We thought that bipartisan opposition from the authorizing committee would be enough to prevent such a last-minute circumvention of the committee system. But we were wrong. The provision somehow got included in the bill and is now law.

It is a mistake in process and substance.

In simplest terms, the issue relates to holding down the cost of independent counsel investigations. In particular, it has to do with commuting costs—whether and how long independent counsels and their staff can use taxpayer dollars to pay for transportation and living expenses when they reside in one city and agree to prosecute one or more cases in another city.

The issue arose in the context of the Iran-Contra case. In that case, the independent counsel, Lawrence Walsh, chose to continue living in his hometown of Oklahoma City, while prosecuting cases based in Washington, DC. There was no law against it, but when the bills came in for his hotel, airfare, and other living expenses, plenty of loud complaints followed. Some pointed out that any other Federal prosecutor who agreed to prosecute a case in another State would have to move there—taxpayers would not be required to pick up their hotel and transportation expenses. Then Senator Dole was in the forefront of the critics calling for reform, criticizing Mr. Walsh for ''spend[ing] most of his time in Oklahoma.'' These commuting expenses were a prominent part of calls for legislation to tighten controls and reduce the cost of independent counsel investigations.

In 1994, the Congress responded to these criticisms by enacting legislation which tightened controls over independent counsel expenses in a whole host of ways. One of the reforms we enacted was to limit commuting expenses. We revised the law to allow independent counsels and their staffs a maximum of 18 months of commuting expenses. After 18 months, independent counsels and their staffs were expected either to move to the city where the prosecutions were based or start picking up their own commuting expenses.

Section 118 of the omnibus appropriations bill effectively repeals that limit on expenses. If effectively permits independent counsels and their staffs to charge taxpayers for unlimited commuting expenses. Lawyers can live in one city, like New York or Los Angeles, prosecute cases in another city, and charge literally years of airfare, hotel meals and other living expenses to the taxpayer. That's an expensive proposition. It's why we created the limit in 1994. It's why the omnibus appropriations bill was wrong to change it. It is wrong to change it without any hearings, a consideration much less approval by an authorizing committee.

Limits on independent counsel expenses were enacted in the last Congress with bipartisan support. No case has been made for repealing these limits. Many would say that limits on expenses are needed more than ever. This issue needs to be revisited.●

FIVE CHALLENGES FOR PEACE: UNFINISHED BUSINESS IN FOREIGN POLICY

● Mrs. KASSEBAUM. Mr. President, for the past 18 years, I have been privileged to watch the march of world history from the vantage point of the U.S. Senate. The world has changed dramatically in my time here.

We live in an era of great transition from a terrible cold war order we understood to a new order we do not yet know. We are, to borrow from Dean Acheson's trenchant phrase, ''present at the *re*-creation.''

As I prepare to leave the Senate, I want to offer some parting thoughts on unfinished business in American foreign policy and five challenges we must meet in coming years.

I. INFRASTRUCTURE FOR PEACE

The principal challenge of our time is to re-engineer the structures that can sustain the peace we have won. From the institutions and alliances of the cold war, we have inherited an unprecedented infrastructure for peace.

That infrastructure rests on three pillars. Each must be strengthened.

The first pillar is the only worldwide institution focused on international peace and security—the United Nations.

We need to rebuild the consensus, both domestically and internationally, on what we want the U.N. to be and what we want it to do in the international system of the 21st century. I believe we must build this consensus among the major donor countries and powers.

For too long, the United Nations has tried to do too much for too many and, as a result, has outgrown the bounds of its legitimacy. I believe the basis for consensus is a return to the core functions that we need the United Nations to do—refugees, nuclear inspections, health, and security, for example. And it may well be time for the United Nations to get out of the development business entirely and leave that work to other institutions better suited to the task such as the World Bank and International Monetary Fund.

When we have consensus on what the United Nations should do, we then will need a dramatic restructuring of the U.N.'s institutions and bureaucracy to meet its new, narrow focus. This will be a dramatic shake-up of the United Nations that can only be driven by its most powerful member states. It will require the leadership of current heads of state and government, as well as other international figures of stature. I imagine this to be analogous to the process that led to the San Francisco Conference in 1945 where the Charter was signed.

The second pillar consists of the institutions for international economic development, reform and growth. The World Bank, the International Monetary Fund, and the new World Trade Organization have important capacities that our bilateral development programs simply do not. They can encourage and even compel the kind of fundamental changes in outdated and inefficient economic systems abroad that ultimately promote self-sufficiency. And they can set and police uniform standards for economics and trade that promote America's long-term interests in certainty and stability.

Yet, we have fallen behind sustaining our key contributions to these organizations. For example, we continue to lag behind in our contribution to the World Bank's soft-loan window, the International Development Association. As we consider trade-offs among our foreign policy budget expenditures, I believe that sustaining our contributions to these organizations should move to the top of our priority list for international affairs spending.

The third pillar is America's alliances. I continue to believe that we must find new consensus on the purpose of our principal alliance, the North Atlantic Treaty Organization. The halting and ad hoc approach that ultimately led to NATO intervention in Bosnia, is decidedly not the type of shared purpose that can sustain a close alliance over the long term. I, for one, remain skeptical that we should proceed with admitting new members to NATO before the alliance finds its new role.

At the same time, the United States must give serious thought to the structure of its alliances in the Pacific. Beyond our close alliances with Japan and South Korea, we must consider what type of expanded alliance structures can best protect peace and stability throughout the region well into the next century.

II. ARMS CONTROL AND NON-PROLIFERATION

In addition to repairing the institutions for peace, I believe we must do more to control the weapons of war. That is our second challenge.

I believe it is an indispensable element in America's long-term security strategy. We face two types of challenges in dealing with the threat posed by weapons of mass destruction.

First, we must reduce the numbers of these terrible arms that exist on the face of the Earth. This means fully implementing START I and START II, both here and in Russia. It means establishing and implementing a regime to control and destroy chemical weapons stockpiles. It means continuing to press for universal adherence to a comprehensive ban on nuclear testing. It also means that America must be willing to foot much of the bill whenever necessary—the cost of destroying weapons abroad by agreement is far less than the cost of having to destroy them by war.

Second, we must contain and secure stockpiles and prevent the spread of these weapons. Our recent efforts to retrieve unsecured nuclear material from abroad and bring them to the United States should be expanded. We should remain committed to efforts of the Nunn-Lugar program to secure stockpiles throughout the former Soviet Union. And we must always remain fully committed to strict enforcement of the nuclear Non-Proliferation Treaty.

The threat to our security from weapons of mass destruction is growing, not declining. Critics of arms control in general, or of specific arms control agreements, must always be held to answer a single difficult question: If you oppose our approach, then what would you do to diminish the urgent threat to our country? In my view, that is where critics of the Chemical Weapons Convention have fallen short, and I hope the Senate will ratify that important agreement early next year.

III. TOOLS OF DIPLOMACY

The third challenge we must meet is to maintain a diplomatic capacity strong enough to secure our many national interests abroad.

We live in an age of exceptional nuance, diversity, and subtlety in foreign policy, and we must learn patience and the limits of our influence. This is particularly apparent in Africa—a continent of special interest to me—where America has many interests that can only be defended by diplomatic means.

But our diplomatic interests are truly worldwide. In just the past 6 years, 25 new states have entered the international community. The end of the Soviet empire has left us with many more power centers to deal with and far more nuance to understand.

Yet, while the military had its Bottom-Up Review, and the intelligence community has undergone comprehensive review of its missions and needs since the cold war's end, we have not undertaken such an authoritative review of our diplomatic interests and needs.

So we stumble along with no objective to guide our way, our debates on diplomacy—to the extent we have any—driven largely by budget factors and the vagaries of domestic politics rather than by any sober assessment of what diplomatic tools and structures we need to secure our national interests.

I believe our diplomatic spending should be driven by our interests, and I would urge a Bottom-Up Review of our diplomatic needs.

At the same time, I have come to fear that in recent years, the quality of the U.S. foreign service has slowly deteriorated. We have too often failed to attract and keep top-quality officers, rewarded mediocrity, and allowed ambassadors to be excluded from the policymaking process. We have some tremendously capable foreign service officers, but unfortunately we also have ample room for improvement. I believe comprehensive foreign service reform is long overdue.

IV. NATIONAL ENERGY POLICY

Our fourth foreign policy challenge must be addressed here at home. The time has come for America to devise and implement an energy policy that will reduce our reliance on foreign oil.

We now rely on foreign sources for more than half our oil—significantly more than during the energy crisis of the 1970's. From Nigeria to Central Asia, this dependence skews our foreign policy priorities—and, with many of the world's new oil fields in China and Russia, we can ill afford that pattern to be repeated.

The Middle East is the prime example. Our dependence has led, for example, to American commitments in that region that far exceed what we would undertake but for the 15 million barrels of oil that leave the Persian Gulf each day.

During my time in the Senate, we have sent Marines to Beirut, escorted Kuwaiti tankers through the Straits of Hormuz, fought a major land war in the region, and subsequently redeployed troops at least twice. We also have established an ever-expending web of formal and informal security commitments that may ultimately exceed our capacity to uphold.

And our commitments in that oil-rich region continue to grow. Before the 1991 gulf war, we had only a few thousand troops in the region and no institutional presence. Today, we have nearly 20,000 troops in the area more or less permanently, including about 6,000 ground troops and a carrier task force. We are expanding military facilities in Saudi Arabia, Bahrain, Qatar, and the Emirates, and we have expanded our presence in Turkey. We are spending some $40 billion each year to support our military operations in the region.

The Middle East is an important region in its own right. But no honest observers could believe that our tremendous commitments there would exist without the region's oil riches. The risks we have undertaken because of oil are large indeed.

The answer to this difficult problem is not just drilling for more oil here at home—for, at best, that can only delay the inevitable. The answer is a significant and sustained effort to integrate alternative energy sources into the mainstream of our national economy. The time has come for America to promote development of conservation and alternative energy sources as a matter of national security.

V. TRANS-NATIONAL ISSUES

The final foreign policy challenge is to come to grips with trans-national threats, many of which have no human form. New diseases and large-scale environmental degradation may have origins far from our shores, but their effects touch the lives of Americans. Similarly, international criminal organizations, including drug traffickers, can assault our citizens and our security from locations outside the United States.

Combating these threats will require that we work on many levels. We must work together with friends and allies abroad. We must encourage and help countries that host these threats to combat them, which means we must come to better understand the important relationship between overseas development and our own national interests. And we must better integrate the work of different agencies of our own Government so that America speaks with a single voice and acts decisively to protect our interests.

CONCLUSION

Mr. President, these are five daunting challenges. They come at a time when the role of world affairs in American public and political discourse has diminished substantially.

All of us are tempted to focus less on foreign policy or to try to view it through a domestic lens. But I believe that would be a mistake.

The public may not be demanding a renewed focus on foreign policy, but our national interest is. These challenges to America's future demand serious attention from serious minds.

I am optimistic we will meet them.●

BOUNDARY WATERS AND VOYAGEURS DISPUTES SHOULD BE RESOLVED THROUGH MEDIATION IN MINNESOTA

Mr. WELLSTONE. Mr. President, as we bring this Congress to a close, it is clear now that there will be no legislative action this year on changes to the Boundary Waters Canoe Area Wilderness or Voyageurs National Park, even on a limited legislative rider which would allow trucks back onto certain portages within the BWCAW. A Federal appeals court, overturning a series of decisions by the Forest Service and by a lower Federal court, ejected trucks from the portages several years ago. This rider was designed to again allow anglers and others to portage boats by truck from one lake to another in the BWCA. Now, they are required to use alternative means to transport their boats across these portages.

As I have said, I would be willing to consider changes to the current status of the portages, as long as it is part of an overall, agreed-upon resolution of the many BWCAW issues on the table in the Federal mediation process underway in Minnesota. I am hopeful that such an agreement can be reached soon.

Mr. President, let me be clear. On many of the issues which have arisen in the BWCA and Voyageurs disputes, I believe the people of northeastern Minnesota have legitimate grievances, and that they should be addressed as promptly and effectively as possible. I have worked over the years to make sure that when other land and lake use issues in the region—including snowmobile use, lake levels, trails, and other matters—have arisen, they are addressed as swiftly as possible.

For years, many of the people of northern Minnesota have believed that the Park Service and Forest Service have not been listening to them. Too many feel that they have offered constructive solutions to disputes and problems which have arisen, and yet often those solutions have been ignored, or rejected, by those who manage the wilderness and the park. That's why I think it's important that some means of expanding meaningful citizen input, which must be taken into account and then responded to by the Park Service and the Forest Service, is important. Months ago, I indicated that I would support a new mechanism to ensure that kind of regular, concrete citizen input, and I hope that the negotiators will consider including a proposal on this issue in their package of recommendations to Congress.

There has been no action on any of the bills introduced this year on BWCAW and Voyaguers because they did not reflect a policy consensus in our own State, much less in the Nation as a whole. I am hopeful that in the coming months, and certainly by early next year, there will be such a consensus reached in our State, through the mediation process which I initiated, convened by the Federal Mediation and Conciliation Service, which has been making real progress in recent months.

That mediation process is broad-based, open and public, and includes people representing all those competing interests which have made these disputes so difficult to resolve over the years. One of the reasons, I think, that they have been so tough to resolve is that too often those involved have chosen to try to fight it out, rather than to talk it out over a table in Minnesota, in a search for common ground. Some chose to try to fight it out here in Washington. Some chose to fight it out in the courts. I chose to initiate a process which would allow Minnesotans to talk it out, and then bring their recommendations to the Minnesota congressional delegation for ratification.

I'm proud of that choice. I think it was the responsible thing to do, the right thing to do. I think most Minnesotans agree with that, and that the recent successes in mediation are bearing that out. I know that some people in northern Minnesota disagree—some fiercely—and are concerned that their interests won't be protected in the mediation process. I want to make them a guarantee today: your interests and views are represented in mediation, and they will be carefully considered by me here in the U.S. Senate. I will press hard to make sure that every voice in my State, including those whom I respect and have worked with for so many years in northern Minnesota, are heard in this process. The Federal Mediation and Conciliation Service prepared carefully for the process for months before it actually started, interviewing hundreds of Minnesotans to make sure that all interests were represented at the table, and to guarantee an open, broadly participatory process.

I am very grateful to the Mediation Service, and to all those Minnesotans who have volunteered their time and talents to this mediation effort. I know it is not always easy to put yourself on the hotseat with friends, neighbors, and townspeople who might disagree with you, and to try to work out mutually agreeable solutions to major disputes such as those which have brewed over the BWCAW and VNP for many years. This kind of willingness to work at a local level to resolve disputes is an admirable act of responsible citizenship, an act of faith in the ability of neighbors to work together, and an act of hope that future generations will appreciate the legacy of a lasting solution that protects these important resources. I will be talking at greater length about these people shortly.

The BWCA mediation group met last Thursday and Friday, and will be meeting again soon to address, among other matters, the portages. They have already agreed on several recommendations to be made to the congressional delegation, as part of a larger package of proposed changes to be ratified by them later. I am hopeful they will make further progress on the portages, and other issues, in the coming weeks.

I have a few articles from last week's newspapers in Minnesota that I will ask to have printed in the RECORD following my statement, along with letters and other information on the dispute and on the mediation process which demonstrate the broad support mediation has garnered within our State as the most reasonable, sensible way to resolve these disputes. These documents should be able to give people looking back on this dispute a better understanding of the history of this

dispute, and of how the mediation process is designed to work.

As I've said, this sensible mediation process, which enjoys the support of a large majority of Minnesotans, and of the Clinton administration, is already producing results—including agreements on issues in Voyageurs and in the BWCA mediation groups—that many believe bode well for further agreements on both disputes.

In addition to the few agreements reached so far on the BWCA, just in the last few days the mediation team on Voyageurs announced a couple of agreements on strategies to handle problems in the park having to do with public safety, improved Park Service consultation with local people, and other issues. It is becoming clearer each day that the mediation process is making real progress and has gained wide acceptance throughout the State.

I have opposed all of the earlier legislation introduced on the BWCA—including strongly opposing the bill offered by Congressman VENTO—because I thought a mediated solution was more likely to be durable, and to gain broad acceptance by Minnesotans, than approaches developed in Washington without broad, bipartisan support in Minnesota. As I have said consistently, I agree with the large majority of Minnesotans who believe, as polls continue to show, that the mediation process underway in Minnesota is by far the more sensible and appropriate way to resolve these disputes, and to develop durable solutions that will last not for weeks, or months, or even a few years, but for a generation or more.

Let me publicly take a moment to specifically thank all of those who have been involved in this mediation process, and who have already dedicated so much time and effort to resolving these disputes. They are, in a sense, the people who are helping to create a new future for the BWCA and the VNP, helping to resolve longstanding disputes through a process which ensures that all interests in Minnesota are represented.

First, let me thank those from Minnesota who are actually participating in mediation. I hope I have a complete list; if not, I apologize in advance to anyone I may have missed. I will not go into detail about the background and expertise of each person, but I know they each have a story to tell about how and why they are involved in this process, and each have made important contributions to the process.

Let me first list and thank publicly, on behalf of all Minnesotans, the participants in the BWCA mediation: Barb Bergland, from Ely; Mitch Brunfelt, from Mountain Iron; Chuck Dayton, Minneapolis; Arthur Eggen, Crane Lake; Tony Faras, Grand Marais; Paul Forsman, Ely; Mike Furtman, Duluth; Bill Hansen, Tofte; Leon Jourdaine, Lac La Croix First Nation, Fort Francis, Ontario; Alden Lind, Duluth; Ted Merschon, Grand Marais; Gretchen Nichols, Minneapolis; Brian O'Neill, Minneapolis; John Ongara, Duluth; Stuart Osthoff, Ely; Bob Schultz, Ely; Paul Shurke and Laurie Larson, Ely; Barbara Soderburg, U.S. Forest Service, Duluth; George Sundstrom, Duluth; Rolf Thompson, Ely; Rod Sando, Minnesota DNR.

And those involved in the Voyageurs National Park mediation: Beverly Alexander, Minneapolis; Phillip Byers, Long Lake; Chuck Dayton, Minneapolis; David Dill, Orr; Ron Esau, International Falls; Oliver Etgen, Virginia; Jeff Mausolf, Duluth; Brian O'Neill, Minneapolis; Paul Stegmeir, Ely; Tim Watson, Ray; Barbara West, Voyageurs National Park Superintendent; David Zentner, Duluth; Rod Sando, DNR.

From the mediation service, I am grateful to Director John Wells and his very able and professional staff, both here in Washington and in the midwest regional office in Minneapolis. They have dug into this project with great skill and energy and commitment, and I believe the people of our State owe them a great debt.

The U.S. Forest Service and Park Service have been most helpful in this process as well, helping to fund the mediation effort, providing technical advice and assistance, and agreeing to have their principal representatives in the state actually participate in the talks. I think their participation and cooperation have been essential, and that it will make for a much more durable resolution of these disputes.

There are, of course, many others who have worked for countless hours to craft a balanced, fair, open mediation process and to make sure mediation provides a credible, effective forum for working out disputes. I am grateful to all of them for helping with this effort. I will be monitoring the mediation process closely in the coming weeks, and I hope they will be able to develop a sound set of recommendations to forward to Congress as soon as possible. I would like to be able to have a package of agreed-upon legislative recommendations ready for introduction early in the 105th Congress.

I thank you, Mr. President, for this time. I hope this brief statement, along with the accompanying information, will give my colleagues some sense of what has been happening in my State recently on BWCAW and Voyageurs National Park, and the significant progress that has been made so far in the mediation effort to resolve disputes there. I hope they will work with me and my House and Senate colleagues from Minnesota to craft a comprehensive, durable solution to these disputes early next year.

I ask that the material I referred to earlier in my remarks be printed in the RECORD.

The material follows:

EXHIBIT 1

SEN. WELLSTONE ANNOUNCES DETAILS OF FEDERAL MEDIATION PROCESS TO HELP RESOLVE BWCAW/VOYAGEURS DISPUTES

WASHINGTON, DC.—U.S. Senator Paul Wellstone today announced that he has reached an agreement with the Federal Mediation and Conciliation Service (FMCS) to facilitate a formal mediated dispute resolution process to help resolve land use disputes in the Boundary Waters Canoe Area Wilderness (BWCAW) and Voyageurs National Park (VNP). Preparations for the process, which is to begin immediately, are already underway.

''I have said for months that I want to avoid another statewide battle over land management issues in the BWCAW and Voyageurs National Park. I believe there is a need for a coordinated, statewide mediated dispute resolution effort to bring Minnesotans together to identify mutually acceptable approaches to these issues. We in Minnesota can do better than we have in the past on these issues, and I intend to do what I can to make sure that happens,'' Sen. Wellstone said.

FMCS will provide a team of experienced, neutral mediators to craft a process that is fair, impartial, goal-oriented, and that allows all interested parties in Minnesota a chance to be heard—and to listen to one another—about the issues in dispute, their goals, and their recommendations to resolve longstanding controversies. Questions regarding who would actually be represented in the process; the scope, timing and format of the discussions; the ultimate result of the process, including the nature and form of recommendations to federal agencies and lawmakers; and other similar issues would be answered through consultation with the parties.

''I have discussed this idea with Congressmen Oberstar and Vento, who as you know have been leaders on these issues for decades,'' Sen. Wellstone said. ''No one should be surprised that we now have competing legislative proposals from Congressmen Oberstar and Vento representing their sharply divergent views on these public lands issues. While they differ on the best way to manage these public lands, they have indicated their support for my initiative. The specific legislation proposed by Congressmen Oberstar and Vento and discussed by Senator Grams will not be the focus of the mediation process. Rather, the process will focus on the issues identified by the parties themselves. Like Congressman Oberstar's bill, Congressman Vento's legislation could undermine this mediation process, and therefore I do not intend to support either bill.''

The mediation process, explains Wellstone in his letter, is designed to prevent these historically contentious land use issues from further diving the state. ''Throughout my time in the Senate, I have held firm to the belief that locally-developed recommendations are likely to be more effective, and more durable, than those imposed from outside. Bringing Minnesotans to the table as part of a participatory process that takes in account the needs and interests of all in a search for common ground is my goal.''

Wellstone observed that unlike 20 years ago, today there are new tools available to help develop durable land use solutions, including new forms of public, mediated dispute resolution that have proven effective in some of our nation's most controversial land use disputes, even those where people believed at the outset that there was little chance for a productive discussion between the parties, much less for developing mutually agreed-upon solutions.

For example, in one particularly heated case, a strong disagreement over the use of off road vehicles in the Cape Code National Seashore in Massachusetts was successfully addressed through dispute resolution. In another case, ranchers and wilderness advocates in New Mexico and Arizona used dispute resolution to help resolve fierce disagreements on rangeland management.

Sen. Wellstone, who fully supports expanded citizen participation in the management of these lands, observed that a ''Minnesota solution'' is likely to be more effective than one imposed from Washington. ''Given the current deep divisions on these issues within our state, I believe that proposals to resolve BWCAW and VNP disputes that are developed in Minnesota, by Minnesotans, are more likely to be accepted by all parties, and as a result be more durable, than those developed in Washington without adequate efforts to bring Minnesotans together first to try to develop a consensus,'' Sen. Wellstone concluded.

U.S. SENATE,
Washington, DC, May 6, 1996.

JOHN CALHOUN WELLS, Director,
Federal Mediation and Conciliation Service, Washington, DC.

DEAR JOHN: As we discussed recently by phone, I am writing to formally request that the Federal Mediation and Conciliation Service (FMCS) facilitate an alternative dispute resolution process in my state regarding land use issues in the Boundary Waters Canoe Area Wilderness (BWCAW) and in Voyageurs National Park (VNP). I understand that your staff have indicated a willingness to facilitate such a process; I am writing to confirm that agreement and to outline briefly my hopes for the process.

For many years, land use disputes in our state, especially those focused on the BWCAW and VNP, have generated controversy and pitted one group against another. Last year, two congressional oversight hearings were held in Minnesota on the use of these resources. From those hearings, and numerous subsequent discussions with my constituents, it has become clear that these land use issues continue to have a tremendous potential to divide our state.

Minnesotans hold differing visions of how to be responsible stewards of these resources, and how to manage them sustainably with due attention to their varied uses. But whatever their views on land use, Minnesotans can agree that the BWCAW and VNP are unique, world-class natural resources that must be preserved for future generations. That is the common ground from which all discussions on these issues should begin.

I believe there is a need for an effort to bring Minnesotans together now to achieve mutually acceptable proposed solutions to the land use problems that have been identified. Such proposed solutions would then be forwarded in the form of recommendations to appropriate federal agencies, and to federal lawmakers in the state Congressional delegation. In my judgment, proposed solutions developed in Minnesota, my Minnesotans, are more likely to be accepted by all parties, and thus be more durable, than those which might be developed in Washington without adequate efforts to bring Minnesotans together first to try to develop a consensus. Without such a dispute resolution process, I fear that the issue in dispute could quickly become a ''political football,'' to be manipulated by those in the state more interested in polarizing the debate than in finding real and durable solutions.

I envision a straightforward mediated dispute resolution process, to be initiated immediately. I would rely on the expertise and experience of your staff to structure such a process, ensuring that it is fair, impartial, goal-oriented, and allows all interested parties in Minnesota a chance to be heard—and to listen to one another—about the issues in dispute, their goals, and their recommendations to resolve longstanding controversies.

I would assume that questions regarding who would actually represent interested parties in the process; the scope, timing and format of the discussions; the ultimate result of the process, including the nature and form of recommendations to federal agencies and federal lawmakers; and other similar issues would be answered through a consultative process that would involve decisions arrived at by the parties. I have instructed my staff to provide further background to FMCS staff that would be helpful in getting the process underway, and to help identify key stakeholders in the state who should be consulted. My staff has contacted Administration officials to discuss funding support for this process, and I will continue to work to ensure that FMCS is compensated appropriately for the process.

I believe this approach provides an opportunity to bring Minnesotans together to develop mutually agreed-upon solutions to some of our most complex and longstanding controversies. I have dedicated much of my adult life to ensuring broad local input in public policymaking, and I believe this process is most likely to guarantee that result. Bringing Minnesotans to the table as part of a broad-based, participatory process that takes into account the interests of all stakeholders in a search for common ground is my goal.

Thank you for your consideration. I look forward to hearing from you.

Sincerely,

PAUL DAVID WELLSTONE,
United States Senator.

FEDERAL MEDIATION AND CONCILIATION SERVICE,
Washington, DC, May 7, 1996.

Hon. PAUL D. WELLSTONE,
U.S. Senate, Washington, DC.

DEAR SENATOR WELLSTONE: In response to your recent letter and confirming ongoing discussions between members of our staffs, the Federal Mediation and Conciliation Service would be pleased to serve as facilitators in the land use Alternative Dispute Resolution (ADR) process on the issues in dispute regarding the use of the Boundary Waters Canoe Area Wilderness (BWCAW) and Voyageurs National Park (VNP).

Considering the contentious history of some of these land use issues, we agree that this multi-party dispute, with its numerous interests, could lend itself quite well to the kind of interactive, mediated ADR process which you described in your letter. Alternative dispute resolution has been successfully employed to resolve many longstanding natural resource controversies across the country, including some where many believed at the outset that there was little chance for productive discussions between the parties, much less for developing mutually agreed-upon solutions.

FMCS has helped to facilitate a number of such complex multi-party land use dispute resolution processes in the past, and we are hopeful that this process will lead to similarly positive results. I understand that one of your primary goals involves a set of formal recommendations for action that would be forwarded from the group to appropriate federal agencies and lawmakers once the process is completed.

My ADR Services staff have informed me that experienced mediators from our Upper Midwest Region will make themselves available to lead this project. I understand our staffs have begun to lay the groundwork for this process; we appreciate your willingness to assist us by offering key background information and helping us to identify key interested parties in these disputes. As we move forward, careful consideration should be given to convening the process, subsequent meetings, expected outcomes, recommendations, and appropriate agency funding. I am sure you know that broad based support and a willingness by all affected parties to participate in open, honest, problem-solving dialogue focused on defined objectives are some of the factors critical to the success of these processes. Some of these matters can be coordinated with your staff, our Washington ADR office and Minneapolis regional headquarters; others will be worked out by the parties themselves within the context of the ADR process.

I appreciate the confidence you have expressed in the expertise and experience of our staff. We look forward to working with the interested parties in Minnesota, helping them to identify real, durable solutions to these ongoing disputes.

Respectfully,

JOHN CALHOUN WELLS,
Director.

FIFTY YEARS OF CONFLICT RESOLUTION

The Federal Medication and Conciliation Service, (FMCS) is an independent agency of the United States Government created by Congress in 1947 to provide mediation and conflict resolution related service to its clients. These services are delivered by the agency's nearly 200 full-time mediators who operate in 78 field offices located throughout the country. The primary focus of FMCS's work is on labor-management relations, mediating contract negotiation disputes between companies and the unions representing their employees, and providing training in cooperative processes to help build better labor-management relations. Additionally, FMCS was authorized under the Dispute Resolution Act of 1990 to share its expertise in all aspects of mediation, facilitation and conflict resolution with federal, state and local governmental bodies and agencies.

With the increasing awareness of the concept and benefits of conflict resolution in the general public, the terms mediation and Alternative Dispute Resolution (ADR) have become nearly synonymous. At FMCS, ADR is used to describe a variety of joint problem-solving approaches which can be used in lieu of more formal and often expensive courtroom litigation, or as an alternative to agency adjudication and traditional rulemaking. These processes usually involve the use of a neutral third party to help disputants find mutually-acceptable solutions. Services are based on the specific needs of the parties, and can include dispute resolution assistance, systems design and training for agency personnel.

An area of our ADR practice receiving wider attention and use is regulatory negotiation. The Negotiated Rulemaking Act of 1990 authorizes the agency to use its mediation services to improve government operations. FMCS assists American citizens and government in the regulatory process by bringing the regulators and those who will be affected by regulations to work together in the formulation of proposed rules through negotiation. As a neutral third-party, FMCS convenes and facilitates complex, multi-party rulemaking procedures to help produce draft rules by consensus.

FMCS's has been providing ADR service for over twenty years, dating back to the early 1970's when the agency was asked to mediate a land dispute between the Navajo and Hopi Indian tribes. In the early 1980's, FMCS facilitated the first regulatory negotiations held by the Federal Aviation Administration. Regulatory negotiation activity increased throughout the decade, with FMCS involved in negotiations held by the Departments of Transportation, Agriculture, Labor and others. FMCS also began providing mediation services for Home Owner Warranty disputes and in training volunteer mediators

for the Farm Credit Administration. Since then, FMCS has become a leading authority on the design, delivery and implementation of dispute resolution techniques and systems. FMCS has assisted Federal agencies in settling disputes in a variety of fields, including complex regulatory and environmental matters, equal employment, and educational grant disputes and enforcement matters.

FMCS AND MULTI-PARTY NEGOTIATIONS

The Federal Mediation and Conciliation Service (FMCS) is an independent agency of the United States Government created by Congress in 1947 to provide mediation and conflict resolution related services to its clients. These services are delivered by the agency's nearly 200 full-time mediators who operate in 78 field offices located throughout the country. The primary focus of FMCS's work is on labor-management relations, mediating contract negotiation disputes between companies and the unions representing their employees, and providing training in cooperative processes to help build labor-management relations. Additionally, FMCS is authorized under the Administrative Dispute Resolution Act of 1990 to share its expertise in all aspects of mediation, facilitation and conflict resolution with federal, state and local governmental bodies and agencies.

Mediation is participation by a neutral third party in a dispute or negotiation with the purpose of assisting the parties to the dispute in voluntarily reaching their own settlement of the issues. A mediator may make suggestions, and even procedural or substantive recommendations.

FMCS has provided mediation services in numerous public policy disputes and regulatory negotiations. The results have been extremely positive. By formulating rules and policies in a public negotiating process, potential or actual antagonists can be motivated to participate, and become partners in solving a policy problem or controversy over public issues. Thus, the likelihood of subsequent challenges to the agreement is greatly reduced.

The task of bringing together groups of people, often with competing interests, to reach consensus on complex issues and policies has proved to be a highly-productive use of FMCS' mediators expertise in facilitation and joint problem-solving. Not only are the results positive and the concept gaining in use, but making policy and regulatory and decisions in a public, participatory process is simply a better way to resolve conflicts. FMCS mediators have been involved in the resolution of many issues using this process, including:

Disability Access to Airplanes (1988); Department of Transportation, Vocational Education Issues (1990); Department of Education, Appalachian Trail/Killington-Pico Ski Resorts Mergers (1990–91), Developing Formula for Member Contributions (1992); Farm Credit Administration, Usage of Pesticides (1993); State of New York, Use of Public Waterways (1993); State of Tennessee, Subsidized Housing Vacancy Rates (1995); Department of Housing and Urban Development, Water Resources Development in the Tuolumne River/San Francisco Bay Area (1995); Federal Energy Regulatory Commission, Rail Repair Worker Safety Procedures (1995); Railway Safety Administration (DOT), Indian Self Determination Act (1995); Departments of Interior/HHS, Equal Employment Opportunity Commission (1995/96), and Disability Access to Play Areas (1996); Architectural and Barriers Compliance Board.

U.S. SENATE, COMMITTEE ON ENERGY AND NATURAL RESOURCES,

Washington, DC, September 16, 1996.

Hon. WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We are about to conclude action on H.R. 1296, a bill to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer. As you may know, a number of popular and also controversial measures have become part of the conference discussion; therefore, this bill is now known as the Omnibus Parks legislation containing well over 100 specific legislative provisions.

Among the controversial issues discussed for inclusion in this conference report are the Senate-passed grazing reform legislation, S. 1459; reforms to the management of the Boundary Waters Wilderness, S. 1738; Sterling Forest Protection Act, S. 223; S. 884, the Utah Public Lands Management Act; S. 1877, the Ketchikan Pulp Company contract extension; and S. 1371, the Snow Basin Land Exchange, which is necessary for the winter olympics.

We are about to file a conference report on this omnibus legislation, and it is important that we have your views. Because of your Administration's long-standing opposition, we are prepared to propose excluding the grazing reform legislation, any Utah Wilderness proposals, and several other controversial measures to which the Administration has expressed opposition. Attached is a list of measures we propose for inclusion in the conference report. Among these measures, we feel the need to include two items which your Administration has expressed opposition to in the past. One is the extension of the Ketchikan Pulp Co. contract, S. 1877; and the other is a proposed compromise on the Boundary Waters Canoe Area which would allow motorization on three portages, but nothing more.

It is important that we have your views on this conference report prior to close of business on Wednesday, September 18. We are ready and prepared to discuss any of the measures proposed for inclusion in this conference report at any time, and our staffs are prepared to provide any additional information you may need in your consideration of this important legislation.

Sincerely,

DON YOUNG,
Chairman, House Committee on Resources.
FRANK H. MURKOWSKI,
Chairman.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, September 11, 1996.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, Washington, DC.

DEAR MR. CHAIRMAN: In light of potential activity by the Committee on S. 1738, I would like to apprise you of the Administration's deep concerns about S. 1738, a bill ''To provide for improved access to and use of the Boundary Waters Canoe Area Wilderness, and for other purposes.''

The Department of Agriculture strongly opposes enactment of S. 1738. For the reasons outlined below, this bill is unacceptable, and should it come to the President in its present form, I would advise him to veto it.

While we are acutely aware of the controversy associated with management of the Boundary Waters Canoe Area Wilderness (BWCAW) for at least the past 50 years, and we understand the concerns of the various interests, we do not believe that S. 1738 offers a solution to that controversy. The provisions of S. 1738 would not protect the wilderness resource itself or protect the best interests of the national and international communities which seek a voice in its management. In fact, we believe that it will only serve to increase the polarization of the various interests.

The BWCAW is the largest wilderness east of the Mississippi, consisting of over one million acres of lakes, streams, and forests. It extends nearly 150 miles along the international boundary adjacent to Canada's Quetico Provincial Park, creating a natural, water-based international treasure, unparalleled in the world. It is also the most heavily used wilderness in the United States.

S. 1738 would make several significant changes in the current management of the BWCAW. The bill would expand the area open to use of motorboats, exempt a certain class of visitors from limits established on numbers of visitors, provide for reopening three portages to motorized use, and establish a planning and management council.

Section 3(a) would amend the 1978 law which established the wilderness (P.L. 95–495) by removing limits on motorboat use on five lakes. These are very large lakes and this change would increase the average of water surface open to motor use from approximately 21 percent to 31 percent of the total in the wilderness. Allowing nearly one-third of the area to be open to motorized use is a very large proportion for an activity not normally allowed in units of the National Wilderness Preservation System, and would be a significant change in the wilderness setting.

Section 3(b) would change the definition of a ''guest'' from someone who stays overnight, to someone who is a guest of a homeowner or has purchased or rented goods or services from a resort owner. This change is significant because the 1978 Act exempts those who are ''guests'' of homeowners or resort owners from limits on use. This change in definition would, in effect, eliminate the current limits on motorboat users.

Section 3(c) would provide for reopening three portages to motorized use that were closed by court order several years ago. Based on use data and informal discussions with visitors, our experience since these portages were closed has led us to conclude that access is not unduly restricted, public needs are being met, and that the quality of the wilderness setting is improved by the current status.

Section 4 would establish a ''Planning and Management Council'' with broad authorities to ''develop a monitor a comprehensive management plan for the wilderness.'' This is the most disconcerting provision of the bill. This management council would have overlapping and conflicting roles with the agency, creating confusion about management of the wilderness. Under this bill, the role of the resource professional in managing a national resource under the laws passed by Congress would be shifted to a council consisting primarily of locally elected and appointed officials. A management council would only serve to reopen issues, keep the controversy alive, and further polarize the various interests.

The Forest Service already has a public involvement process in place, which was used extensively during development of the new BWCAW plan, which is the culmination of several years of seeking the best mix of management options for both the nation and the wilderness resource. We need to keep on track with implementing the plan which emerged from this process and work through the remaining issues. Furthermore, the Forest Service is participating in the Federal Mediation and Conciliation Service process for the BWCAW, and I anticipate this effort may help to resolve some of the long-standing issues in the wilderness area.

Notwithstanding my objections to the bill in its current form, I will work with the Committee to produce an acceptable solution to this problem.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DAN GLICKMAN,
Secretary.

[From The Pioneer Press Editorial, May 9, 1996]

MEDIATION WELCOME IN BWCAW DISPUTE

Like chicken soup for a bad cold, Sen. Paul Wellstone's effort to initiate mediation over Minnesota's All-America land dispute can't hurt. Seeking new approaches to settling the emblematic environmental arguments over Voyageurs National Park and the Boundary Waters Canoe Area Wilderness has attractive possibilities.

Up front, it is fair to acknowledge that the political dynamic of the situation for an incumbent Democratic senator in an election year is both deft and apparent. By bringing the Federal Mediation and Conciliation Service in to approach the old grievances about the BWCAW and Voyageurs as professional mediation has done with other polarized environmental policy cases, Wellstone doesn't have to alienate, for now, the Up North Democrats or the Big City environmentalists. Truth told, we'd be just as glad as most other folks to let the mediation process carry these land-use issues into 1997, softening the tendency to frenzy sure to follow Congress' competing legislative approaches—neither of which Wellstone supports.

We said earlier this week the delicate compromises that created the BWCAW in 1978 still largely make sense and do not need to be dramatically altered.

Local councils that control policy on federal lands are not appropriate whether the federal lands are designated as the nation's largest water wilderness or are Yellowstone National Park.

If mediation can get to some of the festering unhappiness Up North over communications failures between communities and the feds, great, Running parallel to the inevitable political wrangling of trying to legislate either expanding the wilderness or ceding management to county and state forces, the mediation process is, at minimum, comfort food.

It can't hurt to try something besides choosing sides and fighting it out over access to the north's unique natural treasures.

[Wellstone Virginia, July 20, 1996]

TIME TO GIVE MEDIATION ITS DUE

(By Marshall Helmberger)

With the obituaries all but written for the Grams and Oberstar bills, it should be clear to most people that Senator Paul Wellstone's mediation proposal continues to be the best hope for changes in Boundary Waters and Voyageurs National Park management. That has been the case for the day the senator announced the proposal last spring, and that fact should be that much more obvious after the recent congressional hearings.

The bottom line is this: Until Minnesotans can reach a consensus on changes in management of these federal lands, legislative quick fixes stand little chance of passage, and even less chance of resolving the long-term conflicts over these areas. The Grams and Oberstar bills would have pleased some, but guaranteed many more years of heated controversy and, very possibly, even worse legislation in the future. Perhaps that's why prominent Minnesotans of both parties have opposed the most recent legislation.

Yes, I, like many others, want to see a return of the truck portages. But mediation is likely the only way to achieve some of these changes.

While some local groups, such as Conservationists With Common Sense, want to point fingers at Senator Wellstone and conclude that he has somehow masterminded the downfall of the Grams/Oberstar bills, such claims are wildly over stated.

The fact is, opposition to the Grams/Oberstar legislation is overwhelming in Minnesota, and bipartisan in nature. A StarTribune Minnesota Poll released Thursday showed that three-quarters of Minnesotans said they opposed the Grams/Oberstar bills, with just 18 percent voicing support. Compare that to the 69 percent support the poll found for the Vento bill, which further restricts motor use in the BWCAW and puts much of Voyageurs National Park into wilderness status.

If supporters of the Grams/Oberstar bills had any illusions. about passage, or about Wellstone's supposed role in scuttling the bills, such poll results should prompt a re-examination. Regardless of Wellstone's position, legislation garnering the support of just 18 percent of Minnesotans was dead on arrival.

Grams/Oberstar supporters might also consider the fact that a majority of Minnesotans agree that mediation is the best approach for dealing with the dispute and don't see Wellstone's position as an attempt to duck the issue.

Wellstone didn't need to scuttle the bills. Despite the claims of CWCS spokespeople, Paul Wellstone hasn't masterminded public opinion, or the widespread and bi-partisan opposition to the two bills. Paul Wellstone didn't prompt Third District Republican Representative Jim Ramstead's loud opposition to the bills during this week's testimony. And he didn't coax Governor Arne Carlson to oppose them either.

Nor did he mastermind the Interior Department's recommendation of a presidential veto of the legislation.

Nor did he have to convince U.S. Senators, like Bill Bradley and others, who have supported pro-wilderness legislation for 20 years or more that they should object to the current bills. There are plenty of people in Washington happy to speak their mind. And you don't want to get between them and a microphone.

Unfortunately, when groups like CWCS focus the blame on Wellstone, they make their involvement in this issue look far too political. There's been enough politics in this issue already.

Indeed, a strong argument could be made that it was the national Republican Party that scuttled any legislative deal this year, by politicizing the issues through its anti-Wellstone attack ads. Democratic senators made clear last week that they weren't about to sign on to any deal that smelled so strongly like a political smear campaign.

Of course the Republicans are smart enough to know that. Those anti-Wellstone attack ads were the clearest possible sign that the Republican Congress had no intention of passing any Boundary Waters or VNP legislation. For the Republicans, this was little more than a chance to attack a senator they consider to be a major thorn in their side.

While the motivations of Representative Oberstar are probably more honorable, he nontheless should have known better than to raise political hopes in his supporters about the chances of passage. And despite his official claims to the contrary, he has made statements critical of mediation. He should know better. Such statements provide political cover for those who would like to sabotage any mediation effort, apparently to achieve their political goal of hurting Wellstone's re-election.

Sadly, the prospects for successful mediation are probably less promising than before the congressional hearings. With the apparent quick and easy death of the Grams/Oberstar bills, environmental groups have the confidence of knowing they can probably block any legislative efforts that don't come from a mediated settlement. In other words, they now have less incentive to bargain seriously than they did before. It would have been far more effective to use mediation first. That way, local interests could have still held out the threat of the Grams/Oberstar bills, if environmental groups showed little willingness to compromise.

As it stands today, the groups that pushed for the quick legislative fix managed to get their names in the paper, but little else. And unless they change their minds and give mediation a chance, they have little role to play—other than spoilers. And worst of all, that leaves most of their members—who I believe never wanted anything more than the right to use a truck portage or have relatively easy access to a permt—out of luck once again.

[The Bemidji Pioneer, July 31, 1996]

MEDIATION ON THE MARK

Minnesotans are the best position to decide a destiny for the Boundary Waters Canoe Area Wilderness and Voyageurs National Park. And that process, fostered by federal mediators, appears to be headed in the right direction.

U.S. Sen. Paul Wellstone, DFL–Minn., has taken a lot of flack for his proposal for federal mediation, including National Republican Senatorial Committee pressure that Wellstone's call allows him to completely duck this volatile election-year issue.

Plans outlined this week should prove Wellstone right. The Federal Mediation and Conciliation Service recommendations set up a framework for citizen panels for both BWCA and Voyageurs issues from more than 200 interviews with interested parties. The final panels will learn problem-solving techniques and then it will be up to them—fellow Minnesotans sitting around a table deciding what's best for important Minnesota resources.

Current bills in Congress would put those forces at odds—more likely creating a war than a mediated settlement all can live with. Bills by GOP Sen. Rod Grams and DFL Rep. Jim Oberstar obviously side with those who want little or no restrictions for an important natural resource, while a bill by Rep. Bruce Vento obviously sides with environmentally conscious Twin Citians who would preserve both areas as their private playground.

A recent Star Tribune/WCCO–TV Minnesota Poll shows that most Minnesotans want federal mediators to resolve the dispute. They will help, but it will be Minnesotans making the decisions and not Congress. That's the Minnesota way.

[The Duluth News Tribune, July 17, 1996]

BWCAW BILLS DESERVE TO DIE

Americans can relax more when their state legislatures and Congress are not in session. So we shouldn't worry that intra- and interparty disputes threaten action on bills to alter Boundary Waters Canoe Area Wilderness policy.

A good case can be made for restoring motorized portages, but the best long-term solution to the BWCAW and Voyageurs National Park disputes lies with the mediation process just begun.

Battles over how to use these lands near the Canadian border have gone on for decades: They won't be settled by the feuding measures introduced by lawmakers from Minnesota.

Though the second half of 1996 has just begun, lawmakers consider this the late stages of their session. So opposition by three Democratic representatives to bills by fellow Democrats Reps. James Oberstar and Bruce Vento seems to doom hopes for passage of any bill in this Congress.

Reps. Martin Sabo, Bill Luther and David Minge urged no action on the legislation that has hurt Sen. Paul Wellstone's re-election hopes. The three lawmakers likely had partisan gain in mind—but also have common sense on their side.

Wellstone's push for federal mediation of the land-use disputes makes sense. Contrary to what some partisans continue to say, mediation would not let federal bureaucrats dictate a solution. Mediation will create a settlement only if the parties involved agree to it.

Even though the battles over best use of the area have gone on a long time, many thoughtful parties to the dispute indicate a willingness to compromise so the can enjoy the natural wonders without worrying what the other side is doing.

The best hope for a solution lies with mediation once the 1996 election is behind us.●

CLARIFICATION OF THE CREDIT REPORTING SECTION OF THE OMNIBUS CONSOLIDATED APPROPRIATIONS ACT

● Mr. MACK. Mr. President, I rise today to clarify a provision included in the credit reporting section of the Omnibus Consolidated Appropriations Act.

Section 2403(a) clarifies existing law with respect to the ''permissible purposes'' for which a consumer report may be obtained under the Fair Credit Reporting Act. The provision establishes that purchasers and servicers are permitted to review a borrower's credit report in connection with the decision of whether to purchase a loan obligation and/or its servicing. This allows a purchaser or other investor to value more accurately a portfolio of loans based on the current credit characteristics of the borrowers of the underlying obligations. Servicers can also use the information to better value servicing rights that they are considering purchasing. In addition, the provision would allow a current loan insurer to use credit reports in assessing its existing risk. By reducing uncertainty in the secondary markets, I am hopeful that consumers will be well served by lower prices. I thank the Chair for this opportunity to elaborate upon this small provision.●

THE NATIONAL INSTITUTES OF HEALTH

● Mr. SIMON. Mr. President, I submit for the RECORD the following corrections to the text of S. 1897 (Report No. 104–364):

Sec. 635. (a)(3) Diabetes is the sixth leading cause of death by disease in America, taking the lives of more than 169,000 people annually.

Sec. 635. (a)(5) Diabetes is the leading cause of new blindness in adults 20 to 74 years of age.

Sec. 635. (a)(6) Diabetes is the leading cause of kidney failure requiring dialysis or transplantation, affecting more than 56,000 Americans in 1992.●

FAIR TRADE PRACTICES ACT

● Mr. SPECTER. Mr. President, on Monday, September 30, 1996, I introduced S. 2165, the Fair Trade Practices Act of 1996. I ask that the full text of the bill be printed in the Record.

The bill is as follows:

S. 2165

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fair Trade Practices Act of 1996''.

SEC. 2. REPORT BY THE PRESIDENT; SANCTIONS.

(a) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the President shall submit a report to the Congress that—

(A) identifies foreign persons and concerns that engage in foreign corrupt trade practices and foreign countries that do not have in effect or do not enforce laws that are similar to the Foreign Corrupt Practices Act of 1977; and

(B) contains information regarding—

(i) existing corrupt trade practices of foreign persons and concerns; and

(ii) efforts by the governments of foreign countries to stop corrupt trade practices by private persons and government officials of those countries through enactment and enforcement of laws similar to the Foreign Corrupt Practices Act of 1977.

(2) DEFINITION OF CORRUPT TRADE PRACTICE.—For purposes of this section, the term ''corrupt trade practice'' means a practice that would violate the prohibition described in section 104 of the Foreign Corrupt Practices Act of 1977 if engaged in by a domestic concern.

(b) SANCTIONS.—

(1) IN GENERAL.—If the President determines that a country identified in subsection (a)(1)(A) is not making a good faith effort to enact or enforce the laws described in subsection (a)(1)(B)(ii), the President is authorized and directed to impose the sanctions described in paragraph (2).

(2) SANCTIONS DESCRIBED.—

(a) REDUCTION IN FOREIGN AID.—Fifty percent of the assistance made available under part I of the Foreign Assistance Act of 1961 and allocated each fiscal year pursuant to section 653 of such Act for a country shall be withheld from obligation and expenditure for any fiscal year in which a determination has been made under paragraph (1) with respect to the country.

(B) MULTILATERAL DEVELOPMENT BANK ASSISTANCE.—The United States Government shall oppose, in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d), the extension of any loan or financial or technical assistance by international financial institutions to any country described in paragraph (1).

(c) DURATION OF SANCTIONS.—Any sanction imposed against a country under subsection (b)92) shall remain in effect until such time as the President certifies to the Congress that such country has enacted and is enforcing the laws described in subsection (a)(1)(B)(ii).

(d) WAIVER.—Any sanctions described in subsection (b) may be delayed or waived upon certification of the President to the Congress that it is in the national interest to do so.

SEC. 3. SANCTIONS AGAINST PERSONS AND BUSINESS ENTITIES.

(a) IMPOSITION OF SANCTIONS ON FOREIGN PERSONS AND CONCERNS ENGAGING IN CERTAIN CORRUPT BUSINESS PRACTICES.—The President shall impose the sanctions described in subsection (b), to the fullest extent consistent with international obligations, if the President certifies to the Congress that—

(1) a foreign person or concern has engaged in the conduct described in section 104 of the Foreign Corrupt Practices Act of 1977, and such conduct has placed a United States concern at a competitive disadvantage,

(2) the President has consulted with the foreign country having primary jurisdiction over such conduct in an effort to get the government of that country to impose sanctions against such foreign person or concern,

(3) a period of 90 days has elapsed since the President first consulted with the foreign country, and

(4) the country has not taken action against such person or concern.

The 90-day period referred to in the preceding sentence may be extended for an additional 90 days if the President determines sufficient progress has been made in consultation with the foreign country to justify such an extension.

(b) SANCTIONS.—

(1) IN GENERAL.—The sanctions to be imposed pursuant to subsection (a) are as follows:

(A) PROCUREMENT SANCTION.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any foreign person or concern that engages in the unlawful conduct described in subsection (a)(1).

(B) LICENSE BAN.—The United States Government shall not issue any license or other authority to conduct business in the United States to any foreign person or concern that engages in the unlawful conduct described in subsection (a)(1).

(2) WAIVER.—Any penalties or sanctions imposed under this section may be delayed or waived upon certification of the President to Congress that it is in the national interest to do so.

(c) DEFINITIONS.—For purposes of this section—

(1) FOREIGN CONCERN.—The term ''foreign concern'' means any corporation, partnership, association, joint stock company, business trust, unincorporated organization, or sole proprietorship which has its principal place of business in a country other than the United States, or which is organized under the laws of a country other than the United States.

(2) FOREIGN PERSON.—The term ''foreign person'' means any individual who is a citizen or national of a country other than the United States.●

FAMILY-FRIENDLY DELAWARE COMPANY HONORED

● Mr. BIDEN. Mr. President, in this time of two-worker households, working parents are increasingly faced with the difficult task of balancing work and family.

Every day in this country, families must find a way to meet the challenges that await them at home after a long day on the job. Some days it seems impossible to maintain a career while trying to figure out a way to get the shopping done, put dinner on the table and pick up the kids at soccer practice.

That is why today, Mr. President, I am proud to stand here to announce that Delaware companies are taking the lead and making it easier for working parents to balance their careers and families.

One particular company, MBNA America, which is based in Wilmington, DE, was recently honored as one of the top 10 family-friendly companies by Working Mother magazine.

This is the second straight year that MBNA has been named as one of the top 10 companies for working mothers and the fifth straight year that it has been named in the top 100.

Also, in the September 16 issue of Business Week, MBNA was named as one of the top 10 businesses in terms of their work and family strategies. This is the first time that Business Week has rated companies for their family-friendly practices, and it shows that businesses are most successful if they take their work and family strategies seriously.

Speaking about MBNA, Business Week stated that ''the bank won the highest grades, from employees, who cited strong programs and job flexibility.''

MBNA is to be commended for instituting policies and programs that are sensitive to the realities of two-income families. None of this happens without leadership—especially leadership at the top. And in this case, it comes from Charles Cawley, chairman of MBNA and a renowned business and community leader.

Let me tell you about some of the things that MBNA does for its workers. MBNA offers three on-site day care centers that serve MBNA employees. I have had the opportunity to visit one of the two centers that are in Delaware, and I cannot stress enough what a benefit it is for workers to be able to take advantage of these day care centers. In Delaware, these centers give the parents of around 400 children the peace of mind that their child is in good hands.

Also last year, 109 men and 264 women took advantage of childbirth leave of absences that averaged 13 weeks. This is a wonderful opportunity for parents to be there for those precious first weeks of their child's life.

Another important benefit that is offered by the company is adoption assistance of up to $5,000. This allows employees to provide a stable home and family to a child who needs that love and stability so badly. Just another way that companies can help build strong families.

Employees can take advantage of $849,000 in company-sponsored college scholarships that allow those who wish to better themselves the opportunity to do so. After all, education is the greatest investment this country can make.

Working Mother magazine also applauded MBNA for having flexible work hours by utilizing job-sharing strategies and compressed work weeks.

And, the study showed that women account for a high percentage of executive positions at MBNA. Women make up 39 percent of vice presidents at MBNA and 16 percent of all senior executives are women.

Besides MBNA, two other Delaware companies were honored recently as family friendly companies. DuPont and DuPont-Merck Pharmaceutical were named as 2 of the top 100 companies by Working Mother magazine for their leadership in creating job strategies that are sensitive toward families. DuPont was also named in Business Week's top 10 list, and other companies with facilities in Delaware, such as Hewlett-Packard and Nations Bank, have been praised for their family oriented policies.

Mr. President, these work strategies that take into account everyday family life do not just benefit the employees, but also the employer. There is little doubt that recruitment, retention, morale, and therefore productivity all increase when companies implement family-friendly policies.

I am proud that MBNA and other Delaware companies have emerged as leaders in creating family work strategies, and I hope that this trend continues throughout Delaware and throughout the country.●

CHILDREN'S HEALTH INSURANCE FOR LONG-TERM DEVELOPMENT ACT

● Mr. KERREY. Mr. President, on Monday I introduced S. 2167, the Children's Health Insurance for Long-Term Development Act—the CHILD bill. In simple terms, this legislation will require private health plans to cover all necessary health and screening services for infants and children through age 3. But it has a broader purpose. It will close the gap between two entities that serve America's children, the health system and the school system, by addressing an important health risk that has implications for children's educational achievements and later development.

A significant body of research demonstrates that the first 3 years of life are critical to children's development—mentally, physically, and emotionally. In particular, during the first 3 years of life the human brain and central nervous system undergo their most rapid period of neurological development. This time period—the Infant Neurological Risk Exposure Period—provides both a substantial risk and an important opportunity. If we can ensure that children receive the health care, parenting, and environmental influences they need during their first 3 years, we can give our children a strong start in life. If, however, we neglect their physical and mental development during this crucial period, we have lost an important opportunity to promote learning and prevent damage to brain functioning.

Obviously, there are many influences on a child's early development, such as parental influence and childrearing practices, comprehensive health care, environment, mental stimulation, and community support. As a nation, we have an opportunity and an obligation to provide children with a safe, healthy, stimulating environment during their early years. This bill takes an important step toward this goal.

First, this legislation identifies a critical period in children's development—the Infant Neurological Risk Exposure Period [INREP]. Brain and nervous system development during this period has a long-lasting impact on the child's life. I hope that by singling out this particular timeframe, this legislation will focus greater attention on improving health care and supportive services during infancy and early childhood.

Second, this bill will require private health insurers to cover comprehensive preventive and curative services through age 3. These third-party payors will therefore be financially responsible for the care children need to be adequately monitored and treated through this important developmental period.

I was startled to learn that 86 percent of children who are privately insured are not covered for comprehensive well-child care. Children who receive health coverage through the Medicaid program are covered for a comprehensive array of well-child care, diagnostic assessments and treatment services through the EPSDT program, yet most children who are privately insured do not have similar coverage. Health screenings and periodic check-ups provide an important opportunity for physicians to ensure that a child's neurological development is progressing along normal patterns—and to intervene as appropriate if it is not.

This comprehensive approach will also address other problems in pediatric health care, such as ensuring that children are completely covered for immunizations through this time period. This coverage will counter current immunization trends that leave 60 percent of children in most States with incomplete immunizations at age 2.

I should also emphasize that this bill, by its very nature, cannot help children who are uninsured. We need to pursue further legislation that addresses this important problem. In a recent study on children's health insurance, the GAO noted that the proportion of children who are uninsured—14.2 percent, or 10 million children—is at the highest level since 1987. This decline in children's health insurance coverage has been concentrated among low-income children.

Mr. President, all children should have health insurance that covers their complete developmental needs. We are the wealthiest, most powerful, and most advanced nation on this planet. But it is discouraging that we still have so far to go when it comes to caring for our own children.

My friend and respected colleague Senator JOHN KERRY has offered one approach to this problem using sliding-scale subsidies; we should explore this option and others in order to ensure that America's infants and young children achieve their highest potential.

My proposal represents the first step towards this important goal—the next step is health coverage for all children.●

KIDS, GUNS, AND DEATH

● Mr. SIMON. Mr. President, last summer the Illinois Council Against Handgun Violence asked kids how their lives had been affected by guns and gun violence. Over 200 school-age children wrote and submitted essays. Last Sunday, the Chicago Sun Times printed the three winning essays. The expression, out of the mouths of babes, has never been more true than when reading the three winning essays. These three winners, a second-grader, a seventh-grader, and an eleventh grader, get what far too many of their elders do not: bullets, guns, and violent death should not be an increasingly routine part of these children's lives. I ask that the three winning essays printed in the Chicago Sun Times be printed in the RECORD.

[From the Chicago Sun-Times, Sept. 29, 1996]

KIDS, GUNS, AND DEATH

It is a sad fact of life: Children today are profoundly aware of the threat of gun violence. Last summer, the Illinois Council Against Handgun Violence asked school-children how this omnipresent danger touches their lives, and what they thought should be done to end it. Asked to speak for themselves, more than 100 children from nearly two dozen schools submitted essays. It is powerful testimony. Many wrote of their personal brushes with gun violence; far too many told of losing family members and friends, and a few of actually witnessing fatal shootings. Here are the winning essays from three age categories. These young authors will read their entries Oct. 5, when the 14th Annual Walk Against Handgun Violence steps off from the Daley Center Plaza at 11 a.m.

ZACHERY JEFFERSON

Last week, when I layed down to rest for the night. I couldn't sleep because I heard the sound of gunshots in the air. My heart just pound and pound, until I heard the lock turn and the door slam. After I heard my mommy's voice. I was able to sleep.

I was worried about my mother walking to our building. I live in a tall building called Stateway Gardens. My mother Ms. Jefferson's work day begins in the afternoon and ends late night about 12:30 midnight. I know it isn't safe for my mom to walk the street in my neighborhood at night alone. She has to work to take care of my sister and I.

When I grow up I want to be a policeman, not just a policeman but the Chief of Police. I want to change things. It should be against the law for people to just shoot. Those bad people who are shooting guns like crazy mustn't realize how it feels to worry, or maybe they don't have a mother who works to take care of a family.

Well, my heart pounds and beats like a drum when I am upset or worried. For those who don't know what it feels like, I'll tell you. It's like losing something very special and that moment when you realize it's gone, your heart races real fast and sweat pops on your face and your knees shakes.

Please stop now. If you don't, watch out for me later! I will be coming with my badge on.

RHEA JACKSON

Guns are something very serious. Many people think that a gun is the answer to solving their problems that won't go away. This isn't true. There are many other ways to solve your problems. People today don't care if a younger child gets injured, shot, killed or even paralyzed because all that really matters to them is to kill their problem that won't go away.

Today many boys are killing each other over some crazy things like money, drugs, shoes, name-brand clothes and even girls. That affects me a whole lot because that might be me one day. Instead of the boy getting shot I might get shot in his place.

I come from a very overprotective household with a father who is on me like white on rice. Sometimes I feel that he needs to give me a break and let me go to a friend's house. However, when I go I see people who don't have fathers they can turn to and I realize why my father is like that. He doesn't want me to get caught between gangs crossfiring at each other. Then I begin to see how lucky I am to have him around.

I feel that it must stop because many youngsters, like myself, want to live long, be able to live to see over the age of 21. I think that the gangs should come to a truce and live together in peace. If that doesn't work, then the police should be more aware of the gang activity going on. I'm saying these things because my cousin almost got in a crossfire between two gangs. They don't realize that bullets don't have names like they think. I think that the reason why kids join gangs is because of peer pressure, for attention and because they don't have anyone to turn to.

As you can see there are many things that scare me and other kids. The gangs have little kids, even kids at the age of 5, planning their funerals instead of dreaming about their weddings or Sweet 16 birthday parties.

If my essay gets published in a popular magazine or newspaper, please remember: ''Bullets Don't Have Names.''

CLAUDIA RUIZ

I personally experienced gun violence with the death of my cousin. I grew up with him and when he died from seven bullet wounds. I lost part of myself. Anyone who loves someone close to them knows that the pain is incurable, except with the dulling that time brings. It changes the lives of all those who knew the victim because part of their life is gone and there are no second chances.

Nothing is worth dying for, especially when the decision is not yours. No one has the right to make that decision for anyone. The anger that accompanies the pain is also destructive. Often when a gang member is killed, his brothers seek revenge. This brings further violence and loss of life. No one gains, and the cycle of violence keeps turning.

The cause of gun violence is that teenagers are joining gangs at an early age. Some of them join gangs because of the lure of money from selling drugs. Perhaps their family is poor and they need the money to support themselves and their family. Selling drugs offers them an easy solution. More often gang members come from families where they were neglected. They are looking for somewhere to belong, somewhere safe.

I believe in each cases that the blame lies largely on the parents who do not give their children the support they needed while they were young. However, that is not to say that the parents are not facing tremendous odds trying to raise their children in an environment where gun violence and gang membership is prevalent. In large families, the older children are neglected as the parents are busy looking after the young. Unfortunately, the older children still need their guidance. Often, elder children become lonely and depressed. For these reasons, they may join a gang to find friendship and belonging. Although the gang may feel like their salvation, their only salvation is to be able to talk to their parents instead of fighting against them. These youth need someone to show them that their families are where they may find safety. They need counseling so that they may talk about their fears and the problems in their family and on the street.

In addition, violence prevention counseling would educate the youth to find other solutions to violence in resolving their anger. They need someone to point them in the right direction and to show them they have choices in the future if they make the right decisions now. They need guidance to learn how to be themselves.●

THE VANCOUVER NATIONAL HISTORIC RESERVE

● Mrs. MURRAY. Mr. President, I want to express my sincere pleasure that the Vancouver National Historic Reserve will be established as a result of the enactment of legislation by this Congress.

We have worked for several years in a bipartisan fashion to establish this important historic site in Vancouver, WA. This vision for cooperative management of the historic resources at Fort Vancouver began with the city of Vancouver and former Congresswoman Jolene Unsoeld. Congresswoman Unsoeld had the vision, leadership, and determination to develop a broadly supported plan to preserve and promote several chapters in the colorful history of the Pacific Northwest.

This proposal has been 10 years in the making. Throughout these years, the vision has been for a collaborative effort between the city of Vancouver, the Army, and the National Park Service. In recognition of the opportunity to coordinate the management and interpretation of the historic areas around Fort Vancouver, Congress in 1990 established the Vancouver Historic Study Commission to develop a plan for the area and make a recommendation to Congress. In 1993, the five members of the commission—representing the National Park Service, City of Vancouver, Army, State Historic Preservation Office, and the public-at-large—unanimously approved a strategy for the area. The commission's report called for the establishment of a Vancouver National Historic Reserve. The reserve would be cooperatively managed by the various public owners of the area through the Vancouver partnership. Key controversies such as the continued operation of Pearson Airpark were addressed and thoughtfully resolved.

Legislation to implement the commission's recommendations was introduced in 1994 by former Congresswoman Unsoeld but was unable to pass in the closing days of the 103d Congress. In an effort to maintain progress on the historic area, the city entered into a memorandum of agreement with the National Park Service regarding the operation of the area on November 4, 1995. Nevertheless, legislation was still needed to implement the MOA and the commission's recommendations.

During this Congress, we have worked with the city and the Park Service in a bipartisan fashion to address outstanding concerns and develop legislation to effectively establish the reserve. Senator GORTON and I, and Congresswoman SMITH, introduced bills to establish the reserve. When the committee began to develop an omnibus parks bill, Senator GORTON and I worked to include the Vancouver Historic Reserve and were successful. The simplified version of our bill included in the omnibus measure raised concerns for the Park Service and was improved during the conference with the House.

As last-minute negotiations on this omnibus parks bill progressed, there was some miscommunication regarding the administration's support for the Vancouver National Historic Reserve. As is now clear, the administration fully supports the establishment of the reserve and supports it's inclusion in this omnibus measure. And so do I. I look forward to the development of the Vancouver partnership and the coordinated management it will bring to the historic treasures of Vancouver, WA. Treasures of the entire Pacific Northwest that must be preserved for future generations.

The Vancouver National Historic Reserve is truly ''Once Place Across Time''. From the Native American cultures and communities that lived and traded in the region for over 100 centuries to Lewis and Clark's expedition and the Hudson Bay Company's fur trade, the areas of the Vancouver National Historic Reserve are at the foundation of the history and the legacy of the Pacific Northwest and the great State of Washington. Our journey from these beginnings through the decades is also visible through Fort Vancouver, the Vancouver Army Barracks and Officer's Row, and Pearson Airfield.

The multiple layers of history tells us so much about our region and ourselves. I look forward to the sense of continuity the reserve will bring to the history of this place. The connection of people and places across the span of time will bring an improved sense of place to this wonderful area of our region and the Nation.●

CHILDHOOD HUNGER DAY

● Mr. LAUTENBERG. Mr. President, I rise to commend the American Culinary Federation for its efforts to combat the problem of childhood hunger in the United States. Although we are the richest nation on Earth, each day 1 out of 12 children under the age of 12 goes to bed hungry. In my own State of New Jersey, 91,000 children must endure hunger as their constant companion. Children are our most valuable natural resource, and as a nation we cannot tolerate a situation where our youngest citizens are deprived the most basic necessity.

Mr. President, I know that we all agree that steps must be taken to end the epidemic of childhood hunger. If we do not condemn this situation by our actions, then we condone it by our inaction.

Mr. President, in New Jersey, the Jersey Shore Chapter of the American Culinary Federation is dedicated to fighting this scourge. Among its many activities, on October 16, the federation will again be holding its Childhood Hunger Day Forum in Washington, DC. The event is designed to increase awareness of the problem of childhood hunger, and it will give voice to the millions of small children who suffer in silence.

Mr. President, I applaud the foundation's efforts, and I wish it every success on Childhood Hunger Day and for all of their future endeavors.●

STANISLAV REMBSKI

● Ms. MIKULSKI. Mr. President, Stanislav Rembski is one of America's greatest artists. On October 8, 1996 he celebrates his 100th birthday. I ask my colleagues to join me in congratulating Mr. Rembski on this special occasion, and in thanking him for creating so many national treasures.

As a Polish-American Senator from Baltimore, I am very proud of Stanislav Rembski. He was born in Sochaczew, Poland in 1896. He immigrated to the United States in 1923. Since 1940, he has lived and worked in Baltimore. He taught himself to draw—and he teaches us all how to enjoy and appreciate art through his writings and lectures.

Stanislav Rembski is one of America's premier portrait painters. He has painted over 1,000 commissions—including well-known portraits of President Woodrow Wilson and President Franklin Roosevelt. He has painted five of Maryland's first ladies and these paintings hang in Government House in Annapolis.

Stanislav Rembski is known for capturing the spirit and personality of his subjects. That is why so many of his portraits are used in history books—they tell us more about the subject than any photograph ever could. I encourage everyone to see this for themselves. A retrospective of his work is now on display in the Enoch Pratt Library in Baltimore.

Mr. President, Stanislav Rembski honors his Polish heritage and his adopted American homeland. His paintings are a gift that will grace our museums and public buildings forever.●

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I thought the parks bill was ready for conclusion, and perhaps a colloquy is needed.

Mr. MURKOWSKI. If I may respond to the majority leader, it is my understanding that an agreement can be reached and a colloquy is in the process of being reviewed and completed. I personally do not have it at this time. I expect it momentarily.

Mr. LOTT. Mr. President, we have some work we can do. The minute that the final agreement and colloquy enters the Chamber, please let us know. We would like to interrupt whatever we are doing to get this agreement reached.

Mr. MURKOWSKI. If I may respond to the majority leader to concur with his agreement. I have never had the obvious honor of giving birth to anything, but this is about the closest.

Mr. LOTT. Senator DASCHLE and I will have the pleasure in a moment of notifying the President of our intent to conclude our work, and the adjournment resolution has been adopted.

PROVIDING FOR THE SINE DIE ADJOURNMENT

Mr. LOTT. I ask unanimous consent the Senate proceed to the immediate consideration of House Concurrent Resolution 230 regarding adjournment of the 104th Congress.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H.Con. Res. 230) providing for the sine die adjournment of the second session of the 104th Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 5426

Mr. LOTT. I send an amendment to the desk providing for adjournment of the Senate Wednesday, Thursday or Friday of this week.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 5426.

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

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

The amendment is as follows:

Strike all after the resolving clause, and substitute the following in lieu thereof:

''That when the House adjourns on the legislative day of Wednesday, October 2, 1996, Thursday, October 3, 1996, or Friday, October 4, 1996, on a motion offered pursuant to this concurrent resolution by the Majority Leader, or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, and that when the Senate adjourns on Wednesday, October 2, 1996, Thursday, October 3, 1996, or Friday, October 4, 1996, on a motion offered pursuant to this concurrent resolution by the Majority Leader, or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Mr. LOTT. Mr. President, I ask unanimous consent the amendment be agreed to, the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table.

The amendment (No. 5426) was agreed to.

The concurrent resolution (H. Con. Res. 230), as amended, was agreed to, as follows:

AMENDMENT NO. 5426

Strike out all after the resolving clause and insert: That when the House adjourns on the legislative day of Wednesday, October 2, 1996, Thursday, October 3, 1996, or Friday, October 4, 1996, on a motion offered pursuant to this concurrent resolution by the Majority Leader, or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, and that when the Senate adjourns on Wednesday, October 2, 1996, Thursday, October 3, 1996, or Friday, October 4, 1996, on a motion offered pursuant to this concurrent resolution by the Majority Leader, or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

CACHE LA POUDRE RIVER NATIONAL WATER HERITAGE AREA ACT

Mr. LOTT. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 281, S. 342.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 342) to establish the Cache la Poudre River National Water Heritage Area in the State of Colorado, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Cache La Poudre River National Water Heritage Area Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to designate the Cache La Poudre Water National Heritage Area within the Cache La Poudre River Basin and to provide for the interpretation, for the educational and inspirational benefit of present and future generations, of the unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Area.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) AREA.—The term ''Area'' means the Cache La Poudre River National Water Heritage Area established by section 4(a).

(2) COMMISSION.—The term ''Commission'' means the Cache La Poudre River National Water Heritage Area Commission established by section 5(a).

(3) GOVERNOR.—The term ''Governor'' means the Governor of the State of Colorado.

(4) PLAN.—The term ''Plan'' means the water heritage area interpretation plan prepared by the Commission pursuant to section 9(a).

(5) POLITICAL SUBDIVISION OF THE STATE.—The term ''political subdivision of the State'' means a political subdivision of the State of Colorado, any part of which is located in or adjacent to the Area, including a county, city, town, water conservancy district, or special district.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. ESTABLISHMENT OF THE CACHE LA POUDRE RIVER NATIONAL WATER HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State of Colorado the Cache La Poudre River National Water Heritage Area.

(b) BOUNDARIES.—The boundaries of this Area shall include those lands within the 100-year flood plain of the Cache La Poudre River Basin, beginning at a point where the Cache La Poudre River flows out of the Roosevelt National Forest and continuing east along said floodplain to a point one quarter of one mile west of the confluence of the Cache La Poudre River and the South Platte Rivers in Weld County, Colorado, comprising less than 35,000 acres, and generally depicted as the 100-year flood boundary on the Federal Flood Insurance maps listed below:

(1) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0146B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(2) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0147B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(3) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0162B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(4) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0163C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(5) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0178C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(6) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080102 0002B, February 15, 1984. Federal Emergency Management Agency, Federal Insurance Administration.

(7) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0179C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(8) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0193D, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(9) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0194D, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(10) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0208C, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(11) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0221C, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(12) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080266 0605D, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(13) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080264 0005A, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(14) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080266 0608D, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(15) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080266 0609C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(16) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080266 0628C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(17) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080184 0002B, July 16, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(18) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080266 0636C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(19) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080266 0637C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a detailed description and map of the boundaries of the Area.

(c) PUBLIC ACCESS TO MAPS.—The maps shall be on file and available for public inspection in—

(1) the offices of the Department of the Interior in Washington, District of Columbia, and Denver, Colorado; and

(2) local offices of the city of Fort Collins, Larimer County, the city of Greeley, and Weld County.

SEC. 5. ESTABLISHMENT OF THE CACHE LA POUDRE RIVER NATIONAL WATER HERITAGE AREA COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Cache La Poudre River National Water Heritage Commission.

(2) FUNCTION.—The Commission, in consultation with appropriate Federal, State, and local authorities, shall develop and implement an integrated plan to interpret elements of the history of water development within the Area.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 15 members appointed not later than 6 months after the date of enactment of this Act. Of these 15 members—

(A) 1 member shall be a representative of the Secretary of the Interior which member shall be an ex officio member;

(B) 1 member shall be a representative of the Forest Service, appointed by the Secretary of Agriculture, which member shall be an ex officio member;

(C) 3 members shall be recommended by the Governor and appointed by the Secretary, of whom—

(i) 1 member shall represent the State;

(ii) 1 member shall represent Colorado State University in Fort Collins; and

(iii) 1 member shall represent the Northern Colorado Water Conservancy District;

(D) 6 members shall be representatives of local governments who are recommended by the Governor and appointed by the Secretary, of whom—

(i) 1 member shall represent the city of Fort Collins;

(ii) 2 members shall represent Larimer County, 1 of which shall represent agriculture or irrigated water interests;

(iii) 1 member shall represent the city of Greeley;

(iv) 2 members shall represent Weld County, 1 of which shall represent agricultural or irrigated water interests; and

(v) 1 member shall represent the city of Loveland; and

(E) 3 members shall be recommended by the Governor and appointed by the Secretary, and shall—

(i) represent the general public;

(ii) be citizens of the State; and

(iii) reside within the Area.

(2) CHAIRPERSON.—The chairperson of the Commission shall be elected by the members of the Commission from among members appointed under subparagraph (C), (D), or (E) of paragraph (1). The chairperson shall be elected for a 2-year term.

(3) VACANCIES.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(c) TERMS OF SERVICE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), each member of the Commission shall be appointed for a term of 3 years and may be reappointed.

(2) INITIAL MEMBERS.—The initial members of the Commission first appointed under subsection (b)(1) shall be appointed as follows:

(A) 3-YEAR TERMS.—The following initial members shall serve for a 3-year term:

(i) The representative of the Secretary of the Interior.

(ii) 1 representative of Weld County.

(iii) 1 representative of Larimer County.

(iv) 1 representative of the city of Loveland.

(v) 1 representative of the general public.

(B) 2-YEAR TERMS.—The following initial members shall serve for a 2-year term:

(i) The representative of the Forest Service.

(ii) The representative of the State.

(iii) The representative of Colorado State University.

(iv) The representative of the Northern Colorado Water Conservancy District.

(C) 1-YEAR TERMS.—The following initial members shall serve for a 1-year term:

(i) 1 representative of the city of Fort Collins.

(ii) 1 representative of Larimer County.

(iii) 1 representative of the city of Greeley.

(iv) 1 representative of Weld County.

(v) 1 representative of the general public.

(3) PARTIAL TERMS.—

(A) FILLING VACANCIES.—A member of the Commission appointed to fill a vacancy occurring before the expiration of the term for which a predecessor was appointed shall be appointed only for the remainder of their term.

(B) EXTENDED SERVICE.—A member of the Commission may serve after the expiration of that member's term until a successor has taken office.

(d) COMPENSATION.—Members of the Commission shall receive no compensation for their service on the Commission.

(e) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

SEC. 6. STAFF OF THE COMMISSION.

(a) STAFF.—The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out the duties of the Commission.

(1) APPOINTMENT AND COMPENSATION.—Staff appointed by the Commission—

(A) shall be appointed without regard to the city service laws and regulations; and

(B) shall be compensated without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(c) STAFF OF OTHER AGENCIES.—

(1) FEDERAL.—Upon request of the Commission, the head of a Federal agency may detail, on a reimbursement basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the Commission's duties. The detail shall be without interruption or loss of civil service status or privilege.

(2) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(3) STATE.—The Commission may—

(A) accept the service of personnel detailed from the State, State agencies, and political subdivisions of the State; and

(B) reimburse the State, State agency, or political subdivision of the State for such services.

SEC. 7. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to carry out this Act.

(2) SUBPOENAS.—The Commission may not issue subpoenas or exercise any subpoena authority.

(b) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(c) MATCHING FUNDS.—The Commission may use its funds to obtain money from any source under a program or law requiring the recipient of the money to make a contribution in order to receive the money.

(d) GIFTS.—

(1) IN GENERAL.—Except as provided in subsection (e)(3), the Commission may, for the purpose of carrying out its duties, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source.

(2) CHARITABLE CONTRIBUTIONS.—For the purpose of section 170(c) of the Internal Revenue Code of 1986, a gift to the Commission shall be deemed to be a gift to the United States.

(e) REAL PROPERTY.—

(1) IN GENERAL.—Except as provided in paragraph (2) and except with respect to a leasing of facilities under section 6(c)(2), the Commission may not acquire real property or an interest in real property.

(2) EXCEPTION.—Subject to paragraph (3), the Commission may acquire real property in the Area, and interests in real property in the Area—

(A) by gift or devise;

(B) by purchase from a willing seller with money that was given or bequeathed to the Commission; or

(C) by exchange.

(3) CONVEYANCE TO PUBLIC AGENCIES.—Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate non-Federal public agency, as determined by the Commission. The conveyance shall be made—

(A) as soon as practicable after acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used in furtherance of the purpose for which the Area is established.

(f) COOPERATIVE AGREEMENTS.—For the purpose of carrying out the Plan, the Commission may enter into cooperative agreements with Federal agencies, State agencies, political subdivisions of the State, and persons. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of any action that may affect the implementation of the Plan.

(g) ADVISORY GROUPS.—The Commission may establish such advisory groups as it considers necessary to ensure open communication with, and assistance from Federal agencies, State agencies, political subdivisions of the State, and interested persons.

(h) MODIFICATION OF PLANS.—

(1) IN GENERAL.—The Commission may modify the Plan if the Commission determines that such modification is necessary to carry out this Act.

(2) NOTICE.—No modification shall take effect until—

(A) any Federal agency, State agency, or political subdivision of the State that may be affected by the modification receives adequate notice of, and an opportunity to comment on, the modification;

(B) if the modification is significant, as determined by the Commission, the Commission has—

(i) provided adequate notice of the modification by publication in the area of the Area; and

(ii) conducted a public hearing with respect to the modification; and

(C) the Governor has approved the modification.

SEC. 8. DUTIES OF THE COMMISSION.

(a) PLAN.—The Commission shall prepare, obtain approval for, implement, and support the Plan in accordance with section 9.

(b) MEETINGS.—

(1) TIMING.—

(A) INITIAL MEETING.—The Commission shall hold its first meeting not later than 90 days after the date on which its last initial member is appointed.

(B) SUBSEQUENT MEETINGS.—After the initial meeting, the Commission shall meet at the call of the chairperson or 7 of its members, except that the Commission shall meet at least quarterly.

(2) QUORUM.—Ten members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(3) BUDGET.—The affirmative vote of not less than 10 members of the Commission shall be required to approve the budget of the Commission.

(c) ANNUAL REPORTS.—Not later than May 15 of each year, following the year in which the members of the Commission have been appointed, the Commission shall publish and submit, to the Secretary and to the Governor, an annual report concerning the Commission's activities.

SEC. 9. PREPARATION, REVIEW, AND IMPLEMENTATION OF THE PLAN.

(a) PREPARATION OF PLAN.—

(1) IN GENERAL.—Not later than 2 years after the Commission conducts its first meeting, the Commission shall submit to the Governor a Water Heritage Area Interpretation Plan.

(2) DEVELOPMENT.—In developing the Plan, the Commission shall—

(A) consult on a regular basis with appropriate officials of any Federal or State agency, political subdivision of the State, and local government that has jurisdiction over or an ownership interest in land, water, or water rights within the Area; and

(B) conduct public hearings within the Area for the purpose of providing interested persons the opportunity to testify about matters to be addressed by the Plan.

(3) RELATIONSHIP TO EXISTING PLANS.—The Plan—

(A) shall recognize any existing Federal, State, and local plans;

(B) shall not interfere with the implementation, administration, or amendment of such plans; and

(C) to the extent feasible, shall seek to coordinate the plans and present a unified interpretation plan for the Area.

(b) REVIEW OF PLAN.—

(1) IN GENERAL.—The Commission shall submit the Plan to the Governor for his review.

(2) GOVERNOR.—The Governor may review the Plan and if he concurs in the Plan, may submit the Plan to the Secretary, together with any recommendations.

(3) SECRETARY.—The Secretary shall approve or disapprove the Plan within 90 days. In reviewing the Plan, the Secretary shall consider the adequacy of—

(A) public participation; and

(B) the Plan in interpreting, for the educational and inspirational benefit of present and future generations, the unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Area.

(c) DISAPPROVAL OF PLAN.—

(1) NOTIFICATION BY SECRETARY.—If the Secretary disapproves the Plan, the Secretary shall, not later than 60 days after the date of disapproval, advise the Governor and the Commission of the reasons for disapproval, together with recommendations for revision.

(2) REVISION AND RESUBMISSION TO GOVERNOR.—Not later than 90 days after receipt of the notice of disapproval, the Commission shall revise and resubmit the Plan to the Governor for review.

(3) RESUBMISSION TO SECRETARY.—If the Governor concurs in the revised Plan, he may submit the revised plan to the Secretary who shall approve or disapprove the revision within 60 days. If the Governor does not concur in the revised plan, he may resubmit it to the Commission together with his recommendations for further consideration and modification.

(d) IMPEMENTATION OF PLAN.—After approval by the Secretary, the Commission shall implement and support the Plan as follows:

(1) CULTURAL RESOURCES.—

(A) IN GENERAL.—The Commission shall assist Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations in the conservation and interpretation of cultural resources within the Area.

(B) EXCEPTION.—In providing the assistance, the Commission shall in no way infringe upon the authorities and policies of a Federal agency, State agency, or political subdivision of the State concerning the administration and management of property, water, or water rights held by such agency, political subdivision, or private persons or entities, or affect the jurisdiction of the State of Colorado over any property, water, or water rights within the Area.

(2) PUBLIC AWARENESS.—The Commission shall assist in the enhancement of public awareness of, and appreciation for, the historical, recreational, architectural, and engineering structures in the Area, and the archaeological, geological, and cultural resources and sites in the Area—

(A) by encouraging private owners of identified structures, sites, and resources to adopt voluntary measures for the preservation of the identified structure, site, or resource; and

(B) by cooperating with Federal agencies, State agencies, and political subdivisions of the State in acquiring, on a willing seller basis, any identified structure, site, or resource which the Commission, with the concurrence of the Governor, determines should be acquired and held by an agency of the State.

(3) RESTORATION.—The Commission may assist Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations in the restoration of any identified structure or site in the Area with consent of the owner. The assistance may include providing technical assistance for historic preservation, revitalization, and enhancement efforts.

(4) INTERPRETATION.—The Commission shall assist in the interpretation of the historical, present, and future uses of the Area—

(A) by consulting with the Secretary with respect to the implementation of the Secretary's duties under section 11;

(B) by assisting the State and political subdivisions of the State in establishing and maintaining visitor orientation centers and other interpretive exhibits within the Area;

(C) by encouraging voluntary cooperation and coordination, with respect to ongoing interpretive services in the Area, among Federal agencies, State agencies, political subdivisions of the State, nonprofit organizations, and private citizens, and

(D) by encouraging Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations to undertake new interpretive initiatives with respect to the Area.

(5) RECOGNITION.—The Commission shall assist in establishing recognition for the Area by actively promoting the cultural, historical, natural, and recreational resources of the Area on a community, regional, statewide, national, and international basis.

(6) LAND EXCHANGES.—The Commission shall assist in identifying and implementing land exchanges within the State of Colorado by Federal and State agencies that will expand open space and recreational opportunities within the flood plain of the Area.

SEC. 10. TERMINATION OF THE COMMISSION.

(a) TERMINATION.—Except as provided in subsection (b), the Commission shall terminate 5 years after the date of approval of the Plan by the Secretary.

(b) EXTENSION.—The Commission may be extended for a period of not more than 5 years from the date of termination established in subsection (a), if, not later than 180 days before that date—

(1) the Commission determines that an extension is necessary in order to carry out this Act;

(2) the Commission submits a proposed extension to the—

(A) Governor;

(B) Committee on Resources of the House of Representatives;

(C) Committee on Energy and Natural Resources of the Senate; and

(D) Secretary of Agriculture;

(3) the Governor notifies the Secretary that he concurs in the extension, and

(4) the Secretary approves the extension.

SEC. 11. DUTIES OF THE SECRETARY.

(a) ACQUISITION OF LAND.—The Secretary may acquire land and interests in land within the Area that have been specifically identified by the Commission for acquisition by the Federal government and that have been approved for such acquisition by the Governor and the political subdivision of the State where the land is located by donation, purchase with donated or appropriated funds, or exchange. Acquisition authority may only be used if such lands cannot be acquired by donation or exchange. No land or interest in land may be acquired without the consent of the owner.

(b) TECHNICAL ASSISTANCE.—The Secretary shall, upon the request of the Commission, provide technical assistance to the Commission in the preparation and implementation of the Plan pursuant to section 9.

(c) DETAIL.—Each fiscal year during the existence of the Commission, the Secretary shall detail to the Commission, on a nonreimbursable basis, 2 employees of the Department of the Interior to enable the Commission to carry out the Commission's duties under section 8.

SEC. 12. OTHER FEDERAL ENTITIES.

(a) DUTIES.—Subject to section 13, a Federal entity conducting or supporting activities directly affecting the flow of the Cache La Poudre River through the Area, or the natural resources of the Area shall consult with the Commission with respect to such activities;

(b) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary or Administrator of a Federal agency may acquire land in the flood plain of the Area by exchange for other lands within such agency's jurisdiction within the State of Colorado, based on fair market value: Provided, That such lands have been identified by the Commission for acquisition by a Federal agency and the Governor and the political subdivision of the State or the owner where the lands are located concur in the exchange. Land so acquired shall be used to fulfill the purpose for which the Area is established.

(2) AUTHORIZATION TO CONVEY PROPERTY.—The first sentence of section 203(k)(3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(3)) is amended by striking ''historic monument, for the benefit of the public'' and inserting ''historic monument or any such property within the State of Colorado for the Cache La Poudre River National Water Heritage Area, for the benefit of the public''.

SEC. 13. EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS, RESTRICTIONS, AND SAVINGS PROVISIONS.

(a) EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS.—

(1) VOLUNTARY COOPERATION.—In carrying out this Act, the Commission and Secretary shall emphasize voluntary cooperation.

(2) RULES, REGULATIONS, STANDARDS, AND PERMIT PROCESSES.—Nothing in this Act shall be considered to impose or form the basis for imposition of any environmental, occupational, safety, or other rule, regulation, standard, or permit process that is different from those that would be applicable had the Area not been established.

(3) ENVIRONMENTAL QUALITY STANDARDS.—Nothing in this Act shall be considered to impose the application or administration of any Federal or State environmental quality standard that is different from those that would be applicable had the Area not been established.

(4) WATER STANDARDS.—Nothing in this Act shall be considered to impose any Federal or State water use designation or water quality standard upon uses of, or discharges to, waters of the State or waters of the United States, within or adjacent to the Area, that is more restrictive than those that would be applicable had the Area not been established.

(5) PERMITTING OF FACILITIES.—Nothing in the establishment of the Area shall abridge, restrict, or alter any applicable rule, regulation, standard, or review procedure for permitting of facilities within or adjacent to the Area.

(6) WATER FACILITIES.—Nothing in the establishment of the Area shall affect the continuing use and operation, repair, rehabilitation, expansion, or new construction of water supply facilities, water and wastewater treatment facilities, stormwater facilities, public utilities, and common carriers.

(7) WATER AND WATER RIGHTS.—Nothing in the establishment of the Area shall be considered to authorize or imply the reservation or appropriation of water or water rights for any purpose.

(b) RESTRICTIONS ON COMMISSION AND SECRETARY.—Nothing in this Act shall be construed to vest in the Commission or the Secretary the authority to—

(1) require a Federal agency, State agency, political subdivision of the State, or private person to participate in a project or program carried out by the Commission or the Secretary under the Act;

(2) intervene as a party in an administrative or judicial proceeding concerning the application or enforcement of a regulatory authority of a Federal agency, State agency, or political subdivision of the State, including, but not limited to, authority relating to—

(A) land use regulation;

(B) environmental quality;
(C) licensing;
(D) permitting;
(E) easements;
(F) private land development; or
(G) other occupational or access issue;
(3) establish or modify a regulatory authority of a Federal agency, State agency, or political subdivision of the State, including authority relating to—
(A) land use regulation;
(B) environmental quality; or
(C) pipeline or utility crossings;
(4) modify a policy of a Federal agency, State agency, or political subdivision of the State;
(5) attest in any manner the authority and jurisdiction of the State with respect to the acquisition of lands or water, or interest in lands or water;
(6) vest authority to reserve or appropriate water or water rights in any entity for any purpose;
(7) deny, condition, or restrict the construction, repair, rehabilitation, or expansion of water facilities, including stormwater, water, and wastewater treatment facilities; or
(8) deny, condition, or restrict the exercise of water rights in accordance with the substantive and procedural requirements of the laws of the State.
(c) SAVINGS PROVISION.—Nothing in this Act shall diminish, enlarge, or modify a right of a Federal agency, State agency, or political subdivision of the State—
(1) to exercise civil and criminal jurisdiction within the Area; or
(2) to tax persons, corporations, franchises, or property, including minerals and other interests in or on lands or waters within the urban river corridor portions of the Area.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

(a) COMMISSION.—
(1) IN GENERAL.—There are authorized to be appropriated not to exceed $250,000 to the Commission to carry out this Act.
(2) MATCHING FUNDS.—Funds may be made available pursuant to this section only to the extent they are matched by equivalent funds or in-kind contributions of services or materials from non-Federal sources.

AMENDMENT NO. 5427

Purpose: To establish the Cache La Poudre Corridor.

Mr. LOTT. Senator BROWN has an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. BROWN, proposes an amendment numbered 5427.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

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

The amendment (No. 5427) was agreed to.

Mr. LOTT. I ask unanimous consent the committee amendment, as amended, be agreed to, the bill be deemed read for the third time and passed, motion to reconsider be laid upon the table and any statements relating to the bill be placed in the appropriate place in the RECORD and the title of the amendment be deemed agreed to.

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

The committee amendment as amended was agreed to.

The bill (S. 342), as amended, was deemed read the third time and passed, as follows:

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

SEC. 100. SHORT TITLE.

This Act may be cited as the ''Cache La Poudre River Corridor Act''.

SEC. 101. PURPOSE.

The purpose of this Act is to designate the Cache La Poudre Corridor within the Cache La Poudre River Basin and to provide for the interpretation, for the educational and inspirational benefit of present and future generations, of the unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Corridor.

SEC. 102. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Cache La Poudre Corridor Commission established by section 104(a).

(2) CORRIDOR.—The term ''Corridor'' means the Cache La Poudre Corridor established by section 103(a).

(3) GOVERNOR.—The term ''Governor'' means the Governor of the State of Colorado.

(4) PLAN.—The term ''Plan'' means the corridor interpretation plan prepared by the Commission pursuant to section 108(a).

(5) POLITICAL SUBDIVISION OF THE STATE.—The term ''political subdivision of the State'' means a political subdivision of the State of Colorado, any part of which is located in or adjacent to the Corridor, including a county, city, town, water conservancy district, or special district.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 103. ESTABLISHMENT OF THE CACHE LA POUDRE CORRIDOR.

(a) ESTABLISHMENT.—There is established in the State of Colorado the Cache La Poudre Corridor.

(b) BOUNDARIES.—The boundaries of the Corridor shall include the lands within the 100-year flood plain of the Cache La Poudre River Basin, beginning at a point where the Cache La Poudre River flows out of the Roosevelt National Forest and continuing east along the floodplain to a point ¼ mile west of the confluence of the Cache La Poudre River and the South Platte Rivers in Weld County, Colorado, comprising less than 35,000 acres, and generally depicted as the 100-year flood boundary on the Federal Flood Insurance maps listed below:

(1) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0146B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(2) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0147B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(3) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0162B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(4) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0163C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(5) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0178C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(6) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080102 0002B, February 15, 1984. Federal Emergency Management Agency, Federal Insurance Administration.

(7) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0179C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(8) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0193D, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(9) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0194D, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(10) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0208C, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(11) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0221C, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(12) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0605D, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(13) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080264 0005A, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(14) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0608D, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(15) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0609C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(16) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0628C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(17) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080184 0002B, July 16, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(18) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0636C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(19) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0637C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a detailed description and map of the boundaries of the Corridor.

(c) PUBLIC ACCESS TO MAPS.—The maps shall be on file and available for public inspection in—

(1) the offices of the Department of the Interior in Washington, District of Columbia, and Denver, Colorado; and

(2) local offices of the city of Fort Collins, Larimer Country, the city of Greeley, and Weld County.

SEC. 104. ESTABLISHMENT OF THE CACHE LA POUDRE CORRIDOR COMMISSION.

(a) CACHE LA POUDRE CORRIDOR COMMISSION.—

(1) IN GENERAL.—Upon the recommendation of the Governor, the Secretary is authorized to recognize, for the purpose of developing and implementing the plan referred to in subsection (g)(1), the Cache La Poudre Corridor Commission, as such Commission may be established by the State of Colorado or its political subdivisions.

(2) REFLECTION OF CROSS-SECTION OF INTERESTS.—The Secretary may provide recognition under paragraph (1) only if the Commission reflects the following:

(A) MEMBERSHIP.—

(i) COMPOSITION.—The Commission shall be composed of 15 members appointed not later than 6 months after the date of enactment of this Act. Of these 15 members—

(I) 1 member shall be a representative of the Secretary of the Interior which member shall be an ex officio member;

(II) 1 member shall be a representative of the Forest Service, appointed by the Secretary of Agriculture, which member shall be an ex officio member;

(III) 3 members shall be recommended by the Governor and appointed by the Secretary, of whom—

(aa) 1 member shall represent the State;

(bb) 1 member shall represent Colorado State University in Fort Collins; and

(cc) 1 member shall represent the Northern Colorado Water Conservancy District;

(IV) 6 members shall be representatives of local governments who are recommended by the Governor and appointed by the Secretary, of whom—

(aa) 1 member shall represent the city of Fort Collins;

(bb) 2 members shall represent Larimer County, 1 of which shall represent agriculture or irrigated water interests;

(cc) 1 member shall represent the city of Greeley;

(dd) 2 members shall represent Weld County, 1 of which shall represent agricultural or irrigated water interests; and

(ee) 1 member shall represent the city of Loveland; and

(V) 3 members shall be recommended by the Governor and appointed by the Secretary, and shall—

(aa) represent the general public;

(bb) be citizens of the State; and

(cc) reside within the Corridor.

(ii) CHAIRPERSON.—The chairperson of the Commission shall be elected by the members of the Commission from among members appointed under subclause (III), (IV), or (V) of clause (i). The chairperson shall be elected for a 2-year term.

(iii) VACANCIES.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(B) TERMS OF SERVICE.—

(i) IN GENERAL.—Except as provided in clause (ii) and (iii), each member of the Commission shall be appointed for a term of 3 years and may be reappointed.

(ii) INITIAL MEMBERS.—The initial members of the Commission first appointed under subparagraph (A)(i) shall be appointed as follows:

(I) 3-YEAR TERMS.—The following initial members shall serve for a 3-year term:

(aa) The representative of the Secretary of the Interior.

(bb) 1 representative of Weld County.

(cc) 1 representative of Larimer County.

(dd) 1 representative of the city of Loveland.

(ee) 1 representative of the general public.

(II) 2-YEAR TERMS.—The following initial members shall serve for a 2-year term:

(aa) The representative of the Forest Service.

(bb) The representative of the State.

(cc) The representative of Colorado State University.

(dd) The representative of the Northern Colorado Water Conservancy District.

(III) 1-YEAR TERMS.—The following initial members shall serve for a 1-year term:

(aa) 1 representative of the city of Fort Collins.

(bb) 1 representative of Larimer County.

(cc) 1 representative of the city of Greeley.

(dd) 1 representative of Weld County.

(ee) 1 representative of the general public.

(iii) PARTIAL TERMS.—

(I) FILLING VACANCIES.—A member of the Commission appointed to fill a vacancy occurring before the expiration of the term for which a predecessor was appointed shall be appointed only for the remainder of the member's term.

(II) EXTENDED SERVICE.—A member of the Commission may serve after the expiration of that member's term until a successor has taken office.

(C) COMPENSATION.—Members of the Commission shall receive no compensation for their service on the Commission.

(D) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

SEC. 105. STAFF OF THE COMMISSION.

(a) STAFF.—The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out the duties of the Commission.

(1) APPOINTMENT AND COMPENSATION.—Staff appointed by the Commission—

(A) shall be appointed without regard to the civil service laws (including regulations); and

(B) shall be compensated without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(c) STAFF OF OTHER AGENCIES.—

(1) FEDERAL.—Upon request of the Commission, the head of a Federal agency may detail, on a reimbursement basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the Commission's duties. The detail shall be without interruption or loss of civil service status or privilege.

(2) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(3) STATE.—The Commission may—

(A) accept the service of personnel detailed from the State, State agencies, and political subdivisions of the State; and

(B) reimburse the State, State agency, or political subdivision of the State for such services.

SEC. 106. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to carry out this title.

(2) SUBPOENAS.—The Commission may not issue subpoenas or exercise any subpoena authority.

(b) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(c) MATCHING FUNDS.—The Commission may use its funds to obtain money from any source under a program or law requiring the recipient of the money to make a contribution in order to receive the money.

(d) GIFTS.—Except as provided in subsection (e)(3), the Commission may, for the purpose of carrying out its duties, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services received from any source.

(e) REAL PROPERTY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Commission may not acquire real property or an interest in real property.

(2) EXCEPTION.—Subject to paragraph (3), the Commission may acquire real property in the Corridor, and interests in real property in the Corridor—

(A) by gift or device;

(B) by purchase from a willing seller with money that was given or bequeathed to the Commission; or

(C) by exchange.

(3) CONVEYANCE TO PUBLIC AGENCIES.—Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate non-Federal public agency, as determined by the Commission. The conveyance shall be made—

(A) as soon as practicable after acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used in furtherance of the purpose for which the Corridor is established.

(f) COOPERATIVE AGREEMENTS.—For the purpose of carrying out the Plan, the Commission may enter into cooperative agreements with Federal agencies, State agencies, political subdivisions of the State, and persons. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of any action that may affect the implementation of the Plan.

(g) ADVISORY GROUPS.—The Commission may establish such advisory groups as it considers necessary to ensure open communication with, and assistance from Federal agencies, State agencies, political subdivisions of the State, and interested persons.

(h) MODIFICATION OF PLANS.—

(1) IN GENERAL.—The Commission may modify the Plan if the Commission determines that such modification is necessary to carry out this title.

(2) NOTICE.—No modification shall take effect until—

(A) any Federal agency, State agency, or political subdivision of the State that may be affected by the modification receives adequate notice of, and an opportunity to comment on, the modification;

(B) if the modification is significant, as determined by the Commission, the Commission has—

(i) provided adequate notice of the modification by publication in the area of the Corridor; and

(ii) conducted a public hearing with respect to the modification; and

(C) the Governor has approved the modification.

SEC. 107. DUTIES OF THE COMMISSION.

(a) PLAN.—The Commission shall prepare, obtain approval for, implement, and support the Plan in accordance with section 108.

(b) MEETINGS.—

(1) TIMING.—

(A) INITIAL MEETING.—The Commission shall hold its first meeting not later than 90 days after the date on which its last initial member is appointed.

(B) SUBSEQUENT MEETINGS.—After the initial meeting, the Commission shall meet at the call of the chairperson or 7 of its members, except that the commission shall meet at least quarterly .

(2) QUORUM.—Ten members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(3) BUDGET.—The affirmative vote of not less than 10 members of the Commission shall be required to approve the budget of the Commission.

(c) ANNUAL REPORTS.—Not later than May 15 of each year, following the year in which the members of the Commission have been appointed, the Commission shall publish and submit to the Secretary and to the Governor, an annual report concerning the Commission's activities.

SEC. 108. PREPARATION, REVIEW, AND IMPLEMENTATION OF THE PLAN.

(a) PREPARATION OF PLAN.—

(1) IN GENERAL.—Not later than 2 years after the Commission conducts its first meeting, the Commission shall submit to the Governor a Corridor Interpretation Plan.

(2) DEVELOPMENT.—In developing the Plan, the Commission shall—

(A) consult on a regular basis with appropriate officials of any Federal or State agency, political subdivision of the State, and local government that has jurisdiction over or an ownership interest in land, water, or water rights within the Corridor; and

(B) conduct public hearings within the Corridor for the purpose of providing interested persons the opportunity to testify about matters to be addressed by the Plan.

(3) RELATIONSHIP TO EXISTING PLANS.—The Plan—

(A) shall recognize any existing Federal, State, and local plans;

(B) shall not interfere with the implementation, administration, or amendment of such plans; and

(C) to the extent feasible, shall seek to coordinate the plans and present a unified interpretation plan for the Corridor.

(b) REVIEW OF PLAN.—

(1) IN GENERAL.—The Commission shall submit the Plan to the Governor for the Governor's review.

(2) GOVERNOR.—The Governor may review the Plan and, if the Governor concurs in the Plan, may submit the Plan to the Secretary, together with any recommendations.

(3) SECRETARY.—The Secretary shall approve or disapprove the Plan within 90 days. In reviewing the Plan, the Secretary shall consider the adequacy of—

(A) public participation; and

(B) the Plan in interpreting, for the educational and inspirational benefit of present and future generations, the unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Corridor.

(c) DISAPPROVAL OF PLAN.—

(1) NOTIFICATION BY SECRETARY.—If the Secretary disapproves the Plan, the Secretary shall, not later than 60 days after the date of disapproval, advise the Governor and the Commission of the reasons for disapproval, together with recommendations for revision.

(A) REVISION AND RESUBMISSION TO GOVERNOR.—Not later than 90 days after receipt of the notice of disapproval, the Commission shall revise and resubmit the Plan to the Governor for review.

(B) RESUBMISSION TO SECRETARY.—If the Governor concurs in the revised Plan, he may submit the revised Plan to the Secretary who shall approve or disapprove the revision within 60 days. If the Governor does not concur in the revised Plan, he may resubmit it to the Commission together with his recommendations for further consideration and modification.

(2) IMPLEMENTATION OF PLAN.—After approval by the Secretary, the Commission shall implement and support the Plan as follows:

(A) CULTURAL RESOURCES.—

(i) IN GENERAL.—The Commission shall assist Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations in the conservation and interpretation of cultural resources within the Corridor.

(ii) EXCEPTION.—In providing the assistance, the Commission shall in no way infringe upon the authorities and policies of a Federal agency, State agency, or political subdivision of the State concerning the administration and management of property, water, or water rights held by the agency, political subdivision, or private persons or entities, or affect the jurisdiction of the State of Colorado over any property, water, or water rights within the Corridor.

(3) PUBLIC AWARENESS.—The Commission shall assist in the enhancement of public awareness of, and appreciation for, the historical, recreational, architectural, and engineering structures in the Corridor, and the archaeological, geological, and cultural resources and sites in the Corridor—

(A) by encouraging private owners of identified structures, sites, and resources to adopt voluntary measures for the preservation of the identified structure, site, or resource; and

(B) by cooperating with Federal agencies, State agencies, and political subdivisions of the State in acquiring, on a willing seller basis, any identified structure, site, or resource which the Commission, with the concurrence of the Governor, determines should be acquired and held by an agency of the State.

(4) RESTORATION.—The Commission may assist Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations in the restoration of any identified structure or site in the Corridor with consent of the owner. The assistance may include providing technical assistance for historic preservation, revitalization, and enhancement efforts.

(5) INTERPRETATION.—The Commission shall assist in the interpretation of the historical, present, and future uses of the Corridor—

(A) by consulting with the Secretary with respect to the implementation of the Secretary's duties under section 110;

(B) by assisting the State and political subdivisions of the State in establishing and maintaining visitor orientation centers and other interpretive exhibits within the Corridor;

(C) by encouraging voluntary cooperation and coordination, with respect to ongoing interpretive services in the Corridor, among Federal agencies, State agencies, political subdivisions of the State, nonprofit organizations, and private citizens; and

(D) by encouraging Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations to undertake new interpretive initiatives with respect to the Corridor.

(6) RECOGNITION.—The Commission shall assist in establishing recognition for the Corridor by actively promoting the cultural, historical, natural, and recreational resources of the Corridor on a community, regional, statewide, national, and international basis.

(7) LAND EXCHANGES.—The Commission shall assist in identifying and implementing land exchanges within the State of Colorado by Federal and State agencies that will expand open space and recreational opportunities within the flood plain of the Corridor.

SEC. 109. TERMINATION OF TRAVEL EXPENSES PROVISION.

Effective on the date that is 5 years after the date on which the Secretary approves the Plan, section 104 is amended by striking subsection (e).

SEC. 110. DUTIES OF THE SECRETARY.

(a) ACQUISITION OF LAND.—The Secretary may acquire land and interests in land within the Corridor that have been specifically identified by the Commission for acquisition by the Federal Government and that have been approved for the acquisition by the Governor and the political subdivision of the State where the land is located by donation, purchase with donated or appropriated funds, or exchange. Acquisition authority may only be used if the lands cannot be acquired by donation or exchange. No land or interest in land may be acquired without the consent of the owner.

(b) TECHNICAL ASSISTANCE.—The Secretary shall, upon the request of the Commission, provide technical assistance to the Commission in the preparation and implementation of the Plan pursuant to section 108.

(c) DETAIL.—Each fiscal year during the existence of the Commission, the Secretary shall detail to the Commission, on a nonreimbursable basis, 2 employees of the Department of the Interior to enable the Commission to carry out the Commission's duties under section 107.

SEC. 111. OTHER FEDERAL ENTITIES.

(a) DUTIES.—Subject to section 112, a Federal entity conducting or supporting activities directly affecting the flow of the Cache La Poudre River through the Corridor, or the natural resources of the Corridor shall consult with the Commission with respect to the activities;

(b) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary or Administrator of a Federal agency may acquire land in the flood plain of the Corridor by exchange for other lands within the agency's jurisdiction within the State of Colorado, based on fair market value, if the lands have been identified by the Commission for acquisition by a Federal agency and the Governor and the political subdivision of the State or the owner where the lands are located concur in the exchange. Land so acquired shall be used to fulfill the purpose for which the Corridor is established.

(2) CONVEYANCE OF SURPLUS REAL PROPERTY.—Without monetary consideration to the United States, the Administrator of General Services may convey to the State of Colorado, its political subdivisions, or instrumentalities thereof all of the right, title, and interest of the United States in and to any surplus real property (within the meaning of section 3(g) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(g))) within the State of Colorado which the Secretary has determined is suitable and desirable to meet the purposes for which the Corridor is established. Subparagraph (B) of section 203(k)(3) of such Act shall apply to any conveyance made under this paragraph. For purposes of the preceding sentence, such subparagraph shall be applied by substituting ''the purposes for which the Cache La Poudre Corridor is established'' for ''historic monument purposes''.

SEC. 112. EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS, RESTRICTIONS, AND SAVINGS PROVISIONS.

(a) EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS.—

(1) VOLUNTARY COOPERATION.—In carrying out this title, the Commission and Secretary shall emphasize voluntary cooperation.

(2) RULES, REGULATIONS, STANDARDS, AND PERMIT PROCESSES.—Nothing in this title shall be considered to impose or form the basis for imposition of any environmental, occupational, safety, or other rule, regulation, standard, or permit process that is different from those that would be applicable had the Corridor not been established.

(3) ENVIRONMENTAL QUALITY STANDARDS.—Nothing in this title shall be considered to impose the application or administration of any Federal or State environmental quality standard that is different from those that will be applicable had the Corridor not been established.

(4) WATER STANDARDS.—Nothing in this title shall be considered to impose any Federal or State water use designation or water quality standard upon uses of, or discharges to, waters of the State or waters of the United States, within or adjacent to the Corridor, that is more restrictive than those that would be applicable had the Corridor not been established.

(5) PERMITTING OF FACILITIES.—Nothing in the establishment of the Corridor shall abridge, restrict, or alter any applicable rule, regulation, standard, or review procedure for permitting of facilities within or adjacent to the Corridor.

(6) WATER FACILITIES.—Nothing in the establishment of the Corridor shall affect the continuing use and operation, repair, rehabilitation, expansion, or new construction of water supply facilities, water and wastewater treatment facilities, stormwater facilities, public utilities, and common carriers.

(7) WATER AND WATER RIGHTS.—Nothing in the establishment of the Corridor shall be considered to authorize or imply the reservation or appropriation of water or water rights for any purpose.

(b) RESTRICTIONS ON COMMISSION AND SECRETARY.—Nothing in this title shall be construed to vest in the Commission or the Secretary the authority to—

(1) require a Federal agency, State agency, political subdivision of the State, or private person (including an owner of private property) to participate in a project or program carried out by the Commission or the Secretary under the title;

(2) intervene as a party in an administrative or judicial proceeding concerning the application or enforcement of a regulatory authority of a Federal agency, State agency, or political subdivision of the State, including, but not limited to, authority relating to—

(A) land use regulation;

(B) environmental quality;

(C) licensing;

(D) permitting;

(E) easements;

(F) private land development; or

(G) other occupational or access issue;

(3) establish or modify a regulatory authority of a Federal agency, State agency, or political subdivision of the State, including authority relating to—

(A) land use regulation;

(B) environmental quality; or

(C) pipeline or utility crossings;

(4) modify a policy of a Federal agency, State agency, or political subdivision of the State;

(5) attest in any manner the authority and jurisdiction of the State with respect to the acquisition of lands or water, or interest in lands or water;

(6) vest authority to reserve or appropriate water or water rights in any entity for any purpose;

(7) deny, condition, or restrict the construction, repair, rehabilitation, or expansion of water facilities, including stormwater, water, and wastewater treatment facilities; or

(8) deny, condition, or restrict the exercise of water rights in accordance with the substantive and procedural requirements of the laws of the State.

(c) SAVINGS PROVISION.—Nothing in this title shall diminish, enlarge, or modify a right of a Federal agency, State agency, or political subdivision of the State—

(1) to exercise civil and criminal jurisdiction within the Corridor; or

(2) to tax persons, corporations, franchises, or property, including minerals and other interests in or on lands or waters within the urban portions of the Corridor.

(d) ACCESS TO PRIVATE PROPERTY.—Nothing in this title requires an owner of private property to allow access to the property by the public.

SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated not to exceed $50,000 to the Commission to carry out this Act for each of the first 5 fiscal years following the date of enactment of this Act.

(b) MATCHING FUNDS.—Funds may be made available pursuant to this section only to the extent they are matched by equivalent funds or in-kind contributions of services or materials from non-Federal sources.

The title was amended so as to read:

''A Bill To Establish the Cache La Poudre River Corridor''.

PRESIDIO PROPERTIES ADMINISTRATION ACT

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the Senate now turn to the consideration of H.R. 4236.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4236) to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, today the Senate is considering the Omnibus Parks and Public Lands Management Act of 1996, H.R. 4236. I rise to speak in support of this important legislation and to urge my colleagues to render their support.

H.R. 4236 evidences a Herculean effort by the entire membership of this Congress as the provisions of the legislation will touch and affect the width and breadth of our great Nation. The Washington Post noted in an editorial today that

[i]t's amazing what a Congress finally comes down to. The members spend two years making speeches and otherwise taking positions on the great issues of the time, whatever those may be. Then it turns out that what they really care about are not those lofty issues at all but lesser items. . . . this year's case in point involves the parks bill still before the Senate.

Contrary to the cynical and negative view of the Washington Post, I am of the belief that this legislation is of primary importance to the people of my great home State of Mississippi and to the people of this great Nation. Why do I say this? Clearly, the thousands of phone calls and letters that I have received expressing the importance of the many worthy projects and goals as set forth in this bill—projects such as the Corinth, MS, battlefield interpretive center and the Natchez National Historical Park visitor's center—are evidence of the support these projects have received and of their importance. The support in my home State has been overwhelming as many individuals and groups have worked tirelessly to preserve and protect the heritage of our great State as well as to provide the proper surroundings and facilities for visitors to these cities from Mississippi and from other States.

What could be a more worthy goal of our efforts and what could provide our people with better examples of what is right with America? Our parks are a refuge from the tediousness of our daily work lives and from the sense of frustration we feel as we watch the world change around us. Our parks reassure us that this country will preserve the heritage that has made our country great.

And where do these attitudes develop from which we seek this refuge? Why, from the media's constant highlighting of the negative factors we face rather from the hope and optimism that produces change and improvement, of course.

A famous American once remarked that he preferred death to a loss of liberty. Mr. President, I prefer the worthy goals envisioned in this legislation and the efforts to achieve those goals to the negativism of the media—give me the enjoyment, serenity, and educational opportunities provided by our parks and permit me to pass on the negativism provided by the Washington Post.

Mr. President, I want to take this opportunity to commend the people of the Corinth and Natchez areas of Mississippi for their dedication to the goals that we achieve by the passage of this legislation today. To them I say, well done, good and faithful servants and protectors of the public interest.

Mr. President, I would also like to take this opportunity to commend the leadership and tenacity of my friend and colleague, the Senator from Alaska, the chairman of the Energy and Natural Resources Committee, Senator MURKOWSKI. He has represented his State well in this matter and has never lost sight of the best interests of the country as a whole.

Mr. President, I have concerns that we have not adequately addressed private property rights in this bill as we could and should have done. We could and should have done more to adequately address private property rights protection in every aspect as those rights are affected by Federal law. I pledge my continued support to those efforts in the next Congress. However,

despite such failure, the worthiness of this legislation and the good it will do for the people of Mississippi and the rest of the United States has convinced me to strongly support this bill and to urge my colleagues to give H.R. 4236 their strong support.

Mr. WARNER. Mr. President, I rise in strong support of this legislation which addresses the urgent needs of many national parks across our country.

This bill is important to maintaining the historical integrity of Virginia's national parks and provides additional protections and recognition for 10 historically significant Civil War battlefields in the Shenandoah Valley.

This legislation also includes a provision I have sponsored for many years authorizing a memorial to Dr. Martin Luther King, Jr., in the District of Columbia. The Alpha Phi Alpha fraternity, the oldest predominately African-American fraternity in the United States, will establish this memorial without cost to the Federal Government.

Freestanding legislation sponsored by Senator SARBANES and myself has been favorably reported from the Committee on Rules and Administration last year and in prior Congresses. This memorial will live as tangible recognition of Dr. King's remarkable contributions to our Nation. It ensures that his message of nonviolence and freedom for all must be passed from generation to generation.

In accepting the Nobel Peace Prize in 1964, Dr. King said:

> Nonviolence is the answer to crucial political and moral questions of our time; the need for man to overcome oppression and violence without resorting to oppression and violence.

Mr. President, I would be remiss not to commend Chairman MURKOWSKI of the Energy and Natural Resources Committee, and the ranking member, Senator JOHNSTON for their determination to forge a bipartisan package and for their continued attention to the protection of Virginia's historic resources.

Throughout this Congress, the members of the Energy Committee have worked with me to advance the protections of the Civil War battlefields in the Shenandoah Valley and to provide for a modest expansion of both the Colonial National Historic Park and the Cumberland Gap National Historical Park.

The conference report on the Omnibus Parks bill before the Senate last week included additional provisions relating to the management of the Richmond National Battlefield Park and the boundaries of the Shenandoah National Park.

Mr. President, these provisions had the bipartisan support of the Virginia delegation and permitted the Park Service to improve the management and to expand the boundaries to include historically significant lands in these parks.

I am very disappointed that the administration did not concur with the views of the Virginia delegation and raised significant objections to these two provisions. While updating the boundaries of the Shenandoah National Park and expanding the boundaries of the Richmond National Park are very important to me and to those host local governments and citizens, I understand the need to move forward with this bill today.

Let me be clear, that I look forward to bringing these two matters back before the Senate next year. I know that with further discussions with the administration, the Park Service will understand our intent to respond to the resource needs of these parks.

Mr. President, despite these omissions, the matter before the Senate includes three provisions for Virginians that represent years of hard work, dedication, and commitment by many individuals at the local level.

I am very pleased that this bill provides for the expansion of the Colonial National Historic Park and the Cumberland Gap National Park, and brings long overdue national recognition to the Civil War battlefields in the Shenandoah Valley.

The Shenandoah Valley Battlefields National Historic District is the product of an in-depth study by the National Park Service which was authorized by the Congress in 1990. The Park Service conducted field surveys of fifteen battlefields in the valley and concluded in their analysis that ''because of their size and unprotected status, the battlefields of the Shenandoah Valley were its most important most neglected, and most threatened resource.''

The legislation before the Senate today provides for the preservation and visitor understanding of the significant battlefields of McDowell, Cross Keys, Port Republic, Second Winchester, New Market, Fisher's Hill, Tom's Brook, Cedar Creek, Kernstown, and Opequon. The historic district also incorporates the historic transportation routes utilized by both Union and Confederate troops during the pivotal valley campaigns of 1862 and 1864.

Mr. President, throughout my service in this body, I have been actively involved in the preservation of Virginia's historic resources. One of my first initiatives in 1980 was to sponsor legislation to expand the boundaries of the Manassas National Battlefield Park by 1,522 acres. I am pleased that the Congress continues it's recognition of Virginia's rich history and contributions to our national heritage with the designation of the valley's battlefields as a historic district.

Many citizens committed to fostering the protection of these battlefields have worked diligently since the Park Service study began in 1990 to craft a consensus proposal that recognizes the limits of the Federal Government's resources to acquire substantial acreage in the valley and balances the needs of property owners and local governments to provide for their economic future.

I have remained committed to this effort because of the steadfast support and leadership by many local citizens, property owners, preservationists, and local government officials in the valley. They have given generously of their personal time to organize local meetings, testify before Congress, and work with the Park Service to advance our proposal. It is clear that our efforts today would not be possible without their firm resolve and passion to preserve these battlefields.

According to the Park Service, the areas in the valley possess significant historical integrity and remain in excellent condition for preservation.

The citizens of the valley are to be commended for their responsible stewardship over the years to protect these battlefields for future generations to enjoy and understand the tragedy of the Civil War in the valley. Today, this bill ensures that they will no longer be shouldering this effort alone. Today, the National Park Service becomes a full partner in this task.

The central feature of the historic district designation is to encourage and promote an atmosphere of cooperation between the Federal Government, State and local governments, property owners, and preservations groups.

We have been fortunate that the valley's predominately agricultural land uses have provided protection for these battlefields. This rural landscape, however, is rapidly changing.

Now is the time for the Federal Government to become a full partner with local and private efforts to bring national recognition and to develop a coordinated preservation strategy for these battlefields.

As noted in the Study of Civil War Sites in the Shenandoah Valley of Virginia ''no single alternative is best suited to these sites. A balance must be achieved between preservation, the Valley lifestyle, and economic development * * *''.

In keeping with these recommendations, I believe the historic district designation with specific duties for the Park Service and Commission provides the right balance for preserving these battlefields.

With direct Federal assistance and resources, a commission comprised of local representatives and historians to devise a plan for stewardship, the authority for the Secretary and the commission to enter into cooperative arrangements with local governments and private landowners, we are achieving enormous protections for these national treasures and promoting compatible economic growth through heritage tourism.

Mr. President, the provision on the Colonial National Historic Park passed this body earlier this year and in prior Congresses. It authorizes the Secretary of the Interior to convey land and sewer lines to the County of York and authorizes the necessary funding to rehabilitate the Moore House sewer system to meet current Federal standards.

The necessity for this legislation is evident based on the growing needs of the county and the limitations of the National Park Service's ability to continue to provide sewer services to the local community.

In 1948 and 1956 Congress passed legislation which directed the National Park Service to design and construct sewer systems to serve Federal and non-Federal properties in the area of Yorktown, VA. In 1956, the National Park Service acquired easements from the board of supervisors of York County and the trustees of the town of York. At that time, York County was a rural area with limited financing and population. Now, York County has a fully functioning Department of Environmental Services which operates sewer systems throughout York County.

Negotiations to transfer the Yorktown and Moore House systems have been ongoing since the 1970's. This provision fulfills the commitments made between the Park Service and York County to provide for the full transfer of ownership to York County.

Equally important, is another element of the Colonial provision which permits the acquisition of a small parcel of land along the Colonial Parkway near Jamestown. This 20-acre parcel is critical to protect the scenic integrity of the parkway. This area has the narrowest right-of-way of any portion of the parkway.

The acquisition includes one row of lots adjoining the parkway in a rapidly developing residential neighborhood known as Page Landing. Development of those lots would have a severe impact on the scenic qualities of the parkway. In order to prevent any disturbances to this land, the conservation fund responded quickly to purchase this parcel. The Park Service identified this property as a high priority and the conservation fund intends to transfer title to the land to the Park Service.

The Colonial Parkway was authorized by Congress as part of the Colonial National Historic Park in the 1930's to connect Jamestown, Williamsburg, and Yorktown with a scenic limited access motor road. According to the 1938 act of Congress, the parkway corridor is to be an average of 500 feet in width. In most areas, the roadway was built in the middle of the corridor. In the area between Mill Creek and Neak O'Land road, however, the parkway was built closer to the northern boundary to avoid wetlands, placing the roadway very close to the adjoining private property.

This segment is the only area along the parkway where the National Park Service owns only 100 feet back from the centerline of the road. The Park Service owns 250 feet or more from the center line in all other areas of the 23-mile parkway in James City County and York County.

Mr. President, this bill ensures that the Colonial Parkway provides a consistent level of scenic integrity along the entire parkway that will well-serve the purpose of the parkway for years to come.

Mr. ROBB. Mr. President, I rise today to speak about provisions in the omnibus parks bill that affect my State, Virginia. Our Commonwealth is rich in historic and natural resources and I am pleased to support a parks bill that establishes a national historic district in the Shenandoah Valley and authorizes improvements to the Colonial National Historical Park.

Mr. President, establishing a national historic district in the Shenandoah Valley will help preserve the legacy of the Civil War in the valley. We worked with people at the grassroots level to balance the interests of property owners, local and State government officials, and historic preservationists while providing a Federal presence to protect the battlefields from development. This new designation means the historic district will have the national recognition and resources of a national park unit, but it will enjoy complete local control.

This legislation also establishes a commission made up of landowners, preservationists, and local and State government officials to work cooperatively with the Park Service to preserve the battlefields. The Commission will have the power to administer and manage the park, while the Park Service will help with technical assistance and land acquisition.

Mr. President, we have also been working for years to make improvements at the Colonial National Historical Park, and this bill finally permits two actions that will improve the park's management. The parks bill authorizes a boundary adjustment to permit the Park Service to acquire property adjacent to the Colonial Parkway, the scenic 23-mile road connecting Jamestown Island, Williamsburg, and Yorktown.

The Colonial provision also allows the Park Service to transfer a sewage system to the appropriate service authority, York County. Managing the sewer system does not fall under the responsibilities of the Park Service and the transfer should have been completed years ago.

Mr. President, work remains on resolving boundary concerns for Shenandoah National Park and the Richmond Battlefields Park, and I am hopeful that the Virginia congressional delegation will work to achieve a solution in the 105th Congress. The progress we've made will provide a framework for the next Congress so we may finally address the concerns of private landowners, local governments, and preservationists.

In addition, Congress should move forward next year and pass legislation that highlights the special historical significance of the New Market Heights battlefield. Preservation of this area is important, for it marks the area where 14 black Federal soldiers won the Army Medal of Honor for Valor. The sacrifices of these soldiers were so notable that they helped ensure passage of the 13th amendment, which abolished slavery.

In conclusion, Mr. President, I am proud to represent a State interested in the protection of our natural, cultural, and historic resources. And that is why I stand in support of the Virginia provisions in this bill. The passage of this bill demonstrates our concern and commitment to preserving our national parks.

Mr. BRADLEY. Mr. President, I am extremely pleased that today the Senate is acting to ensure the preservation of Sterling Forest, a nationally significant tract of land in the Highlands area of New York State on the New Jersey border. This bill authorizes $17.5 million for establishment of a Sterling Forest Reserve and designates the Palisades Interstate Park Commission [PIPC] to manage the new entity. The over 15,000 acres of Sterling Forest we protect today is the last link needed to form an unbroken chain of 100,000 acres of parks and protected lands in the New York-New Jersey region—one of the biggest parcels of protected land east of the Mississippi River.

Not only do these lands contain a wide variety of wildlife and plants, but they also protect one-fourth of the drinking water for New Jersey and provide needed open space for about 20 million people in the New York-New Jersey metropolitan region.

The land will be purchased from willing sellers through a unique partnership of State, Federal, and private interests and will be managed by the PIPC, a New York-New Jersey parks management body. Since the PIPC currently manages 23 other parks, visited by over 8 million people each year, we can be assured that the reserve will be well cared for.

The Federal contribution authorized by this bill amounts to only a small portion of the total needed, but it is the crucial piece that makes the rest of the plan come together. Enactment of this bill also frees up $9 million for Sterling Forest land acquisition, contained in the recently-enacted Continuing resolution.

Although located entirely in New York State, the area affected by the bill represents some of the most critical New Jersey watershed still left undeveloped and in private hands. It also contains the largest unbroken tract of forest land still remaining along the New York-New Jersey border. This 20-square-mile parcel represents a complete range of wildlife habitat, hills and wetlands, and is home to a large number of threatened and endangered species.

The forest is crossed in the north by the Appalachian Trail, a unit of the National Park System, which is used heavily for hiking. Even better, this area provides a taste of the outdoors for a region where such experiences are at a premium. In fact, 1 in every 12

Americans lives within a 2-hour drive of its boundaries.

Most important for New Jersey, though, are the billions of gallons of fresh, clean drinking water that flow from within its boundaries. The Monkville/Wanaque reservoirs, which draw from the Sterling Forest watershed, serve one in four New Jerseyites and many New Yorkers as well. To threaten this watershed is to threaten the health and livelihood of millions of Americans or force taxpayers to pay many times the cost of this land for expensive water treatment facilities.

Mr. LEAHY. Mr President, it gives me great satisfaction to rise today in support of HR 4236, the Omnibus Parks bill. Although this bill became entangled in several battles on other issues, I think everyone will agree that passage of this legislation in its final configuration represents the Senate's commitment to passing small, yet locally very important legislation that otherwise could have gotten lost in the shuffle. In particular, I am pleased to see one provision that will reform the Forest Service's fee structure for ski area permits on Forest Service land. Last year, Senator MURKOWSKI and I introduced this bill to simplify the process of collecting fees from ski areas for use of Forest Service land.

When I introduced the bill with Senator MURKOWSKI, I emphasized the importance of this bill for ski areas across the country, but also the environmental importance of this bill. Skiing is one of the best uses that we have today on our national forests. The ski industry brings millions of people to the mountains to enjoy fresh air, scenery and the mountain environment. Few other national forest activities are able to host such intense public use with relatively minimal impact.

By refining the structure of the fee structure, operators of ski areas will be able to continue in this productive relationship with the Forest Service. The streamlined fee structure will also enable the Forest Service to move towards a fee system that is closer to fair market value. It also will save the Forest Service and the ski industry considerable time and money in collecting these fees.

It is my hope that through reforms such as this, the private sector and the Federal agencies that manage our public lands will continue to build a cooperative and productive relationship in protecting and providing access to our public lands.

Mr. LAUTENBERG. Mr. President, I rise in support of the Omnibus Parks package and I would like to note the inclusion of two very important components in this package for my State.

The first is authorization of $17.5 million for the Secretary of the Interior to purchase over 15,000 acres of the Sterling Forest. This land, located in New York, is the source of drinking water for 25 percent of New Jersey households. Located just 35 miles from New York City, Sterling Forest contains excellent recreational and scenic opportunities and is habitat to hundreds of animal species. The developer of this land, a Swiss company, had plans to develop thousands of residential units and millions of square feet of commercial space. This legislation will ensure that these plans do not go forward. The Sterling Forest Corp. agreed to sell the property for $55 million. The Federal contribution will complement a commitment of $20 million from the governments of New York and New Jersey, and several million dollars from numerous private contributions.

Mr. President, my colleague from New Jersey, Senator BRADLEY, and I sponsored legislation to protect the Sterling Forest and I am pleased to see it included in the package before us today.

Mr. President, I am also pleased that the bill before us contains another important piece of legislation that Senator BRADLEY and I introduced—S. 188, to designate the Great Falls Historic District in Paterson, NJ. Mr. President, the Great Falls area of Paterson is known as the birthplace of the industrial revolution. In 1791, Alexander Hamilton, as Secretary of the Treasury, founded the Society for the Establishment of Useful Manufacturers at the Great Falls. He used the Great Falls to supply power to various mills and factories, thereby allowing Paterson to become one of the world's great industrial cities.

This legislation allows the Secretary of the Interior to enter into cooperative agreements to preserve and interpret Paterson's history. This historic and cultural recognition would provide a great boost for jobs and economic development in Paterson and will complement an urban revitalization program under the leadership of Mayor William Pascrell.

I urge my colleagues to join in supporting this important package.

Mr. KENNEDY. Mr. President, this omnibus parks legislation is a tremendous victory for the entire Nation.

This landmark bill will protect natural and historic resources in 41 States, including four areas of particular importance in Massachusetts. Senator KERRY and I have worked closely on these provisions with Senate Energy and Natural Resources Committee Chairman FRANK MURKOWSKI and Senate Parks Subcommittee Chairman BEN NIGHTHORSE CAMPBELL and the ranking members of the committee and subcommittee, Senators BENNETT JOHNSTON and DALE BUMPERS. We commend them and thank them for their great assistance and support.

The omnibus legislation establishes a new Whaling National Historical Park in New Bedford, which will preserve and showcase dozens of historic buildings that will appear much as they did in the whaling industry's heyday. The park will include the Seamen's Bethel—the church in Moby Dick where the narrator heard Father Mapple offer prayers for sailors before setting out to sea. It will also include the *Ernestina*, the restored, century-old vessel that is the oldest Grand Banks schooner in existence and is now moored in New Bedford's port.

Another important feature of the park is the Old Dartmouth Historical Society's Whaling Museum, which houses the world's premier whaling archives and art collection. The museum's library contains thousands of ship logs, charts, maps, photos and other records documenting the history of whaling in America.

Another important feature and demonstration of the strong private sector commitment to this park is the Visitor Center, located in an historic building that was donated last year by the Fleet Bank.

I'm also pleased that the park will encourage cooperation with a North Slope Cultural Center being developed in Barrow, AK where whaling is still a way of life.

The New Bedford National Whaling Historical Park will provide a significant boost to the economy of the region, as more and more visitors come to New Bedford to learn about its extraordinary history.

The omnibus parks legislation also creates a Boston Harbor Islands National Recreation Area, which will preserve historic and cultural sites, expand recreational opportunities, and improve public access to the 31 picturesque islands that are found throughout Boston harbor.

Each of these islands bears an indelible mark from past eras of the Nation's history. Their names alone capture the imagination—Hangman Island, Bumpkin Island, Moon Island, Castle Island, Spectacle Island, Hog Island, Raccoon Island, Snake Island, Nut Island, World's End Island, each with its own story and tradition.

During the past three centuries, the islands' lighthouses and Revolutionary War-era fortifications have played a strategic role in the defense of Boston communities. Boston Light, which began operation in 1716 and is now the oldest continuously operating lighthouse in the country, is located on Little Brewster Island.

Today, the islands offer abundant opportunities for visitors to enjoy swimming, fishing, camping, digging clams, picking berries, catching butterflies, watching birds and whales, and hiking on well-maintained trails. All of the islands offer spectacular views of the modern Boston skyline and the Atlantic Ocean.

The preservation of the Boston Harbor Islands has long-standing bipartisan support, and I am confident that the Boston Harbor Islands National Recreation Area will serve as a magnet to attract visitors to the many other cultural attractions in the Boston area.

The omnibus parks bill also creates the Essex County Heritage District to protect the region's natural resources and emphasize its historic role in the

Nation's development. Essex County already includes 23 National Historic Landmarks, nearly 80 historic districts, and wharfs, shipyards, meeting house, textile mills, and numerous shoe factories that bear witness to the early settlements of the United States, and the area's emergence as a maritime and industrial power.

The region also has extensive natural and scenic resources—marshlands, beaches, harbors, rocky farmlands and islands—which amply demonstrate why maritime pursuits and water-powered industrial development first began here. The National Heritage Area will help ensure that visitors discover the many historic assets throughout Essex County.

Finally, the omnibus parks legislation enables the Blackstone River National Heritage Corridor to continue to ensure that this region's unique heritage as the cradle of America's Industrial Revolution is preserved for generations to come. It adds five more communities to the Corridor—Worcester and Leicester in Massachusetts and Burrillville, Glocester, and Smithfield in Rhode Island. In addition, the bill extends the life of the Commission overseeing the Corridor for an additional 10 years, through 2006. The Blackstone Valley program has been a remarkable success and deserves this vote of confidence by Congress to continue this important work.

The Nation will benefit immeasurably from the important parks provisions in this legislation. The omnibus parks bill is a significant investment in our Nation's natural and historical resources, and I commend my colleagues on both sides of the aisle for their skillful work in developing this impressive bipartisan legislation. I urge the Senate to approve it.

Mr. SMITH. Mr. President, I rise to speak in support of the omnibus parks and public lands legislation which is expected to pass the Senate today, clearing the way for the President's signature. This legislation contains numerous important provisions to preserve and protect our Nation's scenic rivers and historic land areas. I am pleased that, after many days of negotiations, we have reached agreement on this important environmental legislation.

Included in this comprehensive package is a bill to designate the Lamprey River in New Hampshire as part of the National Wild and Scenic Rivers System. Recognizing the window of opportunity was closing, I recently fought to bring the Lamprey bill to a vote in the Senate, but unfortunately, I was blocked by the Democratic leader on two separate occasions. I continue to express my disappointment with the Clinton administration and Senate Democrats for holding up legislation that is so important to New Hampshire and many other States around the country.

Even though the Lamprey River bill received unanimous support out of committee in the Senate, and it has passed the House of Representatives unanimously, the Democratic Party had objected to its passing in the Senate simply on the basis of partisan politics. I think the people of New Hampshire deserve better than that. They deserve to have partisan politics put aside for the sake of our environment.

On August 10, 1995, Senator GREGG and I introduced S. 1174, the Lamprey Wild and Scenic River Act, to designate a segment of the Lamprey River in New Hampshire as part of the National Wild and Scenic Rivers System. Since introduction, a hearing was held on the legislation in the Energy and Natural Resources Committee, and soon thereafter, the bill was reported unanimously out of the committee.

The history of this legislation goes back almost 5 years when Senator Rudman and I introduced the Lamprey River study bill in February 1991, which was subsequently signed into law by President Bush later that year. Once the National Park Service determined the Lamprey River's eligibility for the National Wild and Scenic Rivers System, a local advisory committee was formed to work with local communities, landowners, the National Park Service and New Hampshire's environment department in preparing a comprehensive management plan. This management plan was completed in January 1995.

The Lamprey River Management Plan was subsequently endorsed by the advisory committee as well as the local governments affected by this designation. The primary criteria for my sponsorship of this legislation was the support of the local communities. If the affected towns did not vote in favor of designation, it would not have received my enthusiastic support.

In fact, the town of Epping had expressed some reservation about designating the segment of the Lamprey which runs through the town and, out of respect for their concerns, the bill excludes that segment of the river. However, that segment was studied and found to be eligible, so we have included a section in our bill that would allow the town of Epping to be involved in the implementation of the management plan and, upon the town's request, be considered for future designation.

The Lamprey River is well deserving of this designation for a number of reasons. Not only is the river listed on the 1982 National Park Service's inventory of outstanding rivers, but it has also been recognized by the State of New Hampshire as the ''most important coastal river for anadromous fish in the State.'' Herring, shad and salmon are among the anadromous species found in the river. In fact, New Hampshire fishing maps describe the Lamprey as ''a truly exeptional river offering a vast variety of fishing. It contains every type of stream and river fish you could expect to find in New England.''

The Lamprey is approximately 60 miles in length and serves as the major tributary for the great Bay, which is part of the National Estuarine Research Reserve System. The Great Bay Refuge is also nearby, which was established several years ago following the closure of Pease Air Force Base. The preservation of the Lamprey is a significant component to protecting this entire ecosystem.

The 11.5-mile segment, as proposed by our legislation, has been the focus of local protection efforts for many years. The towns of Lee, Durham, and Newmarket, local conservationists, the State government, as well as the congressional delegation have all come together in support of this legislation. I believe the management philosophy adopted by the advisory committee best articulates our goals for this legislation: ''* * * management of the river must strike a balance among desires to protect the river as an ecosystem, maintain the river for legitimate community use, and protect the interests and property rights of those who own its shorelands.''

In conclusion, Mr. President, I want to congratulate the Senate majority leader LOTT, Senator MURKOWSKI, and others in negotiating an agreement on this comprehensive legislation. In addition, I want to especially commend two members of the Lamprey River Advisory Committee—Judith Spang of Durham, NH, and Richard Wellington of Lee, NH—who have worked very hard on the Lamprey River legislation and have traveled to Washington to testify on its behalf. I am very pleased that, at last, the fruits of their labor will be rewarded with the adoption of the omnibus parks bill. I urge the President to sign this important environmental legislation as the 104th Congress adjourns.

Mr. LOTT. I ask unanimous consent the bill be advanced to third reading and passed and the motion to reconsider be laid upon the table, all without further action or debate.

The bill (H.R. 4236) was deemed read a third time and passed.

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

Mr. MURKOWSKI. I ask unanimous consent to have printed in the RECORD a letter from the Chief of Staff of the President, Mr. Leon Panetta, addressed to me as chairman of the Committee on Energy and Natural Resources, and a letter from the Secretary of Agriculture, Mr. Dan Glickman to Mr. Mark Suwyn, president of the Louisiana-Pacific Corp.

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

October 3, 1996.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN MURKOWSKI: The Administration is aware of your deep concerns regarding the problems of the Ketchikan Pulp Company (KPC). Given your interest in these matters, we propose that the government begin discussions on these issues immediately. Those discussions must take place in

the context of the Administration's long-standing policies, namely: we will not consider an extension of the KPC's contract until the Tongass Land Management Plan (TLMP) is complete; we cannot accept conditions reversing any part of the Tongass Timber Reform Act; and, we will accept nothing less than full compliance with all environmental laws.

You have stated the company is considering closing the pulp facility, which we would consider a material breach of the contract. We understand that the company has a different view. Based on our previous discussions we will agree to an immediate mutual cancellation of the contract and give KPC all of the timber and logs released under contract to them. This should equal nearly 300 million board feet of timber. If there is no mutual agreement on contract cancellation, timber sales will be made available on a competitive basis in Southeast Alaska in a sufficient supply to operate the two sawmills for 24 months, and in accordance with applicable law.

The parties would cancel the contract based on their mutual desire to avoid litigation over whether the government is providing sufficient timber and over whether closure of the pulp mill is a breach. The agreement would define the respective litigation rights of the parties regarding contract claims.

We understand the importance of these issues to Southeast Alaska. The Administration is committed to working with the Governor, the Alaska Congressional delegation, and all interested parties to ensure sustainable and diversified opportunities for the workers, families, industries, and communities of Southeast Alaska. We look forward to effective joint coordination of our State and Federal resources through the auspices of the State of Alaska and the U.S. Department of Agriculture.

Sincerely,

LEON PANETTA,
Chief of Staff.

OCTOBER 3, 1996.

MARK SUWYN,
President: Louisiana-Pacific Corp., Portland, OR.

DEAR MARK: I appreciate your coming to Washington to meet with me, the Governor, and Alaska's congressional delegation and for the proposal you conveyed in your September 19 letter. Let me preface my reply by affirming the long-standing policy of the Administration within which further discussions must take place. We will not consider an extension of Ketchikan Pulp Company's (KPC) contract until the Tongass Land Management Plan (TLMP) is complete; we cannot accept conditions reversing any part of the Tongass Timber Reform Act; and we will accept nothing less than full compliance with all environmental laws.

You have stated you are considering closing the pulp facility, which we would consider a material breach of the contract. We understand that you have a different view. Based on our conversations, we will agree to an immediate mutual cancellation of the contract and give KPC all of the timber and logs released under the contract to them. This should equal nearly 300 million board feet of timber. If there is no mutual agreement on contract cancellation timber sales will be available in southeast Alaska on a competitive basis in a sufficient supply to operate the two sawmills for twenty-four months and in accordance with applicable law. The parties would cancel the contract based on their mutual desire to avoid litigation over whether closure of the pulp mill by KPC is a breach and over whether the government is providing sufficient timber under the contract. The agreement would define the respective litigation rights of the parties regarding related contract claims.

In view of your proposal to close the pulp facility, I intend to begin immediately to determine steps the Department can take, unilaterally and with the State of Alaska, to mitigate the effects of the closure on the affected workers, their families, ancillary industries, and the communities of southeast Alaska. We understand the importance of these issues to southeast Alaska. We are prepared to begin discussions immediately so that we may resolve these issues, while providing strong and meaningful support for the people and communities of southeast Alaska.

Sincerely,

DAN GLICKMAN,
Secretary.

Mr. DASCHLE. It is my understanding that the statement in the second paragraph of the Panetta letter to Senator MURKOWSKI and the Glickman letter to Mark Suwyn, president of Louisiana-Pacific Corp.—October 3, 1996—regarding the provision of timber to southeast Alaska for 24 months will only apply if, due to a breach of contract, timber is no longer available to KPC under the contract and there is no mutual agreement on contract cancellation.

Mr. LOTT. Yes, that is my understanding also.

Mr. MURKOWSKI. Yes, that is my understanding also.

Mrs. KASSEBAUM. Mr. President, Congress today has given its final approval to legislation I have worked to enact for much of my Senate career. It will, for the first time in the history of our Nation, establish a unit of the national park system that is devoted to teaching about and preserving the tallgrass prairie ecosystem.

This legislation is not sweeping, In fact, it allows the Federal Government to acquire by donation only 180 acres of prairie. Certainly, this is nowhere near as vast and expansive as other units in out national park system. It is, however, an important milestone. For about 50 years, Kansans have argued about the need for and size of a tallgrass prairie park. Debate over past legislative proposals, some attempting to establish a park through the use of eminent domain, tore apart Kansas communities. I remember when this was a topic one avoided in conversation for fear of angering a friend or neighbor.

I am pleased that those days are behind us. By bringing an array of interests to the table and initiating face-to-face discussions, the Kansas congressional delegation has over the past 5 years hammered out a proposal to establish a national preserve that pleases nearly everyone. The legislation is unique for the National Park Service in that it provides the Federal Government with a core area that it will own and use to educate the American people about the tallgrass ecosystem and grazing that began with buffalo and is now used to raise some of the finest beef cattle in the world. The bill keeps more than 10,000 acres within the preserve's boundaries in private hands, owned by the conservation organization the National Park Trust. It provides for cooperative agreements to be reached between the private property owner and the Federal Government to give the American public an opportunity to bike across and enjoy vast undeveloped stretches of virgin tallgrass prairie.

When I leave the Senate in a few weeks, I plan to return to my farm about 20 miles from this preserve. The topography of my ranch is much like that of this preserve, and I often find it difficult to explain to my colleagues what this part of the country is like and why I love it. William Least Heat-Moon in his best-selling book about this area titled ''*PrairyErth*'' claims the beauty of this land is contained in its subtlety and vast expanses—sometimes easily overlooked by outsiders who quickly pass.

When the wind blows, as it almost always does in this part of the country, one can look out from the top of the region's gentle rolling hills and watch a sea of grass bending and waving across one's entire line of sight. Ungrazed, this grass can stretch ten feet high. For grazing, one can find no nutritionally richer land in the country. It will add more than 2 pounds a day to steers left to graze on its rich mixture of grasses.

It is not difficult to let the mind wander when standing alone and looking out across the prairie, absorbing its shades of greens in the spring and summer and its browns through the fall and winter. It is not difficult to get a sense of what the Native Americans must have felt hundreds of years ago when they crossed this land hunting for the great buffalo herds. One can also appreciate how the pioneers must have felt when they crossed this same land a century ago, carrying their dreams and possessions in covered wagons. Walt Whitman aptly called this prairie ''our characteristic landscape, the center of our national identity.'' It is appropriate that we Americans set aside at least a portion of it for perpetual use and protection by the American people. This legislation will finally do that.

The passage of the Tallgrass Prairie National Preserve Act would not have been possible without the countless individuals who have worked over the years to see this idea become a reality. Former Kansas Congressman and current Secretary of Agriculture Dan Glickman has attempted for more than a decade to create this Federal preserve. It was his persistence and willingness to bring opposing conservation and agriculture interests together to work out their differences that built the foundation from which this current legislation evolved. Similar and steadfast support also came from Senator Bob Dole, Representative JAN MEYERS, and former Representative Jim Slattery. Controversy over a tallgrass prairie park stymied many previous Congresses, and it was through the commitment and unique talents of each of

these members that we were able to make meaningful and lasting progress on this legislation.

I would also like to thank Governor Bill Graves and former Governor Mike Hayden, both of whom publicly lent their support to this effort and helped shape public opinion in Kansas and beyond in favor of creating this preserve.

Representative PAT ROBERTS, in whose district this preserve will be located, deserves special accolades. For the past 4 years, PAT has worked tirelessly to reassure skeptics that this unique approach to create the preserve would work. No one should underestimate how much his word meant to many in the agriculture community. His sponsorship of this bill in the House further added to the credibility necessary to get this bill passed by the House of Representatives.

There are too many Kansans who have worked diligently to see this bill enacted to name each, but a few should be noted. Ron Klataske of the National Audubon Society was the first champion of creating the preserve on land known as the Z-Bar or Spring Hill Ranch. He and members of the Flint Hills National Monument Committee, led by Lee Fowler, Charles Rayl, Ken Harder, and Larry Bayer, were early and consistent supporters of this effort. Five years ago, another group of thoughtful Kansans came together in an effort to find common ground between agriculture and conservation interests and look for ways to privately acquire and preserve the ranch. Led first by Ross Beach and then by Jan Lyons, this commission helped bring thoughtful, reasoned deliberations to this issue, and for that I am indebted.

When the idea of creating a tallgrass preserve faded from the front pages of Kansas newspapers, I could always depend on the editorial writers from almost every Kansas newspaper to lend their support to this legislation. Leading the charge was always the editorial staff of the Wichita Eagle, who time and time again, both in their editorial columns and in their sometimes biting cartoons, remind Kansans why creating a tallgrass prairie preserves is so important to the state.

Efforts to embrace a public/private partnership to create this national tallgrass prairie preserve may have remained nothing but an idea if it had not been for the involvement of the National Park Trust, who in 1994 purchased the property that will become the preserve. They immediately approached the Kansas congressional delegation and said they were ready to work with us to make preservation efforts a success. Paul Pritchard, president of the National Parks and Conservation Association, and NPCA board members Gordon Beaham, Eugene Brown, Dolph Simons Jr., and Bill Watson, all played an important role in this effort. The same is true for Paul Duffendack, a board member for the National Park Trust. I extend a special thanks to Laura Loomis of the National Parks and Conservation Association and Peggy O'Brien Marsh of the National Park Trust for the time they spent assisting me and my staff on this legislation.

Officials at the Department of the Interior spent hours helping my office fine tune this proposal Ed Cohen, deputy solicitor at the Department of the Interior, Denis Galvin, associate director, professional services at the National Park Service, Mike Tiernan, attorney at the National Park Service, and Linda Potter, legislative affairs specialist at the National Park Service, all lent their help, patience, and expertise to this effort. Equally helpful have been the support of Don Castleberry, former regional director of the National Park Service's Midwest Region, David Given, deputy field director of the Midwest Field Area, and Steve Miller, superintendent of the Fort Scott National Historic Site.

In 1990, the Kansas congressional delegation directed the National Park Service to conduct a study on the feasibility of making this area a unit of the national park system. Randall Baynes, superintendent of the Homestead National Monument in Beatrice, NE, was assigned to undertake this task. Randy did this job professionally, but he unfortunately felt the angry wrath of some who opposed creating a preserve. He handled the furor with dignity and grace. Randy died unexpectedly in 1993, and I want his wife, Judy, and his children, Melissa and Keith, to know how much I appreciate the contribution he made to this effort. Creation of this preserve is an appropriate legacy to Randy's love of the prairie and his belief that this preserve should be created.

Finally, I would like to acknowledge the hard work of several congressional staffers including: Mike Horak of my staff, Brian Sweatland, Heidi Cashman, and Tom Hemmer with Representative PAT ROBERTS; Keith Yehle with Representative JAN MEYERS; Mike Torrey and Keira Franz with Senators Bob Dole and SHEILA FRAHM; and Sherry Ruffing with former Representative Dan Glickman. I would also like to express my gratitude to Jim O'Toole, John Piltzecker, and Julia Gustafson of the Senate Energy and Natural Resources Committee for their help in getting this bill through the Senate.

Mr. President, passage of this legislation will be the last piece of legislation to become law during my 18-year career in the Senate. It is an accomplishment that I am quite proud of. Let me assure my colleagues that as private citizen KASSEBAUM, I will work to ensure that this preserve meets your high expectation. I have joked for some time that I plan to spend my retirement volunteering as a docent at this preserve, so I encourage my colleagues to stop by if they ever find themselves driving through the beautiful rolling prairie of east-central Kansas. Come and see one of the Nation's newest units of the national park system. I assure you that it will be well worth your time, and I will be happy to show you around.

Mr. President, I ask unanimous consent that language agreed to by the Kansas delegation for inclusion in a committee report on this bill be printed in the CONGRESSIONAL RECORD. This language, agreed to by the delegation, the owner of the Spring Hill Ranch, its leasee, and reviewed by the National Park Service, is our attempt to give the National Park Service direction on future grazing policy. This legislation will become law without a committee report, and I want the CONGRESSIONAL RECORD to reflect the delegation's views.

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

The conference agreement includes language to create a tallgrass prairie national preserve in the Flint Hills of Kansas. The preserve will be created through a unique private/public partnership between the federal government and a private conservation group. The partnership is the culmination of decades of discussions between agriculture and conservation interests who, until now, have disagreed over issues such as federal ownership and cattle grazing as part of a tallgrass prairie preserve in Kansas. The language drafted in this legislation is the result of consensus building and compromise between these various groups.

While the conference agreement only provides for federal ownership, by donation, of 180 acres of land on the preserve, it is hoped that the National Park Service, through the cooperative agreement language contained in this bill, will be able to work with the private land owners (and its leasee) of the rest of the 10,894-acre ranch to provide interpretive and recreation opportunities within the boundaries of the preserve, but beyond the federally owned core.

The stated purposes of this bill remain broad to give the National Park Service maximum flexibility in determining land use practices within the preserve through the general management planning process, with input from an advisory committee created by this bill. We believe a public planning process, with input from all Kansans, including local citizens and adjacent landowners, will enable the National Park Service to identify the best use for the 180 federally owned acres and provide guidance for possible cooperative agreements between the federal government and the private owner and its leasee.

The conferees note that the Kansas congressional delegation is united in its belief that a strong emphasis of the preserve should include the management of range lands through historic and contemporary ranching practices. While the conferees are unwilling to include language in the act that would require any predetermined use of private property mentioned within this bill, the conferees agree with the Kansas congressional delegation that current cattle ranching activities, consistent with the ecologically sound and sustainable management of this property, should continue after the preserve is created. Cattle ranching, as practiced under the current grazing lease, is consistent with the interpretation of the history and culture of the Flint Hills region of the tallgrass prairie.

Mrs. BOXER. Mr. President, in the closing minutes of the 104th Congress, I just want to express my deep appreciation for all of those who worked so

hard to pass the parks bill. As everyone knows, that omnibus parks bill contains the Presidio trust legislation which I sponsored in the Senate, and which is so important to my State of California, to the city of San Francisco, and to so many people who care about the preservation of the Presidio of San Francisco.

If I may, I would like to thank the majority leader at this time, and the minority leader. I thank my colleagues and friends relative to the effort that has been put in here.

This is a major environmental bill. It has approximately 136 titles that affect a broad area of America's public lands, and it is very, very important.

I am sorry that Senator BOXER can't be here. Senator FEINSTEIN worked very hard. The merits of the Presidio speak for themselves.

Senator BRADLEY has been a champion representing the interests of the Sterling Forest in both New Jersey and New York, BOB BENNETT, of Utah, and ORRIN HATCH, on Snowbasin.

And I thank my staff, Gregg Renkes, Mark Rey, Gary Ellsworth, Andrew Lundquist, and Alex Polinksy.

And, particularly the majority leader again for accommodating the extraordinary hard work, effort, and time to resolve it.

This is a very meaningful piece of legislation.

I want to congratulate all of you who have been a party to it.

I want to pay tribute to Senator JOHNSTON, my good friend who is departing. And I look forward next year to working with the Senator from Arkansas, Senator BUMPERS, as we pursue our obligations on the Energy and Natural Resources Committee, with the presumption of continued chairmanship and his position in the ranking position.

Thank you, Mr. Leader.

Again, let me thank Senator BRADLEY and Senator BOXER.

I, of course, thank the whip.

Mr. DASCHLE. Mr. President, I will be very brief because Senator LOTT and I do have some other business to tend to, and then to call the President at 5 o'clock.

Mr. President, I wanted to take just a moment to congratulate Senator MURKOWSKI for his efforts on the omnibus parks bill just passed. As he has indicated, this has been one of the most difficult and contentious and complicated sets of negotiations I think we have had in the whole 104th Congress. That success we now have is only possible as a result of the extraordinary efforts made by a number of people.

I want to cite, in particular, Senators BRADLEY and BOXER for their remarkable efforts over the last couple of days. They were instrumental in making this happen. Senator BOXER and Senator BRADLEY worked with Senator MURKOWSKI and brought this about through cooperation and a tremendous amount of persistence.

But, as Senator MURKOWSKI has indicated, there are others as well who have been very much a part of this effort. Senator BUMPERS and Senator FEINSTEIN also have been very helpful; Senator NICKLES and a number of Senators on both sides of the aisle have been committed to this bill.

So this is an achievement of some magnitude affecting, as the Senator has indicated, perhaps 136 projects in 41 States. It is long overdue. This has been an effort that has been underway now for a long period of time.

Let me also thank and congratulate the administration for their efforts over the last couple of days. As he tends to do in these moments of crisis, Leon Panetta, in particular, has made this work. He deserves special commendation, along with a number of other members of the administration staff.

So we are very appreciative of the cooperation and the effort made. At long last we have passed a parks bill of great magnitude and great importance. And I appreciate the work done on all sides.

I yield the floor.

EXPANDING THE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR

Mr. CHAFEE. Mr. President, it seems to me that protecting and preserving our Nation's special places, like the Blackstone Valley, is one of the Federal Government's most important functions. That is why I am so delighted that my bill to reauthorize and expand the Blackstone River Valley National Heritage Corridor was included in the omnibus parks bill that was agreed to today.

There are few other areas in the country that have had as rich and diverse a history as the Blackstone Valley. For centuries, the Blackstone River has been the center of life in the valley. The Native Americans who first inhabited these shores enjoyed abundant fishing and hunting along the river. Settlers came in search of farmland and instead found that the river provided a powerful new source of energy. By the late 1700's, bustling towns appeared up and down the river. They were joined by sawmills, and in 1793, Slater's Mill, the river's first textile mill, opened, signalling the birth of the Industrial Revolution.

When the Blackstone Corridor was created in 1986, it represented an entirely new approach for the National Park Service. The corridor is not at all like the typical national park, where the Federal Government owns and manages the land. Its boundaries span two States; it contains whole cities, towns, and villages; half a million people live in the Blackstone Corridor. It truly represents a partnership between the Federal Government and State and local governments and communities in Rhode Island and neighboring Massachusetts.

Under the umbrella of the Corridor Commission, individuals from different communities, levels of government, and walks of life are working together toward a common vision—and with impressive result.

In the early 1970's, the Blackstone River, like so many rivers and lakes throughout our Nation, was in deep trouble. It was apparent that many years of pollution had wiped out much of the river's wildlife. The once polluted river has been cleaned up. A beautiful greenway for bicyclists and hikers is underway. Historic mills have been restored. National Park rangers and volunteers are giving tours and educating visitors about the valley's rich history. The Blackstone Valley area is one of Rhode Island's environmental and historical jewels. With its restoration, this area's strong sense of price and community spirit has been revitalized.

All this is being done with relatively little money from the Federal Government, because every Federal dollar that goes into the corridor is leveraged many times over.

I introduced S. 1374, which established the corridor, on June 27, 1985, and on November 10, 1986, the bill became law. Since then, the Rhode Island congressional delegation, and the Massachusetts delegation, have worked together each year to strengthen the corridor. Today, the corridor stretches 46 miles along the Blackstone River, from Worcester, MA to Providence, RI. The corridor encompasses 20 cities and towns over a 250,000-acre area. Efforts to interpret and preserve the valley's historical and scenic resources are coordinated by the Blackstone Corridor Commission and the National Park Service works closely with the commission, providing invaluable technical assistance and guidance.

Last year, I introduced S. 601 to reauthorize the commission and expand the corridor with Senators PELL, KENNEDY, and KERRY. This bill extends the life of the Blackstone Corridor Commission—which, under current law, would expire in November—for another 10 years. In addition, it adds to the corridor five new communities—three in Rhode Island and two in Massachusetts—which are culturally and historically tied to the existing corridor and contain the headwaters of the Blackstone River. This logical expansion will allow the commission to interpret and protect the region's resources in a comprehensive and unified fashion. Finally, my legislation increases the commission's annual authorization from $350,000 to $650,000, in recognition of its tremendous success and new responsibilities.

The Senate Energy Committee held hearings on my bill, and it was reported out of the Commission on April 7, 1995. It was included in the omnibus parks bill and attached to the Presidio Management bill which, after some setbacks, was unanimously approved by the full Senate.

Since that time, Members of the Senate and the House of Representatives have been engaged in a lengthy and difficult conference, attempting to work out the differences between the proposals. Many highly controversial provisions that would have led both to opposition in the Senate and the possibility

of a veto by the President have been dropped.

I commend Senate MURKOWSKI for his efforts to accommodate the interests of so many colleagues and greatly appreciate his work to restore my version of the Blackstone Reauthorization bill. I know the House fought hard to replace my bill with the House Resources Committee proposal which would have authorized a lesser appropriation and would have extended the life of the commission for 5 years only. This would not have give the commission enough time to complete its work.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

SALUTING THE SERVICE OF JOHN L. DONEY

Mr. LOTT. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 312, submitted earlier today by myself.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 312) saluting the service of John L. Doney.

Whereas, John L. Doney has served the United States Senate since September 1980;

Whereas, Mr. Doney has during his Senate career served in the capacities of staff assistant to Senator Bill Roth, Senate Post Office clerk, Republican Cloakroom assistant, assistant secretary to the minority, culminating in his appointment as assistant secretary to the majority;

Whereas, throughout his Senate career Mr. Doney has been a reliable source of advice to Senators and staff alike;

Whereas, Mr. Doney's more than 16 years of service have been characterized by infinite patience, unfailing good humor, and a deep sense of respect for this institution; therefore be it *Resolved,* That the Senate salutes John L. Doney for his career of public service to the United States Senate and its Members.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any further statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 312) was agreed to.

The preamble was agreed to.

THE RETIREMENT OF JEANIE BOWLES, SUPERINTENDENT OF DOCUMENTS

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 313 that I submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 313) relating to the retirement of Jeanie Bowles, Superintendent of Documents, United States Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, I want to congratulate Jeanie Bowles, Superintendent of Documents, upon her retirement and thank her for her 26 years of service to the U.S. Senate.

Jeanie Bowles has been a familiar, friendly face in the Senate, and we have all benefited from our association with her. As the resolution states, she has ''discharged her responsibilities with efficiency, devotion, and grace.'' We will miss her and wish her well upon her retirement.

Mr. LOTT. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD at the appropriate place.

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

The resolution (S. Res. 313) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas the Senate has been advised of the retirement of its Superintendent of Documents, Ms. Jeanie Bowles;

Whereas Jeanie Bowles became an employee of the Senate of the United States on January 3, 1971, and since that date has ably and faithfully upheld the high standards and traditions of the staff of the Senate of the United States for a period that included thirteen Congresses;

Whereas Jeanie Bowles has served with distinction as Assistant Editor in the Office of the Official Reporters, which position she was appointed to February 2, 1981;

Whereas Jeanie Bowles has served with distinction as Superintendent of Documents, which position she has held since June 16, 1986;

Whereas Jeanie Bowles has discharged her responsibilities with efficiency, devotion, and grace, in particular dedicating her Senate service to the advancement of young people:

Now, therefore, be it

Resolved, That the Senate of the United States commends Jeanie Bowles for her exemplary service to the Senate and the Nation; wishes to express its deep gratitude and appreciation for her long, faithful, and outstanding service; and extends its best wishes upon her retirement.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Jeanie Bowles.

AUTHORITY TO MAKE CERTAIN APPOINTMENTS AFTER SINE DIE ADJOURNMENT

Mr. LOTT. Mr. President, I send to the desk a resolution and ask for its immediate consideration authorizing certain appointments to be made after adjournment sine die.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 314) authorizing the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders, to make certain appointments after the sine die adjournment.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 314) was agreed to, as follows:

Resolved, That notwithstanding the sine die adjournment of the present session of the Congress, the President of the Senate, the President of the Senate pro tempore, the Majority Leader of the Senate, and the Minority Leader of the Senate be, and they are hereby, authorized to make appointments to commissions, committee, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

NOTIFICATION TO THE PRESIDENT CONCERNING THE PROPOSED ADJOURNMENT OF THE SESSION

Mr. LOTT. Mr. President, I send to the desk a resolution and ask for its immediate consideration regarding a committee to notify the President concerning the proposed adjournment of the session.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 315) appointing a committee to notify the President concerning the proposed adjournment of the session.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 315) was agreed to, as follows:

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join a similar committee of the House of Representatives to notify the President of the United States that the two Houses have completed their business of the session and are ready to adjourn unless he has some further communication to make to them.

The PRESIDING OFFICER. Pursuant to the resolution just adopted, the Chair appoints the majority and minority leaders as members of the committee to inform the President of the United States that the two Houses have completed their business of the session and are ready to adjourn unless he has some further communication to make to them.

THANKS OF THE SENATE TO THE VICE PRESIDENT

Mr. LOTT. I send to the desk a resolution and ask for its immediate consideration thanking the Vice President.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 316) tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner by which he has presided over the deliberations of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 316) was agreed to, as follows:

S. RES. 316

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Al Gore, Vice President of the United States and President of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Fourth Congress.

THANKS OF THE SENATE TO THE PRESIDENT PRO TEMPORE

Mr. LOTT. I send to the desk a resolution and ask for its immediate consideration thanking the President pro tempore for his service to the Senate, his State, and his country.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 317) tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Just briefly, Mr. President, I cannot let that resolution pass without some comment. I want to say to all my colleagues, there will be a moment here where Senator DASCHLE and I will be talking to the President and some of the Senators may want to comment on some of the resolutions we pass, but I cannot pass this one without saying again how much personally I appreciate the manner in which Senator THURMOND always conducts himself.

The distinguished Senator from South Carolina is truly a legend whom we all love. I have noted that on almost every occasion, if not every occasion, when the Senate came into session, no matter how early it was or when it was, he was here; he escorted the Chaplain to the podium; he did his job; and he has done it admirably. We just appreciate it so much and wish him the very best in everything he endeavors in the future.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. If I could only add from this side of the aisle, I want to associate myself completely with the remarks made by the majority leader. Senator THURMOND has done the job of President pro tempore not only admirably but fairly, in a nonpartisan way. There are so many mornings when I have greeted him, and I know from what we all know to be Senator THURMOND's practice, he probably has been working out for at least an hour prior to the time he has come to the dais. Anybody who does that has respect on a bipartisan basis. We are privileged to have the opportunity to work with him.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The resolution (S. Res. 317) was agreed to, as follows:

S. RES. 317

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Strom Thurmond, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Fourth Congress.

THANKS OF THE SENATE TO THE DEMOCRATIC LEADER

Mr. LOTT. Mr. President, I send to the desk a resolution and ask for its immediate consideration thanking the distinguished Democratic leader for his leadership in the Senate.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 318) to commend the exemplary leadership of the Democratic leader.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The resolution (S. Res. 318) was agreed to, as follows:

S. RES. 318

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Democratic Leader, the Senator from South Dakota, the Honorable Thomas A. Daschle, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 104th Congress.

Mr. LOTT. Mr. President, let me just say again how much I have appreciated the cooperation we have received. He has been helpful to me. We have had a very cooperative relationship. We have not always agreed. We did not get everything done today we wanted to do, but he has been very helpful. I think we have had a growing respect for each other, and we are going to be able to work together very productively for the good of our country in the years ahead. I look forward to that opportunity.

Mr. DASCHLE. I thank the majority leader. I would only say the same. I have enjoyed the opportunity, in the last 3 months, to work with him. I think it has been a productive time.

Obviously our disagreements preclude us from doing everything we would like. But there are times when we can overcome those disagreements and work in a way that I think can make this country quite proud.

COMMENDING THE EXEMPLARY LEADERSHIP OF THE MAJORITY LEADER

Mr. DASCHLE. In that regard I have a resolution that I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 319) to commend the exemplary leadership of the Majority Leader.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed at the appropriate place in the RECORD.

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

The resolution (S. Res. 319) agreed to, as follows:

S. RES. 319

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Majority Leader, the Senator from Mississippi, the Honorable TRENT LOTT, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 104th Congress.

The PRESIDING OFFICER. The majority leader.

AUTHORIZING PRINTING OF A SENATE DOCUMENT

Mr. LOTT. I ask unanimous consent the Senate now turn to the resolution which I now send to the desk on behalf

of Senator HATFIELD, regarding a document from the Appropriations Committee, and ask the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 320) that there be printed with illustrations as a Senate document a compilation of materials entitled ''Committee On Appropriations, United States Senate, on the 129th Anniversary, 1867–1996'', and that there be printed two thousand additional copies of such document for the use of the Committee on Appropriations.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table.

The resolution (S. Res. 320) was agreed to, as follows:

S. RES. 320

Resolved, That there be printed with illustrations as a Senate document a compilation of materials entitled ''Committee on Appropriations, United States Senate, 129th Anniversary, 1867–1996'', and that there be printed two thousand additional copies of such document for the use of the Committee on Appropriations.

AUTHORIZING THE ACCEPTANCE OF PRO BONO LEGAL SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Senate Resolution 321, introduced earlier today by Senator BYRD.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 321) authorizing the acceptance of pro bono legal services by a Member of the Senate challenging the validity of a Federal Statute in a civil action pursuant to a statute expressly authorizing Members of Congress to bring such a civil action.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I want the record to reflect I support this resolution. I worked with Senator BYRD in getting this clearance agreed to.

Mr. President, I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon table.

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

The resolution (S. Res. 321) was agreed to, as follows:

S. RES. 321

Resolved, That (a) notwithstanding the provisions of the Standing Rules of the Senate or Senate Resolution 508, adopted by the Senate on September 4, 1980, pro bono legal services provided to a Member of the Senate with respect to a civil action challenging the validity of a Federal statute that expressly authorizes a Member to file an action—

(1) shall not deemed a gift to the Member;

(2) shall not be deemed to be a contribution to the office account of the Member; and

(3) shall not require the establishment of a legal expense trust fund.

(b) The Select Committee on Ethics shall establish regulations providing for the public disclosure of information relating to pro bono legal services performed as authorized by this resolution.

Mr. LOTT. At this point I yield the floor. Other Senators may want to comment on some of these resolutions. We will notify the President we have passed the adjournment resolution and we will return thereafter for some further brief action.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I congratulate and compliment the majority leader. We just passed the resolution congratulating him, but I personally would like to congratulate him for outstanding leadership since he has assumed majority leadership of the Senate. I believe this has been a very, very productive legislative session.

There is an article in Rollcall today that talked about the Senate, this Congress, spending more time than any Congress since World War II. I think the record would show, for the last couple of months, this has been a very, very productive Congress, whether you are talking about welfare reform—historic welfare reform, or whether you are talking about reaching back and passing line-item veto. Whether you are talking about actually trying to rein in the growth of Government—we have seen the size of Government deficits actually declining, I think primarily because of some restraints on discretionary funds that passed this Congress.

So, I add my accolades to those of others, to say I think Senator TRENT LOTT, as majority leader, has done an outstanding job, and also to say the minority leader, Senator DASCHLE—we have had a lot of conflicts. It has been a tough session, maybe a lot more partisan than a lot of us would like. Maybe we will be able to improve upon that next year. Certainly, I have enjoyed my working relationship with Senator DASCHLE and have always found him to be cordial. We have worked well together and, hopefully, the next Congress will be even more cordial, less partisan, and more productive.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

COMMENDING THE EXEMPLARY LEADERSHIP OF THE DEMOCRATIC LEADER

Mr. THURMOND. Mr. President, I have a resolution at the desk to commend Senator DASCHLE. I request the clerk report that resolution.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 322) to commend the exemplary leadership of the Democratic Leader.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise today to submit a Senate resolution to commend the exemplary leadership of the Honorable TOM DASCHLE of South Dakota.

Senator DASCHLE was elected by his colleagues in 1994 to serve as the Senate Democratic leader. I recall Senator DASCHLE's able assistance working for 5 years in the office of my friend, Senator Abourezk of South Dakota. I knew then that this young man was destined to greater heights.

Senator DASCHLE was elected to the House of Representatives in 1978 and served four terms before being elected to the U.S. Senate in 1986. He became the first South Dakotan ever to hold a Senate leadership position when he was named cochairman of the Democratic Policy Committee in 1988.

During his Senate career, Senator DASCHLE has provided capable leadership on the following Committees: Finance, Agriculture, Veterans' Affairs, Indian Affairs, and Ethics. His work on the Agriculture Committee has helped farmers across the country as he wrote the 1985 Emergency Farm Credit Act to aid farmers during the depths of the farm crisis.

Mr. President, Senator DASCHLE has proven to be an effective Democratic leader and strives for cooperation with all of his colleagues. He works closely with our distinguished majority leader, Senator LOTT, to facilitate the legislative process. His calm but determined demeanor is appreciated on both sides of the aisle.

Mr. President, I am pleased to introduce this resolution commending the distinguished minority leader TOM DASCHLE, and I extend best wishes to his lovely wife, Linda, and their three fine children, Kelly, Nathan, and Lindsay.

The PRESIDING OFFICER. If there is no objection, the resolution is agreed to.

The resolution (S. Res. 322) was agreed to, as follows:

S. Res. 322

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Democratic Leader, the Senator from South Dakota, the Honorable Thomas A. Daschle, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 104th Congress.

COMMENDING EXEMPLARY LEADERSHIP OF THE MAJORITY LEADER

Mr. THURMOND. Mr. President, I ask the resolution commending the majority leader be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 323) to commend the exemplary leadership of the majority leader.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. THURMOND. Mr. President, I rise today to submit a Senate resolution to commend the exemplary leadership of the distinguished majority leader, the Honorable TRENT LOTT of Mississippi.

Senator LOTT is the 16th majority leader in the U.S. Senate and the first Mississippian ever to hold the Senate's top leadership post. He was elected to serve as majority leader on June 12, 1996.

The majority leader has earned the respect of his colleagues in both the House and Senate, having served in the House of Representatives for eight terms. While serving in the House, Senator LOTT was elected chairman of the House Republican Research Committee and for 8 years he served as the Republican Whip. The personal friendships he developed in the House have contributed well to his recent dealings with the other chamber.

Senator LOTT was elected to the Senate in 1988 and continued his leadership service as Secretary of the Senate Republican Conference. In 1995, he was elected Senate Majority whip and is the first person to be elected to the position of whip in both the House and the Senate.

Mr. President, since assuming the challenging responsibilities as majority leader, Senator LOTT has shown a penchant for moving legislation and a willingness to do so in a bipartisan manner. The majority leader has solid footing in the Senate's top post and it is not on the backs of his colleagues. Rather, Senator LOTT has worked in cooperation with the distinguished minority leader, Senator DASCHLE, and has been at our side in the trenches of this legislative arena. The Majority Leader has cooperated with all Senators to facilitate the orderly procession of the Senate's business.

Mr. President, Senator LOTT has a wonderful family and I extend my best wishes to his lovely wife, Tricia and their two fine children, Chet and Tyler. They are justifiably proud of Senator LOTT as a husband, father, and dedicated public servant. I am honored to call him my leader in the U.S. Senate and my good friend.

The PRESIDING OFFICER. If there is no objection, the resolution is agreed to.

The resolution (S. Res. 323) was agreed to as follows:

S. RES. 323

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Majority Leader, the Senator from Mississippi, the Honorable Trent Lott, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 104th Congress.

The PRESIDING OFFICER. The Senator from Alabama.

THANKS TO STAFF

Mr. HEFLIN. Mr. President, there has been a lot of tributary praise on the floor of the Senate in the last few days. We have heard praise for Members, praise for spouses, and praise for the Senate itself. We have also heard a great deal of praise for staff members, and I want to add to that by taking a moment to say thanks to the many staff members I have worked with over the years.

It is easy to take staff for granted. Much of what they do is carried out in such a way that we might not be aware always of what they are doing. But they put in long hours just like Senators do. They are dedicated not only to us, but to the States we serve. My staff has helped thousands of Alabamians and other citizens with problems ranging from lost Workmans' Compensation benefits to delayed retirement checks to securing visas for overseas travel at the last minute.

I have been fortunate to have many long-time staff members who have been with me for many years, some since my first year in the Senate. Others have not been here as long, but have still made valuable contributions. Most have come from Alabama or had some connection to the State, such as being an alumnus of a university or college there, but others have come from the Washington area and other parts of the east coast.

I am proud of my staff, both here in Washington and in my four State offices. They have done an outstanding job for the Senate, for the State of Alabama, and for the Nation. Rather than name any one of them individually, at this time I ask unanimous consent that a list of my current staff with their hometowns and date of joining the office be printed in the RECORD after my remarks.

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

Mr. HEFLIN. Mr. President, to all of them and to all of those who have served in the past and moved on to retirement, K Street, or some other career, I extend a hearty thanks for a job well-done.

EXHIBIT 1

SENATOR HOWELL HEFLIN'S ALABAMA AND WASHINGTON STAFF

(Including Hometowns and Date of Joining Office)

Denise Addison, data entry clerk, Washington, DC, Jan. 1986. Ann Berry, office manager, Birmingham, AL, April 1979. Cappie Brooks, secretary, Birmingham, AL, March 1989. Tim BROWN, state director, Enterprise, AL, Feb. 1985. Allen ''Beau'' Greenwood, legislative assistant, Corpus Christi, TX, February 1995. Joyce Hackworth, case worker, Birmingham, AL, January 1979. Thad Huguley, legislative assistant, Lanett, AL, August 1992. Lea Hurt, communications director, Decatur, AL, July 1991. Brenda Jarvis, state representative, Montgomery, AL, December 1990. Jan Johnson, state representative, Tuscumbia, AL, January 1979. Jeanne Jones, staff assistant, Mobile, AL, September 1982. Betty Lanier, secretary, Midway, AL, April 1986. Alan Leeth, legislative assistant/counsel, Opelika, AL, December, 1995. Winston Lett, Judiciary subcommittee minority chief counsel, Opelika, AL, October 1989. Mansel Long, legislative director, Tuscumbia, AL, February 1979. Judy Lovell, production manager, Bowie, MD, August 1987. Kristi Mashon, archivist, Austin, TX, June 1995. Kimberly McDonald, caseworker, Gaithersburg, MD, November 1991. Tom McMahon, press secretary, Montgomery, AL, February 1989. Jackie Natter, legislative assistant, Birmingham, AL, November 1994. Barry Phelps, speechwriter/legislative assistant, Birmingham, AL October 1990. Steve Raby, administrative assistant, Harvest, AL, January 1984. Rob Schultz, legislative aide, Allentown, PA, June 1996. Barbara Sherrill, secretary, Sheffield, AL, November 1985. Samantha Smith, scheduler, Florence, AL, August 1993. Mary Spies, personal secretary, Washington, DC, January 1979. Yolanda Turner, mail clerk, Suitland, MD, August 1992. Stanley Vines, state representative, Birmingham, AL, April 1984. Heidi Wagner, staff assistant, Mobile, AL, July 1995. Sally Walburn, receptionist, Tuscaloosa, AL, June 1996. Connie Weavil, receptionist, Winston-Salem, NC, June 1995. Jim Whiddon, judiciary subcommittee minority counsel, Montgomery, AL, November 1993. Janetta Whit-Mitchell, state representative, Mobile, AL, August 1989.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

COMMENDING THE MAJORITY LEADER

Mr. COCHRAN. Mr. President, let me add a few brief words of comment in support of the resolutions that were adopted earlier. As we wrap up this session of the 104th Congress, I am constrained to commend, in a very sincere way, the work that has been done by my distinguished colleague, who I serve with, from my State of Mississippi, TRENT LOTT.

As he has taken the reins of majority leader and discharged the duties of that important office, I have been very proud of him, and our entire State has been proud of him, in the way he has managed these challenges, handled this job in good grace, with a good sense of

humor, with a keen insight into how to get things done in the U.S. Congress, and with a great deal of integrity.

He has reflected credit on the U.S. Senate and on the State of Mississippi, and I congratulate him very sincerely. I thank him for the honor of serving with him as his colleague from our State.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I thank my distinguished senior colleague from the State of Mississippi for his comments this afternoon, and I thank him also for the relationship we have had together in Congress now over the last 24 years. We were in the House together, I believe, for 6 years, and then he came to the Senate in 1978. We continued to work together across the Capitol, and it was my great honor to join him in this body beginning in January 1989.

It has been a great relationship, one that I treasure very much. We not only enjoy working together on behalf of our State, I enjoy his company, and we quite often have lunch together. I have sidled in next to him in that historic desk he has as the senior Senator from Mississippi, and we talk about our families, our wives, our football team, our future and our country, and I enjoy it always. We even tell a few stories, a few Mississippi jokes along the way to each other, but more than anything else, when the going gets rough, when I want real serious, steady, reliable advice given to me straight up, I go to my Senator from Mississippi who I work with from our delegation, and he gives me very good advice.

He has been a member of the leadership of the Senate now for many years. He has done an excellent job as chairman of our Republican conference. He is in our leadership meetings, and invariably, again, his advice and counsel is very good, and it is worth listening to. I found when I listen to it, I do OK, and when I don't, I usually mess up some way or the other.

I thank him for his comments today, but I also thank him for the fine relationship we have. We will continue to work together for our State and our country, and I look forward to that opportunity.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

CHANGE OF VOTE

Mr. LOTT. Mr. President, on September 26, the Senate failed to override the President's veto of a bill to ban a procedure known commonly as partial-birth abortion. Toward the end of that rollcall vote No. 301, I changed my vote to nay. At the time, I am sure all my colleagues realized why I did so. I immediately entered a motion to reconsider the vote by which the veto was sustained. In order to be able to make that motion to reconsider, it was, of course, necessary for me to cast my vote on the prevailing side. It was, indeed, my intention to return to the motion to reconsider the override vote, in the hope that continued public discussion and consideration might cause some of our colleagues to rethink their position and, in fact, vote to override the President's veto of the partial-birth abortion ban.

But the 104th Congress has run out of time, and it has been clear that no constructive purpose would have been served by yet another vote. While I am sure some Senators are having some serious second thoughts about that vote, there has been no indication that there has been a sufficient number change to reverse that earlier vote on the override.

I therefore ask unanimous consent to withdraw my motion to reconsider rollcall No. 301 and that the permanent RECORD of the 104th Congress note my intention to be included with the 57 other Senators who voted to override President Clinton's veto of the partial-birth abortion ban.

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

Mr. LOTT. Let me say just a few words about the partial-birth abortion issue.

This is a matter that has touched the conscience of America. I note that, on both sides of the aisle, there are now several pro-choice Members who support the ban on partial-birth abortions.

I will not soon forget the dramatic moment when Senator COATS read the letter from our Coloradan colleague, Senator CAMPBELL, written from his hospital bed, telling us he would vote to override the veto, even though he supports abortion rights.

This is clearly an issue that will not go away. Indeed, I anticipate early action on it in the 105th Congress. By which time, continuing public education about the partial-birth procedure will, I believe, change many congressional minds.

Here is just on example. Most of the debate on both sides of this issue, has concentrated on the use of partial-birth abortion in late-term pregnancies. That may, indeed, be the most shocking aspect.

But interviews with abortion doctors by the Washington Post, the American Medical News, and the Bergen County, N.J., Record reveal that the great majority of partial-birth abortions—thousands every year—are performed in the fifth and sixth months of pregnancy. And almost all of them are performed for entirely nonmedical reasons.

When President Clinton vetoed the partial-birth abortion ban, he suggested an alternative. It turns out that his alternative would be, in practical terms, nothing more than the status quo.

In the first place, it would not ban a single one of the thousands of partial-birth abortions performed in the second trimester of pregnancy.

In the second place, its ''serious health'' loophole, as ''health'' has been interpreted by the courts, would render meaningless restrictions even in the last months of pregnancy.

When the Senate returns to this issue in 1997, as indeed it must, I hope we will find sufficient unity to ban the partial-birth procedure at all stages of pregnancy.

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

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

TRIBUTE TO SENATOR WILLIAM COHEN

Mr. WARNER. Mr. President, earlier today the Senate Armed Services Committee had a hearing. It happened to be that the Secretary of Defense and the Chairman of the Joint Chiefs of Staff were our principal witnesses, and the subject was the ongoing controversy in Bosnia.

Seated next to me, as he has been for these many years of joint service on that committee, was Senator BILL COHEN. It is hard for me to express in words my respect for this great American and this great U.S. Senator, a man who truly is a global thinker. And today he was as profound and as incisive as he has been for all these years that I have been privileged to serve with him on the Armed Services Committee.

He has occupied, somewhere in this area of the Senate floor, the chair that he has selected for Maine. But Maine's chair is the chair for the United States of America when it comes to the matter of national security, foreign policy.

We may have differed on some occasions, but more often we have been together. And he has been a fearless speaker, an absolutely fearless speaker and advocate for what he believes is best for the United States and, indeed, the world.

We have taken trips together. I have seen him in the presence of world leaders, heads of State, heads of Government, and within moments after entering a room, whether it is Europe, Asia, or the Middle East, he is greeted and accepted and listened to as an equal.

He is a very hard worker, diligent in his representation for his State, a prodigious student of history. But he always found time, Mr. President, he always found time to spread his great intellect on the written pages of books, be they novels, or, more importantly, for this Senator, be they poems. Lucky

is the Member of the Senate, or perhaps an observing staffer, who found at Senator COHEN's seat, more often at a committee hearing, a doodle. I am not much for doodling, but he is an expert, and it is not some scribble.

What surprises me, having studied engineering and particularly engineering drawing and architecture drawing myself—I am a man who observes a straight line or the French curve or whatever—these are drawings that challenge the best of engineering drawings, very precise, a balance, perspective, and I defy anyone to interpret the meaning. And therein is the real genius.

He is able to take these drawings and capture the meaning of the debate in the committee hearing. I have never seen him doodle in the Senate—maybe he has—not in the Chamber, but certainly as I sat next to him in the Armed Services Committee, the Select Committee on Aging. They are absolutely magnificent.

I asked him one time, ''Are these your ideas of caricatures of other Senators?''

''No. They are caricatures of the debate that is taking place, and how I see that debate, where it starts, where it goes, whether it is conclusive or inconclusive, whether it is fair and whether it is objective.''

I have one or two, and I treasure them.

He is a meticulous researcher. Perhaps above all, that research to bear on legislation that he sponsored—and for a while I was not totally in favor of that legislation—but it was legislation that eventually put into law the special operating forces of the United States.

Much of the work of those forces is highly classified, and therefore I cannot discuss it on the floor of the Senate. But the essence of his legislation was to enable our Nation and our Armed Forces to have a cadre of men and women in uniform who were able to perform the most difficult of military tasks, whether it is a task that challenges two or three or a task that challenges a company-sized group of military. And those challenges could come at any time, any moment, anywhere on the globe.

Because of this man's foresight, we have that capability here in the United States. My only suspicion at the time that we used to debate it was whether or not it was not already present in the Armed Forces of the United States and whether or not the command and control should be under, say, the Chief of the Army, the Navy, the Air Force, and the Marine Corps. And he was right; this should be a separate CINC, a separate four-star officer, whose sole responsibility was not to the other services, but to see that this cadre of service persons had the equipment, had the training, had the skills and the fortitude to take on any challenge anywhere in the world.

So I join the others who expressed a note of sadness of his departure, but also a sadness of joy that he and his lovely wife have reclaimed—reclaimed—their lives from public service. He, with nearly a quarter of a century, 24 years in the Congress of the United States, has reclaimed it to go on and have other challenges. I do not doubt for a moment that he will accept the challenges which will enable him to enter into the global policy discussions and other forums of the world as it relates to foreign policy and national security, but also to reclaim perhaps a little more time to spread his genius upon the paper that all of us can share, be it fiction, be it prose, be it poetry, or be it a foreign policy decision. I wish him well.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RETIRING SENATORS

Mr. WARNER. Mr. President, I intended to address the Senate and I shall address the Senate with respect to the distinguished Senator from Alabama who has joined the ranks of those reclaiming his balance of time pursuant to a manner that most befits the desires and the goals of the Senator and his lovely wife.

I did not realize you would be here, Senator. I would not suggest that you deviate from whatever you intended to do while I just have a few words here about my dear friend, but I envy you in many ways.

We could always start out with the thought that he brought to the Senate and to public service for his Nation and his State a knowledge of the law and a respect for the law and an understanding of the law, and an understanding that the Congress of the United States has the responsibility under the Constitution to enact the law. How many times have I heard him say, and others have heard him, that enacting the law is our responsibility—not that of the bureaucrats, the vast army of bureaucrats—to write the regulations. Tenaciously, he has fought for strict adherence of the Constitution in the law of the land and not to delegate it to the army of bureaucrats. Yes, I admire him for that, but I suppose I admire him because of the tremendous admiration and warmth of feeling that other Senators have for him.

I have enjoyed several trips to remote places of the world in connection with military matters, I think, on most occasions, the focal point of the trip. Perhaps that focal point was generated by the somewhat disproportionate size and stature of this great Senator, but more often than not it was because of his display of intellect and grasp of the mission on which we were sent to some remote place on behalf of the interests of the United States and the Senate.

I was always interested when he would come to the floor in connection with appointments to the Federal judiciary, particularly as it related to the Supreme Court of the United States. He, in a very tough, I believe, fair, and objective manner, laid out the qualifications or the absence of qualifications, in his judgment, and the Senate listened. The Senate listened out of profound respect for our colleague. There were times when his great sense of humor and his sense of camaraderie would give away to a parochial interest.

I have seen him exhibit such fervor, particularly in the well of the Senate, as to alarm other Senators to the point that they would go in opposite directions rather than confront him. That happened, Mr. President, more often than not on peanuts. No one in the contemporary history of the Senate has fought harder for the peanut farmer than the distinguished Senator from Alabama. He would seize us by the arm and make certain that we had commitments from fellow Senators as related to peanuts. I enjoy eating peanuts, but there were times in the intensity of that debate that I lost all interest and appetite for peanuts. But there he was, and for good reason. The peanut farmers are small. Nobody has made a fortune in peanuts; never have and never will, in my judgment; that is, the farmer. It represents to him the spirit of American agriculture.

He has served on the Senate Agriculture Committee throughout his entire career in the U.S. Senate. He has a great respect for those who till the soil and love the land that produces the bountiful harvests that we all enjoy, and really accept almost as a matter of right, in this country.

Agriculture is our principal export as it relates to improving the balance of trade.

There sits a Senator like a stone wall to defend the role of the American farmer and the agriculture of this great land. There sits a Senator like a stone wall to protect the freedoms of people, especially those freedoms guaranteed by the Constitution of the United States.

We will miss you, my dear friend. And I thank you for the opportunity to have spoken a few words from the heart in the deepest of gratitude for your friendship and your wisdom that you have so willfully given this country during your distinguished career.

I yield the floor.

Mr. HEFLIN addressed the Chair

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, I am deeply humbled to hear the kind words of the distinguished gentleman from Virginia—and he is truly a gentleman from Virginia. I appreciate them very deeply.

My mind goes back, as I think about our friendship, to the early days when we both came to the Senate. On one snowy day in which there were 24 inches of snow on the ground, the scheduled speaker for the reading of George Washington's Farewell Address was Senator JOHN WARNER of Virginia. In order to be here, he had to walk some 2 miles in the snow to get here. I was the Presiding Officer of the Senate on that occasion. I got a ride in a jeep and came about a mile. But Senator WARNER walked all of that way.

Since that time I have been following in his footsteps. He has trod through many minefields, and he has always come out with a great sense of feeling for his fellow man and for his State of Virginia.

So I appreciate very deeply his remarks. I know that he is going to have a long career here in the Senate. I hope that when he does leave, there will be another Senator who will speak words pertaining to agriculture concerning him because he has been a true champion of agriculture and a true champion of Virginia peanut farmers, too.

So I deeply appreciate everything that he said, and I will look forward to many days in the future of having some sort of way of having a connection with him.

Mr. WARNER. Mr. President, if I may slightly revise and correct the record of my good friend, the distance was 4 miles. But, more importantly, the last one-tenth of a mile I was on the back of a tractor. You may recall that the farmers of America had assembled between the Capitol and the Washington Monument and were encamped in that snow with their tractors here on a protest. As I came along Pennsylvania Avenue, one spied me, not knowing I was a Senator but in the true spirit of an American farmer just extended a hand to help, and he put me on the back of the tractor and drove me up the Hill. I arrived in front of the Capitol of the United States on the back of a farm tractor to walk into a Chamber, Mr. President, that was totally empty. No one came from afar except my dear friend from Alabama to hear me deliver George Washington's Farewell Address.

I thank the distinguished Senator for commenting on my career, which I fervently hope is not a farewell address.

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

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

TRIBUTE TO SENATOR NANCY KASSEBAUM

Mr. WARNER. Mr. President, for many years I was privileged to sit in the back row of this side of the Senate next to the distinguished Senator from Kansas, NANCY KASSEBAUM. That was a privilege for this Senator because, as one knows, you often have the opportunity in the course of debate and other times in the Senate to engage in conversation with your colleague that adjoins you. Senator LUGAR was there.

I shall most dearly miss her departure from the Senate. We came to the Senate together. She virtually decided to reclaim her life from public service after a long and distinguished period in the Senate and other responsibilities. I have to recount with some reluctance a story about my first encounter with the distinguished then junior Senator from Kansas. I had been in the Senate only a year or so, and she approached me one day and asked if I would travel to Kansas to give a speech to a local university or college, as the case may be. Memory dims, but memory does not dim on the events of that visit because I was looking forward to meeting her distinguished father, Alfred M. Landon, who was the nominee of the Republican Party for the Presidency of the United States in 1936.

So I had done my homework about her father and very much looked forward to meeting that historic figure. We arrived. I do not recall much about the speech, but we were invited to have lunch with her father.

Now, I have to add that at that time I had a very unusual and beautiful wife, and upon arriving at the KASSEBAUM–Alfred M. Landon household, it quickly became evident to me that I was not invited to come to Kansas to give a speech; it was immaterial whether I was to come or not. What Alfred M. Landon wanted was to meet my wife. That was his sole ambition, sole reason that Senator KASSEBAUM invited me out there.

We stepped on to the front porch of that wonderful, old, quaint house, very unpretentious. The candidate, the Presidential candidate, came out, greeted us and then he took command of the situation. He pointed his finger at me, and he said, ''You sit there on the front porch,'' and pointed his finger at his daughter and said, ''You sit there and entertain the Senator. I'm going inside and I'm going to visit with a really historic figure, his wife.''

The two of them disappeared. So Nancy and I engaged in some idle conversation, and pretty soon we heard the level of laughter rising steadily to where it was a roar. The noise was rolling out the door of the house, and Nancy said to me, ''Something unusual must be taking place.'' And she walked in to find that—I hesitate to tell the story but it is a true fact —Alf Landon had secreted, shall we say, a bottle that contained certain vapors, certain elixir of life, which he was precluded from enjoying but he secreted for this occasion, and both had taken liberally and were enjoying the benefits of a very excited conversation.

I shall always remember that day. I hardly got a word into the conversation and went back home thinking that perhaps I was not a very important U.S. Senator. But I remember that warm greeting of her father and how well she handled it, and we have been close friends all these many years in the Senate.

I was proud to join other Senators when she broke the logjam and put through historic legislation time and time again relating to matters within the purview of her expertise, particularly the health legislation.

What a gentle person; what a thoughtful person; what a sensitive person. I do not think I ever saw her without a smile on her face. Maybe once. but that was her hallmark, civility—civility that she felt so important for this Chamber and for personal relationships. Yes, a very distinguished legislative career, set of accomplishments, of which her father would have been very proud had he lived to see this, her last day as a U.S. Senator.

We say a fond goodbye to our colleague and wish her well in the next chapter of challenges of life, and hopefully she will, like others, reclaim a little bit of that personal life to share with others of her family, to pursue some joys she has earned through her contributions to our country and to the great State of Kansas.

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

The PRESIDING OFFICER. The absence of a quorum has been noted. 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.

UNANIMOUS-CONSENT REQUEST—S. 2187

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 2187, which was introduced earlier today by Senator BROWN.

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, there also is an Ashcroft amendment that would have been in order on this bill if there had not been objection.

Mr. President, I now ask unanimous consent the Judiciary Committee be discharged from further consideration of S. 2187 regarding the Civil Rights Commission, that the Senate proceed to its immediate consideration, the bill be advanced to third reading and passed, and the motion to reconsider be laid upon the table.

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

BLACK REVOLUTIONARY WAR PATRIOTS

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of H.R. 1776, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1776) to require the Secretary of the Treasury to mint coins in commemoration of black Revolutionary War patriots and the 275th anniversary of the first black Revolutionary War patriot, Crispus Attucks.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 5428

(Purpose: To provide a complete substitute)

Mr. LOTT. Senator D'AMATO has a substitute amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. D'AMATO, proposes an amendment numbered 5428.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

COMMEMORATIVE COIN BILL

Mr. D'AMATO. Mr. President, today I rise to offer the Commemorative Coin Act of 1996, an amendment to H.R. 1776, the Black Revolutionary War Patriots Act.

This measure incorporates the commemorative coin initiatives that have not only successfully garnered overwhelming support in the Senate, as well as the endorsement of the Citizens Commemorative Coin Advisory Committee, but coin initiatives that have also been unanimously agreed to by the House of Representatives.

Commemorative coins are collectibles that raise the public's awareness of events that molded our Nation, of the personal sacrifice and contribution from outstanding leaders, and of historic sites and fantastic natural monuments.

We have already been successful in achieving our goal of Commemorative Coin reforms. These reforms are the result of the outcry for boycotts among numismatists nationwide and the losses commemorative programs have been experiencing over the last few years. I called for a study of the commemorative coin program by the Government Accounting Office in July 1995. The report was not issued until August 1996.

The message in the report was simple—either take steps to reform commemorative programs or continue on the same path of burdening the taxpayer. After negotiations with the House, we were able to reach an agreement that had the full support of the House, the Senate, the Citizens Commemorative Coin Advisory Committee and the U.S. Mint.

The reforms we now have are based on those 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, served as an appropriate foundation for the reforms. I commend Mr. CASTLE on his guidance and perseverance as it relates to commemorative coin program reforms.

The coin programs that this bill authorizes will give recognition to deserving, influential American citizens and historic figures such as Jackie Robinson, George Washington, Dolley Madison and Franklin Delano Roosevelt. For the first in the history of the Mint's commemorative coin program, we will honor not only the sacrifices and contributions made by African Americans during the Revolutionary War period, but Crispus Attucks, the first African American Revolutionary War patriot and colonist killed during the Boston Massacre.

In addition we will celebrate the 125th anniversary of our country's first national park—Yellowstone National Park. And on a more somber note, we will salute the selfless contributions that our Nation's law enforcement officers and their families have made in preserving public safety. These men and women are not enlisted for battle, yet they risk their lives everyday. And tragically enough, lives are lost so that others may live without the threat of crime.

The production and sale of commemorative coins allows the Treasury a means of decreasing the national deficit. Worthy causes also benefit from funds raised for worthwhile projects.

Yet we are well aware that as the commemorative coin market becomes more and more saturated, it is becoming more and more common for coin programs to post losses, significant losses—in millions of dollars. Profits realized through well received programs end up covering these losses. That is essentially how the Mint's Public Enterprise Fund operates. But, we cannot and should not become completely reliant upon the safety net of the Public Enterprise Fund.

In addition to the commemorative coin provisions, this legislation authorizes a study for the 50 States Circulating Commemorative Coin Programs. This temporary change to our currency could make history as well as teach history. Each State of the Union would be represented on the quarter in the order in which it joined the Union. Representation of all States would end 10 years from the inception of the circulating program.

Mr. President, the time has come to assure that the American taxpayer is protected from losses that commemorative coin programs may experience. The reforms we have adopted will accomplish just that. Simultaneously, those reforms will revitalize the commemorative coin program and preserve the hobby of collecting coins.

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

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

SUMMARY OF AMENDMENT

TITLE I

Commemorative Coin Programs

1. Jackie Robinson, commemorating the 50th anniversary of the breaking of the color barrier in major league baseball. Coins for July 1, 1997–July 1, 1998.
2. Dolley Madison, commemorating the 150th anniversary of the death of the wife of the fourth President of the United States. Coins for period 1999.
3. George Washington, commemorating the 200th anniversary of the death of the first President of the United States. Coins for period beginning May 1, 1999 and ending November 31, 1999.
4. Black Revolutionary War Patriots/Crispus Attucks, commemorating the 275th anniversary of the birth of the first American colonist killed in the Revolutionary War and all Black Revolutionary War Patriots. Coins for one year from January 1, 1998 through December 31, 1998.
5. Franklin Delano Roosevelt, commemorating the opening of the FDR Memorial in Washington, D.C. honoring the 32nd President of the United States. Coins for one year from May 15, 1997.
6. Yellowstone National Park, commemorating the 125th anniversary of the establishment of the Yellowstone National Park as the first national park in the United States. Coins for one year starting in 1999.
7. National Law Enforcement Officers Memorial, commemorating the sacrifice and their families in preserving public safety. Coins for one year from December 15, 1997.

TITLE II

National Law Enforcement Officers Memorial Maintenance Fund—establishes a revolving fund to be administered by the Secretary of the Interior.

* * * * *

TITLE IV

The Fifty States Commemorative Coin Study

1. Authorizes a circulating coin program study utilizing the quarter dollar and a design chosen to represent each state as it joined the Union.

Terms of the Members of the Citizens Commemorative Coin Advisory Committee

1. Terms to be limited to four years and to be staggered.
2. Members are not to be considered special Government employees.
3. Amends Section 5131 of Title 31, U.S.C., by striking subsection (c) regarding Presidential appointments.

Mr. WARNER. Mr. President, I rise today to speak in support of two commemorative coins that honor the memory of two great Americans and Virginians—George Washington and Dolley Madison. I have had the opportunity to speak at length in support of the George Washington commemorative coin and refer to my statement in the RECORD on June 20, 1996. However, I have not had the opportunity to speak in support of the Dolley Madison commemorative coin and so I will do so today.

The Dolley Madison commemorative coin will honor the 150th anniversary of her death in 1999. It is remarkable that this will be the first commemorative coin to honor a First Lady and only the third to honor a woman. It is fitting that Dolley Madison will be the first First Lady so honored.

Dolley Madison was, by all accounts, the originator of the role of first lady. She was such a compelling and popular figure that she acted as hostess for the widowed President, Thomas Jefferson, while her husband served as his Secretary of State. Thus, Dolley Madison's term as First Lady effectively extended from 1801 to 1817—over 16 years. Historians have maintained that Dolley Madison is the most famous and beloved of all the first ladies of the 19th century. She was the most important women in Washington through the years of Thomas Jefferson's administration as well as Madison's. By nature kind, ebullient, and gracious—and married to a very shy man—Dolley Madison took on the responsibility of organizing the social activities that are essential to the affairs of state. In so doing, she set the standard for every first lady to come. This was more than throwing nice parties—it was the bridge between the work of official Washington and the private social life of the President and his family.

Dolley Madison was also a woman of action and decisiveness. During the War of 1812, when invading British troops burned the White House, Dolley Madison, at great personal risk, saved many important documents, books, and other materials from the White House, including an historic portrait of George Washington which she saved by rolling it up in a curtain as she departed. Dolley Madison's patriotism and civic bravery during this crisis of war were an inspiration to all and provided a much needed boost of morale to our beleaguered capital.

Dolley Madison was forced to sell the 2,700 acre estate at Montpelier in 1844. The estate changed hands 7 times before being bequeathed to the National Trust for Historic Preservation in 1984. Today, Montpelier consists of 2,700 acres: the 75 room main house, over 130 outbuildings, significant garden and landscape features, 800 acres of pasture and woodlands, and 200 acres of old-growth forest which have been identified as a national natural landmark.

Funds from the Dolley Madison commemorative coin, after the U.S. Mint recovers all its costs, will be used to preserve James and Dolley Madison's estate, Montpelier. The 5-year plan envisioned by the National Trust for Historic Preservation will include a Montpelier museum and the Madison center which will join forces to serve and educate the visiting public.

Mr. President, I strongly urge all Members to support this important legislation honoring these two great Americans and making possible the continued education of the American people about their accomplishments and contributions to our Nation.

THE BLACK REVOLUTIONARY WAR PATRIOTS

Mr. CHAFEE. Mr. President, I am delighted to note the passage of legislation I introduced with Senator MOSELEY-BRAUN to authorize the U.S. Mint to create a coin commemorating Crispus Attucks and the more than 5,000 African-American patriots who fought and died during the Revolutionary War. Our bill, S. 953, known as the Black Revolutionary War Patriots Commemorative Coin Act, was cosponsored by 63 Senators from both sides of the aisle and every region of our Nation. After approval by the Citizens' Commemorative Coin Advisory Commission, the companion bill, introduced by Representative NANCY JOHNSON, was approved unanimously by the House of Representatives.

In 1986, Congress approved construction on the National Mall of a memorial celebrating the lives of the African-American men and women who served, fought, and died during our Nation's Revolutionary War. Ironically, many of these brave Americans never experienced the freedom and independence for which they fought. A portion of the proceeds from sales of the coin will help to pay for construction of a memorial recognizing the contribution of these brave Americans.

As children in school, we all learn that Crispus Attucks was the first person to lose his life at the outbreak of the Revolutionary War, but few of us learn about the valor and sacrifice of thousands of others who willingly fought to free a land that deprived them of freedom. Harriet Beecher Stowe put it this way,

> They served a nation which did not acknowledge them as citizens and equals * * *. It was not for their own land they fought, but for a land that enslaved them. Bravery under such circumstances, has particular beauty and merit.

The vast majority of African-Americans who served in the Continental Army were from New England, and a great number were from my State of Rhode Island. In fact, in 1778, Rhode Island approved the first slave enlistment act and the Black Regiment of Rhode Island was formed. This was one of only two all African-American regiments. The other was the Bucks of America of Boston.

Not only did these men serve our Nation, they served with distinction. Regrettably throughout our history, their valor has been overlooked and nearly forgotten. Men like Jack Sisson of Rhode Island, who expertly steered one of five boats involved in the daring capture of British Maj. Gen. Richard Prescott at Newport in 1777, are barely mentioned in historical reports of the incident.

Jack Sisson went on to join a regiment of some 200 African-American soldiers from my State, who, at the battle of Rhode Island, held their ground against several fierce attacks by British-Hessian forces, thereby allowing 6 American brigades to retreat. With scant training, but abundant courage, the First Rhode Island Regiment inflicted casualties of 6 to 1 on the professional troops of the Redcoats.

Like African-American soldiers throughout the colonies, however, the soldiers of Rhode Island's First Regiment faced tragedy as well as triumph. In May, 1781, the unit suffered a surprise attack by the British cavalry at Pines Bridge, and 40 soldiers lost their lives. Two years later, the regiment was disbanded unceremoniously in Oswego, NY. According to the historian John Harmon, the soldiers were told to find their own way home, and many died while making the trip. Further, despite the promise of freedom which had been made in order to entice them to enlist, tragically, some of the soldiers were actually re-enslaved after their return.

Now, with the passage of this commemorative coin legislation, a monument honoring these forgotten patriots can be constructed on our Nation's Mall. The design for the memorial was approved recently, funds are being raised by the Patriots Foundation, and the recognition that these brave Americans deserve is near at hand.

I would like to give special thanks to Chairman D'AMATO and the majority leader who recognized the importance of this coin bill and took the steps necessary to enable its passage.

Mr. JOHNSTON. Mr. President, I would like to make a few comments regarding H.R. 1776, the commemorative coin bill which has recently taken a great deal of the time of a number of Senators. In an effort to come to agreement on this package which contains coins for a number of very worthy causes, the bill directs that a marketing study be undertaken prior to the commencement of the Fifty State Coin Program.

Mr. President, I would like to clarify to my colleagues that this language is intended to ensure that this coin program will be successful. To that end it is very important that the U.S. Mint, which has the expertise in coin marketing, direct the study. In addition, language has been included in the package that directs that funds to pay for this study come from discretionary funds of the Department of the Treasury, and not from the U.S. Mint. Many Senators have not been satisfied with the conduct of the debate on this issue, and this language makes it clear that funds for this compromise study will not come from proceeds of the coin programs used to fund U.S. Mint operations, but rather from the Treasury Department.

Mr. GRAHAM. Mr. President, I wish to thank all the people who worked hard on this issue. It sounds like a fairly simple process, to authorize the issuance of a commemorative coin. We have all found it is not such a simple process.

One of those coins with which I am particularly involved relates to issuing a coin on the 200th anniversary of the

passing of our first President, George Washington, the proceeds to be used for the restoration and enhancement of his home at Mount Vernon.

I appreciate the efforts of Senator D'AMATO and the others who have worked to see that this legislation is adopted. There are many thousands of people who will be very pleased at this action we are about to take.

I thank my colleagues for this very significant step.

Mr. LOTT. Mr. President, I yield to Senator D'AMATO, who, as chairman of the Banking Committee, has certainly been intimately involved in this. As a general rule, they do not let a lot of these coin bills go through without a lot of very serious consideration and careful thought and preparation. But these are good ones. You have certainly done an excellent job bringing it to this point, and we congratulate you.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I thank the leader for his patience and help, and our Democratic leader as well, for joining Senator GRAHAM and all those Senators who worked to bring us to this point.

This legislation not only accomplishes some magnificent goals in commemorating some wonderful Americans and various events—Jackie Robinson, among those—but, in addition, will raise money for some very worthy causes like the Jackie Robinson Foundation to help needy students. It has already provided scholarships for 400 children.

One last thought. This package is a very carefully worked out reform package that Congressman CASTLE, our colleague in the House, has worked on to achieve what I think will streamline this process so it will be a credit to the Congress in future deliberations as they relate to which coins should we be commemorating and how do we go about this, instead of a haphazard scattergun manner.

I thank both of the leaders. Not only do we mint various coins—it does provide for that—but also sets up a procedure which will bring much more order to this House as well as to the House of Representatives. I thank both leaders.

Mr. DASCHLE. Mr. President, the majority leader has spoken, I think, well for all of us. This was a major undertaking. I applaud the leadership of the distinguished chairman of the committee, the Senator from Florida, and so many others who have had a part to play in making this happen.

This was the first of a series of bills that we are able to pass this afternoon. It is passing in large measure because of the extraordinary work and cooperation on both sides of the aisle.

This is a good bill. It is important that we pass it today. I am delighted that one of the last things we are doing is passing H.R. 1776.

Mr. LOTT. Mr. President, I congratulate one and all who have been involved in development of this legislation—Senator D'AMATO, Senator WARNER, and Senator GRAHAM of Florida. They have all been very interested in this. We are glad we were able to get it cleared and through this process.

I think it is good legislation and a good effort.

Mr. President, I ask unanimous consent the amendment be agreed to, the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

The amendment (No. 5428) was agreed to.

The bill (H.R. 1776), as amended, was deemed read for a third time and passed.

DRUG-INDUCED RAPE PREVENTION AND PUNISHMENT ACT OF 1996

Mr. LOTT. Mr. President I ask unanimous consent the Senate immediately proceed to the consideration of H.R. 4137, a bill to combat drug-facilitated crimes of violence, including sexual assaults, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4137) to combat drug-facilitated crimes of violence, including sexual assaults.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 5429

(Purpose: To propose a substitute)

Mr. LOTT. Mr. President, Senators HATCH, BIDEN, and COVERDELL have a substitute amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for Mr. HATCH, for himself, Mr. BIDEN, and Mr. COVERDELL, proposes an amendment numbered 5429.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Drug-Induced Rape Prevention and Punishment Act of 1996''.

SEC. 2. PROVISIONS RELATING TO USE OF A CONTROLLED SUBSTANCE WITH INTENT TO COMMIT A CRIME OF VIOLENCE.

(a) PENALTIES FOR DISTRIBUTION.—Section 401(b) of the Controlled Substances Act is amended by adding at the end the following:

''(7) PENALTIES FOR DISTRIBUTION.—

''(A) IN GENERAL.—Whoever, with intent to commit a crime of violence, as defined in section 16 of title 18, United States Code (including rape), against an individual, violates subsection (a) by distributing a controlled substance to that individual without that individual's knowledge, shall be imprisoned not more than 20 years and fined in accordance with title 18, United States Code.

''(B) DEFINITION.—For purposes of this paragraph, the term 'without that individual's knowledge' means that the individual is unaware that a substance with the ability to alter that individual's ability to appraise conduct or to decline participation in or communicate unwillingness to participate in conduct is administered to the individual.''.

(b) ADDITIONAL PENALTIES RELATING TO FLUNITRAZEPAM.—

(1) GENERAL PENALTIES.—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended—

(A) in subsection (b)(1)(C), by inserting '', and

(B) in subsection (b)(1)(D), by inserting ''or 30 milligrams of flunitrazepam,'' after ''schedule III,''.

(2) IMPORT AND EXPORT PENALTIES.—

(A) Section 1009(a) of the Controlled Substances Import and Export Act (21 U.S.C. 959(a)) is amended by inserting ''or flunitrazepam'' after ''I or II''.

(B) Section 1010(b)(3) of the Controlled substances Import and Export Act (21 U.S.C. 960(b)) is amended by inserting ''or flunitrazepam,'' after ''I or II,''.

(C) Section 1010(b)(4) of the Controlled Substance Import and Export Act is amended by inserting ''(except a violation involving flunitrazepam)'' after ''III, IV, or V,''.

(3) SENTENCING GUIDELINES.—

(A) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend as appropriate the sentencing guidelines for offenses involving flunitrazepam.

(B) SUMMARY.—The United States Sentencing Commission shall submit to the Congress—

(i) a summary of its review under subparagraph (A); and

(ii) an explanation for any amendment to the sentencing guidelines made under subparagraph (A).

(C) SERIOUS NATURE OF OFFENSES.—In carrying out this paragraph, the United States Sentencing Commission shall ensure that the sentencing guidelines for offenses involving flunitrazepam reflect the serious nature of such offenses.

(c) INCREASES PENALTIES FOR UNLAWFUL SIMPLE POSSESSION OF FLUNITRAZEPAM.—Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by inserting after ''exceeds 1 gram.'' the following: ''Notwithstanding any penalty provided in this subsection, any person convicted under this subsection for the possession of flunitrazepam shall be imprisoned for not more than 3 years, shall be fined as otherwise provided in this section, or both.''

SEC. 3. STUDY ON RESCHEDULING FLUNITRAZEPAM.

(a) STUDY.—The Administrator of the Drug Enforcement Administration shall, in consultation with other Federal and State agencies, as appropriate, conduct a study on the appropriateness and desirability of rescheduling flunitrazepam as a Schedule I controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the administrator shall submit to the Committees on the Judiciary of the House of Representatives and the Senate the results of the study conducted under subsection (a), together with any recommendations regarding rescheduling of flunitrazepam as a Schedule I controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.).

SEC. 4. EDUCATIONAL PROGRAM FOR POLICE DEPARTMENTS.

The Attorney General may—

(1) create educational materials regarding the use of controlled substances (as that term is defined in section 102 of the Controlled Substances Act) in the furtherance of rapes and sexual assaults; and

(2) disseminate those materials to police departments throughout the Unites States.

Mr. HATCH. Mr. President, the bill we are considering today is a substitute offered by Senators COVERDELL, BIDEN and myself to the House-passed Drug-Induced Rape Prevention and Punishment Act, H.R. 4137, authored by my good friend and colleague, Representative GERRY SOLOMON of New York, chairman of the Rules Committee.

It is my understanding that this amendment has been cleared on both sides, and is acceptable to the House, so I am hopeful it can quickly win final approval and be sent to the President for signature.

Mr. President, it is clear to this member that the Congress must address the horrible problem of date rape before we adjourn for the year. Reports of date rapes appear to be on the rise. These cases are not confined to Rohypnol—other drugs have also been implicated—but many of the instances brought to our attention do involve ''roofies,'' as they are called on the street. These offenses are violent crimes against women. I find the situation deplorable.

Our amendment is a strike back at those who would use controlled substances to engage in what can only be considered a most reprehensible crime, to sedate, then violate, unsuspecting women. We must redouble our efforts to discourage and punish illegal behavior that can have such drastic consequences.

Accordingly, the bill provides new penalties of up to 20 years imprisonment, and fines in accordance with Title 18, U.S.C., for persons with the intent to commit a crime of violence—including rape—by distributing any controlled substance to another individual without that person's knowledge.

In addition, additional penalties are also imposed with specific reference to flunitrazepam, sold under the trade name Rohypnol. In general, these penalties are equivalent to those of Schedule I controlled substances, which include the possibility of imprisonment up to 20 years for individuals who knowingly or intentionally manufacture, distribute, or dispense one gram of flunitrazepam, or 5 years for 30 milligrams. The bill also enhances penalties for the simple possession or illegal importation of flunitrazepam.

Since many versions of this bill have been proposed, I wanted to take this opportunity to review the history of this legislation. As my colleagues are aware, on August 2, Senator HUTCHINSON and I introduced S. 2040, the Drug-Induced Rape Prevention Act. Our bill was cosponsored by Senators MOSELEY-BRAUN and SPECTER.

During consideration of the Treasury-Postal appropriations bill, Senator BIDEN offered an amendment to reschedule Rohypnol to schedule I of the Controlled Substances Act. Senator COVERDELL and I—believing that it was inappropriate to reschedule Rohypnol, a drug legally marketed in over 60 countries, to a category defined as ''no medical use,'' offered a substitute amendment to that bill, neither of which had been voted upon when the Senate suspended debate on the Treasury-Postal bill and subsequently folded it into the omnibus appropriations bill.

On the topic of reschheduling, it is important for my colleagues to be aware that Rohypnol is not sold legally in the United States. However, it is sold legally overseas. A unilateral effort on the part of the United States to reschedule the drug to the category of ''no medical use'' could negatively affect the legitimate access to this drug oversees. Since schedule I is the most restrictive category, which is reserved for the drugs which have a high potential for abuse, drugs which have no currently accepted medical use in treatment, and drugs for which there is a lack of accepted safety for use under medical supervision, I believe it would be improper for Congress to place Rohypnol in schedule I. The regulations and controls placed on schedule I substances—controls, I might add, which are warranted for drugs which fall into this category—effectively remove these substances from the health care market.

The schedule I standards clearly do not apply to Rohypnol, a member of the benzodiazepene class, which generally falls within the less restrictive schedule IV. Congressional rescheduling—an action seldom taken—of this drug would indicate to other countries that the United States believes there is no medical use for Rohypnol. In fact, there are legitimate medical uses for Rohypnol. So, too, are there legitimate medical uses of many other drugs not currently approved for sale in the United States. To make any medically accepted drug a schedule I substance because it is being used illegally would be a troubling precedent for our Nation's health care system. What drugs would be next? What other drugs will be put beyond the reach of doctors and their patients because Congress chose to act hastily?

On September 26, the House passed, 421 to 1, H.R. 4137, a compromise bill authored by Representative SOLOMON, which many of us on this side of the aisle respected for its tough penalties.

However, as we encountered with the recently passed bill to curb methamphetamine abuse, certain Senators on the Democratic side refused to clear any bill with mandatory minimum sentences, and thus we were forced to amend the House bill.

For the record, I continue to prefer mandatory minimum sentences as a sure deterrent to crime. However, in this case as with the meth bill, I believe it is preferable to yield temporarily on that point in order to get a final agreement before adjournment.

The bill we consider today contains the text of the Hatch/Coverdell amendment from September 12, with three provisions taken from the House bill. It includes the House language requiring the U.S. Sentencing Commission to review and amend the sentencing guidelines for offenses involving Rohypnol. It also includes the House provision calling for a study on rescheduling of Rohypnol, and an educational program for police departments on the use of controlled substances in the furtherance of rapes and sexual assaults.

The substitute is similar to the House-passed measure, in that it increases penalties for possession of Rohypnol and use of the drug in violent crimes, including rape. It does not, however, reschedule the drug, or impose mandatory minimum sentences.

In closing, Mr. President, I must underscore that the intent of our effort is simple: to fortify our arsenal so that law enforcement has the tools it needs to fight the heinous crime of date rape. The Federal Government must show that it will not tolerate the use of any drug to facilitate rape. It is necessary and prudent that the Congress act on this important legislation.

I want to thank my colleagues for their work on this important, bipartisan bill. I urge the Senate to pass this important measure.

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

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

SUMMARY OF H.R. 4137, THE DRUG-INDUCED RAPE PREVENTION AND PUNISHMENT ACT AS PASSED BY THE SENATE, OCTOBER 2, 1996

Short title: The title of the bill is the ''Drug-Induced Rape Prevention and Punishment Act of 1996''.

Provisions relating to use of any controlled substance with intent to commit a crime of violence: The bill provides new penalties of up to 20 years imprisonment, and fines in accordance with Title 18, U.S.C., for persons who intend to commit a crime of violence (including rape), by distributing a controlled substance to another individual without that individual's knowledge.

Specific penalties for rohypnol: Additional penalties are also imposed with specific reference to flunitrazepam, sold under the trade name Rohypnol. In general, these penalties are equivalent to those of Schedule I controlled substances, which generally include the possibility of imprisonment up to 20 years for individuals who knowingly or intentionally manufacture, distribute, or dispense one gram of flunitrazepam, or up to 5 years for 30 milligrams. [Note: the penalties are higher if the person has a prior conviction or if death or serious bodily injury results from the use of the substance.]

Penalties for import and export of flunitrazepam: The Controlled Substances Act provision relating to import or export are also amended, so that penalties for violations involving Rohypnol, are equivalent to penalties for Schedule I drugs.

Sentencing guidelines: The United States Sentencing Commission is directed to review and amend, as appropriate, the sentencing guidelines for offenses involving flunitrazepam so that the guidelines reflect the serious nature of such crimes.

Simple possession of Rohypnol: A new penalty is added of up to three years' imprisonment, or a fine, or both, for simple possession of Rohypnol.

Education program for police officers: A new program is established to provide police

departments with educational materials on the use of controlled substances during rapes and sexual assaults.

Study: A Federal/State study on whether Rohypnol should be scheduled in a more restrictive category under the Controlled Substances Act will be submitted to the Congress within six months of the bill's enactment.

Mr. BIDEN. Mr. President, I rise in support of the substitute language offered by myself and Senator HATCH. This substitute is offered for a simple reason, the House-passed bill cannot and will not pass the Senate. I must also point out that while I obviously support the language I am co-sponsoring with Senator HATCH and others, this bill leaves a serious shortfall that must be addressed next year.

This shortfall is the failure of this legislation to take the single most important step we can to combat the rise of Rohypnol, the ''date-rape'' drug—that step is to shift this drug to schedule 1 of the Federal Controlled Substances Act. Why is rescheduling so important?

Rescheduling is important for three simple reasons: First, Federal rescheduling triggers increases in State drug law penalties, and since we all know that more than 95 percent of all drug cases are prosecuted at the State level, not by the Federal Government, it is vitally important that we re-schedule. Second, Federal rescheduling to schedule 1 triggers the toughest Federal penalties. And, third, rescheduling has proven to work, in 1984, I worked to reschedule Quaaludes, Congress passed the law, and the Quaalude epidemic was greatly reduced and, in 1990, I worked to re-schedule steroids, Congress passed the law, and again a drug epidemic that had been on the rise was reversed.

Still, despite the fact that this bill does not reschedule Rohypnol, I believe that it is important to pass this legislation because it takes the necessary and needed step of adding a new Federal offense for the crime of using a drug to commit any crime of violence—an offense that is punishable by up to 20 years behind bars.

This bill also calls on the DEA Administrator to make a recommendation on rescheduling Rohypnol to the Congress within 180 days. I am confident that the DEA Administrator will recommend the step I have been calling for more than a year—rescheduling Rohypnol to schedule 1. The fact is that the DEA Administrator has already formally recommended schedule 1 to the Department of Health and Human Services which is now beginning the lengthy process of its formal review of the recommendation. This is the standard process for an administrative rescheduling, and in most cases, I believe it is appropriate—but, when we are faced with immediate and clear dangers, I do not believe that it is wise for Congress to refuse to take action.

To offer a few more details about the importance of rescheduling Rohypnol, allow me to make a few more points.

First, rescheduling Rohypnol is the most effective way to get State and local law enforcement to focus on Rohypnol—given the limited amount of resources for fighting drugs, cops focus on those deemed most dangerous and these are the drugs found in schedules 1 and 2.

Second, and as I have stated, many State drug laws are triggered by the Federal Government's scheduling system. The Uniform Controlled Substances Act provides that when the Federal Government reschedules a drug, the States which have signed this Uniformity Act will automatically have their State drug penalties changed to match the Federal penalties.

In other words, without action on our part to reschedule, many States will not be able to address this problem until it is too late and Rohypnol has already infiltrated their communities.

Third, I have heard some critics of my rescheduling proposal argue that rescheduling is wrong because Rohypnol is a medically accepted drug in other parts of the world. In response, I would simply point out that in 1984 when Congress rescheduled Quaaludes, they were a medically accepted drug right here in the United States.

What is more, unlike the action taken on Quaaludes—in which Congress saw fit to go so far as to ban previously legal sales of the drug in this country—the rescheduling of Rohypnol in the United States will not hurt medical use here in America because there is no legal use of Rohypnol in America now. Doctors cannot prescribe this drug.

The bottom line is that the Congress will be debating the rescheduling issue all over again in 6 months. I regret this delay. I abhor this delay. This delay has the potential of leaving more children in danger. But, this is the reality of the situation we face because of one simple reason—a huge, foreign company that manufactures Rohypnol does not want America to reschedule their drug, even though this company does not—indeed cannot—sell this drug in America.

It is just as simple as that, because a company is afraid of losing some money, the effort to bring the maximum power of Federal law against the date rape drug has been defeated. I think we should take the partial step we are taking today, I think it is a positive that the Congress has agreed to accept a formal recommendation from the DEA Administrator, I believe that will ultimately be persuasive enough to gain a majority to support rescheduling, but let no one be under any misunderstanding that what we do today is all we should be doing to control the epidemic of the date rape drug.

Mr. HELMS. Mr. President, I am gratified that the U.S. Senate today passed S. 1612, a bill I introduced on March 13, 1996, stipulating that a 5-year mandatory minimum sentence shall be imposed upon any criminal possessing a firearm during and in relation to the commission of a violent or drug trafficking crime.

I'm informed that this bill will be approved by the House this afternoon, unless there is strong opposition by a Member of that body. If and when signed by the President, it will obviously crack down on criminals who possess a gun while committing violent felonies and/or drug trafficking offenses. In short, it will ensure that criminals possessing a firearm while committing a violent or drug trafficking felony shall receive stern and inescapable punishment.

This is common sense, Mr. President; violent felons who possess firearms are more dangerous than those who don't

This legislation builds upon existing Federal law providing that a person who, during a Federal crime of violence and/or drug trafficking crime, uses or carries a firearm shall be sentenced to 5 years in prison, a law that has been used effectively by Federal prosecutors across the country.

However, a December 1995 U.S. Supreme Court decision undermined the efforts of prosecutors to use this statute effectively—the Supreme Court's decision, Bailey versus United States, interpreted the law to require that a violent felon actively employ a firearm as a precondition of receiving an additional 5-year sentence. The Court in Bailey held that the firearm must be brandished, fired, or otherwise actively used before the additional 5-year sentence may be imposed. So, if a criminal merely possesses a firearm, but doesn't fire or otherwise use it, he gets off without the additional 5-year penalty.

Mr. President, this Supreme Court decision posed serious problems for law enforcement. It weakened the Federal criminal law and lead to the early release of hundreds of violent criminals. Before this Supreme Court's error of judgment—in the Bailey versus United States decision—armed criminals committing violent or drug trafficking felonies were jailed for an additional 5 years, regardless of whether they actively employed their weapons.

But when the Court's decision was announced, hardened criminals across America were overjoyed by the prospect of prison doors swinging open for them. And sure enough, since the Bailey decision last December 6, hundreds of criminals have indeed been set free.

As a result of the Court's decision, any thug who hid a gun under the back seat of his car, or who stashed a gun with his drugs, escaped the additional 5-year penalty. But in fact, Mr. President, firearms are the tools of the trade of most drug traffickers. Weapons clearly facilitate the criminal transactions and embolded violent thugs to commit their crimes.

I believe that mere possession of a firearm, during the commission of a violent felony—even if the weapon is not actively used—should nonetheless be punished—because of the heightened risk of violence when firearms are present. In its opinion, the Supreme

Court observed, ''Had Congress intended possession alone to trigger liability * * * it easily could have so provided.'' That, Mr. President, is precisely the intent of this legislation—to make clear that possession alone does indeed trigger liability.

So this legislation retains the 5 year mandatory—repeat, mandatory—sentences for violent armed felons, and it expands the penalty to apply in the case of possession. In addition, it directs the United States Sentencing Commission to consider strengthening the penalty when a criminal discharges a firearm in furtherance of a heinous crime.

As originally introduced, S. 1612 would have boosted the mandatory sentence to 10 years; 20 years if the weapon was discharged; and the death penalty or a mandatory life sentence if someone was killed during the crime. However, some Senators—perhaps responding to blandishments from the lobbyists at A.C.L.U.—objected to heightened mandatory sentences. So I scaled them back—reluctantly—and with the leadership and expertise of the distinguished Senator from Ohio [Mr. DEWINE], this essential legislation was passed. Representative SUE MYRICK'S guidance in the House of Representatives also has been indispensable.

Mr. President, this bill is a necessary and appropriate response to the Supreme Court's judicial limitation of the mandatory penalty for gun-toting criminals. According to Sentencing Commission statistics, more than 9,000 armed violent felons were convicted from April, 1991, through October, 1995. In North Carolina alone, this statute was used to help imprison over 800 violent criminals. We must strengthen law enforcement's ability to use this strong anti-crime provision.

Fighting crime is, and must be, a top concern in America. It has been estimated that one violent crime is committed every 16 seconds in the United States. We must fight back with the most severe punishment possible for those who terrorize law-abiding citizens. Enactment of this legislation removes one of the roadblocks between a savage criminal act and swift, certain punishment. It is a necessary step toward recommitting our Government and our citizens to a real honest-to-God war on crime.

Mr. LOTT. Mr. President, I ask unanimous consent the amendment be agreed to, the bill be deemed read a third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

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

The amendment (No. 5429) was agreed to.

The bill (H.R. 4137), as amended, was deemed read for a third time and passed.

FEDERAL COURTS IMPROVEMENT ACT OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 547, S. 1887, to make improvements in the operation and administration of the Federal courts.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1887) to make improvements in the operation and administration of the Federal courts and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 1881

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Courts Improvement Act of 1996''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CRIMINAL LAW AND CRIMINAL JUSTICE AMENDMENTS

Sec. 101. New authority for probation and pretrial services officers.
Sec. 102. Tort Claims Act amendments relating to liability of Federal public defenders.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

Sec. 201. Duties of magistrate judge on emergency assignment.
Sec. 202. Consent to trial in certain criminal actions.
Sec. 203. Venue in civil actions.
Sec. 204. Registration of judgments for enforcement in other districts.
Sec. 205. Vacancy in clerk position; absence of clerk.
Sec. 206. Diversity jurisdiction.
Sec. 207. Bankruptcy Administrator Program.
Sec. 208. Removal of cases against the United States and Federal officers or agencies.
Sec. 209. Appeal route in civil cases decided by magistrate judges with consent.
Sec. 210. Reports by judicial councils relating to misconduct and disability orders.
Sec. 211. Protective orders; sealing of cases; disclosure of information.

TITLE III—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 301. Senior judge certification.
Sec. 302. Refund of contribution for deceased deferred annuitant under the Judicial Survivors' Annuities System.
Sec. 303. Judicial administrative officials retirement matters.
Sec. 304. Bankruptcy judges reappointment procedure.
Sec. 305. Carrying of firearms.
Sec. 306. Technical correction related to commencement date of temporary judgeships.
Sec. 307. Full-time status of court reporters.
Sec. 308. Court interpreters.
Sec. 309. Technical amendment related to commencement date of temporary bankruptcy judgeships.
Sec. 310. Contribution rate for senior judges under the judicial survivors' annuities system.
Sec. 311. Prohibition against awards of costs, including attorneys fees, and injunctive relief against a judicial officer.

TITLE IV—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 401. Increase in civil action filing fee.
Sec. 402. Interpreter performance examination fees.
Sec. 403. Judicial panel on multidistrict litigation.
Sec. 404. Disposition of fees.

TITLE V—FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS

Sec. 501. Parties' consent to bankruptcy judge's findings and conclusions of law.
Sec. 502. Qualification of Chief Judge of Court of International Trade.
Sec. 503. Judicial cost-of-living adjustments.

TITLE VI—MISCELLANEOUS

Sec. 601. Participation in judicial governance activities by district, senior, and magistrate judges.
Sec. 602. The Director and Deputy Director of the administrative office as officers of the United States.
Sec. 603. Removal of action from State court.
Sec. 604. Federal judicial center employee retirement provisions.
Sec. 605. Abolition of the special court, Regional Rail Reorganization Act of 1973.
Sec. 606. Place of holding court in the District Court of Utah.
Sec. 607. Exception of residency requirement for district judges appointed to the Southern District and Eastern District of New York.
Sec. 608. Extension of civil justice expense and delay reduction reports on pilot and demonstration programs.
Sec. 609. Extension of arbitration.
Sec. 610. State Justice Institute.

TITLE I—CRIMINAL LAW AND CRIMINAL JUSTICE AMENDMENTS

SEC. 101. NEW AUTHORITY FOR PROBATION AND PRETRIAL SERVICES OFFICERS.

(a) PROBATION OFFICERS.—Section 3603 of title 18, United States Code, is amended—

(1) by striking out ''and'' at the end of paragraph (8)(B);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following new paragraph:

''(9) if approved by the district court, be authorized to carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe; and''.

(b) PRETRIAL SERVICES OFFICERS.—Section 3154 of title 18, United States Code, is amended—

(1) by redesignating paragraph (13) as paragraph (14); and

(2) by inserting after paragraph (12) the following new paragraph:

''(13) If approved by the district court, be authorized to carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe.''.

SEC. 102. TORT CLAIMS ACT AMENDMENTS RELATING TO LIABILITY OF FEDERAL PUBLIC DEFENDERS.

Section 2680 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

''(o) Any claim for money damages for injury, loss of liberty, loss of property, or personal injury or death arising from malpractice or negligence of an officer or employee of a Federal Public Defender Organization in furnishing representational services under section 3006A of title 18.''.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

SEC. 201. DUTIES OF MAGISTRATE JUDGE ON EMERGENCY ASSIGNMENT.

The first sentence of section 636(f) of title 28, United States Code, is amended by striking out ''(a) or (b)'' and inserting in lieu thereof ''(a), (b), or (c)''.

SEC. 202. CONSENT TO TRIAL IN CERTAIN CRIMINAL ACTIONS.

(a) AMENDMENTS TO TITLE 18.—(1) Section 3401(b) of title 18, United States Code, is amended—

(A) by inserting '', other than a petty offense,'' in the first sentence after ''misdemeanor''; and

(B) by striking out the third sentence and inserting in lieu thereof the following: ''The magistrate judge may not proceed to try the case unless the defendant, after such explanation, expressly consents to be tried before the magistrate judge and expressly and specifically waives trial, judgment, and sentencing by a district judge. Any such consent and waiver shall be made in writing or orally on the record.''.

(2) Section 3401(g) of title 18, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: ''The magistrate judge may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403 of this title.''.

(b) AMENDMENTS TO TITLE 28.—Section 636(a) of title 28, United States Code, is amended—

(1) by striking out '', and'' at the end of paragraph (3) and inserting in lieu thereof a semicolon;

(2) by redesignating paragraph (4) as paragraph (5) and by striking out ''or infraction'' in such paragraph and inserting in lieu thereof '', other than a petty offense,''; and

(3) by inserting after paragraph (3) the following new paragraph:

''(4) the power to enter a sentence for a petty offense; and''.

SEC. 203. VENUE IN CIVIL ACTIONS.

(a) IN GENERAL.—Section 1392 of title 28, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§ 1392. Property in different districts in same State'';

(2) by striking out subsection (a); and

(3) in subsection (b) by striking out ''(b)''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 87 of title 28, United States Code, is amended by amending the item relating to section 1392 to read as follows:

''1392. Property in different districts in same State.''.

SEC. 204. REGISTRATION OF JUDGMENTS FOR ENFORCEMENT IN OTHER DISTRICTS.

(a) IN GENERAL.—Section 1963 of title 28, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§ 1963. Registration of judgments for enforcement in other districts'';

(2) in the first sentence—

(A) by striking out ''district court'' and inserting in lieu thereof ''court of appeals, district court, bankruptcy court,''; and

(B) by striking out ''such judgment'' and inserting in lieu thereof ''the judgment''; and

(3) by adding at the end thereof the following new undesignated paragraph:

''The procedure prescribed under this section is in addition to other procedures provided by law for the enforcement of judgments.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 125 of title 28, United States Code, relating to section 1963 is amended to read as follows:

''1963. Registration of judgments for enforcement in other districts.''.

SEC. 205. VACANCY IN CLERK POSITION; ABSENCE OF CLERK.

(a) IN GENERAL.—Section 954 of title 28, United States Code, is amended to read as follows:

''§ 954. Vacancy in clerk position; absence of clerk

''When the office of clerk is vacant, the deputy clerks shall perform the duties of the clerk in the name of the last person who held that office. When the clerk is incapacitated, absent, or otherwise unavailable to perform official duties, the deputy clerks shall perform the duties of the clerk in the name of the clerk. The court may designate a deputy clerk to act temporarily as clerk of the court in his or her own name.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 28, United States Code, relating to section 954 is amended to read as follows:

''954. Vacancy in clerk position; absence of clerk.''.

SEC. 206. DIVERSITY JURISDICTION.

(a) IN GENERAL.—Section 1332 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out ''$50,000'' and inserting in lieu thereof ''$75,000''; and

(2) in subsection (b) by striking out ''$50,000'' and inserting in lieu thereof ''$75,000''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 90 days after the date of enactment of this Act.

SEC. 207. BANKRUPTCY ADMINISTRATOR PROGRAM.

(a) APPOINTMENT OF TRUSTEES.—Until the amendments made by subtitle A of title II of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note; Public Law 99–554; 100 Stat. 3097) become effective in a judicial district and apply to a case, a bankruptcy administrator appointed to serve in the district pursuant to section 302(d)(3)(I) of such Act, as amended by section 317(a) of the Federal Courts Study Committee Implementation Act of 1990 (Public Law 101–650; 104 Stat. 5115), shall appoint the trustees, examiners, and standing trustees notwithstanding the references in those sections of title 11, United States Code, to appointments by the court.

(b) STANDING TRUSTEES.—A bankruptcy administrator who has appointed a standing trustee pursuant to subsection (a) of this section shall fix the standing trustee's maximum annual compensation and percentage fee, subject to the limitations set out in sections 1202 and 1302 of title 11, United States Code, as amended by section 110 of the Federal Employee Pay Comparability Act of 1990 (Public Law 101–509; 104 Stat. 1427, 1452). The bankruptcy administrator shall fix the maximum annual compensation and percentage fee notwithstanding the references in those sections of title 11, United States Code, to the court's fixing them.

(c) SERVICE AS TRUSTEE.—A bankruptcy administrator may serve as and perform the duties of a trustee in a case under chapter 7 of title 11, United States Code, if none of the members of the panel of private trustees is disinterested and willing to serve as trustee in the case. A bankruptcy administrator may serve as and perform the duties of a trustee or standing trustee in cases under chapter 12 or chapter 13 of title 11, United States Code, if necessary.

(d) APPOINTMENT OF COMMITTEES.—Until the amendments made by subtitle A of title II of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 become effective in a judicial district and apply to a case, the bankruptcy administrator appointed to serve in the district shall appoint the committees of creditors and equity security holders provided in section 1102 of title 11, United States Code. The bankruptcy administrator shall appoint the committees notwithstanding the references in those sections of title 11, United States Code, to appointments by the court.

SEC. 208. REMOVAL OF CASES AGAINST THE UNITED STATES AND FEDERAL OFFICERS OR AGENCIES.

(a) IN GENERAL.—Section 1442 of title 28, United States Code, is amended—

(1) in the section heading by inserting ''**or agencies**'' after ''**officers**''; and

(2) in subsection (a)—

(A) in the matter preceding paragraph (1) by striking out ''persons''; and

(B) in paragraph (1) by striking out ''Any officer of the United States or any agency thereof, or person acting under him, for any act under color of such office'' and inserting in lieu thereof ''The United States or any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof, sued in an official or individual capacity for any act under color of such office''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 89 of title 28, United States Code, is amended by amending the item relating to section 1442 to read as follows:

''1442. Federal officers and agencies sued or prosecuted.''.

SEC. 209. APPEAL ROUTE IN CIVIL CASES DECIDED BY MAGISTRATE JUDGES WITH CONSENT.

Section 636 of title 28, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (3) by striking out ''In this circumstance, the'' and inserting in lieu thereof ''The'';

(B) by striking out paragraphs (4) and (5); and

(C) by redesignating paragraphs (6) and (7) as paragraphs (4) and (5); and

(2) in subsection (d) by striking out '', and for the taking and hearing of appeals to the district courts,''.

SEC. 210. REPORTS BY JUDICIAL COUNCILS RELATING TO MISCONDUCT AND DISABILITY ORDERS.

Section 332 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

''(g) No later than January 31 of each year, each judicial council shall submit a report to the Administrative Office of the United States Courts on the number and nature of orders entered under this section during the preceding calendar year that relate to judicial misconduct or disability.''.

SEC. 211. PROTECTIVE ORDERS; SEALING OF CASES; DISCLOSURE OF INFORMATION.

(a) SHORT TITLE.—This section may be cited as the ''Sunshine in Litigation Act of 1996''.

(b) PROTECTIVE ORDERS AND SEALING OF CASES AND SETTLEMENTS RELATING TO PUBLIC

HEALTH OR SAFETY.—Chapter 111 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1659. Protective orders and sealing of cases and settlements relating to public health or safety

''(a)(1) A court shall enter an order under rule 26(c) of the Federal Rules of Civil Procedure restricting the disclosure of information obtained through discovery or an order restricting access to court records in a civil case only after making particularized findings of fact that—

''(A) such order would not restrict the disclosure of information which is relevant to the protection of public health or safety; or

''(B)(i) the public interest in disclosure of potential health or safety hazards is clearly outweighed by a specific and substantial interest in maintaining the confidentiality of the information or records in question; and

''(ii) the requested protective order is no broader than necessary to protect the privacy interest asserted.

''(2) No order entered in accordance with the provisions of paragraph (1) shall continue in effect after the entry of final judgment, unless at or after such entry the court makes a separate particularized finding of fact that the requirements of paragraph (1) (A) or (B) have been met.

''(b) The party who is the proponent for the entry of an order, as provided under this section, shall have the burden of proof in obtaining such an order.

''(c)(1) No agreement between or among parties in a civil action filed in a court of the United States may contain a provision that prohibits or otherwise restricts a party from disclosing any information relevant to such civil action to any Federal or State agency with authority to enforce laws regulating an activity relating to such information.

''(2) Any disclosure of information to a Federal or State agency as described under paragraph (1) shall be confidential to the extent provided by law.''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 28, United States Code, is amended by adding after the item relating to section 1658 the following:

''1659. Protective orders and sealing of cases and settlements relating to public health or safety.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of the enactment of this Act and shall apply only to orders entered in civil actions or agreements entered into on or after such date.

TITLE III—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

SEC. 301. SENIOR JUDGE CERTIFICATION.

(a) RETROACTIVE CREDIT FOR RESUMPTION OF SIGNIFICANT WORKLOAD.—Section 371(f)(3) of title 28, United States Code, is amended by striking out ''is thereafter ineligible to receive such a certification.'' and inserting in lieu thereof ''may thereafter receive a certification for that year by satisfying the requirements of subparagraph (A), (B), (C), or (D) of paragraph (1) of this subsection in a subsequent year and attributing a sufficient part of the work performed in such subsequent year to the earlier year so that the work so attributed, when added to the work performed during such earlier year, satisfies the requirements for certification for that year. However, a justice or judge may not receive credit for the same work for purposes of certification for more than 1 year.''.

(b) AGGREGATION OF CERTAIN WORK FOR PARTIAL YEARS.—Section 371(f)(1) of title 28, United States Code, is amended by adding at the end of subparagraph (D) the following: ''In any year in which a justice or judge performs work described under this subparagraph for less than the full year, one-half of such work may be aggregated with work described under subparagraph (A), (B), or (C) of this paragraph for the purpose of the justice or judge satisfying the requirements of such subparagraph.''.

SEC. 302. REFUND OF CONTRIBUTION FOR DECEASED DEFERRED ANNUITANT UNDER THE JUDICIAL SURVIVORS' ANNUITIES SYSTEM.

Section 376(o)(1) of title 28, United States Code, is amended by striking out ''or while receiving 'retirement salary','' and inserting in lieu thereof ''while receiving retirement salary, or after filing an election and otherwise complying with the conditions under subsection (b)(2) of this section,''.

SEC. 303. JUDICIAL ADMINISTRATIVE OFFICIALS RETIREMENT MATTERS.

(a) DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—(1) Section 611(b) of title 28, United States Code, is amended—

(A) in the first undesignated paragraph by striking out ''who has served at least fifteen years and'' and inserting in lieu thereof ''who has at least 15 years of service and has''; and

(B) in the second undesignated paragraph by striking out ''who has served at least ten years,'' and inserting in lieu thereof ''who has at least 10 years of service,''.

(2) Section 611(c) of title 28, United States Code, is amended—

(A) by striking out ''served at least fifteen years,'' and inserting in lieu thereof ''at least 15 years of service,''; and

(B) by striking out ''served less than fifteen years,'' and inserting in lieu thereof ''less than 15 years of service,''.

(3) Section 611(d) of title 28, United States Code, is amended by inserting ''a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives,'' after ''Congress,''.

(b) EMPLOYEES OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—(1) Section 627(c) of title 28, United States Code, is amended—

(A) in the first undesignated paragraph by striking out ''who has served at least fifteen years and'' and inserting in lieu thereof ''who has at least 15 years of service and has''; and

(B) in the second undesignated paragraph by striking out ''who has served at least ten years,'' and inserting in lieu thereof ''who has at least 10 years of service,''.

(2) Section 627(d) of title 28, United States Code, is amended—

(A) by striking out ''served at least fifteen years,'' and inserting in lieu thereof ''at least 15 years of service,''; and

(B) by striking out ''served less than fifteen years,'' and inserting in lieu thereof ''less than 15 years of service,''.

(3) Section 627(e) of title 28, United States Code, is amended by inserting ''a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives,'' after ''Congress,''.

SEC. 304. BANKRUPTCY JUDGES REAPPOINTMENT PROCEDURE.

Section 120 of the Bankruptcy Amendments and Federal Judgeship Act of 1984 (Public Law 98–353; 98 Stat. 344), is amended—

(1) in subsection (a) by adding at the end thereof the following new paragraph:

''(3) When filling vacancies, the court of appeals may consider reappointing incumbent bankruptcy judges under procedures prescribed by regulations issued by the Judicial Conference of the United States.''; and

(2) in subsection (b) by adding at the end thereof the following: ''All incumbent nominees seeking reappointment thereafter may be considered for such a reappointment, pursuant to a majority vote of the judges of the appointing court of appeals, under procedures authorized under subsection (a)(3).''.

SEC. 305. CARRYING OF FIREARMS.

(a) IN GENERAL.—Chapter 21 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 464. Carrying of firearms by judicial officers

''(a) A judicial officer of the United States is authorized to carry firearms, whether concealed or not, under regulations promulgated by the Judicial Conference of the United States.

[''(b) A judicial officer of the United States is immune from civil liability when possessing or using a firearm, for the purpose of self defense, under the authority of this section and in accordance with Judicial Conference regulation.

[''(c) For purposes of this section, the term 'judicial officer of the United States' means—

[''(1) a justice or judge of the United States as defined in section 451 of this title;

[''(2) a United States bankruptcy judge;

[''(3) a full-time or part-time United States magistrate judge;

[''(4) a judge of the United States Court of Federal Claims;

[''(5) a judge of the United States District Court of Guam;

[''(6) a judge of the United States District Court for the Northern Mariana Islands;

[''(7) a judge of the United States District Court of the Virgin Islands; or

[''(8) an individual who is receiving a retirement annuity based on service in any of the judicial positions described under paragraphs (1) through (7).''.]

''(b)(1) The regulations promulgated by the Judicial Conference under subsection (a) shall—

''(A) require a demonstration of a judicial officer's proficiency in the use and safety of firearms as a prerequisite to the carrying of firearms under the authority of this section; and

''(B) make appropriate provisions for the carrying of firearms by judicial officers who are under the protection of United States Marshals while away from United States courthouses.

''(2) On the request of the Judicial Conference, the Department of Justice (including each agency of the Department) shall cooperate with the Judicial Conference in providing firearms training and other services to assist judicial officers in securing such proficiency.

''(c) For purposes of this section, the term 'judicial officer of the United States' means—

''(1) a justice or judge of the United States as defined in section 451 of this title in regular active or retired from regular active service;

''(2) a justice or judge of the United States who has retired from the judicial office under section 371(a) of this title for—

''(A) a 1-year period following such justice's or judge's retirement; or

''(B) a longer period of time if approved by the Judicial Conference of the United States when exceptional circumstances warrant;

''(3) a United States bankruptcy judge;

''(4) a full-time or part-time United States magistrate judge;

''(5) a judge of the United States Court of Federal Claims;

''(6) a judge of the United States District Court of Guam;

''(7) a judge of the United States District Court for the Northern Mariana Islands;

''(8) a judge of the United States District Court of the Virgin Islands; or

''(9) an individual who is retired from one of the judicial positions described under paragraphs (3) through (8) to the extent provided for in regulations of the Judicial Conference of the United States.

''(d) Notwithstanding section 46303(c)(1) of title 49, nothing in this section authorizes a judicial officer of the United States to carry a dangerous weapon on an aircraft or other common carrier.''

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 21 of title 28, United States Code, is amended by adding at the end thereof the following:

''464. Carrying of firearms by judicial officers.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act.

SEC. 306. TECHNICAL CORRECTION RELATED TO COMMENCEMENT DATE OF TEMPORARY JUDGESHIPS.

Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 104 Stat. 5101; 28 U.S.C. 133 note) is amended by adding at the end thereof the following: ''For districts named in this subsection for which multiple judgeships are created by this Act, the last of those judgeships filled shall be the judgeship created under this subsection.''.

SEC. 307. FULL-TIME STATUS OF COURT REPORTERS.

Section 753(e) of title 28, United States Code, is amended by inserting after the first sentence the following: ''For the purposes of subchapter III of chapter 83 of title 5 and chapter 84 of such title, a reporter shall be considered a full-time employee during any pay period for which a reporter receives a salary at the annual salary rate fixed for a full-time reporter under the preceding sentence.''.

SEC. 308. COURT INTERPRETERS.

Section 1827 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

''(l) Notwithstanding any other provision of this section or section 1828, the presiding judicial officer may appoint a certified or otherwise qualified sign language interpreter to provide services to a party, witness, or other participant in a judicial proceeding, whether or not the proceeding is instituted by the United States, if the presiding judicial officer determines, on such officer's own motion or on the motion of a party or other participant in the proceeding, that such individual suffers from a hearing impairment. The presiding judicial officer shall, subject to the availability of appropriated funds, approve the compensation and expenses payable to sign language interpreters appointed under this section in accordance with the schedule of fees prescribed by the Director under subsection (b)(3) of this section.''.

SEC. 309. TECHNICAL AMENDMENT RELATED TO COMMENCEMENT DATE OF TEMPORARY BANKRUPTCY JUDGESHIPS.

Section 3(b) of the Bankruptcy Judgeship Act of 1992 (Public Law 102–361; 106 Stat. 965; 28 U.S.C. 152 note) is amended in the first sentence by striking out ''date of the enactment of this Act'' and inserting in lieu thereof ''appointment date of the judge named to fill the temporary judgeship position''.

SEC. 310. CONTRIBUTION RATE FOR SENIOR JUDGES UNDER THE JUDICIAL SURVIVORS' ANNUITIES SYSTEM.

Section 376(b)(1) of title 28, United States Code, is amended to read as follows:

''(b)(1) Every judicial official who files a written notification of his or her intention to come within the purview of this section, in accordance with paragraph (1) of subsection (a) of this section, shall be deemed thereby to consent and agree to having deducted and withheld from his or her salary a sum equal to 2.2 percent of that salary, and a sum equal to 3.5 percent of his or her retirement salary. The deduction from any retirement salary—

''(A) of a justice or judge of the United States retired from regular active service under section 371(b) or section 372(a) of this title,

''(B) of a judge of the United States Court of Federal Claims retired under section 178 of this title, or

''(C) of a judicial official on recall under section 155(b), 373(c)(4), 375, or 636(h) of this title,

shall be an amount equal to 2.2 percent of retirement salary.''.

SEC. 311. PROHIBITION AGAINST AWARDS OF COSTS, INCLUDING ATTORNEY'S FEES, AND INJUNCTIVE RELIEF AGAINST A JUDICIAL OFFICER.

(a) NONLIABILITY FOR COSTS.—Notwithstanding any other provision of law, no judicial officer shall be held liable for any costs, including attorney's fees, in any action brought against such officer for an act or omission taken in such officer's judicial capacity, unless such action was clearly in excess of such officer's jurisdiction.

(b) PROCEEDINGS IN VINDICATION OF CIVIL RIGHTS.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by inserting before the period at the end thereof '', except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity such officer shall not be held liable for any costs, including attorney's fees, unless such action was clearly in excess of such officer's jurisdiction''.

(c) CIVIL ACTION FOR DEPRIVATION OF RIGHTS.—Section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended by inserting before the period at the end of the first sentence: '', except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable''.

TITLE IV—JUDICIAL FINANCIAL ADMINISTRATION

SEC. 401. INCREASE IN CIVIL ACTION FILING FEE.

(a) FILING FEE INCREASE.—Section 1914(a) of title 28, United States Code, is amended by striking out ''$120'' and inserting in lieu thereof ''$150''.

(b) DISPOSITION OF INCREASE.—Section 1931 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out ''$60'' and inserting in lieu thereof ''$90''; and

(2) in subsection (b)—

(A) by striking out ''$120'' and inserting in lieu thereof ''$150''; and

(B) by striking out ''$60'' and inserting in lieu thereof ''$90''.

(c) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act.

SEC. 402. INTERPRETER PERFORMANCE EXAMINATION FEES.

(a) IN GENERAL.—Section 1827(g) of title 28, United States Code, is amended by redesignating paragraph (5) as paragraph (6) and inserting after paragraph (4) the following new paragraph:

''(5) If the Director of the Administrative Office of the United States Courts finds it necessary to develop and administer criterion-referenced performance examinations for purposes of certification, or other examinations for the selection of otherwise qualified interpreters, the Director may prescribe for each examination a uniform fee for applicants to take such examination. In determining the rate of the fee for each examination, the Director shall consider the fees charged by other organizations for examinations that are similar in scope or nature. Notwithstanding section 3302(b) of title 31, the Director is authorized to provide in any contract or agreement for the development or administration of examinations and the collection of fees that the contractor may retain all or a portion of the fees in payment for the services. Notwithstanding paragraph (6) of this subsection, all fees collected after the effective date of this paragraph and not retained by a contractor shall be deposited in the fund established under section 1931 of this title and shall remain available until expended.''.

(b) PAYMENT FOR CONTRACTUAL SERVICES.—Notwithstanding sections 3302(b), 1341, and 1517 of title 31, United States Code, the Director of the Administrative Office of the United States Courts may include in any contract for the development or administration of examinations for interpreters (including such a contract entered into before the date of the enactment of this Act) a provision which permits the contractor to collect and retain fees in payment for contractual services in accordance with section 1827(g)(5) of title 28, United States Code.

SEC. 403. JUDICIAL PANEL ON MULTIDISTRICT LITIGATION.

(a) IN GENERAL.—(1) Chapter 123 of title 28, United States Code, is amended by adding after section 1931 the following new section:

''§ 1932. Judicial Panel on Multidistrict Litigation

''The Judicial Conference of the United States shall prescribe from time to time the fees and costs to be charged and collected by the Judicial Panel on Multidistrict Litigation.''.

(2) The table of sections for chapter 123 of title 28, United States Code, is amended by adding after the item relating to section 1931 the following:

''1932. Judicial Panel on Multidistrict Litigation.''.

(b) RELATED FEES FOR ACCESS TO INFORMATION.—Section 303(a) of the Judiciary Appropriations Act, 1992 (Public Law 102–140; 105 Stat. 810; 28 U.S.C. 1913 note) is amended in the first sentence by striking out ''1926, and 1930'' and inserting in lieu thereof ''1926, 1930, and 1932''.

SEC. 404. DISPOSITION OF FEES.

(a) DISPOSITION OF ATTORNEY ADMISSION FEES.—For each fee collected for admission of an attorney to practice, as prescribed by the Judicial Conference of the United States pursuant to section 1914 of title 28, United States Code, $30 of that portion of the fee exceeding $20 shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code. Any portion exceeding $5 of the fee for a duplicate certificate of admission or certificate of good standing, as prescribed by the Judicial Conference of the United States pursuant to section 1914 of title 28, United States Code, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

(b) DISPOSITION OF BANKRUPTCY COMPLAINT FILING FEES.—For each fee collected for filing an adversary complaint in a bankruptcy proceeding, as established in Item 6 of the Bankruptcy Court Miscellaneous Fee Schedule prescribed by the Judicial Conference of the United States pursuant to section 1930(b) of title 28, United States Code, the portion of the fee exceeding $120 shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

(c) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act.

TITLE V—FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS

SEC. 501. PARTIES' CONSENT TO BANKRUPTCY JUDGE'S FINDINGS AND CONCLUSIONS OF LAW.

Section 157(c)(1) of title 28, United States Code, is amended to read as follows:

''(c)(1) A bankruptcy judge may hear a proceeding that is not a core proceeding but that is otherwise related to a case under title 11. In such proceeding, the bankruptcy judge shall submit proposed findings of fact and conclusions of law to the district court, and any final order or judgment shall be entered by the district judge after considering the bankruptcy judge's proposed findings and conclusions and after reviewing de novo those matters to which any party has timely and specifically objected. A party shall be deemed to consent to the findings of fact and conclusions of law submitted by a bankruptcy judge unless the party files a timely objection. If a timely objection is not filed, the proposed findings of fact and conclusions of law submitted by the bankruptcy judge shall become final and the bankruptcy judge shall enter an appropriate order thereon.''.

SEC. 502. QUALIFICATION OF CHIEF JUDGE OF COURT OF INTERNATIONAL TRADE.

(a) IN GENERAL.—Chapter 11 of title 28, United States Code, is amended by adding at the end thereof the following new section:

''§ 258. Chief judges; precedence of judges

''(a)(1) The chief judge of the Court of International Trade shall be the judge of the court in regular active service who is senior in commission of those judges who—

''(A) are 64 years of age or under;

''(B) have served for 1 year or more as a judge of the court; and

''(C) have not served previously as chief judge.

''(2)(A) In any case in which no judge of the court meets the qualifications under paragraph (1), the youngest judge in regular active service who is 65 years of age or over and who has served as a judge of the court for 1 year or more shall act as the chief judge.

''(B) In any case under subparagraph (A) in which there is no judge of the court in regular active service who has served as a judge of the court for 1 year or more, the judge of the court in regular active service who is senior in commission and who has not served previously as chief judge shall act as the chief judge.

''(3)(A) Except as provided under subparagraph (C), the chief judge serving under paragraph (1) shall serve for a term of 7 years and shall serve after expiration of such term until another judge is eligible under paragraph (1) to serve as chief judge.

''(B) Except as provided under subparagraph (C), a judge of the court acting as chief judge under subparagraph (A) or (B) of paragraph (2) shall serve until a judge meets the qualifications under paragraph (1).

''(C) No judge of the court may serve or act as chief judge of the court after attaining the age of 70 years unless no other judge is qualified to serve as chief judge under paragraph (1) or is qualified to act as chief judge under paragraph (2).

''(b) The chief judge shall have precedence and preside at any session of the court which such judge attends. Other judges of the court shall have precedence and preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age.

''(c) If the chief judge desires to be relieved of the duties as chief judge while retaining active status as a judge of the court, the chief judge may so certify to the Chief Justice of the United States, and thereafter the chief judge of the court shall be such other judge of the court who is qualified to serve or act as chief judge under subsection (a).

''(d) If a chief judge is temporarily unable to perform the duties as such, such duties shall be performed by the judge of the court in active service, able and qualified to act, who is next in precedence.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 11 of title 28, United States Code, is amended—

(1) in section 251 by striking out subsection (b) and redesignating subsection (c) as subsection (b);

(2) in section 253—

(A) by amending the section heading to read as follows:

''§ 253. Duties of chief judge.'';

and

(B) by striking out subsections (d) and (e); and

(3) in the table of sections for chapter 11 of title 28, United States Code—

(A) by amending the item relating to section 253 to read as follows:

''253. Duties of chief judge.'';

and

(B) by adding at the end thereof the following:

''258. Chief judges; precedence of judges.''.

(c) APPLICATION.—(1) Notwithstanding the provisions of section 258(a) of title 28, United States Code (as added by subsection (a) of this section), the chief judge of the United States Court of International Trade who is in office on the day before the date of enactment of this Act shall continue to be such chief judge on or after such date until any one of the following events occurs:

(A) The chief judge is relieved of his duties under section 258(c) of title 28, United States Code.

(B) The regular active status of the chief judge is terminated.

(C) The chief judge attains the age of 70 years.

(D) The chief judge has served for a term of 7 years as chief judge.

(2) When the chief judge vacates the position of chief judge under paragraph (1), the position of chief judge of the Court of International Trade shall be filled in accordance with section 258(a) of title 28, United States Code.

SEC. 503. JUDICIAL COST-OF-LIVING ADJUSTMENTS.

Section 140 of the resolution entitled ''A Joint Resolution making further continuing appropriations for the fiscal year 1982, and for other purposes.'', approved December 15, 1981 (Public Law 97–92; 95 Stat. 1200; 28 U.S.C. 461 note) is repealed.

TITLE VI—MISCELLANEOUS

SEC. 601. PARTICIPATION IN JUDICIAL GOVERNANCE ACTIVITIES BY DISTRICT, SENIOR, AND MAGISTRATE JUDGES.

(a) JUDICIAL CONFERENCE OF THE UNITED STATES.—Section 331 of title 28, United States Code, is amended by striking out the second undesignated paragraph and inserting in lieu thereof the following:

''The district judge to be summoned from each judicial circuit shall be chosen by the circuit and district judges of the circuit and shall serve as a member of the Judicial Conference of the United States for a term of not less than 3 successive years nor more than 5 successive years, as established by majority vote of all circuit and district judges of the circuit. A district judge serving as a member of the Judicial Conference may be either a judge in regular active service or a judge retired from regular active service under section 371(b) of this title.''.

(b) BOARD OF THE FEDERAL JUDICIAL CENTER.—Section 621 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out paragraph (2) and inserting in lieu thereof the following:

''(2) two circuit judges, three district judges, one bankruptcy judge, and one magistrate judge, elected by vote of the members of the Judicial Conference of the United States, except that any circuit or district judge so elected may be either a judge in regular active service or a judge retired from regular active service under section 371(b) of this title but shall not be a member of the Judicial Conference of the United States; and''; and

(2) in subsection (b) by striking out ''retirement,'' and inserting in lieu thereof ''retirement pursuant to section 371(a) or section 372(a) of this title,''.

SEC. 602. THE DIRECTOR AND DEPUTY DIRECTOR OF THE ADMINISTRATIVE OFFICE AS OFFICERS OF THE UNITED STATES.

Section 601 of title 28, United States Code, is amended by adding at the end thereof the following: ''The Director and Deputy Director shall be deemed to be officers for purposes of title 5, United States Code.''.

SEC. 603. REMOVAL OF ACTION FROM STATE COURT.

Section 1446(c)(1) of title 28, United States Code, is amended by striking out ''petitioner'' and inserting in lieu thereof ''defendant or defendants''.

SEC. 604. FEDERAL JUDICIAL CENTER EMPLOYEE RETIREMENT PROVISIONS.

Section 627(b) of title 28, United States Code, is amended—

(1) in the first sentence by inserting ''Deputy Director,'' before ''the professional staff''; and

(2) in the first sentence by inserting ''chapter 84 (relating to the Federal Employees' Retirement System),'' after ''(relating to civil service retirement),''.

SEC. 605. ABOLITION OF THE SPECIAL COURT, REGIONAL RAIL REORGANIZATION ACT OF 1973.

(a) ABOLITION OF THE SPECIAL COURT.—Section 209 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is amended in subsection (b)—

(1) by inserting ''(1)'' before ''Within 30 days after''; and

(2) by adding at the end thereof the following new paragraph:

''(2) The special court referred to in paragraph (1) of this subsection is abolished effective 90 days after the date of enactment of the Federal Courts Improvement Act of 1996. On such effective date, all jurisdiction and other functions of the special court shall be assumed by the United States District Court for the District of Columbia. With respect to any proceedings that arise or continue after the date on which the special court is abolished, the references in the following provisions to the special court established under this subsection shall be deemed to refer to the United States District Court for the District of Columbia:

''(A) Subsections (c), (e)(1), (e)(2), (f) and (g) of this section.

''(B) Sections 202 (d)(3), (g), 207 (a)(1), (b)(1), (b)(2), 208(d)(2), 301 (e)(2), (g), (k)(3), (k)(15), 303 (a)(1), (a)(2), (b)(1), (b)(6)(A), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), 304 (a)(1)(B), (i)(3), 305 (c), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(8), (e), (f)(1), (f)(2)(B), (f)(2)(D), (f)(2)(E), (f)(3), 306 (a), (b), (c)(4), and 601 (b)(3), (c) of this Act (45 U.S.C. 712 (d)(3), (g), 717 (a)(1), (b)(1), (b)(2), 718(d)(2), 741 (e)(2), (g), (k)(3), (k)(15), 743 (a)(1), (a)(2), (b)(1), (b)(6)(A), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), 744 (a)(1)(B), (i)(3), 745 (c), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(8), (e), (f)(1), (f)(2)(B), (f)(2)(D), (f)(2)(E), (f)(3), 746 (a), (b), (c)(4), 791 (b)(3), (c)).

''(C) Sections 1152(a) and 1167(b) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105(a), 1115(a)).

''(D) Sections 4023 (2)(A)(iii), (2)(B), (2)(C), (3)(C), (3)(E), (4)(A) and 4025(b) of the Conrail Privatization Act (45 U.S.C. 1323 (2)(A)(iii), (2)(B), (2)(C), (3)(C), (3)(E), (4)(A), 1324(b)).

''(E) Section 24907(b) of title 49, United States Code.

''(F) Any other Federal law (other than this subsection and section 605 of the Federal Courts Improvement Act of 1996), Executive order, rule, regulation, delegation of authority, or document of or relating to the special court as previously established under paragraph (1) of this subsection.''.

(b) APPELLATE REVIEW.—(1) Section 209(e) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is amended by striking out the paragraph following paragraph (2) and inserting in lieu thereof the following:

''(3) An order or judgment of the United States District Court for the District of Columbia in any action referred to in this section shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.''.

(2) Section 303 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 743) is amended by striking out subsection (d) and inserting in lieu thereof the following:

''(d) APPEAL.—An order or judgment entered by the United States District Court for the District of Columbia pursuant to subsection (c) of this section or section 306 shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.''.

(3) Section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105) is amended by striking out subsection (b) and inserting in lieu thereof the following:

''(b) APPEAL.—An order or judgment of the United States District Court for the District of Columbia in any action referred to in this section shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 209 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is further amended—

(A) in subsection (g) by inserting ''or Court of Appeals for the District of Columbia Circuit'' after ''Supreme Court''; and

(B) by striking out subsection (h).

(2) Section 305(d)(4) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 745(d)) is amended by striking out ''a judge of the United States district court with respect to such proceedings and such powers shall include those of''.

(3) Section 1135(a)(8) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1104(8)) is amended to read as follows:

''(8) 'Special court' means the judicial panel established under section 209(b)(1) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719(b)(1)) or, with respect to any proceedings that arise or continue after the panel is abolished pursuant to section 209(b)(2) of such Act, the United States District Court for the District of Columbia.''.

(4) Section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105) is further amended by striking out subsection (d).

(d) PENDING CASES.—Effective 90 days after the date of enactment of this Act, any case pending in the special court established under section 209(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719(b)) shall be assigned to the United States District Court for the District of Columbia as though the case had originally been filed in that court. The amendments made by subsection (b) of this section shall not apply to any final order or judgment entered by the special court for which—

(1) a petition for writ of certiorari has been filed before the date on which the special court is abolished; or

(2) the time for filing a petition for writ of certiorari has not expired before that date.

(e) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) of this section shall take effect 90 days after the date of enactment of this Act and, except as provided in subsection (d), shall apply with respect to proceedings that arise or continue after such effective date.

SEC. 606. PLACE OF HOLDING COURT IN THE DISTRICT COURT OF UTAH.

(a) NORTHERN DIVISION.—Section 125(1) of title 28, United States Code, is amended by inserting ''Salt Lake City and'' before ''Ogden''.

(b) CENTRAL DIVISION.—Section 125(2) of title 28, United States Code, is amended by inserting '', Provo, and St. George'' after ''Salt Lake City''.

SEC. 607. EXCEPTION OF RESIDENCY REQUIREMENT FOR DISTRICT JUDGES APPOINTED TO THE SOUTHERN DISTRICT AND EASTERN DISTRICT OF NEW YORK.

Section 134(b) of title 28, United States Code, is amended—

(1) by inserting ''the Southern District of New York, and the Eastern District of New York,'' after ''the District of Columbia,''; and

(2) by inserting at the end the following: ''Each district judge of the Southern District of New York and the Eastern District of New York may reside within 20 miles of the district to which he or she is appointed.''.

SEC. 608. EXTENSION OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION REPORTS ON DEMONSTRATION AND PILOT PROGRAMS.

(a) DEMONSTRATION PROGRAM.—Section 104(d) of the Civil Justice Reform Act of 1990 (28 U.S.C. 471 note) is amended by striking out ''December 31, 1996,'' and inserting in lieu thereof ''June 30, 1997,''.

(b) PILOT PROGRAM.—Section 105(c)(1) of the Civil Justice Reform Act of 1990 (28 U.S.C. 471 note) is amended by striking out ''December 31, 1996,'' and inserting in lieu thereof ''June 30, 1997,''.

SEC. 609. EXTENSION OF ARBITRATION.

Section 905 of the Judicial Improvements and Access to Justice Act (28 U.S.C. 651 note) is amended in the first sentence by striking out ''1997'' and inserting in lieu thereof ''1998''.

SEC. 610. STATE JUSTICE INSTITUTE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 215 of the State Justice Institute Act of 1984 (42 U.S.C. 10713) is amended to read as follows:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 215. There are authorized to be appropriated to carry out the purposes of this title $12,500,000 for each of fiscal years 1997, 1998, 1999, and 2000, to remain available until expended.''.

(b) EXECUTIVE COMMITTEE.—Section 204(j) of the State Justice Institute Act of 1984 (42 U.S.C. 10703(j)) is amended by inserting ''(on such occasions as it has been delegated the authority to act for the Board)'' after ''executive committee''.

(c) HOWELL HEFLIN AWARD.—Section 204(k) of the State Justice Act of 1984 (42 U.S.C. 10703(k)) is amended—

(1) in paragraph (5) by striking out ''and'' after the semicolon;

(2) in paragraph (6) by striking out the period and inserting in lieu thereof a semicolon and ''and''; and

(3) by adding at the end thereof the following new paragraph:

''(7) present an annual Howell Heflin Award in recognition of an innovative Institute-supported project that has a high likelihood of significantly improving the quality of justice in State courts across the Nation.''.

(d) PRIORITY IN MAKING AWARDS.—Section 206(b) of the State Justice Institute Act of 1984 (42 U.S.C. 10705(b)) is amended—

(1) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively;

(2) by inserting before paragraph (2) (as redesignated under paragraph (1) of this subsection) the following new paragraph:

''(1) The Institute shall give highest priority to awarding grants to and entering into cooperative agreements or contracts with State and local courts.''; and

(3) in paragraph (2) (as redesignated by paragraph (1) of this subsection)—

(A) by striking out subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(e) GEOGRAPHIC DISTRIBUTION OF GRANTS.—Section 206(b) of the State Justice Institute Act of 1984 (42 U.S.C. 10705(b)) (as amended by subsection (d) of this section) is further amended by adding at the end thereof the following new paragraph:

''(7) In making grants under this title, the Institute shall undertake outreach efforts to assure the widest feasible geographical distribution of grant funds and benefits resulting from grants, consistent with its mission to award grants having the greatest likelihood of improving the quality of justice nationwide.''.

(f) NONSUPPLANTATION.—Section 207(d) of the State Justice Institute Act of 1984 (42 U.S.C. 10706(d)) is amended—

(1) in the matter preceding paragraph (1) by inserting ''or noncourt related activities of private organizations'' after ''basic court services'';

(2) in paragraph (1)—

(A) by striking out ''State or local'' and inserting in lieu thereof ''State, local, or private organizational''; and

(B) by striking out ''or'' after the semicolon;

(3) in paragraph (2) by striking out the period and inserting in lieu thereof a semicolon and ''or''; and

(4) by adding at the end thereof the following new paragraph:

''(3) to support the activities of any national, State, or local bar association, except for—

''(A) the training of State court judges or court personnel, if such training is not provided by any person or entity other than a bar association; or

''(B) projects conducted in State courts or directly in conjunction with State courts to improve the efficiency of such courts.''.

(g) REPORTS TO CONGRESS.—Section 213 of the State Justice Institute Act of 1984 (42 U.S.C. 10712) is amended to read as follows:

''REPORTS TO CONGRESS

''SEC. 213. Effective January 1, 1997, the Institute shall provide semiannual reports to the Committees on the Judiciary of the Senate and the House of Representatives identifying all grants made by the Institute during the preceding six months. The report shall include the name and address of the grantee, the purpose of the project, the amount of funding provided, and the duration of the project.''.

AMENDMENT NO. 5430

(Purpose: To make improvements in the judicial system, and for other purposes)

Mr. LOTT. There is an amendment at the desk offered by Senator HATCH. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. HATCH, proposes an amendment numbered 5430.

The amendment is as follows:

On page 4, line 15, strike through line 25.

On page 5, line 8, strike through line 14 on page 6 and insert the following:

SEC. 202. CONSENT TO TRIAL IN CERTAIN CRIMINAL ACTIONS.

(a) AMENDMENTS TO TITLE 18.—(1) Section 3401(b) of title 18, United States Code, is amended—

(A) in the first sentence by inserting '', other than a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction,'' after ''misdemeanor'';

(B) in the second sentence by inserting ''judge'' after ''magistrate'' each place it appears;

(C) by striking out the third sentence and inserting in lieu thereof the following: ''The magistrate judge may not proceed to try the case unless the defendant, after such explanation, expressly consents to be tried before the magistrate judge and expressly and specifically waives trial, judgment, and sentencing by a district judge. Any such consent and waiver shall be made in writing or orally on the record.''; and

(D) by striking out ''judge of the district court'' each place it appears and inserting in lieu thereof ''district judge''.

(2) Section 3401(g) of title 18, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: ''The magistrate judge may, in a petty offense case involving a juvenile, that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction, exercise all powers granted to the district court under chapter 403 of this title. The magistrate judge may, in any other class B or C misdemeanor case involving a juvenile in which consent to trial before a magistrate judge has been filed under subsection (b), exercise all powers granted to the district court under chapter 403 of this title.''.

(b) AMENDMENTS TO TITLE 28.—Section 636(a) of title 28, United States Code, is amended—

(1) by striking out '', and'' at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

(2) by striking out paragraph (4) and inserting the following:

''(4) the power to enter a sentence for a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction; and

''(5) the power to enter a sentence for a class A misdemeanor, or a class B or C misdemeanor not covered by paragraph (4), in a case in which the parties have consented.''.

On page 6, line 15, strike through the matter following line 2 on page 7.

On page 9, line 6, strike through line 2 on page 11.

On page 13, line 4, strike through line 7 on page 15.

On page 17, line 1, strike through line 3 on page 19.

On page 19, line 22, strike through line 9 on page 23.

On page 31, line 8, strike through line 2 on page 32.

On page 35, line 21, strike through line 2 on page 36.

On page 44, line 20, strike through line 21 on page 48.

On page 48, add after line 21 the following:

SEC. 611. PLACE OF HOLDING COURT IN THE SOUTHERN DISTRICT OF NEW YORK.

The last sentence of section 112(b) of title 28, United States Code, is amended to read as follows:

''Court for the Southern District shall be held at New York, White Plains, and in the Middletown-Wallkill area of Orange County or such nearby location as may be deemed appropriate.''.

SEC. 612. VENUE FOR TERRITORIAL COURTS.

(a) CHANGE OF VENUE.—Section 1404(d) of title 28, United States Code, is amended to read as follows:

''(d) As used in this section, the term 'district court' includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, and the term 'district' includes the territorial jurisdiction of each such court.''.

(b) CURE OR WAIVER OF DEFECTS.—Section 1406(c) of title 28, United States Code, is amended to read as follows:

''(c) As used in this section, the term 'district court' includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin islands, and the term 'district' includes the territorial jurisdiction of each such court.''.

(c) APPLICABILITY.—The amendments made by this section apply to cases pending on the date of the enactment of this Act and to cases commenced on or after such date.

Amend the Table of Contents accordingly.

Mr. GRASSLEY. Mr. President, the bill before us, S. 1887, entitled ''The Federal Courts Improvement Act of 1996'' is sponsored by myself, along with Senator HATCH and Senator HEFLIN. A first version of the bill, S.1101, was introduced in August 1995 at the request of the Judicial Conference.

In October of last year, we held a comprehensive hearing on that bill in the Judiciary Subcommittee on Administrative Oversight and the Courts, which I chair, at which both judges and lawyers testified at length on the substance of many of S.1101's provisions. The present bill was crafted after many months of detailed discussions and intense collaboration between myself, Senators HATCH and HEFLIN, and the Administrative Office of the United States Courts. More importantly, we have worked closely with the other members of the Judiciary Committee to address their concerns and include their suggestions, making this truly a bi-partisan bill.

At the onset, I would like to elaborate on the spirit in which this bill was crafted. I am sure my colleagues are well aware, many of my efforts have focused on saving the federal government's sparse resources and making the most of taxpayer dollars. As Chairman of the Judiciary Subcommittee with jurisdiction over the courts, I am also concerned that the federal judicial system be administered in the most efficient and cost-effective manner possible, while maintaining a high level of quality in the administration of justice. In fact, I sent out a judicial questionnaire earlier this year requesting assistance from individual judges on their ideas and views of the needs of the federal judiciary. I hope some of you have had the opportunity to review my Subcommittee's two reports on this survey, which were released this year. I found it enlightening to communicate with the individual judges, and hope that these lines of candid and constructive communication with the individual judges and the Administrative Office remain open and continue to produce beneficial results in terms of efficiency, cost savings and other improvements within the federal judiciary.

In drafting the Federal Courts Improvement bill, we worked closely with the Administrative Office to assess and address the needs of the federal judiciary. As a result, the bill contains both technical and substantive changes in the law, many of which were carried over from previous Congresses and/or originally proposed in S.1101. During our working sessions on the bill, some of the provisions in S.1101, such as the sections dealing with federal defender services matters, were determined to warrant further inquiry or additional hearings. Other provisions were dropped to help process the bill more smoothly through the House since the session is coming to a close in a day or two.

On the whole, the bill is broad-reaching, and contains provisions concerning judicial process improvements; judiciary personnel administration, benefits and protections; judicial financial administration; Federal Courts Study Committee recommendations; and other miscellaneous issues. Almost all of the provisions have been formally endorsed by the Judicial Conference, the governing body of the Federal courts.

Many provisions contained in this bill streamline the operation of the Federal court system. A good example of our attempt to render the judiciary more efficient is a provision which abolishes a special tribunal with narrow jurisdiction, the Special Court, which the Regional Rail Reorganization Act of 1973, established in the early 1970's to oversee the reorganization of insolvent railroads. The work of this court is basically concluded, with the court's docket containing 10 largely inactive cases. This section transfers the Special Court's jurisdiction over those cases and any future rail reorganization proceedings to the U.S. District Court for the District of Columbia, where the court's records and a majority of its judges are currently located, and makes other technical and conforming changes incidental to the court's abolition. The elimination of this court will produce budgetary and administrative economies and, according to the Administrative Office of the United States Courts, result in an annual cost savings of approximately $175,000.

The bill simplifies the appeal route in civil cases decided by magistrate judges with consent by confining appeals of judgments in such cases to the court of appeals and eliminating an alternative route of appeal to the district judge. A single forum of appeal in civil consent cases simplifies court procedures and recognizes the existing practice in most districts. The Judicial Conference recommended such action in the Long Range Plan for the Federal Courts. Also, this section would not alter the role of magistrate judges as adjuncts to article III courts since district judges would still control the referral of consent cases to magistrate judges.

We also change the reappointment procedure for incumbent bankruptcy

judges. Rather than requiring the judicial council for a circuit or a merit selection panel to undergo a lengthy and time-consuming screening process, this section streamlines the reappointment process for judges whose performance has previously been reviewed. In this manner, the section eliminates unnecessary expenditures of time and money.

Additional sections facilitate judicial operations. One of these provisions authorize magistrate judges temporarily assigned to another judicial district because of an emergency to dispose of civil cases with the consent of the parties. Another section that deputy clerks may act whenever the clerk is unable to perform official duties for any reason, and permits the court to designate an acting clerk of court, when it is expected that the clerk will be unavailable or the office of clerk will be vacant for a prolonged period.

We also require an annual report by the Administrative Office of the United States Courts on the number and nature of orders relating to judicial misconduct or disability under section 332 of title 28 of the United States Code. This reporting requirement was recommended by the Report of the National Commission on Judicial Discipline and Removal of August 1993, which found that reliable information concerning council orders was difficult to obtain.

In conclusion, this bill is the result of careful consideration by members of the Judiciary Committee, in close collaboration with the Administrative Office, who have all worked long and hard in attempting to produce a strong, bipartisan piece of legislation. I strongly urge my colleagues to support this bill. When the Judiciary Committee voted the Federal Courts Improvement Act out of committee it was with an amendment offered by Senator KOHL dealing with the use of secrecy orders in Federal courts. The version of the act that we are passing today does not include that particular provision because Senator KOHL has generously agreed to an amendment that will remove it. Senator KOHL and I stand on opposite sides of the merits of his amendment, but I appreciate his commitment to the provision and his willingness to allow us to pass S. 1887 without it.

Mr. KOHL. I thank the Senator. We do think differently about this matter, but understand how important it was to you and to Senator HEFLIN that the Federal Courts Improvement Act pass this year. And I understand that if this provision regarding court secrecy, modeled on my legislation S. 374, The Sunshine in Litigation Act, were still part of S. 1887 it would keep that legislation from moving ahead. Although I believe that the problem of the excessive use of protective orders needs urgently to be addressed, I also will not let it hold up a measure so important to Senators GRASSLEY and HEFLIN.

Nevertheless, it is important to remember that the Judicial Committee has favorably recommended my court secrecy legislation and that this real problem will not vanish. I hope that the Judicial Conference might finally see fit to address this problem, but if it does not, I will continue to press this issue.

Mr. LOTT. Mr. President, I ask unanimous consent the amendment be agreed to, the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed at the appropriate place in the RECORD.

The amendment (No. 5430) was agreed to.

The bill (S. 1887), as amended, was deemed read for a third time and passed, as follows:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Courts Improvement Act of 1996''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CRIMINAL LAW AND CRIMINAL JUSTICE AMENDMENTS

Sec. 101. New authority for probation and pretrial services officers.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

Sec. 201. Duties of magistrate judge on emergency assignment.
Sec. 202. Consent to trial in certain criminal actions.
Sec. 203. Registration of judgments for enforcement in other districts.
Sec. 204. Vacancy in clerk position; absence of clerk.
Sec. 205. Diversity jurisdiction.
Sec. 206. Removal of cases against the United States and Federal officers or agencies.
Sec. 207. Appeal route in civil cases decided by magistrate judges with consent.
Sec. 208. Reports by judicial councils relating to misconduct and disability orders.

TITLE III—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 301. Senior judge certification.
Sec. 302. Refund of contribution for deceased deferred annuitant under the Judicial Survivors' Annuities System.
Sec. 303. Bankruptcy judges reappointment procedure.
Sec. 304. Technical correction related to commencement date of temporary judgeships.
Sec. 305. Full-time status of court reporters.
Sec. 306. Court interpreters.
Sec. 307. Technical amendment related to commencement date of temporary bankruptcy judgeships.
Sec. 308. Contribution rate for senior judges under the judicial survivors' annuities system.
Sec. 309. Prohibition against awards of costs, including attorneys fees, and injunctive relief against a judicial officer.

TITLE IV—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 401. Increase in civil action filing fee.
Sec. 402. Interpreter performance examination fees.
Sec. 403. Judicial panel on multidistrict litigation.
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TITLE V—FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS

Sec. 501. Qualification of Chief Judge of Court of International Trade.

TITLE VI—MISCELLANEOUS

Sec. 601. Participation in judicial governance activities by district, senior, and magistrate judges.
Sec. 602. The Director and Deputy Director of the administrative office as officers of the United States.
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Sec. 604. Federal judicial center employee retirement provisions.
Sec. 605. Abolition of the special court, Regional Rail Reorganization Act of 1973.
Sec. 606. Place of holding court in the District Court of Utah.
Sec. 607. Exception of residency requirement for district judges appointed to the Southern District and Eastern District of New York.
Sec. 608. Extension of civil justice expense and delay reduction reports on pilot and demonstration programs.
Sec. 609. Place of holding court in the Southern District of New York.
Sec. 610. Venue for territorial courts.

TITLE I—CRIMINAL LAW AND CRIMINAL JUSTICE AMENDMENTS

SEC. 101. NEW AUTHORITY FOR PROBATION AND PRETRIAL SERVICES OFFICERS.

(a) PROBATION OFFICERS.—Section 3603 of title 18, United States Code, is amended—

(1) by striking out ''and'' at the end of paragraph (8)(B);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following new paragraph:

''(9) if approved by the district court, be authorized to carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe; and''.

(b) PRETRIAL SERVICES OFFICERS.—Section 3154 of title 18, United States Code, is amended—

(1) by redesignating paragraph (13) as paragraph (14); and

(2) by inserting after paragraph (12) the following new paragraph:

''(13) If approved by the district court, be authorized to carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe.''.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

SEC. 201. DUTIES OF MAGISTRATE JUDGE ON EMERGENCY ASSIGNMENT.

The first sentence of section 636(f) of title 28, United States Code, is amended by striking out ''(a) or (b)'' and inserting in lieu thereof ''(a), (b), or (c)''.

SEC. 202. CONSENT TO TRIAL IN CERTAIN CRIMINAL ACTIONS.

(a) AMENDMENTS TO TITLE 18.—(1) Section 3401(b) of title 18, United States Code, is amended—

(A) in the first sentence by inserting '', other than a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction,'' after ''misdemeanor'';

(B) in the second sentence by inserting ''judge'' after ''magistrate'' each place it appears;

(C) by striking out the third sentence and inserting in lieu thereof the following: ''The

magistrate judge may not proceed to try the case unless the defendant, after such explanation, expressly consents to be tried before the magistrate judge and expressly and specifically waives trial, judgment, and sentencing by a district judge. Any such consent and waiver shall be made in writing or orally on the record.''; and

(D) by striking out ''judge of the district court'' each place it appears and inserting in lieu thereof ''district judge''.

(2) Section 3401(g) of title 18, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: ''The magistrate judge may, in a petty offense case involving a juvenile, that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction, exercise all powers granted to the district court under chapter 403 of this title. The magistrate judge may, in any other class B or C misdemeanor case involving a juvenile in which consent to trial before a magistrate judge has been filed under subsection (b), exercise all powers granted to the district court under chapter 403 of this title.''.

(b) AMENDMENTS TO TITLE 28.—Section 636(a) of title 28, United States Code, is amended—

(1) by striking out '', and'' at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

(2) by striking out paragraph (4) and inserting the following:

''(4) the power to enter a sentence for a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction; and

''(5) the power to enter a sentence for a class A misdemeanor, or a class B or C misdemeanor not covered by paragraph (4), in a case in which the parties have consented.''.

SEC. 203. REGISTRATION OF JUDGMENTS FOR ENFORCEMENT IN OTHER DISTRICTS.

(a) IN GENERAL.—Section 1963 of title 28, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§ 1963. Registration of judgments for enforcement in other districts'';

(2) in the first sentence—

(A) by striking out ''district court'' and inserting in lieu thereof ''court of appeals, district court, bankruptcy court,''; and

(B) by striking out ''such judgment'' and inserting in lieu thereof ''the judgment''; and

(3) by adding at the end thereof the following new undesignated paragraph:

''The procedure prescribed under this section is in addition to other procedures provided by law for the enforcement of judgments.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 125 of title 28, United States Code, relating to section 1963 is amended to read as follows:

''1963. Registration of judgments for enforcement in other districts.''.

SEC. 204. VACANCY IN CLERK POSITION; ABSENCE OF CLERK.

(a) IN GENERAL.—Section 954 of title 28, United States Code, is amended to read as follows:

''§ 954. Vacancy in clerk position; absence of clerk

''When the office of clerk is vacant, the deputy clerks shall perform the duties of the clerk in the name of the last person who held that office. When the clerk is incapacitated, absent, or otherwise unavailable to perform official duties, the deputy clerks shall perform the duties of the clerk in the name of the clerk. The court may designate a deputy clerk to act temporarily as clerk of the court in his or her own name.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 28, United States Code, relating to section 954 is amended to read as follows:

''954. Vacancy in clerk position; absence of clerk.''.

SEC. 205. DIVERSITY JURISDICTION.

(a) IN GENERAL.—Section 1332 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out ''$50,000'' and inserting in lieu thereof ''$75,000''; and

(2) in subsection (b) by striking out ''$50,000'' and inserting in lieu thereof ''$75,000''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 90 days after the date of enactment of this Act.

SEC. 206. REMOVAL OF CASES AGAINST THE UNITED STATES AND FEDERAL OFFICERS OR AGENCIES.

(a) IN GENERAL.—Section 1442 of title 28, United States Code, is amended—

(1) in the section heading by inserting ''**or agencies**'' after ''**officers**''; and

(2) in subsection (a)—

(A) in the matter preceding paragraph (1) by striking out ''persons''; and

(B) in paragraph (1) by striking out ''Any officer of the United States or any agency thereof, or person acting under him, for any act under color of such office'' and inserting in lieu thereof ''The United States or any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof, sued in an official or individual capacity for any act under color of such office''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 89 of title 28, United States Code, is amended by amending the item relating to section 1442 to read as follows:

''1442. Federal officers and agencies sued or prosecuted.''.

SEC. 207. APPEAL ROUTE IN CIVIL CASES DECIDED BY MAGISTRATE JUDGES WITH CONSENT.

Section 636 of title 28, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (3) by striking out ''In this circumstance, the'' and inserting in lieu thereof ''The'';

(B) by striking out paragraphs (4) and (5); and

(C) by redesignating paragraphs (6) and (7) as paragraphs (4) and (5); and

(2) in subsection (d) by striking out '', and for the taking and hearing of appeals to the district courts,''.

SEC. 208. REPORTS BY JUDICIAL COUNCILS RELATING TO MISCONDUCT AND DISABILITY ORDERS.

Section 332 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

''(g) No later than January 31 of each year, each judicial council shall submit a report to the Administrative Office of the United States Courts on the number and nature of orders entered under this section during the preceding calendar year that relate to judicial misconduct or disability.''.

TITLE III—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

SEC. 301. SENIOR JUDGE CERTIFICATION.

(a) RETROACTIVE CREDIT FOR RESUMPTION OF SIGNIFICANT WORKLOAD.—Section 371(f)(3) of title 28, United States Code, is amended by striking out ''is thereafter ineligible to receive such a certification.'' and inserting in lieu thereof ''may thereafter receive a certification for that year by satisfying the requirements of subparagraph (A), (B), (C), or (D) of paragraph (1) of this subsection in a subsequent year and attributing a sufficient part of the work performed in such subsequent year to the earlier year so that the work so attributed, when added to the work performed during such earlier year, satisfies the requirements for certification for that year. However, a justice or judge may not receive credit for the same work for purposes of certification for more than 1 year.''.

(b) AGGREGATION OF CERTAIN WORK FOR PARTIAL YEARS.—Section 371(f)(1) of title 28, United States Code, is amended by adding at the end of subparagraph (D) the following: ''In any year in which a justice or judge performs work described under this subparagraph for less than the full year, one-half of such work may be aggregated with work described under subparagraph (A), (B), or (C) of this paragraph for the purpose of the justice or judge satisfying the requirements of such subparagraph.''.

SEC. 302. REFUND OF CONTRIBUTION FOR DECEASED DEFERRED ANNUITANT UNDER THE JUDICIAL SURVIVORS' ANNUITIES SYSTEM.

Section 376(o)(1) of title 28, United States Code, is amended by striking out ''or while receiving 'retirement salary','' and inserting in lieu thereof ''while receiving retirement salary, or after filing an election and otherwise complying with the conditions under subsection (b)(2) of this section,''.

SEC. 303. BANKRUPTCY JUDGES REAPPOINTMENT PROCEDURE.

Section 120 of the Bankruptcy Amendments and Federal Judgeship Act of 1984 (Public Law 98–353; 98 Stat. 344), is amended—

(1) in subsection (a) by adding at the end thereof the following new paragraph:

''(3) When filling vacancies, the court of appeals may consider reappointing incumbent bankruptcy judges under procedures prescribed by regulations issued by the Judicial Conference of the United States.''; and

(2) in subsection (b) by adding at the end thereof the following: ''All incumbent nominees seeking reappointment thereafter may be considered for such a reappointment, pursuant to a majority vote of the judges of the appointing court of appeals, under procedures authorized under subsection (a)(3).''.

SEC. 304. TECHNICAL CORRECTION RELATED TO COMMENCEMENT DATE OF TEMPORARY JUDGESHIPS.

Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 104 Stat. 5101; 28 U.S.C. 133 note) is amended by adding at the end thereof the following: ''For districts named in this subsection for which multiple judgeships are created by this Act, the last of those judgeships filled shall be the judgeship created under this subsection.''.

SEC. 305. FULL-TIME STATUS OF COURT REPORTERS.

Section 753(e) of title 28, United States Code, is amended by inserting after the first sentence the following: ''For the purposes of subchapter III of chapter 83 of title 5 and chapter 84 of such title, a reporter shall be considered a full-time employee during any pay period for which a reporter receives a salary at the annual salary rate fixed for a full-time reporter under the preceding sentence.''.

SEC. 306. COURT INTERPRETERS.

Section 1827 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

''(l) Notwithstanding any other provision of this section or section 1828, the presiding judicial officer may appoint a certified or otherwise qualified sign language interpreter to provide services to a party, witness, or other participant in a judicial proceeding,

whether or not the proceeding is instituted by the United States, if the presiding judicial officer determines, on such officer's own motion or on the motion of a party or other participant in the proceeding, that such individual suffers from a hearing impairment. The presiding judicial officer shall, subject to the availability of appropriated funds, approve the compensation and expenses payable to sign language interpreters appointed under this section in accordance with the schedule of fees prescribed by the Director under subsection (b)(3) of this section.''.

SEC. 307. TECHNICAL AMENDMENT RELATED TO COMMENCEMENT DATE OF TEMPORARY BANKRUPTCY JUDGESHIPS.

Section 3(b) of the Bankruptcy Judgeship Act of 1992 (Public Law 102–361; 106 Stat. 965; 28 U.S.C. 152 note) is amended in the first sentence by striking out ''date of the enactment of this Act'' and inserting in lieu thereof ''appointment date of the judge named to fill the temporary judgeship position''.

SEC. 308. CONTRIBUTION RATE FOR SENIOR JUDGES UNDER THE JUDICIAL SURVIVORS' ANNUITIES SYSTEM.

Section 376(b)(1) of title 28, United States Code, is amended to read as follows:

''(b)(1) Every judicial official who files a written notification of his or her intention to come within the purview of this section, in accordance with paragraph (1) of subsection (a) of this section, shall be deemed thereby to consent and agree to having deducted and withheld from his or her salary a sum equal to 2.2 percent of that salary, and a sum equal to 3.5 percent of his or her retirement salary. The deduction from any retirement salary—

''(A) of a justice or judge of the United States retired from regular active service under section 371(b) or section 372(a) of this title,

''(B) of a judge of the United States Court of Federal Claims retired under section 178 of this title, or

''(C) of a judicial official on recall under section 155(b), 373(c)(4), 375, or 636(h) of this title,

shall be an amount equal to 2.2 percent of retirement salary.''.

SEC. 309. PROHIBITION AGAINST AWARDS OF COSTS, INCLUDING ATTORNEY'S FEES, AND INJUNCTIVE RELIEF AGAINST A JUDICIAL OFFICER.

(a) NONLIABILITY FOR COSTS.—Notwithstanding any other provision of law, no judicial officer shall be held liable for any costs, including attorney's fees, in any action brought against such officer for an act or omission taken in such officer's judicial capacity, unless such action was clearly in excess of such officer's jurisdiction.

(b) PROCEEDINGS IN VINDICATION OF CIVIL RIGHTS.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by inserting before the period at the end thereof '', except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity such officer shall not be held liable for any costs, including attorney's fees, unless such action was clearly in excess of such officer's jurisdiction''.

(c) CIVIL ACTION FOR DEPRIVATION OF RIGHTS.—Section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended by inserting before the period at the end of the first sentence: '', except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable''.

TITLE IV—JUDICIAL FINANCIAL ADMINISTRATION

SEC. 401. INCREASE IN CIVIL ACTION FILING FEE.

(a) FILING FEE INCREASE.—Section 1914(a) of title 28, United States Code, is amended by striking out ''$120'' and inserting in lieu thereof ''$150''.

(b) DISPOSITION OF INCREASE.—Section 1931 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out ''$60'' and inserting in lieu thereof ''$90''; and

(2) in subsection (b)—

(A) by striking out ''$120'' and inserting in lieu thereof ''$150''; and

(B) by striking out ''$60'' and inserting in lieu thereof ''$90''.

(c) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act.

SEC. 402. INTERPRETER PERFORMANCE EXAMINATION FEES.

(a) IN GENERAL.—Section 1827(g) of title 28, United States Code, is amended by redesignating paragraph (5) as paragraph (6) and inserting after paragraph (4) the following new paragraph:

''(5) If the Director of the Administrative Office of the United States Courts finds it necessary to develop and administer criterion-referenced performance examinations for purposes of certification, or other examinations for the selection of otherwise qualified interpreters, the Director may prescribe for each examination a uniform fee for applicants to take such examination. In determining the rate of the fee for each examination, the Director shall consider the fees charged by other organizations for examinations that are similar in scope or nature. Notwithstanding section 3302(b) of title 31, the Director is authorized to provide in any contract or agreement for the development or administration of examinations and the collection of fees that the contractor may retain all or a portion of the fees in payment for the services. Notwithstanding paragraph (6) of this subsection, all fees collected after the effective date of this paragraph and not retained by a contractor shall be deposited in the fund established under section 1931 of this title and shall remain available until expended.''.

(b) PAYMENT FOR CONTRACTUAL SERVICES.—Notwithstanding sections 3302(b), 1341, and 1517 of title 31, United States Code, the Director of the Administrative Office of the United States Courts may include in any contract for the development or administration of examinations for interpreters (including such a contract entered into before the date of the enactment of this Act) a provision which permits the contractor to collect and retain fees in payment for contractual services in accordance with section 1827(g)(5) of title 28, United States Code.

SEC. 403. JUDICIAL PANEL ON MULTIDISTRICT LITIGATION.

(a) IN GENERAL.—(1) Chapter 123 of title 28, United States Code, is amended by adding after section 1931 the following new section:

''§ 1932. Judicial Panel on Multidistrict Litigation

''The Judicial Conference of the United States shall prescribe from time to time the fees and costs to be charged and collected by the Judicial Panel on Multidistrict Litigation.''.

(2) The table of sections for chapter 123 of title 28, United States Code, is amended by adding after the item relating to section 1931 the following:

''1932. Judicial Panel on Multidistrict Litigation.''.

(b) RELATED FEES FOR ACCESS TO INFORMATION.—Section 303(a) of the Judiciary Appropriations Act, 1992 (Public Law 102–140; 105 Stat. 810; 28 U.S.C. 1913 note) is amended in the first sentence by striking out ''1926, and 1930'' and inserting in lieu thereof ''1926, 1930, and 1932''.

SEC. 404. DISPOSITION OF FEES.

(a) DISPOSITION OF ATTORNEY ADMISSION FEES.—For each fee collected for admission of an attorney to practice, as prescribed by the Judicial Conference of the United States pursuant to section 1914 of title 28, United States Code, $30 of that portion of the fee exceeding $20 shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code. Any portion exceeding $5 of the fee for a duplicate certificate of admission or certificate of good standing, as prescribed by the Judicial Conference of the United States pursuant to section 1914 of title 28, United States Code, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

(b) DISPOSITION OF BANKRUPTCY COMPLAINT FILING FEES.—For each fee collected for filing an adversary complaint in a bankruptcy proceeding, as established in Item 6 of the Bankruptcy Court Miscellaneous Fee Schedule prescribed by the Judicial Conference of the United States pursuant to section 1930(b) of title 28, United States Code, the portion of the fee exceeding $120 shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

(c) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act.

TITLE V—FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS

SEC. 501. QUALIFICATION OF CHIEF JUDGE OF COURT OF INTERNATIONAL TRADE.

(a) IN GENERAL.—Chapter 11 of title 28, United States Code, is amended by adding at the end thereof the following new section:

''§ 258. Chief judges; precedence of judges

''(a)(1) The chief judge of the Court of International Trade shall be the judge of the court in regular active service who is senior in commission of those judges who—

''(A) are 64 years of age or under;

''(B) have served for 1 year or more as a judge of the court; and

''(C) have not served previously as chief judge.

''(2)(A) In any case in which no judge of the court meets the qualifications under paragraph (1), the youngest judge in regular active service who is 65 years of age or over and who has served as a judge of the court for 1 year or more shall act as the chief judge.

''(B) In any case under subparagraph (A) in which there is no judge of the court in regular active service who has served as a judge of the court for 1 year or more, the judge of the court in regular active service who is senior in commission and who has not served previously as chief judge shall act as the chief judge.

''(3)(A) Except as provided under subparagraph (C), the chief judge serving under paragraph (1) shall serve for a term of 7 years and shall serve after expiration of such term until another judge is eligible under paragraph (1) to serve as chief judge.

''(B) Except as provided under subparagraph (C), a judge of the court acting as chief judge under subparagraph (A) or (B) of paragraph (2) shall serve until a judge meets the qualifications under paragraph (1).

''(C) No judge of the court may serve or act as chief judge of the court after attaining the age of 70 years unless no other judge is qualified to serve as chief judge under paragraph (1) or is qualified to act as chief judge under paragraph (2).

''(b) The chief judge shall have precedence and preside at any session of the court which such judge attends. Other judges of the court shall have precedence and preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age.

''(c) If the chief judge desires to be relieved of the duties as chief judge while retaining active status as a judge of the court, the chief judge may so certify to the Chief Justice of the United States, and thereafter the chief judge of the court shall be such other judge of the court who is qualified to serve or act as chief judge under subsection (a).

''(d) If a chief judge is temporarily unable to perform the duties as such, such duties shall be performed by the judge of the court in active service, able and qualified to act, who is next in precedence.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 11 of title 28, United States Code, is amended—

(1) in section 251 by striking out subsection (b) and redesignating subsection (c) as subsection (b);

(2) in section 253—

(A) by amending the section heading to read as follows:

''§ 253. Duties of chief judge.'';

and

(B) by striking out subsections (d) and (e); and

(3) in the table of sections for chapter 11 of title 28, United States Code—

(A) by amending the item relating to section 253 to read as follows:

''253. Duties of chief judge.'';

and

(B) by adding at the end thereof the following:

''258. Chief judges; precedence of judges.''.

(c) APPLICATION.—(1) Notwithstanding the provisions of section 258(a) of title 28, United States Code (as added by subsection (a) of this section), the chief judge of the United States Court of International Trade who is in office on the day before the date of enactment of this Act shall continue to be such chief judge on or after such date until any one of the following events occurs:

(A) The chief judge is relieved of his duties under section 258(c) of title 28, United States Code.

(B) The regular active status of the chief judge is terminated.

(C) The chief judge attains the age of 70 years.

(D) The chief judge has served for a term of 7 years as chief judge.

(2) When the chief judge vacates the position of chief judge under paragraph (1), the position of chief judge of the Court of International Trade shall be filled in accordance with section 258(a) of title 28, United States Code.

TITLE VI—MISCELLANEOUS

SEC. 601. PARTICIPATION IN JUDICIAL GOVERNANCE ACTIVITIES BY DISTRICT, SENIOR, AND MAGISTRATE JUDGES.

(a) JUDICIAL CONFERENCE OF THE UNITED STATES.—Section 331 of title 28, United States Code, is amended by striking out the second undesignated paragraph and inserting in lieu thereof the following:

''The district judge to be summoned from each judicial circuit shall be chosen by the circuit and district judges of the circuit and shall serve as a member of the Judicial Conference of the United States for a term of not less than 3 successive years nor more than 5 successive years, as established by majority vote of all circuit and district judges of the circuit. A district judge serving as a member of the Judicial Conference may be either a judge in regular active service or a judge retired from regular active service under section 371(b) of this title.''.

(b) BOARD OF THE FEDERAL JUDICIAL CENTER.—Section 621 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out paragraph (2) and inserting in lieu thereof the following:

''(2) two circuit judges, three district judges, one bankruptcy judge, and one magistrate judge, elected by vote of the members of the Judicial Conference of the United States, except that any circuit or district judge so elected may be either a judge in regular active service or a judge retired from regular active service under section 371(b) of this title but shall not be a member of the Judicial Conference of the United States; and''; and

(2) in subsection (b) by striking out ''retirement,'' and inserting in lieu thereof ''retirement pursuant to section 371(a) or section 372(a) of this title,''.

SEC. 602. THE DIRECTOR AND DEPUTY DIRECTOR OF THE ADMINISTRATIVE OFFICE AS OFFICERS OF THE UNITED STATES.

Section 601 of title 28, United States Code, is amended by adding at the end thereof the following: ''The Director and Deputy Director shall be deemed to be officers for purposes of title 5, United States Code.''.

SEC. 603. REMOVAL OF ACTION FROM STATE COURT.

Section 1446(c)(1) of title 28, United States Code, is amended by striking out ''petitioner'' and inserting in lieu thereof ''defendant or defendants''.

SEC. 604. FEDERAL JUDICIAL CENTER EMPLOYEE RETIREMENT PROVISIONS.

Section 627(b) of title 28, United States Code, is amended—

(1) in the first sentence by inserting ''Deputy Director,'' before ''the professional staff''; and

(2) in the first sentence by inserting ''chapter 84 (relating to the Federal Employees' Retirement System),'' after ''(relating to civil service retirement),''.

SEC. 605. ABOLITION OF THE SPECIAL COURT, REGIONAL RAIL REORGANIZATION ACT OF 1973.

(a) ABOLITION OF THE SPECIAL COURT.—Section 209 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is amended in subsection (b)—

(1) by inserting ''(1)'' before ''Within 30 days after''; and

(2) by adding at the end thereof the following new paragraph:

''(2) The special court referred to in paragraph (1) of this subsection is abolished effective 90 days after the date of enactment of the Federal Courts Improvement Act of 1996. On such effective date, all jurisdiction and other functions of the special court shall be assumed by the United States District Court for the District of Columbia. With respect to any proceedings that arise or continue after the date on which the special court is abolished, the references in the following provisions to the special court established under this subsection shall be deemed to refer to the United States District Court for the District of Columbia:

''(A) Subsections (c), (e)(1), (e)(2), (f) and (g) of this section.

''(B) Sections 202 (d)(3), (g), 207 (a)(1), (b)(1), (b)(2), 208(d)(2), 301 (e)(2), (g), (k)(3), (k)(15), 303 (a)(1), (a)(2), (b)(1), (b)(6)(A), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), 304 (a)(1)(B), (i)(3), 305 (c), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(8), (e), (f)(1), (f)(2)(B), (f)(2)(D), (f)(2)(E), (f)(3), 306 (a), (b), (c)(4), and 601 (b)(3), (c) of this Act (45 U.S.C. 712 (d)(3), (g), 717 (a)(1), (b)(1), (b)(2), 718(d)(2), 741 (e)(2), (g), (k)(3), (k)(15), 743 (a)(1), (a)(2), (b)(1), (b)(6)(A), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), 744 (a)(1)(B), (i)(3), 745 (c), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(8), (e), (f)(1), (f)(2)(B), (f)(2)(D), (f)(2)(E), (f)(3), 746 (a), (b), (c)(4), 791 (b)(3), (c)).

''(C) Sections 1152(a) and 1167(b) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105(a), 1115(a)).

''(D) Sections 4023 (2)(A)(iii), (2)(B), (2)(C), (3)(C), (3)(E), (4)(A) and 4025(b) of the Conrail Privatization Act (45 U.S.C. 1323 (2)(A)(iii), (2)(B), (2)(C), (3)(C), (3)(E), (4)(A), 1324(b)).

''(E) Section 24907(b) of title 49, United States Code.

''(F) Any other Federal law (other than this subsection and section 605 of the Federal Courts Improvement Act of 1996), Executive order, rule, regulation, delegation of authority, or document of or relating to the special court as previously established under paragraph (1) of this subsection.''.

(b) APPELLATE REVIEW.—(1) Section 209(e) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is amended by striking out the paragraph following paragraph (2) and inserting in lieu thereof the following:

''(3) An order or judgment of the United States District Court for the District of Columbia in any action referred to in this section shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.''.

(2) Section 303 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 743) is amended by striking out subsection (d) and inserting in lieu thereof the following:

''(d) APPEAL.—An order or judgment entered by the United States District Court for the District of Columbia pursuant to subsection (c) of this section or section 306 shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.''.

(3) Section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105) is amended by striking out subsection (b) and inserting in lieu thereof the following:

''(b) APPEAL.—An order or judgment of the United States District Court for the District of Columbia in any action referred to in this section shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 209 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is further amended—

(A) in subsection (g) by inserting ''or Court of Appeals for the District of Columbia Circuit'' after ''Supreme Court''; and

(B) by striking out subsection (h).

(2) Section 305(d)(4) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 745(d)) is amended by striking out ''a judge of the United States district court with respect to such proceedings and such powers shall include those of''.

(3) Section 1135(a)(8) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1104(8)) is amended to read as follows:

''(8) 'Special court' means the judicial panel established under section 209(b)(1) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719(b)(1)) or, with respect to any proceedings that arise or continue after the panel is abolished pursuant to section 209(b)(2) of such Act, the United States District Court for the District of Columbia.''.

(4) Section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105) is further amended by striking out subsection (d).

(d) PENDING CASES.—Effective 90 days after the date of enactment of this Act, any case pending in the special court established under section 209(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719(b)) shall be assigned to the United States District Court for the District of Columbia as though the case had originally been filed in that court. The amendments made by subsection (b) of this section shall not apply to any final order or judgment entered by the special court for which—

(1) a petition for writ of certiorari has been filed before the date on which the special court is abolished; or

(2) the time for filing a petition for writ of certiorari has not expired before that date.

(e) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) of this section shall take effect 90 days after the date of enactment of this Act and, except as provided in subsection (d), shall apply with respect to proceedings that arise or continue after such effective date.

SEC. 606. PLACE OF HOLDING COURT IN THE DISTRICT COURT OF UTAH.

(a) NORTHERN DIVISION.—Section 125(1) of title 28, United States Code, is amended by inserting ''Salt Lake City and'' before ''Ogden''.

(b) CENTRAL DIVISION.—Section 125(2) of title 28, United States Code, is amended by inserting '', Provo, and St. George'' after ''Salt Lake City''.

SEC. 607. EXCEPTION OF RESIDENCY REQUIREMENT FOR DISTRICT JUDGES APPOINTED TO THE SOUTHERN DISTRICT AND EASTERN DISTRICT OF NEW YORK.

Section 134(b) of title 28, United States Code, is amended—

(1) by inserting ''the Southern District of New York, and the Eastern District of New York,'' after ''the District of Columbia,''; and

(2) by inserting at the end the following: ''Each district judge of the Southern District of New York and the Eastern District of New York may reside within 20 miles of the district to which he or she is appointed.''.

SEC. 608. EXTENSION OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION REPORTS ON DEMONSTRATION AND PILOT PROGRAMS.

(a) DEMONSTRATION PROGRAM.—Section 104(d) of the Civil Justice Reform Act of 1990 (28 U.S.C. 471 note) is amended by striking out ''December 31, 1996,'' and inserting in lieu thereof ''June 30, 1997,''.

(b) PILOT PROGRAM.—Section 105(c)(1) of the Civil Justice Reform Act of 1990 (28 U.S.C. 471 note) is amended by striking out ''December 31, 1996,'' and inserting in lieu thereof ''June 30, 1997,''.

SEC. 609. PLACE OF HOLDING COURT IN THE SOUTHERN DISTRICT OF NEW YORK.

The last sentence of section 112(b) of title 28, United States Code, is amended to read as follows:

''Court for the Southern District shall be held at New York, White Plains, and in the Middletown-Wallkill area of Orange County or such nearby location as may be deemed appropriate.''.

SEC. 610. VENUE FOR TERRITORIAL COURTS.

(a) CHANGE OF VENUE.—Section 1404(d) of title 28, United States Code, is amended to read as follows:

''(d) As used in this section, the term 'district court' includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, and the term 'district' includes the territorial jurisdiction of each such court.''.

(b) CURE OR WAIVER OF DEFECTS.—Section 1406(c) of title 28, United States Code, is amended to read as follows:

''(c) As used in this section, the term 'district court' includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, and the term 'district' includes the territorial jurisdiction of each such court.''.

(c) APPLICABILITY.—The amendments made by this section apply to cases pending on the date of the enactment of this Act and to cases commenced on or after such date.

BROADENING THE SCOPE OF CERTAIN FIREARM OFFENSES

Mr. LOTT. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. 1612, a bill to broaden the scope of certain firearm offenses, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1612) to provide for increased mandatory minimum sentences for criminals possessing firearms.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 5433

(Purpose: To provide a complete substitute)

Mr. LOTT. Mr. President, I send an amendment to the desk for Senators DEWINE, HELMS, and ABRAHAM. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for Mr. DEWINE, for himself, Mr. HELMS, and Mr. ABRAHAM, proposes an amendment numbered 5433.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. FIREARMS OFFENSES.

(a) IN GENERAL.—Sections 924(c)(1) and 929(a)(1) of title 18, United States Code, are each amended by striking ''uses or carries'' and inserting ''possesses''.

(b) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal Sentencing Guidelines and the policy statements of the Commission to provide an appropriate sentence enhancement with respect to any defendant who discharges a firearm during or in relation to any crime of violence or any drug trafficking crime.

(2) CONSISTENCY.—In carrying out this subsection, the United States Sentencing Commission shall—

(A) ensure that there is reasonable consistency with other Federal Sentencing Guidelines;

(B) avoid duplicative punishment for substantially the same offense; and

(C) take into account any mitigating circumstances that might justify an exception to any amendment made under paragraph (1).

(3) DEFINITIONS.—For purposes of this subsection, the terms ''crime of violence'' and ''drug trafficking crime'' have the same meanings as in section 924(c) of title 18, United States Code.

Amend the title so as to read: ''A bill to broaden the scope of certain firearms offenses, and for other purposes.''.

Mr. DEWINE. Mr. President, there is concern that some in the House might oppose S. 1612, the Helms/DeWine bill that just passed unanimously, for political reasons. I should emphasize the significance of getting this legislation passed by the House and sent to the President for his signature. This measure, which broadens the scope of firearms offenses committed by violent criminals, is essential if Federal prosecutors are going to have the tools necessary to combat violence and drug trafficking. I urge our colleagues in the House to pass this legislation with dispatch, and to send it to the President, whose Justice Department has been very supportive of this bill. Those who would stop this bill, do so at the expense of law-abiding citizens.

Mr. LOTT. Mr. President, I ask unanimous consent the amendment be agreed to, the bill be deemed read a third time and passed as amended, the title amendment be agreed to, the motion to reconsider be laid upon the table and any statements relating to the bill appear at an appropriate point in the RECORD.

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

The amendment (No. 5433) was agreed to.

The bill (S. 1612), as amended, was deemed read for a third time, and passed, as follows:

S. 1612

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

SECTION 1. FIREARMS OFFENSES.

(a) IN GENERAL.—Sections 924(c)(1) and 929(a)(1) of title 18, United States Code, are each amended by striking ''uses or carries'' and inserting ''possesses''.

(b) AMENDMENT OF SENTENCING GUIDELINES—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal Sentencing Guidelines and the policy statements of the Commission to provide an appropriate sentence enhancement with respect to any defendant who discharges a firearm during or in relation to any crime of violence or any drug trafficking crime.

(2) CONSISTENCY.—In carrying out this subsection, the United States Sentencing Commission shall—

(A) ensure that there is reasonable consistency with other Federal Sentencing Guidelines;

(B) avoid duplicative punishment for substantially the same offense; and

(C) take into account any mitigating circumstances that might justify an exception to any amendment made under paragraph (1).

(3) DEFINITIONS.—For purposes of this subsection, the terms ''crime of violence'' and ''drug trafficking crime'' have the same meanings as in section 924(c) of title 18, United States Code.

Passed the Senate October 3, 1996.

The title was amended so as to read: ''A bill to broaden the scope of certain firearms offenses, and for other purposes.''

COMPENSATING OWNERS OF PATENTS

Mr. LOTT. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 632, regarding patent legal fees, and the Senate proceed to its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 632) to enhance fairness in compensating owners of patents used by the United States.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 5431

(Purpose: To provide for a limitation on reasonable costs and fees under special circumstances, and for other purposes)

Mr. LOTT. Mr. President, Senator HATCH has a technical amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. HATCH, proposes an amendment numbered 5431.

The amendment is as follows:

On page 2, line 8, strike all after the period through ''Acts.'' on line 13 and insert ''Notwithstanding the preceding sentences, unless the action has been pending for more than 10 years from the time of filing to the time that the owner applies for such costs and fees, reasonable and entire compensation shall not include such costs and fees if the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.''.

On page 2, line 17, strike ''January 1, 1996'' and insert ''the date of the enactment of this Act''.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 5431) was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to the measure be placed at the appropriate place in the RECORD.

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

The bill (H.R. 632), as amended, was deemed read the third time and passed.

OLDER AMERICANS INDIAN TECHNICAL AMENDMENTS ACT

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on (S. 1972) to amend the Older Americans Act of 1965 to improve the provisions relating to Indians, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Strike out all after the enacting clause, and insert:

SECTION 1. TABLE OF CONTENTS.

Sec. 1. Table of contents.

TITLE I—OLDER AMERICANS ACT OF 1965

Sec. 101. Indian employment; definition of Indian reservation.
Sec. 102. Population statistics development.
Sec. 103. Reporting requirements.
Sec. 104. Expenditure of funds for nutrition services.
Sec. 105. Coordination of services.

TITLE II—EXTENSION OF PROGRAMS; MUSEUMS AND LIBRARIES

Subtitle A—Extension of Programs

Sec. 201. Extension of National Literacy Act of 1991.
Sec. 202. Adult Education Act amendments.
Sec. 203. Extension of Carl D. Perkins Vocational and Applied Technology Education Act.

Subtitle B—Museums and Libraries

Sec. 211. Museum and library services.
Sec. 212. National Commission on Libraries and Information Science.
Sec. 213. Transfer of functions from Institute of Museum Services.
Sec. 214. Service of individuals serving on date of enactment.
Sec. 215. Consideration.
Sec. 216. Transition and transfer of funds.

TITLE III—HIGHER EDUCATION

Subtitle A—Debt Reduction

Sec. 301. Unsubsidized student loans.
Sec. 302. Study of loan fees.

Subtitle B—Financial Responsibility Standards

Sec. 311. Extension of public comment period.

TITLE I—OLDER AMERICANS ACT OF 1965

SEC. 101. INDIAN EMPLOYMENT; DEFINITION OF INDIAN RESERVATION.

Section 502(b)(1)(B) of the Older Americans Act of 1965 (42 U.S.C. 3056(b)(1)(B)) is amended to read as follows:

''(B)(i) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities; or

''(ii) if such project is carried out by a tribal organization that enters into an agreement under this subsection or receives assistance from a State that enters into such an agreement, will provide employment for such individuals who are Indians residing on or near an Indian reservation, as the term is defined in section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2));''.

SEC. 102. POPULATION STATISTICS DEVELOPMENT.

Section 614(b) of the Older Americans Act of 1965 (42 U.S.C. 3057e(b)) is amended by striking ''certification'' and inserting ''approval''.

SEC. 103. REPORTING REQUIREMENTS.

Section 614(c) of the Older Americans Act of 1965 (42 U.S.C. 3057e(c)) is amended—

(1) by inserting ''(1)'' after ''(c)''; and

(2) by adding at the end the following new paragraph:

''(2) The Assistant Secretary shall provide waivers and exemptions of the reporting requirements of subsection (a)(3) for applicants that serve Indian populations in geographically isolated areas, or applicants that serve small Indian populations, where the small scale of the project, the nature of the applicant, or other factors make the reporting requirements unreasonable under the circumstances. The Assistant Secretary shall consult with such applicants in establishing appropriate waivers and exemptions.''.

SEC. 104. EXPENDITURE OF FUNDS FOR NUTRITION SERVICES.

Section 614(c) of the Older Americans Act of 1965 (42 U.S.C. 3057e(c)), as amended by section 103, is further amended by adding at the end the following new paragraph:

''(3) In determining whether an application complies with the requirements of subsection (a)(8), the Assistant Secretary shall provide maximum flexibility to an applicant who seeks to take into account subsistence needs, local customs, and other characteristics that are appropriate to the unique cultural, regional, and geographical needs of the Indian populations to be served.''.

SEC. 105. COORDINATION OF SERVICES.

Section 614(c) of the Older Americans Act of 1965 (42 U.S.C. 3057e(c)), as amended by section 104, is further amended by adding at the end the following new paragraph:

''(4) In determining whether an application complies with the requirements of subsection (a)(12), the Assistant Secretary shall require only that an applicant provide an appropriate narrative description of the geographical area to be served and an assurance that procedures will be adopted to ensure against duplicate services being provided to the same recipients.''.

TITLE II—EXTENSION OF PROGRAMS; MUSEUMS AND LIBRARIES

Subtitle A—Extension of Programs

SEC. 201. EXTENSION OF NATIONAL LITERACY ACT OF 1991.

(a) NATIONAL WORKFORCE LITERACY ASSISTANCE COLLABORATIVE.—Subsection (c) of section 201 of the National Literacy Act of 1991 (20 U.S.C. 1211–1(c)) is amended by striking ''$5,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 1997.''.

(b) FUNCTIONAL LITERACY AND LIFE SKILLS PROGRAM FOR STATE AND LOCAL PRISONERS.—Paragraph (3) of section 601(i) of the National Literacy Act of 1991 (20 U.S.C. 1211–2(i)) is amended by striking ''$10,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 1997.''.

SEC. 202. ADULT EDUCATION ACT AMENDMENTS.

The Adult Education Act (20 U.S.C. 1201 et seq.) is amended—

(1) in section 312—

(A) in each of subparagraphs (A) and (B) of paragraph (11), by moving the left margin two ems to the right;

(B) in each of paragraphs (11) through (15), by moving the left margin two ems to the right; and

(C) by adding at the end the following:

''(16) The term 'family literacy services' means services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family and that integrate all of the following activities:

''(A) Interactive literacy activities between parents and their children.

''(B) Training for parents on how to be the primary teacher for their children and full partners in the education of their children.

''(C) Parent literacy training.

''(D) An age-appropriate education program for children.'';

(2) in section 313(a), by striking ''the fiscal year 1991,'' and all that follows through ''1995'' and inserting ''fiscal year 1997'';

(3) in section 321, by inserting ''and family literacy services'' after ''and activities'';

(4) in the first sentence of section 322(a)(1), by inserting ''and family literacy services'' after ''adult education programs'';

(5) in section 341(a), by inserting ''and for family literacy services'' after ''adult education'';

(6) in section 356(k), by striking ''$25,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 1997.'';

(7) in section 371(e)(1), by striking ''the fiscal year 1991,'' and all that follows through the period and inserting ''fiscal year 1997.'';

(8) in section 384, by striking subsections (c) through (n); and

(9) by adding at the end the following:

''SEC. 386. NATIONAL INSTITUTE FOR LITERACY.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established the National Institute for Literacy (in this section referred to as the 'Institute'). The Institute shall be administered under the terms of an interagency agreement entered into by the Secretary of Education with the Secretary of Labor and the Secretary of Health and Human Services (in this section referred to as the 'Interagency Group'). The Interagency Group may include in the Institute any research and development center, institute, or clearinghouse established within the Department of Education, the Department of Labor, or the Department of Health and

Human Services whose purpose is determined by the Interagency Group to be related to the purpose of the Institute.

''(2) OFFICES.—The Institute shall have offices separate from the offices of the Department of Education, the Department of Labor, and the Department of Health and Human Services.

''(3) BOARD RECOMMENDATIONS.—The Interagency Group shall consider the recommendations of the National Institute for Literacy Advisory Board (in this section referred to as the 'Board') established under subsection (d) in planning the goals of the Institute and in the implementation of any programs to achieve such goals.

''(4) DAILY OPERATIONS.—The daily operations of the Institute shall be carried out by the Director of the Institute appointed under subsection (g).

''(b) DUTIES.—

''(1) IN GENERAL.—The Institute shall improve the quality and accountability of the adult basic skills and literacy delivery system by—

''(A) providing national leadership for the improvement and expansion of the system for delivery of literacy services;

''(B) coordinating the delivery of such services across Federal agencies;

''(C) identifying effective models of basic skills and literacy education for adults and families that are essential to success in job training, work, the family, and the community;

''(D) supporting the creation of new methods of offering improved literacy services;

''(E) funding a network of State or regional adult literacy resource centers to assist State and local public and private nonprofit efforts to improve literacy by—

''(i) encouraging the coordination of literacy services;

''(ii) carrying out evaluations of the effectiveness of adult education and literacy activities;

''(iii) enhancing the capacity of State and local organizations to provide literacy services; and

''(iv) serving as a reciprocal link between the Institute and providers of adult education and literacy activities for the purpose of sharing information, data, research, expertise, and literacy resources;

''(F) supporting the development of models at the State and local level of accountability systems that consist of goals, performance measures, benchmarks, and assessments that can be used to improve the quality of adult education and literacy activities;

''(G) providing information, and other program improvement activities to national, State, and local organizations, such as—

''(i) improving the capacity of national, State, and local public and private organizations that provide literacy and basic skills services, professional development, and technical assistance, such as the State or regional adult literacy resource centers referred to in subparagraph (E); and

''(ii) establishing a national literacy electronic database and communications network;

''(H) working with the Interagency Group, Federal agencies, and the Congress to ensure that such Group, agencies, and the Congress have the best information available on literacy and basic skills programs in formulating Federal policy with respect to the issues of literacy, basic skills, and workforce and career development; and

''(I) assisting with the development of policy with respect to literacy and basic skills.

''(2) GRANTS, CONTRACTS, AND AGREEMENTS.—The Institute may make grants to, or enter into contracts or cooperative agreements with, individuals, public or private institutions, agencies, organizations, or consortia of such institutions, agencies, or organizations to carry out the activities of the Institute. Such grants, contracts, or agreements shall be subject to the laws and regulations that generally apply to grants, contracts, or agreements entered into by Federal agencies.

''(c) LITERACY LEADERSHIP.—

''(1) FELLOWSHIPS.—The Institute, in consultation with the Board, may award fellowships, with such stipends and allowances as the Director considers necessary, to outstanding individuals pursuing careers in adult education or literacy in the areas of instruction, management, research, or innovation.

''(2) USE OF FELLOWSHIPS.—Fellowships awarded under this subsection shall be used, under the auspices of the Institute, to engage in research, education, training, technical assistance, or other activities to advance the field of adult education or literacy, including the training of volunteer literacy providers at the national, State, or local level.

''(3) INTERNS AND VOLUNTEERS.—The Institute, in consultation with the Board, may award paid and unpaid internships to individuals seeking to assist the Institute in carrying out its mission. Notwithstanding section 1342 of title 31, United States Code, the Institute may accept and use voluntary and uncompensated services as the Institute determines necessary.

''(d) NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—There is established a National Institute for Literacy Advisory Board. The Board shall consist of 10 individuals appointed by the President, with the advice and consent of the Senate, from individuals who—

''(i) are not otherwise officers or employees of the Federal Government; and

''(ii) are representative of entities or groups described in subparagraph (B).

''(B) ENTITIES OR GROUPS DESCRIBED.—The entities or groups referred to in subparagraph (A) are—

''(i) literacy organizations and providers of literacy services, including—

''(I) nonprofit providers of literacy services;

''(II) providers of programs and services involving English language instruction; and

''(III) providers of services receiving assistance under this title;

''(ii) businesses that have demonstrated interest in literacy programs;

''(iii) literacy students;

''(iv) experts in the area of literacy research;

''(v) State and local governments; and

''(vi) representatives of employees.

''(2) DUTIES.—The Board—

''(A) shall make recommendations concerning the appointment of the Director and staff of the Institute;

''(B) shall provide independent advice on the operation of the Institute; and

''(C) shall receive reports from the Interagency Group and the Director.

''(3) FEDERAL ADVISORY COMMITTEE ACT.—Except as otherwise provided, the Board established by this subsection shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

''(4) TERMS.—

''(A) IN GENERAL.—Each member of the Board shall be appointed for a term of 3 years, except that the initial terms for members may be 1, 2, or 3 years in order to establish a rotation in which ⅓ of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.

''(B) VACANCY APPOINTMENTS.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made. A vacancy in the Board shall not affect the powers of the Board.

''(5) QUORUM.—A majority of the members of the Board shall constitute a quorum but a lesser number may hold hearings. Any recommendation of the Board may be passed only by a majority of the Board's members present.

''(6) ELECTION OF OFFICERS.—The Chairperson and Vice Chairperson of the Board shall be elected by the members of the Board. The term of office of the Chairperson and Vice Chairperson shall be 2 years.

''(7) MEETINGS.—The Board shall meet at the call of the Chairperson or a majority of the members of the Board.

''(e) GIFTS, BEQUESTS, AND DEVISES.—The Institute may accept, administer, and use gifts or donations of services, money, or property, both real and personal.

''(f) MAILS.—The Board and the Institute may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

''(g) DIRECTOR.—The Interagency Group, after considering recommendations made by the Board, shall appoint and fix the pay of a Director.

''(h) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Institute may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the maximum rate payable under section 5376 of title 5, United States Code.

''(i) EXPERTS AND CONSULTANTS.—The Board and the Institute may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

''(j) REPORT.—The Institute shall submit a report biennially to the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate. Each report submitted under this subsection shall include—

''(1) a comprehensive and detailed description of the Institute's operations, activities, financial condition, and accomplishments in the field of literacy for the period covered by the report;

''(2) a description of how plans for the operation of the Institute for the succeeding two fiscal years will facilitate achievement of the goals of the Institute and the goals of the literacy programs within the Department of Education, the Department of Labor, and the Department of Health and Human Services; and

''(3) any additional minority, or dissenting views submitted by members of the Board.

''(k) FUNDING.—Any amounts appropriated to the Secretary of Education, the Secretary of Labor, or the Secretary of Health and Human Services for purposes that the Institute is authorized to perform under this section may be provided to the Institute for such purposes.

''(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2002 to carry out this section.''.

SEC. 203. EXTENSION OF CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.

Subsection (a) of section 3 of the Carl D. Perkins Vocational and Applied Technology Act is amended by striking ''appropriated'' and all that follows through ''1995'' and inserting ''appropriated for fiscal year 1997 such sums as may be necessary''.

Subtitle B—Museums and Libraries

SEC. 211. MUSEUM AND LIBRARY SERVICES.

The Museum Services Act (20 U.S.C. 961 et seq.) is amended to read as follows:

''TITLE II—MUSEUM AND LIBRARY SERVICES

''Subtitle A—General Provisions

''SEC. 201. SHORT TITLE.

''This title may be cited as the 'Museum and Library Services Act'.

"SEC. 202. GENERAL DEFINITIONS.

''As used in this title:

''(1) COMMISSION.—The term 'Commission' means the National Commission on Libraries and Information Science established under section 3 of the National Commission on Libraries and Information Sciences Act (20 U.S.C. 1502).

''(2) DIRECTOR.—The term 'Director' means the Director of the Institute appointed under section 204.

''(3) INSTITUTE.—The term 'Institute' means the Institute of Museum and Library Services established under section 203.

''(4) MUSEUM BOARD.—The term 'Museum Board' means the National Museum Services Board established under section 275.

"SEC. 203. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.

''(a) ESTABLISHMENT.—There is established, within the National Foundation on the Arts and the Humanities, an Institute of Museum and Library Services.

''(b) OFFICES.—The Institute shall consist of an Office of Museum Services and an Office of Library Services. There shall be a National Museum Services Board in the Office of Museum Services.

"SEC. 204. DIRECTOR OF THE INSTITUTE.

''(a) APPOINTMENT.—

''(1) IN GENERAL.—The Institute shall be headed by a Director, appointed by the President, by and with the advice and consent of the Senate.

''(2) TERM.—The Director shall serve for a term of 4 years.

''(3) QUALIFICATIONS.—Beginning with the first individual appointed to the position of Director after the date of the enactment of the Act entitled 'An Act to amend the Older Americans Act of 1965, and for other purposes', every second individual so appointed shall be appointed from among individuals who have special competence with regard to library and information services. Beginning with the second individual appointed to the position of Director after the date of enactment of the Act entitled 'An Act to amend the Older Americans Act of 1965, and for other purposes', every second individual so appointed shall be appointed from among individuals who have special competence with regard to museum services.

''(b) COMPENSATION.—The Director may be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

''(c) DUTIES AND POWERS.—The Director shall perform such duties and exercise such powers as may be prescribed by law, including awarding financial assistance for activities described in this title.

''(d) NONDELEGATION.—The Director shall not delegate any of the functions of the Director to any person who is not an officer or employee of the Institute.

''(e) COORDINATION.—The Director shall ensure coordination of the policies and activities of the Institute with the policies and activities of other agencies and offices of the Federal Government having interest in and responsibilities for the improvement of museums and libraries and information services.

"SEC. 205. DEPUTY DIRECTORS.

''The Office of Library Services shall be headed by a Deputy Director, who shall be appointed by the Director from among individuals who have a graduate degree in library science and expertise in library and information services. The Office of Museum Services shall be headed by a Deputy Director, who shall be appointed by the Director from among individuals who have expertise in museum services.

"SEC. 206. PERSONNEL.

''(a) IN GENERAL.—The Director may, in accordance with applicable provisions of title 5, United States Code, appoint and determine the compensation of such employees as the Director determines to be necessary to carry out the duties of the Institute.

''(b) VOLUNTARY SERVICES.—The Director may accept and utilize the voluntary services of individuals and reimburse the individuals for travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service.

"SEC. 207. CONTRIBUTIONS.

''The Institute is authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such property or services in furtherance of the functions of the Institute. Any proceeds from such gifts, bequests, or devises, after acceptance by the Institute, shall be paid by the donor or the representative of the donor to the Director. The Director shall enter the proceeds in a special interest-bearing account to the credit of the Institute for the purposes specified in each case.

"Subtitle B—Library Services and Technology

"SEC. 211. SHORT TITLE.

''This subtitle may be cited as the 'Library Services and Technology Act'.

"SEC. 212. PURPOSE.

''It is the purpose of this subtitle—

''(1) to consolidate Federal library service programs;

''(2) to stimulate excellence and promote access to learning and information resources in all types of libraries for individuals of all ages;

''(3) to promote library services that provide all users access to information through State, regional, national and international electronic networks;

''(4) to provide linkages among and between libraries; and

''(5) to promote targeted library services to people of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to people with limited functional literacy or information skills.

"SEC. 213. DEFINITIONS.

''As used in this subtitle:

''(1) INDIAN TRIBE.—The term 'Indian tribe' means any tribe, band, nation, or other organized group or community, including any Alaska native village, regional corporation, or village corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(2) LIBRARY.—The term 'library' includes—

''(A) a public library;

''(B) a public elementary school or secondary school library;

''(C) an academic library;

''(D) a research library, which for the purposes of this subtitle means a library that—

''(i) makes publicly available library services and materials suitable for scholarly research and not otherwise available to the public; and

''(ii) is not an integral part of an institution of higher education; and

''(E) a private library, but only if the State in which such private library is located determines that the library should be considered a library for purposes of this subtitle.

''(3) LIBRARY CONSORTIUM.—The term 'library consortium' means any local, statewide, regional, interstate, or international cooperative association of library entities which provides for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers, for improved services for the clientele of such library entities.

''(4) STATE.—The term 'State', unless otherwise specified, includes each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

''(5) STATE LIBRARY ADMINISTRATIVE AGENCY.—The term 'State library administrative agency' means the official agency of a State charged by the law of the State with the extension and development of public library services throughout the State.

''(6) STATE PLAN.—The term 'State plan' means the document which gives assurances that the officially designated State library administrative agency has the fiscal and legal authority and capability to administer all aspects of this subtitle, provides assurances for establishing the State's policies, priorities, criteria, and procedures necessary to the implementation of all programs under this subtitle, submits copies for approval as required by regulations promulgated by the Director, identifies a State's library needs, and sets forth the activities to be taken toward meeting the identified needs supported with the assistance of Federal funds made available under this subtitle.

"SEC. 214. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated $150,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2002 to carry out this subtitle.

''(2) TRANSFER.—The Secretary of Education shall—

''(A) transfer any funds appropriated under the authority of paragraph (1) to the Director to enable the Director to carry out this subtitle; and

''(B) not exercise any authority concerning the administration of this title other than the transfer described in subparagraph (A).

''(b) FORWARD FUNDING.—

''(1) IN GENERAL.—To the end of affording the responsible Federal, State, and local officers adequate notice of available Federal financial assistance for carrying out ongoing library activities and projects, appropriations for grants, contracts, or other payments under any program under this subtitle are authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year during which such activities and projects shall be carried out.

''(2) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—In order to effect a transition to the timing of appropriation action authorized by subsection (a), the application of this section may result in the enactment, in a fiscal year, of separate appropriations for a program under this subtitle (whether in the same appropriations Act or otherwise) for two consecutive fiscal years.

''(c) ADMINISTRATION.—Not more than 3 percent of the funds appropriated under this section for a fiscal year may be used to pay for the Federal administrative costs of carrying out this subtitle.

"CHAPTER 1—BASIC PROGRAM REQUIREMENTS

"SEC. 221. RESERVATIONS AND ALLOTMENTS.

''(a) RESERVATIONS.—

''(1) IN GENERAL.—From the amount appropriated under the authority of section 214 for any fiscal year, the Director—

''(A) shall reserve 1½ percent to award grants in accordance with section 261; and

''(B) shall reserve 4 percent to award national leadership grants or contracts in accordance with section 262.

''(2) SPECIAL RULE.—If the funds reserved pursuant to paragraph (1)(B) for a fiscal year have not been obligated by the end of such fiscal year, then such funds shall be allotted in accordance with subsection (b) for the fiscal year succeeding the fiscal year for which the funds were so reserved.

''(b) ALLOTMENTS.—

''(1) IN GENERAL.—From the sums appropriated under the authority of section 214 and

not reserved under subsection (a) for any fiscal year, the Director shall award grants from minimum allotments, as determined under paragraph (3), to each State. Any sums remaining after minimum allotments are made for such year shall be allotted in the manner set forth in paragraph (2).

''(2) REMAINDER.—From the remainder of any sums appropriated under the authority of section 214 that are not reserved under subsection (a) and not allotted under paragraph (1) for any fiscal year, the Director shall award grants to each State in an amount that bears the same relation to such remainder as the population of the State bears to the population of all States.

''(3) MINIMUM ALLOTMENT.—

''(A) IN GENERAL.—For the purposes of this subsection, the minimum allotment for each State shall be $340,000, except that the minimum allotment shall be $40,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

''(B) RATABLE REDUCTIONS.—If the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year is insufficient to fully satisfy the aggregate of the minimum allotments for all States for that purpose for such year, each of such minimum allotments shall be reduced ratably.

''(C) SPECIAL RULE.—

''(i) IN GENERAL.—Notwithstanding any other provision of this subsection and using funds allotted for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under this subsection, the Director shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this subtitle in accordance with the provisions of this subtitle that the Director determines are not inconsistent with this subparagraph.

''(ii) AWARD BASIS.—The Director shall award grants pursuant to clause (i) on a competitive basis and pursuant to recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

''(iii) TERMINATION OF ELIGIBILITY.—Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not receive any funds under this subtitle for any fiscal year that begins after September 30, 2001.

''(iv) ADMINISTRATIVE COSTS.—The Director may provide not more than 5 percent of the funds made available for grants under this subparagraph to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subparagraph.

''(4) DATA.—The population of each State and of all the States shall be determined by the Director on the basis of the most recent data available from the Bureau of the Census.

"SEC. 222. ADMINISTRATION.

''(a) IN GENERAL.—Not more than 4 percent of the total amount of funds received under this subtitle for any fiscal year by a State may be used for administrative costs.

''(b) CONSTRUCTION.—Nothing in this section shall be construed to limit spending for evaluation costs under section 224(c) from sources other than this subtitle.

"SEC. 223. PAYMENTS; FEDERAL SHARE; AND MAINTENANCE OF EFFORT REQUIREMENTS.

''(a) PAYMENTS.—Subject to appropriations provided pursuant to section 214, the Director shall pay to each State library administrative agency having a State plan approved under section 224 the Federal share of the cost of the activities described in the State plan.

''(b) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share shall be 66 percent.

''(2) NON-FEDERAL SHARE.—The non-Federal share of payments shall be provided from non-Federal, State, or local sources.

''(c) MAINTENANCE OF EFFORT.—

''(1) STATE EXPENDITURES.—

''(A) REQUIREMENT.—

''(i) IN GENERAL.—The amount otherwise payable to a State for a fiscal year pursuant to an allotment under this chapter shall be reduced if the level of State expenditures, as described in paragraph (2), for the previous fiscal year is less than the average of the total of such expenditures for the 3 fiscal years preceding that previous fiscal year. The amount of the reduction in allotment for any fiscal year shall be equal to the amount by which the level of such State expenditures for the fiscal year for which the determination is made is less than the average of the total of such expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made.

''(ii) CALCULATION.—Any decrease in State expenditures resulting from the application of subparagraph (B) shall be excluded from the calculation of the average level of State expenditures for any 3-year period described in clause (i).

''(B) DECREASE IN FEDERAL SUPPORT.—If the amount made available under this subtitle for a fiscal year is less than the amount made available under this subtitle for the preceding fiscal year, then the expenditures required by subparagraph (A) for such preceding fiscal year shall be decreased by the same percentage as the percentage decrease in the amount so made available.

''(2) LEVEL OF STATE EXPENDITURES.—The level of State expenditures for the purposes of paragraph (1) shall include all State dollars expended by the State library administrative agency for library programs that are consistent with the purposes of this subtitle. All funds included in the maintenance of effort calculation under this subsection shall be expended during the fiscal year for which the determination is made, and shall not include capital expenditures, special one-time project costs, or similar windfalls.

''(3) WAIVER.—The Director may waive the requirements of paragraph (1) if the Director determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"SEC. 224. STATE PLANS.

''(a) STATE PLAN REQUIRED.—

''(1) IN GENERAL.—In order to be eligible to receive a grant under this subtitle, a State library administrative agency shall submit a State plan to the Director not later than April 1, 1997.

''(2) DURATION.—The State plan shall cover a period of 5 fiscal years.

''(3) REVISIONS.—If a State library administrative agency makes a substantive revision to its State plan, then the State library administrative agency shall submit to the Director an amendment to the State plan containing such revision not later than April 1 of the fiscal year preceding the fiscal year for which the amendment will be effective.

''(b) CONTENTS.—The State plan shall—

''(1) establish goals, and specify priorities, for the State consistent with the purposes of this subtitle;

''(2) describe activities that are consistent with the goals and priorities established under paragraph (1), the purposes of this subtitle, and section 231, that the State library administrative agency will carry out during such year using such grant;

''(3) describe the procedures that such agency will use to carry out the activities described in paragraph (2);

''(4) describe the methodology that such agency will use to evaluate the success of the activities established under paragraph (2) in achieving the goals and meeting the priorities described in paragraph (1);

''(5) describe the procedures that such agency will use to involve libraries and library users throughout the State in policy decisions regarding implementation of this subtitle; and

''(6) provide assurances satisfactory to the Director that such agency will make such reports, in such form and containing such information, as the Director may reasonably require to carry out this subtitle and to determine the extent to which funds provided under this subtitle have been effective in carrying out the purposes of this subtitle.

''(c) EVALUATION AND REPORT.—Each State library administrative agency receiving a grant under this subtitle shall independently evaluate, and report to the Director regarding, the activities assisted under this subtitle, prior to the end of the 5-year plan.

''(d) INFORMATION.—Each library receiving assistance under this subtitle shall submit to the State library administrative agency such information as such agency may require to meet the requirements of subsection (c).

''(e) APPROVAL.—

''(1) IN GENERAL.—The Director shall approve any State plan under this subtitle that meets the requirements of this subtitle and provides satisfactory assurances that the provisions of such plan will be carried out.

''(2) PUBLIC AVAILABILITY.—Each State library administrative agency receiving a grant under this subtitle shall make the State plan available to the public.

''(3) ADMINISTRATION.—If the Director determines that the State plan does not meet the requirements of this section, the Director shall—

''(A) immediately notify the State library administrative agency of such determination and the reasons for such determination;

''(B) offer the State library administrative agency the opportunity to revise its State plan;

''(C) provide technical assistance in order to assist the State library administrative agency in meeting the requirements of this section; and

''(D) provide the State library administrative agency the opportunity for a hearing.

"CHAPTER 2—LIBRARY PROGRAMS

"SEC. 231. GRANTS TO STATES.

''(a) IN GENERAL.—Of the funds provided to a State library administrative agency under section 214, such agency shall expend, either directly or through subgrants or cooperative agreements, at least 96 percent of such funds for—

''(1) establishing or enhancing electronic linkages among or between libraries and library consortia; and

''(2) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

''(b) SPECIAL RULE.—Each State library administrative agency receiving funds under this chapter may apportion the funds available for the purposes described in subsection (a) between the two purposes described in paragraphs (1) and (2) of such subsection, as appropriate, to meet the needs of the individual State.

"CHAPTER 3—ADMINISTRATIVE PROVISIONS

"Subchapter A—State Requirements

"SEC. 251. STATE ADVISORY COUNCILS.

''Each State desiring assistance under this subtitle may establish a State advisory council which is broadly representative of the library entities in the State, including public, school, academic, special, and institutional libraries,

and libraries serving individuals with disabilities.

"Subchapter B—Federal Requirements

"SEC. 261. SERVICES FOR INDIAN TRIBES.

''From amounts reserved under section 221(a)(1)(A) for any fiscal year the Director shall award grants to organizations primarily serving and representing Indian tribes to enable such organizations to carry out the activities described in section 231.

"SEC. 262. NATIONAL LEADERSHIP GRANTS OR CONTRACTS.

''(a) IN GENERAL.—From the amounts reserved under section 221(a)(1)(B) for any fiscal year the Director shall establish and carry out a program awarding national leadership grants or contracts to enhance the quality of library services nationwide and to provide coordination between libraries and museums. Such grants or contracts shall be used for activities that may include—

''(1) education and training of persons in library and information science, particularly in areas of new technology and other critical needs, including graduate fellowships, traineeships, institutes, or other programs;

''(2) research and demonstration projects related to the improvement of libraries, education in library and information science, enhancement of library services through effective and efficient use of new technologies, and dissemination of information derived from such projects;

''(3) preservation or digitization of library materials and resources, giving priority to projects emphasizing coordination, avoidance of duplication, and access by researchers beyond the institution or library entity undertaking the project; and

''(4) model programs demonstrating cooperative efforts between libraries and museums.

''(b) GRANTS OR CONTRACTS.—

''(1) IN GENERAL.—The Director may carry out the activities described in subsection (a) by awarding grants to, or entering into contracts with, libraries, agencies, institutions of higher education, or museums, where appropriate.

''(2) COMPETITIVE BASIS.—Grants and contracts under this section shall be awarded on a competitive basis.

''(c) SPECIAL RULE.—The Director shall make every effort to ensure that activities assisted under this section are administered by appropriate library and museum professionals or experts.

"SEC. 263. STATE AND LOCAL INITIATIVES.

''Nothing in this subtitle shall be construed to interfere with State and local initiatives and responsibility in the conduct of library services. The administration of libraries, the selection of personnel and library books and materials, and insofar as consistent with the purposes of this subtitle, the determination of the best uses of the funds provided under this subtitle, shall be reserved for the States and their local subdivisions.

"Subtitle C—Museum Services

"SEC. 271. PURPOSE.

''It is the purpose of this subtitle—

''(1) to encourage and assist museums in their educational role, in conjunction with formal systems of elementary, secondary, and post-secondary education, and with programs of nonformal education for all age groups;

''(2) to assist museums in modernizing their methods and facilities so that the museums are better able to conserve the cultural, historic, and scientific heritage of the United States; and

''(3) to ease the financial burden borne by museums as a result of their increasing use by the public.

"SEC. 272. DEFINITIONS.

''As used in this subtitle:

''(1) MUSEUM.—The term 'museum' means a public or private nonprofit agency or institution organized on a permanent basis for essentially educational or aesthetic purposes, that utilizes a professional staff, owns or utilizes tangible objects, cares for the tangible objects, and exhibits the tangible objects to the public on a regular basis.

''(2) STATE.—The term 'State' means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"SEC. 273. MUSEUM SERVICES ACTIVITIES.

''(a) GRANTS.—The Director, subject to the policy direction of the Museum Board, may make grants to museums to pay for the Federal share of the cost of increasing and improving museum services, through such activities as—

''(1) programs that enable museums to construct or install displays, interpretations, and exhibitions in order to improve museum services provided to the public;

''(2) assisting museums in developing and maintaining professionally trained or otherwise experienced staff to meet the needs of the museums;

''(3) assisting museums in meeting the administrative costs of preserving and maintaining the collections of the museums, exhibiting the collections to the public, and providing educational programs to the public through the use of the collections;

''(4) assisting museums in cooperating with each other in developing traveling exhibitions, meeting transportation costs, and identifying and locating collections available for loan;

''(5) assisting museums in the conservation of their collections;

''(6) developing and carrying out specialized programs for specific segments of the public, such as programs for urban neighborhoods, rural areas, Indian reservations, and penal and other State institutions; and

''(7) model programs demonstrating cooperative efforts between libraries and museums.

''(b) CONTRACTS AND COOPERATIVE AGREEMENTS.—

''(1) PROJECTS TO STRENGTHEN MUSEUM SERVICES.—The Director, subject to the policy direction of the Museum Board, is authorized to enter into contracts and cooperative agreements with appropriate entities, as determined by the Director, to pay for the Federal share of enabling the entities to undertake projects designed to strengthen museum services, except that any contracts or cooperative agreements entered into pursuant to this subsection shall be effective only to such extent or in such amounts as are provided in appropriations acts.

''(2) LIMITATION ON AMOUNT.—The aggregate amount of financial assistance made available under this subsection for a fiscal year shall not exceed 15 percent of the amount appropriated under this subtitle for such fiscal year.

''(3) OPERATIONAL EXPENSES.—No financial assistance may be provided under this subsection to pay for operational expenses.

''(c) FEDERAL SHARE.—

''(1) 50 PERCENT.—Except as provided in paragraph (2), the Federal share described in subsections (a) and (b) shall be not more than 50 percent.

''(2) GREATER THAN 50 PERCENT.—The Director may use not more than 20 percent of the funds made available under this subtitle for a fiscal year to make grants under subsection (a), or enter into contracts or agreements under subsection (b), for which the Federal share may be greater than 50 percent.

''(d) REVIEW AND EVALUATION.—The Director shall establish procedures for reviewing and evaluating grants, contracts, and cooperative agreements made or entered into under this subtitle. Procedures for reviewing grant applications or contracts and cooperative agreements for financial assistance under this subtitle shall not be subject to any review outside of the Institute.

"SEC. 274. AWARD.

''The Director, with the advice of the Museum Board, may annually award a National Award for Museum Service to outstanding museums that have made significant contributions in service to their communities.

"SEC. 275. NATIONAL MUSEUM SERVICES BOARD.

''(a) ESTABLISHMENT.—There is established in the Institute a National Museum Services Board.

''(b) COMPOSITION AND QUALIFICATIONS.—

''(1) COMPOSITION.—The Museum Board shall consist of the Director and 14 members appointed by the President, by and with the advice and consent of the Senate.

''(2) QUALIFICATIONS.—The appointive members of the Museum Board shall be selected from among citizens of the United States—

''(A) who are members of the general public;

''(B) who are or have been affiliated with—

''(i) resources that, collectively, are broadly representative of the curatorial, conservation, educational, and cultural resources of the United States; or

''(ii) museums that, collectively, are broadly representative of various types of museums, including museums relating to science, history, technology, art, zoos, and botanical gardens; and

''(C) who are recognized for their broad knowledge, expertise, or experience in museums or commitment to museums.

''(3) GEOGRAPHIC AND OTHER REPRESENTATION.—Members of the Museum Board shall be appointed to reflect persons from various geographic regions of the United States. The Museum Board may not include, at any time, more than 3 members from a single State. In making such appointments, the President shall give due regard to equitable representation of women, minorities, and persons with disabilities who are involved with museums.

''(c) TERMS.—

''(1) IN GENERAL.—Each appointive member of the Museum Board shall serve for a term of 5 years, except that—

''(A) of the members first appointed, 3 shall serve for terms of 5 years, 3 shall serve for terms of 4 years, 3 shall serve for terms of 3 years, 3 shall serve for terms of 2 years, and 2 shall serve for terms of 1 year, as designated by the President at the time of nomination for appointment; and

''(B) any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

''(2) REAPPOINTMENT.—No member of the Museum Board who has been a member for more than 7 consecutive years shall be eligible for reappointment.

''(3) SERVICE UNTIL SUCCESSOR TAKES OFFICE.—Notwithstanding any other provision of this subsection, a member of the Museum Board shall serve after the expiration of the term of the member until the successor to the member takes office.

''(d) DUTIES AND POWERS.—The Museum Board shall have the responsibility to advise the Director on general policies with respect to the duties, powers, and authority of the Institute relating to museum services, including general policies with respect to—

''(1) financial assistance awarded under this subtitle for museum services; and

''(2) projects described in section 262(a)(4).

''(e) CHAIRPERSON.—The President shall designate 1 of the appointive members of the Museum Board as Chairperson of the Museum Board.

''(f) MEETINGS.—

''(1) IN GENERAL.—The Museum Board shall meet—

''(A) not less than 3 times each year, including—

''(i) not less than 2 times each year separately; and

''(ii) not less than 1 time each year in a joint meeting with the Commission, convened for purposes of making general policies with respect to financial assistance for projects described in section 262(a)(4); and

''(B) at the call of the Director.

''(2) VOTE.—All decisions by the Museum Board with respect to the exercise of the duties and powers of the Museum Board shall be made by a majority vote of the members of the Museum Board who are present. All decisions by the Commission and the Museum Board with respect to the policies described in paragraph (1)(A)(ii) shall be made by a ⅔ majority vote of the total number of the members of the Commission and the Museum Board who are present.

''(g) QUORUM.—A majority of the members of the Museum Board shall constitute a quorum for the conduct of business at official meetings of the Museum Board, but a lesser number of members may hold hearings. A majority of the members of the Commission and a majority of the members of the Museum Board shall constitute a quorum for the conduct of business at official joint meetings of the Commission and the Museum Board.

''(h) COMPENSATION AND TRAVEL EXPENSES.—

''(1) COMPENSATION.—Each member of the Museum Board who is not an officer or employee of the Federal Government may be compensated at a rate to be fixed by the President, but not to exceed the daily equivalent of the maximum rate authorized for a position above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Museum Board. All members of the Museum Board who are officers or employees of the Federal Government shall serve without compensation in addition to compensation received for their services as officers or employees of the Federal Government.

''(2) TRAVEL EXPENSES.—The members of the Museum Board may be allowed travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent, as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service.

''(i) COORDINATION.—The Museum Board, with the advice of the Director, shall take steps to ensure that the policies and activities of the Institute are coordinated with other activities of the Federal Government.

''SEC. 276. AUTHORIZATION OF APPROPRIATIONS.

''(a) GRANTS.—For the purpose of carrying out this subtitle, there are authorized to be appropriated to the Director $28,700,000 for the fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2002.

''(b) ADMINISTRATION.—Not more than 10 percent of the funds appropriated under this section for a fiscal year may be used to pay for the administrative costs of carrying out this subtitle.

''(c) SUMS REMAINING AVAILABLE.—Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for obligation until expended.''.

SEC. 212. NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE.

(a) FUNCTIONS.—Section 5 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1504) is amended—

(1) by redesignating subsections (b) through (d) as subsections (d) through (f), respectively; and

(2) by inserting after subsection (a) the following:

''(b) The Commission shall have the responsibility to advise the Director of the Institute of Museum and Library Services on general policies with respect to the duties, powers, and authority of the Institute of Museum and Library Services relating to library services, including—

''(1) general policies with respect to—

''(A) financial assistance awarded under the Museum and Library Services Act for library services; and

''(B) projects described in section 262(a)(4) of such Act; and

''(2) measures to ensure that the policies and activities of the Institute of Museum and Library Services are coordinated with other activities of the Federal Government.

''(c)(1) The Commission shall meet not less than 1 time each year in a joint meeting with the National Museum Services Board, convened for purposes of providing advice on general policy with respect to financial assistance for projects described in section 262(a)(4) of such Act.

''(2) All decisions by the Commission and the National Museum Services Board with respect to the advice on general policy described in paragraph (1) shall be made by a ⅔ majority vote of the total number of the members of the Commission and the National Museum Services Board who are present.

''(3) A majority of the members of the Commission and a majority of the members of the National Museum Services Board shall constitute a quorum for the conduct of business at official joint meetings of the Commission and the National Museum Services Board.''.

(b) MEMBERSHIP.—Section 6 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1505) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking ''Librarian of Congress'' and inserting ''Librarian of Congress, the Director of the Institute of Museum and Library Services (who shall serve as an ex officio, nonvoting member),'';

(B) in the second sentence—

(i) by striking ''special competence or interest in'' and inserting ''special competence in or knowledge of''; and

(ii) by inserting before the period the following: ''and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly'';

(C) in the third sentence, by inserting ''appointive'' before ''members''; and

(D) in the last sentence, by striking ''term and at least'' and all that follows and inserting ''term.''; and

(2) in subsection (b), by striking ''the rate specified'' and all that follows through ''and while'' and inserting ''the daily equivalent of the maximum rate authorized for a position above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code, for each day (including traveltime) during which the members are engaged in the business of the Commission. While''.

SEC. 213. TRANSFER OF FUNCTIONS FROM INSTITUTE OF MUSEUM SERVICES.

(a) DEFINITIONS.—For purposes of this section, unless otherwise provided or indicated by the context—

(1) the term ''Federal agency'' has the meaning given to the term ''agency'' by section 551(1) of title 5, United States Code;

(2) the term ''function'' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(3) the term ''office'' includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(b) TRANSFER OF FUNCTIONS FROM THE INSTITUTE OF MUSEUM SERVICES AND THE LIBRARY PROGRAM OFFICE.—There are transferred to the Director of the Institute of Museum and Library Services established under section 203 of the Museum and Library Services Act—

(1) all functions that the Director of the Institute of Museum Services exercised before the date of enactment of this section (including all related functions of any officer or employee of the Institute of Museum Services); and

(2) all functions that the Director of Library Programs in the Office of Educational Research and Improvement in the Department of Education exercised before the date of enactment of this section and any related function of any officer or employee of the Department of Education.

(c) DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under subsection (b).

(d) DELEGATION AND ASSIGNMENT.—Except where otherwise expressly prohibited by law or otherwise provided by this section, the Director of the Institute of Museum and Library Services may delegate any of the functions transferred to the Director of the Institute of Museum and Library Services by this section and any function transferred or granted to such Director of the Institute of Museum and Library Services after the effective date of this section to such officers and employees of the Institute of Museum and Library Services as the Director of the Institute of Museum and Library Services may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate, except that any delegation of any such functions with respect to libraries shall be made to the Deputy Director of the Office of Library Services and with respect to museums shall be made to the Deputy Director of the Office of Museum Services. No delegation of functions by the Director of the Institute of Museum and Library Services under this section or under any other provision of this section shall relieve such Director of the Institute of Museum and Library Services of responsibility for the administration of such functions.

(e) REORGANIZATION.—The Director of the Institute of Museum and Library Services may allocate or reallocate any function transferred under subsection (b) among the officers of the Institute of Museum and Library Services, and may establish, consolidate, alter, or discontinue such organizational entities in the Institute of Museum and Library Services as may be necessary or appropriate.

(f) RULES.—The Director of the Institute of Museum and Library Services may prescribe, in accordance with chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Director of the Institute of Museum and Library Services determines to be necessary or appropriate to administer and manage the functions of the Institute of Museum and Library Services.

(g) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Institute of Museum and Library Services. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(h) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, may make such determinations as may be necessary with regard to the functions transferred by this section, and make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out this section. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for

such further measures and dispositions as may be necessary to effectuate the purposes of this section.

(i) EFFECT ON PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided by this section, the transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of such employee under this section.

(2) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this section, any person who, on the day preceding the effective date of this section, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Institute of Museum and Library Services to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(j) SAVINGS PROVISIONS.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official of a Federal agency, or by a court of competent jurisdiction, in the performance of functions that are transferred under this section; and

(B) that were in effect before the effective date of this section, or were final before the effective date of this section and are to become effective on or after the effective date of this section;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director of the Institute of Museum and Library Services or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) PROCEEDINGS NOT AFFECTED.—This section shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Institute of Museum Services on the effective date of this section, with respect to functions transferred by this section. Such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken from the orders, and payments shall be made pursuant to the orders, as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be construed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(3) SUITS NOT AFFECTED.—This section shall not affect suits commenced before the effective date of this section, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(4) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Institute of Museum Services, or by or against any individual in the official capacity of such individual as an officer of the Institute of Museum Services, shall abate by reason of the enactment of this section.

(5) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Institute of Museum Services relating to a function transferred under this section may be continued by the Institute of Museum and Library Services with the same effect as if this section had not been enacted.

(k) TRANSITION.—The Director of the Institute of Museum and Library Services may utilize—

(1) the services of such officers, employees, and other personnel of the Institute of Museum Services with respect to functions transferred to the Institute of Museum and Library Services by this section; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this section.

(l) REFERENCES.—A reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(1) the Director of the Institute of Museum Services with regard to functions transferred under subsection (b), shall be deemed to refer to the Director of the Institute of Museum and Library Services; and

(2) the Institute of Museum Services with regard to functions transferred under subsection (b), shall be deemed to refer to the Institute of Museum and Library Services.

(m) ADDITIONAL CONFORMING AMENDMENTS.—

(1) RECOMMENDED LEGISLATION.—After consultation with the appropriate committees of Congress and the Director of the Office of Management and Budget, the Director of the Institute of Museum and Library Services shall prepare and submit to the appropriate committees of Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this section.

(2) SUBMISSION TO CONGRESS.—Not later than 6 months after the effective date of this section, the Director of the Institute of Museum and Library Services shall submit to the appropriate committees of Congress the recommended legislation referred to under paragraph (1).

SEC. 214. SERVICE OF INDIVIDUALS SERVING ON DATE OF ENACTMENT.

Notwithstanding section 204 of the Museum and Library Services Act, the individual who was appointed to the position of Director of the Institute of Museum Services under section 205 of the Museum Services Act (as such section was in effect on the day before the date of enactment of this Act) and who is serving in such position on the day before the date of enactment of this Act shall serve as the first Director of the Institute of Museum and Library Services under section 204 of the Museum and Library Services Act (as added by section 211 of this title), and shall serve at the pleasure of the President.

SEC. 215. CONSIDERATION.

Consistent with title 5, United States Code, in appointing employees of the Office of Library Services, the Director of the Institute of Museum and Library Services shall give strong consideration to individuals with experience in administering State-based and national library and information services programs.

SEC. 216. TRANSITION AND TRANSFER OF FUNDS.

(a) TRANSITION.—The Director of the Office of Management and Budget shall take appropriate measures to ensure an orderly transition from the activities previously administered by the Director of Library Programs in the Office of Educational Research and Improvement in the Department of Education to the activities administered by the Institute for Museum and Library Services under this title. Such measures may include the transfer of appropriated funds.

(b) TRANSFER.—The Secretary of Education shall transfer to the Director the amount of funds necessary to ensure the orderly transition from activities previously administered by the Director of the Office of Library Programs in the Office of Educational Research and Improvement in the Department of Education to the activities administered by the Institute for Museum and Library Services. In no event shall the amount of funds transferred pursuant to the preceding sentence be less than $200,000.

TITLE III—HIGHER EDUCATION

Subtitle A—Debt Reduction

SEC. 301. UNSUBSIDIZED STUDENT LOANS.

(a) AMENDMENT.—Paragraph (1) of section 428H(f) of the Higher Education Act of 1965 (20 U.S.C. 1078–8(f)(1)) is amended to read as follows:

''(1) AMOUNT OF ORIGINATION FEE.—Except as provided in paragraph (5), an origination fee shall be paid to the Secretary with respect to each loan under this section in the amount of 3.0 percent of the principal amount of the loan. Each lender under this section is authorized to charge the borrower for such origination fee, provided that the lender assesses the same fee to all student borrowers. Any such fee charged to the borrower shall be deducted proportionately from each installment payment of the proceeds of the loan prior to payment to the borrower.''.

(b) CONFORMING AMENDMENTS.—Section 428H(f) of such Act is further amended—

(1) in paragraph (3), by striking ''the origination fee'' and inserting ''any origination fee that is charged to the borrower'';

(2) in paragraph (4), by striking ''origination fees authorized to be collected from borrowers'' and inserting ''origination fees required under paragraph (1)''; and

(3) by adding at the end the following new paragraph:

''(6) EXCEPTION.—Notwithstanding paragraph (1), a lender may assess a lesser origination fee for a borrower demonstrating greater financial need as determined by such borrower's adjusted gross family income.''.

(c) REPORT ON COMPETITIVE ALLOCATION.—Within 60 days after the date of enactment of this Act, the Secretary of Education shall submit to each House of the Congress a legislative proposal that would permit the Secretary to allocate the right to make subsidized and unsubsidized student loans on the basis of competitive bidding. Such proposal shall include provision to ensure that any payments received from such competitive bidding are equally allocated to deficit reduction and to pro rata reduction of origination fees in both guaranteed and direct student loans.

SEC. 302. STUDY OF LOAN FEES.

(a) STUDY REQUIRED.—The Secretary of Education shall conduct a statistical analysis of the subsidized and unsubsidized student loan programs under part B of title IV of the Higher Education Act of 1965 to gather data on lenders' use of loan fees and to determine if there are any anomalies that would indicate any institutional, programmatic or socioeconomic discrimination in the assessing or waiving such fees.

(b) REPORT.—The Secretary of Education shall submit to each House of the Congress a report on the study required by subsection (a) within 2 years after the date of enactment of this Act.

(c) STATISTICAL CHARACTERISTICS TO BE STUDIED.—In conducting the study required by subsection (a), the Secretary of Education shall compare recipients of loans on the basis of income, residence location, type and location of higher education, program of instruction and type of lender.

Subtitle B—Financial Responsibility Standards

SEC. 311. EXTENSION OF PUBLIC COMMENT PERIOD.

The Secretary of Education shall extend until December 1, 1996, the period for public comment on rules published in the Federal Register on September 20, 1996 (61 Fed. Reg. 49552), relating to financial responsibility standards for institutions participating in higher education programs (34 C.F.R. part 668). The Secretary shall

publish such rules in final form by February 1, 1997. Notwithstanding section 482(c) of the Higher Education Act of 1965 (20 U.S.C. 1089(c)), such rules shall, if so published by such date, be effective for award year 1997–98.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate disagree to the amendment of the House.

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

NATIONAL INVASIVE SPECIES ACT OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent that H.R. 4283 be referred to the Committee on Environment and Public Works, the bill be immediately discharged and referred to the Committee on Science, Commerce and Transportation, and the bill then be immediately discharged and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4283) to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. PRESSLER. Mr. President, I rise to support adoption of H.R. 4283, the National Invasive Species Act of 1996.

Mr. President, this bill addresses a nationwide problem—nonindigenous species invading new habitats. This has tremendous impacts not only on natives species in the aquatic environment but, in some areas, our communities as well.

This bill would control nonindigenous species by establishing a voluntary national ballast water management program, and funding for research and implementation.

Earlier this year, Senator GLENN had introduced S. 1660, a similar bill to that of the House. Under an earlier unanimous-consent agreement, S. 1660 was referred to the Committee on Environment and Public Works. Following action in that committee, the bill would have been referred to the Committee on Commerce, Science, and Transportation since the Commerce Committee shares jurisdiction on this issue. Likewise, H.R. 3217, a bill introduced by Congressman LATOURETTE was adopted by the House, sent to the Senate and referred to the Environment and Public Works Committee. This bill, if acted upon, would have also been referred to the Committee Committee.

Mr. President, while this procedure is somewhat different than our normal order for legislation, Senator ABRAHAM, a member of the Commerce Committee, has been very interested in addressing this issue. I am pleased that we are able to accommodate his desires by adopting this bill today.

The bill that the House adopted addresses a concern of the Commerce Committee on vessel safety that the shipping industry has raised. It would simply allow vessels to continue to discharge their ballast water in a harbor if during their voyage they could not exchange their ballast water on the high seas due to safety concerns. This provision and the bill itself has the support of the shipping industry, port authorities and the U.S. Coast Guard.

In closing, Mr. President, I urge my colleagues to support the adoption of H.R. 4283.

Mr. CHAFEE. Mr. President, I come to the floor today to say a few words on final passage of H.R. 4283, the National Invasive Species Act of 1996.

The threat posed by nonindigenous aquatic nuisance species was first brought to this Nation's attention in the 1980's when we witnessed the devastating effect of the zebra mussel infestation in the Great Lakes region. It was then that we learned such nuisance species are typically introduced through the ballast water exchange of vessels. Congress responded to this threat with the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990—legislation which established a program to research, prevent, and control the unintentional introduction of nonindigenous species into the Great Lakes.

Clearly, the problem of nuisance species is not limited to the Great Lakes. Invasions of nonindigenous species into marine and fresh waters of the United States can have significant economic and environmental consequences. That is why the legislation approved by the Senate today goes beyond the Great Lakes region and establishes a voluntary program for ballast water management that is national in scope.

Mr. President, I was deeply distressed to learn that non-native species have invaded the Narragansett Bay in Rhode Island. Recently, a number of invasive plant species have been discovered. Also, there is grave concern that the Japanese shore crab may have arrived. If that is the case, Rhode Island's oyster beds will be greatly disrupted.

That is why the original version of this bill, H.R. 3217, was modified at my request to include an amendment authorizing the appropriation of $1 million for use by Rhode Island's Department of Environmental Management to address this problem. The pending bill, H.R. 4283, includes my amendment. These funds will allow the department to carry out research on the prevention, monitoring, and control of aquatic nuisance species in Narragansett Bay. It is imperative that we have a full inventory of the non-native species that have invaded the Bay. Once we have done so, we can work to manage the situation and hopefully, avoid future infestations.

Mr. President, this is a good bill and I applaud the Senate for its prompt action. It is my hope that the National Invasive Species Act of 1996 will stem the tide of invasive species in our Nation's waterways.

Mr. ABRAHAM. Mr. President, I rise to express my support for passage of the National Invasive Species Act of 1996 [NISA]. NISA reauthorizes and amends the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, a measure that passed with wide bipartisan support in response to concern over the potential impact of the Eurasian ruffe on the Great Lakes fishery [NANPCA]. NANPCA set forth a national program for preventing, researching, monitoring, and controlling infestations in U.S. waters of alien aquatic species. NISA continues these important measures, and includes some additional important provisions.

NISA directs the Department of Transportation to develop voluntary guidelines, recordkeeping and reporting procedures, and sampling techniques to prevent the introduction and spread of nonindigenous species into U.S. waters. Since, the primary means of prevention are measures addressing the exchange of ballast water, this legislation will develop suggested direction for ballast exchange outside the U.S. exclusive economic zone and will authorize ecological and ballast discharge surveys to be conducted in highly susceptible waters. In the effort to develop other ways to repel these unwelcome intruders, the Interior and Transportation Secretaries will undertake a demonstration of technologies and practices which may prevent the introduction and spread of such species. Finally, if the spread of the zebra mussel has demonstrated anything, it has shown us how important regional coordination is to the control of invasive animals. Therefore, this act encourages the formation of regional panels to participate in activities to control the introduction of aquatic nuisance species.

Mr. President, the impact of invasive species in the Great Lakes has been enormous. In 1950, the Great Lakes fishery nearly collapsed under its assault. Were it not for the constant efforts of the Great Lakes Fisheries Commission and the Great Lakes Environmental Research Laboratory, a similarly dire situation could occur. Michigan in particular has suffered greatly from the effects of nonindigenous plants and animals. In my State, the uncontrollable spread of the zebra mussel shut down the Monroe city water supply for 2 days in 1990 and contributed to sewage overflow in Lake St. Clair. Without steps to curb the introduction and spread of such invasive species, the Great Lakes region, and other coastal States, can expect similar incidents in the future.

The spread of the zebra mussel, the sea lamprey, and other invaders have had a proven, negative impact on Great Lakes native species. Mr. President, I was happy to join as a cosponsor of legislation to control their spread, and I hope that the Senate can pass this reasonable, voluntary approach to curbing these species today.

Mr. GLENN. Mr. President, I rise in support of H.R. 4283, the National Invasive Species Act of 1996 and urge my colleagues to join me in approving this measure. I authored and introduced S. 1660, the National Invasive Species Act, in cooperation with a broad community of interest groups and regional delegations. Nineteen fellow Senators, from both sides of the aisle joined me in gaining passage of this critical bill. I am particularly grateful to my Ohio colleague, Congressman STEVE LATOURETTE, for his skilled leadership in introducing and gaining House passage of H.R. 4283, the companion to my bill, S. 1660.

The National Invasive Species Act of 1996 addresses the growing problem of the unintentional introduction of aquatic nuisance species into the waters of our Nation via the ballast water of vessels. The National Invasive Species Act will prevent the introduction of these pest species through the establishment of a national ballast management program. In addition, it will set up a national program of monitoring, management and control of invasive species already established in U.S. waters. The bill before us represents a consensus among interest groups. The environmental programs it sets forth are both reasonable and effective.

In the Great Lakes region, we spend millions of dollars annually to battle sea lamprey and zebra mussel infestations, I can attest that such biological spills can and do happen elsewhere, their impacts on the receiving system are additive, and the resource degradation is permanent. The zebra mussel, a native species of Eastern Europe, has spread throughout the United States from the Great Lakes where it was unintentionally introduced in ballast water of commercial vessels. Wherever it becomes established, the zebra mussel threatens the economy and the environment. It clogs intake pipes, fouls drinking water, and covers swimming beaches with sharp shells. It has cost $120 million over 5 years in direct costs to the raw water industry of our region. The zebra mussel also contributed to the loss of many highly valued native species of freshwater mussel in both the Great Lakes and the Mississippi River.

The Great Lakes are not the only entry way for invasive species into U.S. waters. In March, I hosted a National Forum on Nonindigenous Species Invasions of U.S. Marine and Fresh Waters. At the day-long event, experts from around the country cited serious species invasion in just about all of America's fresh and marine waters. Biodiversity and economic well-being are suffering due to invasions of nonindigenous species in the Pacific Northwest, San Francisco Bay, the Pacific Islands, the Gulf of Mexico, the Mississippi River, the Atlantic coasts, the Great Lakes and Lake Champlain. In particular, studies show that a new species of aquatic organism invades San Francisco Bay every 12 weeks. A crab which is the host of a dangerous parasite has been found in U.S. waters within the Gulf of Mexico, fortunately not yet established.

In 1990, I authored and Congress enacted the Nonindigenous Aquatic Nuisance Prevention and Control Act to begin to address the tremendous problem of unintentional invasions of aquatic species into the Great Lakes and other U.S. waters. The 1990 act consisted of two basic parts: A regional program to prevent new introductions of species into the Great Lakes by the ballast water; and a national program of monitoring, management and control of invasive species once established in U.S. waters. Most of the revisions contained in H.R. 4283 revise the prevention portion of the act.

As you know, ballast water is the leading vector for unintentional transfers of nonindigenous species into U.S. waters. Ships carry ballast water to maintain trim when they are empty or partially empty of cargo. They discharge this water at their ports of call. An estimated 21 billion gallons of ballast water from vessels from foreign ports is discharged into U.S. waters each year. That's 58 million gallons per day, and 2.4 million gallons per hour. This ballast water contains just about everything and anything that was in the harbor from which the water was drawn. It is estimated that 3,000 species of aquatic organisms are in transit in ballast tanks around the world in any given 24-hour period. Most of these organisms will come to nothing in the receiving ports, but any one of them could cause billions of dollars of damage. It's a huge gamble. Even human cholera is transported in ballast water and has been detected in ships visiting Mobile Bay and the Chesapeake, among other regions.

Fortunately, a ballast management practice known as high seas ballast exchange can greatly reduce the transfers of dangerous organisms through ballast water. This technique is not applicable in all circumstances; it cannot be employed in stormy weather and with some types of vessels. However, if applied where it can be employed safely, it would result in a substantial reduction in the risk of invasive species transfers into our waters. It is for this reason that the International Maritime Organization already encourages ballast management practices for commercial vessels.

The 1990 law included a voluntary ballast management program for the Great Lakes which automatically became regulatory in 1992. The act assigned the Coast Guard the task of consulting with the maritime industry and Canada to develop voluntary guidelines, conducting education and outreach, and, after 2 years, promulgating regulations to help reduce the probability of new introductions of alien species by commercial vessels into the Great Lakes. This program has been highly successful.

My 1996 proposal establishes a national ballast management program to begin to address concerns of other U.S. coastal regions. The Coast Guard is directed to issue ballast management guidelines for all vessels visiting U.S. ports after operating outside the exclusive economic zone. Consistent with the Great Lakes program, I want to stress that this program puts safety first. The guidelines will protect the safety of vessel and crew, whatever that may entail.

There will be no penalty against vessels which do not participate in the initial national program, though recordkeeping by vessels to document participation is required. However, in the interest of maintaining a level playing field nationally, the Coast Guard has authority to issue the same guidelines as regulations in regions where a review of ship records reveals poor cooperation with the voluntary approach. Thus, the maritime industry would see only one set of rules nationally. However, over time, there may be enforcement associated with the guidelines in certain regions. Of great interest to the Great Lakes community, the successful Great Lakes regulatory program remains in place.

For better prevention of invasions in the future, a demonstration program is established in the act. Over time new technologies and practices may replace ballast exchange as safer and more effective means of prevention. Other changes to the 1990 program which are contained in our National Invasive Species Act of 1996 include (1) the authorization of research in several coastal regions—including the Chesapeake Bay, Lake Champlain, the Mississippi River and the Gulf of Mexico—which are at particular risk of degradation by species invasions; (2) voluntary guidelines to help recreational boaters to prevent unintentional transfer of zebra mussels; and (3) provisions to encourage more regions to set up coordinating panels and develop State management plans for invasive species prevention and control. Though now much broader in scope, I am proud to announce that the overall cost of the National Invasive Species Act of 1996 does not exceed that of the 1990 law.

Recent discussions with interest groups have revealed gaps in S. 1660, which I have urged the lead sponsor of the House companion legislation, Congressman STEVE LATOURETTE, and my Senate colleagues to address. I am pleased that H.R. 4283 accommodates these concerns. For example, H.R. 4283 addresses the need for research on the fragile and precious natural resources of California, Rhode Island, and the Columbia River. Establishment of an ecological baseline and identification of alien species impacts in these regions will help us to ascertain whether our protection efforts are adequate.

A second set of concerns arose from the maritime industry. Senator JOHNSTON and I convened the leaders of this industry in Washington about a month ago to explore their position on the legislation and seek ways to increase

their level of support without compromising the effectiveness of the legislation. While their initial response was skeptical and critical of the potential for regulation within NISA, ultimately they agreed to the legislation if certain clarifications were made in the legislative language. These clarifications—already a matter of Coast Guard policy—concern the priority on vessel safety, international consistency, and he equitable treatment of foreign and U.S.-flag vessels.

With respect to ship safety, the bill now explicitly gives sole discretion over safety to the ship master. The Coast Guard does not want to be put in the position of second-guessing the ship's master on safety, unless the call is not made in good faith. While the safety exemption clearly could still be exploited by those who simply do not want to undertake an exchange, ship masters have highly responsible positions and we would expect them to act responsibly with respect to these guidelines. In addition, by measuring the rate at which the safety exemption is utilized, we can gauge the extent to which the use of it may impede effective prevention of new invasions. We may find that alternative technologies should replace ballast exchange. H.R. 4283 also assures that additional requirements will not be imposed upon vessels that exercise the safety exemption from national ballast exchange requirements. This provision does not affect the Great Lakes region, where an alternative exchange zone is already identified and convenient for vessels. For the national program, because alternatives are not yet identified, the Coast Guard is likely to encourage a vessel master using the safety exemption to attempt alternative actions to reduce the amount of unexchanged ballast that is discharged into one of our harbors, but leave the exercise of them to the master's discretion. In addition, the bill now explicitly requires the equal treatment of United States and foreign-flag operators and encourages consistency of our guidelines with any international regulatory regime established through the International Maritime Organization.

Finally, to benefit all of us in assessing the adequacy of the program, the legislation includes a report to Congress by the Coast Guard after 2 years of implementation of the national guidelines. While it will consume some time, this report will assess for all to see, the rate of compliance by vessels, the extent to which the safety exemption has been utilized, the effectiveness of the guidelines at preventing new introductions of exotic species, and the regions—if any—in which the Coast Guard intends to enforce the guidelines due to poor compliance. The report will give Congress and the public a chance to review prevention program implementation and its effectiveness at meeting our resource protection and ship safety needs.

In a last minute change, the House also included an exemption for crude oil tankers engaged in coastwise trade. Most of this trade takes place along the West Coast and while coast-wise, some of these vessels will exit the exclusive economic zone and ply the high-seas on their way to Alaska from Hawaii or California. I am happy to say Senator STEVENS has included an amendment reflected in H.R. 4283 which evaluates the potential for upgrading a shore-side treatment facility, currently targeted at removing hydrocarbons from ballast water, for use in preventing non-native species transfer.

I would like to close by pointing out that biological pollution of U.S. waters, so far, has not had serious public health implications. But the 1992 transfer of human cholera from South American ports to the shellfish beds of Mobile Bay via ballast water of commercial vessels reminds us that our luck may not hold forever. It is in everyone's interest to improve our Nation's precautions against invasions of aquatic nuisance species.

Clearly, at this juncture, we do not have all the answers necessary to solve the problem of unintentional transfer of species via ballast water. H.R. 4283 has been carefully crafted to both generate and accommodate new information that will lead to rapid progress in protecting the natural resource wealth of our coasts. Unusual in the environmental arena, this issue offers us ''low-hanging fruit'' and bipartisan enthusiasm. I am grateful to my colleagues for joining in support of the National Invasive Species Act and urge enactment of this legislation this year.

Mr. KEMPTHORNE. Mr. President, in order to protect our native aquatic plants and animals, we seek to pass H.R. 4283, the National Invasive Species Act of 1996. This bill amends the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (P.L. 101–646), to establish a voluntary program to prevent the unintentional introduction of non-native invasive species through ballast water management. And, we will take one more step to manage to the best of our ability a particularly bad actor, the zebra mussel.

By passing this bill, we will be one step closer to taking control of the most common way that non-native species come to the United States—ballast water. Ballast water is carried in the holds of ships for stability as they travel empty or partly empty on the high seas. When the ships get to port, they discharge the water to make room for cargo.

When ballast water is discharged, all of the species that were picked up in a foreign port are discharged with them. The zebra mussel came to the Great Lakes in this manner. And, the zebra mussel has now colonized the Mississippi River drainage and is headed both east and west.

It turns out the zebra mussel, like many non-native invasive species, has ecological implications far wider than just its mere presence. This tiny clam—like organism attaches itself to any solid surface, including the shells of our native snails and clams. The natives are smothered by the newcomer. The newcomer, in its multitudes, feeds on microscopic plants and animals from the water, and thereby filters away all of the food for the native species.

I am told that with the 2.4 million gallons of ballast water discharged into U.S. ports every hour comes every organism that was picked up elsewhere and that survived the trip. Fortunately for all of us, very few of the estimated 3,000 species of organisms in transit every day survive when they are discharged. But, when they do, we have the makings of serious trouble on our hands as in the case of the zebra mussel.

Nearly every part of the country has been affected by this game of chance. From the Chesapeake Bay, to Honolulu Harbor, including San Francisco Bay, and many places in between the problems created by invasive non-native species are immense.

This bill has been developed with the cooperation of the U.S. maritime industry and the U.S. port authorities. We have assured ourselves that the voluntary program for ballast water exchange will not cause unsafe conditions for our ships at sea. And we have been assured that this bill be extremely important in protecting our ports, water systems, and waterways from the economic impacts of invasive species.

There is no intent to try to control intentional introductions of useful organisms, or invasive species in terrestrial environments through this bill. We recognize that non-native species have been tremendously beneficial to us by enhancing recreational opportunities such as sport fishing, providing reliable sources of protein through mariculture and aquaculture, and by improving human existence through the pet and aquarium trade.

We understand perfectly well that intentional introductions are one thing, if they have been well studied, and have been introduced for a purpose. But, the game of roulette that is represented by ballast water introductions is something we cannot let continue.

For example, late last year a 2-inch predatory shrimp native to China was found near Portland, Oregon in the Columbia River. What effect this new species will have on the Columbia and Snake River insect life is still to be determined. My fear is that they will deprive the migrating salmon smoults of important food sources while they work their way from their native streams to the sea. One thing the beleagured salmon and steelhead do not need at this time is another competitor for their food sources.

There is evidence that unintentional introductions of non-native animals cause the endangerment of native species. One fisheries biologist, D.R. Lassuy estimates that non-native species contributed to 68 percent of the

fish extinctions in the past 100 years, and the decline of 70 percent of the fish species listed by the Endangered Species Act.

But what is known about the effect of non-native invasive species is greater still. For example, it is thought by many accidentally introduced New Zealand mud snails have contributed directly to the decline of the native fauna in the Snake River, and led to the proposal to list at least one of the Snake River snails as endangered.

We hope that the Senate will quickly pass H.R. 4283. By passing this bill we will take one very important step to protect our aquatic habitats from non-native species.

BALLAST EXCHANGE

Mr. BREAUX. Mr. President, a priority for me in the National Invasive Species Act has been to establish a ballast technology demonstration program to usher in the development of safer and more reliable alternatives to ballast exchange. I note that in H.R. 4283, the Secretary of Interior and the Administrator of the National Oceanic and Atmospheric Administration implement this important program in cooperation with the Secretary of Transportation Administration. I believe the Secretary of Transportation should involve its Office of Shipbuilding and Technology which already has years of experience in ballast technology in this program.

Mr. KEMPTHORNE. Involvement of that office will be important to build upon past experience in ballast technology development and I also urge its involvement.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill, which provides for the National Invasive Species Act of 1996, be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The bill (H.R. 4283) was deemed read the third time and passed.

EMERGENCY MANAGEMENT ASSISTANCE COMPACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 193, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 193) granting the consent of Congress to the Emergency Management Assistance Compact.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at the appropriate place in the RECORD.

I might say, this compact is among the States of Delaware, Florida, Georgia, Louisiana, Maryland, Mississippi, Missouri, Oklahoma, South Carolina, South Dakota, Tennessee, Virginia, and West Virginia.

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

The joint resolution (H.J. Res. 193) was deemed read the third time and passed.

WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT AMENDMENTS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 194.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 194) granting the consent of the Congress to amendments made by Maryland, Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The joint resolution (H.J. Res. 194) was deemed read the third time and passed.

MODIFYING BOUNDARIES OF TALLADEGA FOREST, AL

Mr. LOTT. Mr. President, I ask unanimous consent that the Agriculture Committee be immediately discharged from further consideration of H.R. 1874, a bill to modify the boundaries on the Talladega National Forest, AL, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1874) to modify the boundaries of the Talladega National Forest, Alabama.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be placed at the appropriate place in the RECORD.

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

The bill (H.R. 1874) was deemed read the third time and passed.

WAR CRIMES DISCLOSURE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H.R. 1281, received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1281) to express the sense of the Congress that it is the policy of the Congress that United States Government agencies in possession of records about individuals who are alleged to have committed Nazi war crimes should make those records public.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MOYNIHAN. Mr. President, I rise today in strong support of H.R. 1281, the War Crimes Disclosure Act, which expresses the sense of Congress that Government agencies in possession of records documenting Nazi war crimes should declassify such records and release them to the public.

Ideally, in a democracy, all government information belongs to the people, excepting such information as would be harmful to the body politic if made publicly available. Knowledge of wartime atrocities presents no threat to the American people. To the contrary, accurate information about the Nazi regime, and those who ruthlessly carried out its barbaric policies, can only serve to deepen our understanding of history's darkest chapter, and strengthen our resolve that it never be repeated.

On August 2, 1996, I introduced the War Crimes Disclosure Act (S. 2048), which would have amended the Freedom of Information Act to provide for disclosure of information relating to individuals who committed Nazi war crimes. This bill, cosponsored by Senators D'AMATO and DODD, is the Senate companion to a similar measure sponsored in the House of Representatives by my colleague from New York, the Honorable CAROLYN MALONEY.

Inexplicably, that measure has met with some opposition and, due to the impending adjournment of Congress, we will not be able to adopt it in its original form. Nevertheless, with the passage of this amended legislation, Congress makes an important statement in support of public disclosure of documents relevant to Nazi war crimes. This is a first step. I do hope that we can revisit this issue in the 105th Congress.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to

the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 1281) was deemed read the third time and passed.

INDIAN HEALTH CARE IMPROVEMENT TECHNICAL CORRECTIONS ACT OF 1996

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on (H.R. 3378) to amend the Indian Health Care Improvement Act to extend the demonstration program for direct billing of Medicare, Medicaid, and other third party payors.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the ''Indian Health Care Improvement Technical Corrections Act of 1996''.

(b) REFERENCES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Indian Health Care Improvement Act.

SEC. 2. TECHNICAL CORRECTIONS IN THE INDIAN HEALTH CARE IMPROVEMENT ACT.

(a) DEFINITION OF HEALTH PROFESSION.—Section 4(n) (25 U.S.C. 1603(n)) is amended—

(1) by inserting ''allopathic medicine,'' before ''family medicine''; and

(2) by striking ''and allied health professions'' and inserting ''an allied health profession, or any other health profession''.

(b) INDIAN HEALTH PROFESSIONS SCHOLARSHIPS.—Section 104(b) of their Indian Health Care Improvements Act (25 U.S.C. 1613a(b)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking the matter preceding clause (i) and inserting the following:

''(3)(A) The active duty service obligation under a written contract with the Secretary under section 338A of the Public Health Service Act (42 U.S.C. 254l) that an individual has entered into under that section shall, if that individual is a recipient of an Indian Health Scholarship, be met in a full-time practice, by service—

(ii) by striking ''or'' at the end of clause (iii); and

(iii) by striking the period at the end of clause (iv) and inserting ''; or'';

(B) by redesignating subparagraph (B) and (C) as subparagraphs (C) and (D), respectively;

(C) by inserting after subparagraph (A) the following new subparagraph:

(B) At the request of any individual who has entered into a contract referred to in subparagraph (A) and who received a degree in medicine (including osteopathic or allopathic medicine), dentistry, optometry, podiatry, or pharmacy, the Secretary shall defer the active duty service obligation of that individual under that contract, in order that such individual may complete any internship, residency, or other advanced clinical training that is required for the practice of that health profession, for an appropriate period (in years, as determined by the Secretary), subject to the following conditions:

''(i) No period of internship, residency, or other advanced clinical training shall be counted as satisfying any period of obligated service that is required under this section.

''(ii) The active duty service obligation of that individual shall commence not later than 90 days after the completion of that advanced clinical training (or by a date specified by the Secretary).

''(iii) The active duty service obligation will be served in the health profession of that individual, in a manner consistent with clauses (i) through (v) of subparagraph (A).'';

(D) in subparagraph (C), as so redesignated, by striking ''prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) by service in a program specified in subparagraph (A)'' and inserting ''described in subparagraph (A) by service in a program specified in that subparagraph''; and

(E) in subparagraph (D), as so redesignated—

(i) by striking ''Subject to subparagraph (B),'' and inserting ''Subject to subparagraph (C),''; and

(ii) by striking ''prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m)'' and inserting ''described in subparagraph (A)'';

(2) in paragraph (4)—

(A) in subparagraph (B), by striking the matter preceding clause (i) and inserting the following:

''(B) the period of obligated service described in paragraph (3)(A) shall be equal to the greater of—''; and

(B) in subparagraph (C), by striking ''(42 U.S.C. 254m(g)(1)(B))'' and inserting ''(42 U.S.C. 254l(g)(1)(B))''; and

(3) in paragraph (5), by adding at the end the following new subparagraphs:

''(C) Upon the death of an individual who receives an Indian Health Scholarship, any obligation of that individual for service or payment that relates to that scholarship shall be canceled.

''(D) The Secretary shall provide for the partial or total waiver or suspension of any obligation of service or payment of a recipient *of an Indian Health Scholarship if the Secretary determines that—*

''(i) it is not possible for the recipient to meet that obligation or make that payment;

''(ii) requiring that recipient to meet that obligation or make that payment would result in extreme hardship to the recipient; or

''(iii) the enforcement of the requirement to meet the obligation or make the payment would be unconscionable.

''(E) Notwithstanding any other provision of law, in any case of extreme hardship or for other good cause shown, the Secretary may waive, in whole or in part, the right of the United States to recover funds made available under this section.

''(F) Notwithstanding any other provision of law, with respect to a recipient of an Indian Health Scholarship, no obligation for payment may be released by a discharge in bankruptcy under title 11, United States Code, unless that discharge is granted after the expiration of the 5-year period beginning on the initial date on which that payment is due, and only if the bankruptcy court finds that the non-discharge of the obligation would be unconscionable.''.

(c) CALIFORNIA CONTRACT HEALTH SERVICES DEMONSTRATION PROGRAM.—Section 211(g) (25 U.S.C. 1621j(g)) is amended by striking ''1993, 1994, 1995, 1996, and 1997'' and inserting ''1996 through 2000''.

(d) EXTENSION OF CERTAIN DEMONSTRATION PROGRAM.—Section 405(c)(2) (25 U.S.C. 1645(c)(2)) is amended by striking ''September 30, 1996'' and inserting ''September 30, 1998''.

(e) GALLUP ALCOHOL AND SUBSTANCE ABUSE TREATMENT CENTER.—Section 706(d) (25 U.S.C. 1665(d)) is amended to read as follows:

''(d) AUTHORIZATON OF APPROPRIATIONS.—There are authorized to be appropriated, for each of fiscal years 1996 through 2000, such sums as may be necessary to carry out subsection (b).''.

(f) SUBSTANCE ABUSE COUNSELOR EDUCATION DEMONSTRATION PROGRAM.—Section 711(h) (25 U.S.C. 1665j(h)) is amended by striking ''1993, 1994, 1995, 1996, and 1997'' and inserting ''1996 through 2000''.

(g) HOME AND COMMUNITY-BASED CARE DEMONSTRATION PROGRAM.—Section 821(i) (25 U.S.C. 1680k(i)) is amended by striking ''1993, 1994, 1995, 1996, and 1997'' and inserting ''1996 through 2000''.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate concur in the House amendment to the Senate amendments.

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

AMENDING TITLE XIX OF THE SOCIAL SECURITY ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H.R. 3632, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3632) to amend title XIX of the Social Security Act to repeal the requirement for annual resident review for nursing facilities under the Medicaid Program and to require resident reviews for mentally ill or mentally retarded residents when there is a significant change in physical or mental condition.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (H.R. 3632) was deemed read the third time and passed.

GENERAL ACCOUNTING OFFICE ACT OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 3864 and, further, the Senate proceed to its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3864) to amend laws authorizing auditing, reporting, and other functions by the General Accounting Office.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DOMENICI. Mr. President, I rise in support of H.R. 3864, the General Accounting Office Management Reform Act of 1996. The Congress has reduced spending for GAO by 25 percent over

1996–97. H.R. 3864 will allow GAO to make the best use of limited resources by modifying or terminating a number of activities and reporting requirements that are no longer central to their mission.

For example, section 102(d) of H.R. 3864 will eliminate a requirement placed on GAO by the Balanced Budget and Emergency Deficit Control Act of 1985, also known as Gramm-Rudman. Gramm-Rudman currently requires GAO to report whether the final sequestration order from the Office of Management and Budget complies with the law. GAO has issued their report every year, even though in the 10 years since Gramm-Rudman has been enacted large-scale sequestrations have only been a concern in two of those years. H.R. 3864 would make this report contingent upon request of the Budget Committees, who no doubt would request such a report if the situation warranted.

Although section 102(d) is clearly within the jurisdiction of the Budget Committee, I will not object because the Budget Committee supports the change that is being made. I congratulate the chairman and ranking member of the Governmental Affairs Committee for producing a bill that will encourage efficiency in GAO operations and urge that the bill do pass.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 3864) was deemed read the third time and passed.

PROVIDING FOR EMERGENCY DROUGHT RELIEF

Mr. LOTT. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 3910 with regard to drought relief for Corpus Christi and, further, that the Senate proceed to its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3910) to provide emergency drought relief to the city of Corpus Christi, Texas, and the Canadian River Municipal Water Authority, Texas, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (H.R. 3910) was deemed read the third time and passed.

Mr. LOTT. Finally, I believe, Mr. President—not finally, others are coming. Agreements are wonderful. We keep reaching them right up to the end here.

AUTHORIZING PERIOD OF STAY FOR CERTAIN NURSES

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2197, which was introduced earlier today by Senators FAIRCLOTH and MOSELEY-BRAUN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2197) to extend the authorized period of stay within the United States for certain nurses.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 5432

Mr. LOTT. Mr. President, Senators HATCH and KENNEDY have an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. HATCH, for himself and Mr. KENNEDY, proposes an amendment numbered 5432.

The amendment is as follows:

Add at the end of the bill the following:

SEC. 2. TECHNICAL CORRECTION.

Effective on September 30, 1996, subtitle A of title III of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended—

(1) in section 306(c)(1), by striking ''to all final'' and all that follows through ''Act and'' and inserting ''as provided under section 309, except that'';

(2) in section 309(c)(1), by striking ''as of'' and inserting ''before''; and

(3) in section 309(c)(4), by striking ''described in paragraph (1)''.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be considered and agreed to.

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

The amendment (No. 5432) was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (S. 2197), as amended, was deemed read the third time and passed, as follows:

S. 2197

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

SECTION 1. EXTENSION OF AUTHORIZED PERIOD OF STAY FOR CERTAIN NURSES.

(a) ALIENS WHO PREVIOUSLY ENTERED THE UNITED STATES PURSUANT TO AN H–1A VISA.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the authorized period of stay in the United States of any nonimmigrant described in paragraph (2) is hereby extended through September 30, 1997.

(2) NONIMMIGRANT DESCRIBED.—A nonimmigrant described in this paragraph is a nonimmigrant—

(A) who entered the United States as a nonimmigrant described in section 101(a)(15)(H)(i)(a) of the Immigration and Nationality Act;

(B) who was within the United States on or after September 1, 1995, and who is within the United States on the date of the enactment of this Act; and

(C) whose period of authorized stay has expired or would expire before September 30, 1997 but for the provisions of this section.

(3) LIMITATIONS.—Nothing in this section may be construed to extend the validity of any visa issued to a nonimmigrant described in section 101(a)(15)(H)(i)(a) of the Immigration and Nationality Act or to authorize the re-entry of any person outside the United States on the date of the enactment of this Act.

(b) CHANGE OF EMPLOYMENT.—A nonimmigrant whose authorized period of stay is extended by operation of this section shall not be eligible to change employers in accordance with section 214.2(h)(2)(i)(D) of title 8, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

(c) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Attorney General shall issue regulations to carry out the provisions of this section.

(d) INTERIM TREATMENT.—A nonimmigrant whose authorized period of stay is extended by operation of this section, and the spouse and child of such nonimmigrant, shall be considered as having continued to maintain lawful status as a nonimmigrant through September 30, 1997.

SEC. 2. TECHNICAL CORRECTION.

Effective on September 30, 1996, subtitle A of title III of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended—

(1) in section 306(c)(1), by striking ''to all final'' and all that follows through ''Act and'' and inserting ''as provided under section 309, except that'';

(2) in section 309(c)(1), by striking ''as of'' and inserting ''before''; and

(3) in section 309(c)(4), by striking ''described in paragraph (1)''.

Mr. FAIRCLOTH. Mr. President, today the Senate passed a bill which I cosponsored with my colleague from Illinois, Senator MOSELEY-BRAUN. It is designed to address a serious problem facing health care providers and patients in rural and inner city areas. Specifically, the legislation provides a 1-year visa extension for foreign nurses under the expired H–1A Program. It is supported by the American Nurses Association, the American Hospital Association, the American Health Care Association, and the American Business Council for Fair Immigration Reform.

In 1989, Congress passed the Immigrant Nursing Relief Act which created the H–1A Visa Program to address a nationwide nursing shortage which existed at that time. The H–1A Visa Program expired in September 1995. As a result, many rural and inner city hospitals, nursing homes, and other health care facilities will lose the valuable services of foreign nurses who enable

these facilities to meet the health care needs of their communities.

While the shortage has subsided in most parts of the country, shortages continue in many rural and inner city areas. Foreign educated nurses holding H–1A visas fill an important void which continues to exist in certain areas. Without their professional services, the quality of patient care would dramatically decrease. In addition, I have heard from many rural health care providers in North Carolina who informed me that, without the services of foreign nurses, they would be unable to meet Federal and State staffing requirements.

While a long-term solution to this particular nursing shortage problem has not been developed, a short-term solution is needed to address the existing realities in rural and inner city areas. The legislation which passed the Senate today is a carefully crafted short-term compromise. It affects only those H–1A nurses who are currently residing in the United States and extends their length of stay until September 30, 1997. Importantly, this legislation does not allow additional foreign nurses to enter the United States under the expired H–1A Visa Program, nor does it change any of the current requirements for an H–1B visa.

This legislation was introduced and passed by unanimous consent today. Thus, there was no committee action and no legislative history relating to the bill. As the author of the legislation, I wish to clarify section 1(b) governing ''Change of Employment.'' It is my intention that a change in an employer's ownership does not constitute a prohibited change of employment for a nonimmigrant affected by this act. For example, if an employer changes its name as a result of a merger or acquisition, I intend that the nonimmigrant be eligible to continue employment for the new owner. In such circumstances, it is my intention that this legislation permits the Immigration and Naturalization Service to process an I–129 petition to reflect this technical change. The same rules should apply to circumstances in which a nonimmigrant changes work locations with the same employer.

Finally, I wish to thank Senator SIMON for his assistance in passing this legislation. It has been a privilege to work with him to address a serious problem confronting both Illinois and North Carolina. In particular, I am glad to have had this opportunity to work with him one last time before he retires at the end of this Congress. I congratulate him on a distinguished career and wish him well in the future.

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

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

UNANIMOUS-CONSENT REQUEST—SENATE CONCURRENT RESOLUTION 74

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 74 submitted earlier by Senator BROWN correcting the enrollment of the FAA authorization conference report; further, I ask that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Regrettably, Mr. President, I am compelled to object.

The PRESIDING OFFICER. Objection is heard.

RELIEF OF NGUYEN QUY AN

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H.R. 1087, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1087) for the relief of Nguyen Quy An.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate point in the RECORD.

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

The bill (H.R. 1087) was deemed read a third time, and passed.

PRESIDENTIAL AND EXECUTIVE OFFICE ACCOUNTABILITY ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 636, H.R. 3452.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3452) to make certain laws applicable to the Executive Office of the President, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

THE WHITE HOUSE ACCOUNTABILITY ACT

Mr. COATS. Mr. President, the Senate today will pass a bill to eliminate an unfortunate double standard that has remained in the application of our civil rights and labor laws.

James Madison wrote that an effective control against oppressive measures from the Federal Government on the people is that Government leaders ''can make no law which will not have its full operation on themselves and their friends, as well as the great mass of the society.''

Last year, this Congress—under Republican leadership—passed the Congressional Accountability Act, requiring the Congress to live under the laws it passes—and oftentimes imposes—on the rest of the Nation. The White House, however, has remained exempt from these laws. After prodding from this Congress, the White House now agrees that this double standard should no longer exist, and our negotiations this week have led to final passage of the White House Accountability Act.

For many years I supported the Congressional Accountability Act, and was glad to see this important legislation become law. For me, this was an issue of fundamental fairness. Congress should live under the laws it passes, and the White House should be no exception. H.R. 3452 will allow all lawmakers—on Capitol Hill and in the Office of the President—to learn firsthand which laws work, and perhaps more often than not, which laws are overly intrusive and burdensome.

I think America's labor leaders will agree with me when I say that employees of the White House should be protected by the same laws that the President approves for the rest of the country. Employees should have the same rights and protections regardless of where they work—whether the individual labors in the private sector, the Congress, and yes, even in the White House.

The White House Accountability Act applies to all workers at the White House except those appointed by the President with Senate confirmation, those appointed to advisory committees, and members of a uniformed service. This legislation requires the White House to enforce 11 civil rights and labor laws for its workers as a matter of law, not just a matter of policy. These standards include the Civil Rights Act, the Family and Medical Leave Act, the Americans with Disabilities Act, OSHA, and the Fair Labor Standards Act.

This is a bipartisan bill that passed the House of Representatives last week on a vote of 410–5. The White House asked for some modifications to the House legislation, and while I did not agree with all of their requests, we have reached an accommodation that will—for the first time in our history—give White House employees protection under the law. I also am encouraged that we were able to persuade the White House to accept a provision ensuring that White House employees will not lose their jobs if they take time off under the Family and Medical

Leave Act to care for a newborn or sick child, a spouse, or a parent. This is a significant victory for the families of employees who work in the Executive Office of the President.

Mr. President, American workers deserve the right to be free from discrimination, the right to work in a safe and healthy work environment, the right not to be harassed or fired simply because or race, sex, disability, or age. White House workers deserve the same rights and protections that now extend from our Nation's assembly lines to our Nation's general assembly. The bill we are passing today ensures that those rights will be enforced for employees of the White House.

AMENDMENT NO. 5434

(Purpose: To improve the remedial and enforcement provisions)

Mr. LOTT. Mr. President, Senator COATS has an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT), for Mr. COATS, proposes an amendment numbered 5434.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be considered agreed to.

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

The amendment (No. 5434) was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate point in the RECORD.

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

The bill (H.R. 3452), as amended, was deemed read a third time, and passed.

FEDERAL ASSISTANCE FOR INDIAN TRIBES

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to the consideration of H.R. 3219, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3219) to provide Federal assistance for Inidan tribes in a manner that recognizes the right of tribal self-governance, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. Mr. President, I rise today in support of prompt enactment of H.R. 3219, the Native American Housing Assistance and Self-Determination Act of 1996. The bill we have received from the House just 2 days ago will separate Indian housing from public housing and transform HUD-assisted native American housing programs into tribal block grants that will, for the first time, provide this Federal funding directly to native American Indian tribal governments.

First, I want to recognize and commend Congressman RICK LAZIO for spearheading the development of this legislation in the 104th Congress and for his efforts to involve the Indian tribes and the National American Indian Housing Council in the development of the bill. I also want to pay tribute to the steady and strong leadership of Senators D'AMATO and MACK, the respective chairmen of the Senate Banking Committee and its Housing Opportunities Subcommittee, and for their cooperation this past year in working with the Committee on Indian Affairs to ensure that the housing needs of Indian people would be appropriately considered and included in the public housing reform legislation. One public example of this cooperative effort is the joint hearing held earlier this year between the Committee on Indian Affairs and the Senate Banking Committee to review the provisions of the Native American Housing Act and to receive comments from Indian Country on how best to draft Indian housing reform legislation.

Mr. President, the housing problems confronting Indian people are far more serious than those facing non-Indians. Recent studies indicate that 28 percent of all American Indian and Alaska Native families live in substandard, overcrowded housing that lacks the basic amenities of indoor plumbing, electricity, or heating. By way of comparison, less than 5½ percent of all Americans live in similar conditions. Additionally, more than 90,000 native American families are estimated to be underhoused or homeless.

The severe housing problems facing Indian people are compounded by poverty and unemployment levels in native American communities that are of epidemic proportions. The number of Indian families with incomes below the poverty line is nearly three times the average rate for families throughout the rest of the Nation. The average income of native Americans is less than $4,500 per person per year.

HUD programs have been the major source of housing assistance available to Indian communities. Regular mortgage financing has not been available on Indian reservations because of the unwillingness of the private sector to broaden investment and lending opportunities in part because of the challenges presented by the unique status of Indian trust lands.

The statistics on Indian housing reveal an overwhelming need to change the status quo on HUD assistance to Indian tribes. For these reasons, I strongly support the transformation of existing HUD programs into tribal block grants and the separation of Indian housing from HUD's urban-oriented public housing programs. Tribal block grants are consistent with long-standing principles of Indian self-determination and tribal self-governance and should enhance the long-standing trust relationship between the United States and Indian tribal governments.

Mr. President, I am asking that my colleagues support immediate consideration and enactment of H.R. 3219. I am pleased with the progress that we have made this year to fashion an Indian housing bill that will best fit the needs of tribal communities. However, while I can support this bill as passed by the House on the eve of adjournment, I must express my serious concerns with the House-passed provisions which retreat from previous Senate-House agreements reached during conference on public housing reform legislation. Unfortunately, the Congress was unable to complete work on the larger public housing reform bill this year, but real progress on Indian housing reform should not be forfeited because of this inability.

H.R. 3219 reflects many of the agreements reached between Indian tribes, Indian Housing Authorities, the administration and the Congress. But, as typically happens in the last remaining days of a congressional session, changes were adopted to the bill in order to pave the way for House passage. I am particularly disturbed by provisions adopted by the House regarding the application of the Davis-Bacon wage requirements to the entire Indian housing bill, including programs which previously had limited exemptions from Davis-Bacon. The House changes will result in a loss of direct funding to Indian tribes for housing development.

As long as I have worked with Indian affairs, I have heard from Indian tribes, time and time again, overwhelming opposition to the application of Davis-Bacon wage requirements on Indian reservations. As chairman of the Committee on Indian Affairs, I have an obligation to protect tribal sovereignty and fight the age-old paternalism of the Federal Government to impose policies on Indian tribes that are not appropriate and that undermine the ability of tribal governments to make their own decisions about how to protect their people and manage their own affairs. I realize that a complete exemption of Davis-Bacon is not politically feasible in this Congress. However, for practical and policy reasons, I believe that the Secretary of HUD should have the authority to grant waivers to Indian tribal governments, at their request, who can provide clear evidence of the impracticality of Davis-Bacon.

In my view, the wage requirements of the Davis-Bacon Act inhibit the ability of Indian tribal governments to provide safe and affordable homes to their tribal members. I understand that for some

tribal areas, Davis-Bacon may actually provide some benefit, but these situations are few and far between. For most of Indian Country, which is largely rural and isolated, Davis-Bacon inordinately raises the cost of construction of a typical housing unit and delays many Indian housing projects, thereby diminishing the efficiency of tribal housing development.

As applied on reservations, Davis-Bacon rates are much higher than they would otherwise be due to the fact that Indian reservations are located in largely rural areas which are not unionized and little or no effort is made to compute Davis-Bacon rates that are specific to each reservation setting. Factors such as geographic isolation, high poverty and unemployment levels, and the restricted status of Indian trust lands have demonstrated that Davis-Bacon is unworkable and inefficient for Indian housing. Under the block grant approach, unfortunately, these problems will only be exacerbated. As one tribal member pointed out to me, ''we are being forced to pay Cadillac prices for Volkswagens.''

I realize that Indian tribes, Indian Housing Authorities, the National American Indian Housing Council and the National Congress of American Indians support the separation of Indian housing from public housing and view this legislation as an important and historic step to accomplish this long-awaited goal. Despite my strong reservations about supporting a bill that is less than what I believe can be accomplished, I support prompt enactment of H.R. 3219. I share the views of Indian tribes who are convinced that this is the best available opportunity for us to reform HUD-assisted Indian housing programs. It is imperative that we should not continue the status quo of housing conditions in Indian Country any longer than is necessary.

For years, I have worked to turn over authority and funding to Indian tribes for their direct management of housing programs, consistent with long-standing principles of Tribal Self-Determination and Self-Governance. With much effort and work by Indian tribes, H.R. 3219 will bring Indian country closer to these goals. Next year, I will continue to work to exempt HUD-assisted construction activities on Indian lands from the application of the Davis-Bacon Act wage requirements, because those requirements simply undermine tribal authority and waste critically-needed housing funds.

Mr. President, I ask unanimous consent that copies of letters from the National Congress of American Indians and the National American Indian Housing Council be printed in the RECORD. I thank my colleagues for their support of prompt enactment of this important legislation.

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

NATIONAL CONGRESS OF AMERICAN INDIANS,
September 30, 1996.

Re Indian Housing reform provision.

Hon. JOHN MCCAIN,
Chairman, Committee on Indian Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN MCCAIN: I am writing with regard to the Indian Housing reform provisions passed in the House on 28 September 1996, and now being considered in the Senate. As you know, our tribes have gone on record in support of the ''Lazio bill'' introduced by Rep. Lazio in the House earlier in this session. Enclosed find Resolution No. TLS–96–101C in support of that legislation. Nonetheless, we have serious concerns with several provisions in the current version of the bill. When I testified on the Native American housing reform bill in June, consistent with tribal sovereignty the legislation contained a tribal ''opt-in/opt-out'' provision regarding the federal Davis Bacon Act. The new labor standards section does not contain this tribal option, and contradicts even existing limited exemptions for the application of this Act.

In addition, the old version of the housing reform bill contained a $650 million authorization to fund this critical reform legislation. The current version of the housing bill does not contain a specific provision regarding authorizations and funding, but rather a general authorization statement.

Mr. Chairman, having noted our strong opposition to these provisions, the NCAI supports this legislation.

Sincerely,

W. RON ALLEN,
President.

NATIONAL AMERICAN INDIAN HOUSING COUNCIL,
Washington, DC, September 30, 1996.

Hon. JOHN MCCAIN, Chairman,
Senate Committee on Indian Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN MCCAIN: The National American Indian Housing Council (NAIHC) is requesting that you support the Native American Housing Assistance and Self-Determination Act of 1996 (HR 3219). On Saturday, September 28, 1996, the House of Representatives passed HR 3219 as amended. NAIHC has reviewed the House-passed version and continue to support this bill.

This historic legislation was introduced by Congressman Rick Lazio, Chairman of the Subcommittee on Housing and Community Opportunities, earlier this year. Congressman Lazio has worked very closely with the Native American community since the bill's introduction and has continually sought our input. The bill incorporates many changes that have created problems in our communities and encourages our right to self-determination, a goal you have long supported.

In June, NAIHC's membership passed Resolution 96–01 supporting this legislation. The resolution passed with a vote of 125 for to 12 opposing. As you can see, there is an overwhelming majority of our people who believe the changes HR 3219 will bring are greatly needed and long overdue. NAIHC recognizes that the version of HR 3219 that Resolution 96–01 supports was somewhat revised as it made its way through the legislative process. Resolution 96–01, however, supports the concepts of HR 3219 which have remained intact.

Please pass this historic legislation before Congress departs for recess. Thank you for your continued support of Native Americans.

Sincerely,

JACQUELINE L. JOHNSON,
Chairperson.

Mr. D'AMATO. Mr. President, I rise to support passage of the Native American Housing Assistance and Self-Determination Act of 1996 (H.R. 3219). I would like to express my appreciation to Senate Committee on Indian Affairs Chairman JOHN MCCAIN, Senator TED STEVENS, Senator PETE DOMENICI and Senator BEN NIGHTHORSE CAMPBELL for their commitment and dedication to reforming Indian housing policy. In addition, I would like to commend the House of Representatives for taking the initiative in developing and passing this important legislation.

This legislation originally passed the House of Representatives as title VII of H.R. 2406, the United States Housing Act of 1996. On June 20, 1996, the Senate Committee on Banking, Housing, and Urban Affairs and the Senate Committee on Indian Affairs held a joint hearing on this bill and the future of Indian housing policy for our Nation.

The cornerstone of H.R. 3219 is the promotion of the essential Federal-Indian policy of tribal self-determination and self-governance. It recognizes the unique government to government relationship between the Federal Government and Indian tribes. The bill also makes a long overdue recognition that the conditions of American Indian and Alaska Native housing are very different from those of urban public housing and responds by separating the programs from each other.

This legislation is supported by the majority of Indian tribes and Indian Housing Authorities across America. It responds to tribal requests for reduced Government regulation, greater flexibility, and the consolidation of funding sources into block grants. In addition, it recognizes the reluctance of the private sector to provide housing on trust or restricted land by broadening the scope of the loan guarantee program and providing for 50-year leasehold interests on such lands.

Importantly, the bill maintains maximum rent restrictions to protect recipients of housing assistance. The monthly rent or homebuyer payment may not exceed 30 percent of the monthly adjusted income of such family. However, a tribally designated housing entity may choose to require a monthly housing payment which is less than 30 percent.

Although this bill is not perfect, it represents a strong beginning in the process of devolving control of housing policy from the Federal Government to the States and localities, in this case the tribally designated housing entities. The Senate Committee on Banking stands ready to legislate any necessary improvements which may be required prior to final implementation of the legislation. I rise to support the adoption of the Native American Housing Assistance and Self-Determination Act of 1996.

Mr. STEVENS. Mr. President, I would like to say just a few words about H.R. 3219, The Native American Housing Assistance and Self-Determination Act, which, if passed and signed into law, could become a landmark in the development of responsive

and responsible housing for Indians and other native Americans throughout this country.

To say that the time has come for legislation like H.R. 3219 is to indulge in understatement. For far too long native Americans have been required to look to the U.S. Government—especially HUD, for direction and funding in the essential area of housing. Passage of H.R. 3219 will enable Native Alaskans and other native Americans to become responsible for their own housing decisions.

Mr. President, I am particularly proud of the fact that Ms. Jackie Johnson, a Tlinqit from Juneau, AK, who is Chair of the National American Indian Housing Council, played such an important role in the initiation and development of this historic legislation. Ms. Johnson has poured an enormous amount of work into this effort as has the entire National American Indian Housing Council. I also want to thank members of the Association of Alaska Housing Authorities and its president, Kristian N. Anderson, all of whom contributed so much toward the development of this legislation. All these fine Alaskans have reason to be proud.

I am hopeful, Mr. President, that passage of H.R. 3219 will mark the beginning of a new era in native and Indian Housing that is responsive and responsible—and most importantly, by and for native Americans.

Mr. BRYAN. Mr. President, today the Native American Housing Assistance and Self-Determination Act, H.R. 3219, will pass the Senate. I would like to enter into a short colloquy with Senator MACK, the subcommittee chairman of the Subcommittee on Housing Opportunity and Community Development.

In Nevada, there are a number of small Indian tribes which are very dependent upon the funding they receive from Department of Housing and Urban Development for their local housing programs. Under this bill, the funding for native American housing assistance will be provided to tribes through block grants for operation, modernization, and new development through a new funding formula. For fiscal year 1997, this legislation provides for hold harmless funding for small tribes like those in Nevada. During fiscal year 1997, the tribes will work with HUD through a negotiated rulemaking procedure to implement this act, and develop the funding allocation.

Tribes in my home State have raised concerns that the current hold harmless provision might disadvantage small tribes that received no modernization funding in fiscal year 1996, and that a technical correction may be necessary to ensure their funding level is indeed held harmless.

Mr. MACK. Mr. President, as the Senator from Nevada stated, H.R. 3219 includes language to specifically require the allocation formula will provide for the continuing operation and modernization needs of existing housing units. This provision is to hold harmless all native American housing authorities or tribes from unanticipated consequences of a new formula, while the tribes are guaranteed the opportunity to participate in determining the funding allocation through negotiated rulemaking with HUD.

If a technical correction is needed to ensure that small tribes and Indian housing authorities are held harmless during this negotiated rulemaking process, I will work with the Senator from Nevada to seek such correction early in the next Congress.

Mr. BRYAN. Mr. President, I appreciate the willingness of the Senator from Florida to deal with this issue expeditiously in the next Congress, if it is necessary to ensure that tribes which might be negatively affected by this bill will have their concerns addressed.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate point in the RECORD.

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

The bill (H.R. 3219) was deemed read a third time, and passed.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Mr. LOTT. Mr. President, I send a bill to the desk in behalf of Senators STEVENS and MOYNIHAN, and I ask that it be considered and agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2198) to extend the Advisory Commission on Intergovernmental Relations and correct the enrollment of a bill.

Mr. LOTT. Mr. President, this is a bill to extend the Advisory Commission on Intergovernmental Relations and correct the enrollment of that bill.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. Without objection, the leader's request is agreed to.

The bill (S. 2198) was deemed read a third time, and passed, as follows:

SEC. . (a) Notwithstanding the provision under the heading ''ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS'' under title IV of the Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104–52; 109 Stat. 480), the Advisory Commission on Intergovernmental Relations may continue in existence solely for the purpose of performing any contract entered into under section 7(a) of the National Gambling Impact Study Commission Act (Public Law 104–169; 110 Stat. 1487). The Advisory Commission on Intergovernmental Relations shall terminate on the date of the completion of such contract.

(b) The Advisory Commission on Intergovernmental Relations and employees of the Commission who are considered to be Federal employees under section 6(e) of Public Law 96–380 (42 U.S.C. 4276(e)) shall make contributions to and participate in Federal health insurance, life insurance, and retirement programs to the same extent and in the same manner as before the date of enactment of this section. The Commission shall make any such contributions from funds received through contracts.

Section 615 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997 (contained in Pub. L. No. 104–208) is amended by deleting ''and ''Community Oriented Policing Services Program'''' and by deleting ''and part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968''. The amendments made by this section should take effect upon enactment.

Mr. LOTT. Mr. President, the staff is working desperately to wrap up a couple of final items. We feel like we need to go ahead and close because as long as we stay here, there will be other opportunities to try to get something cleared. I think we have done a very good job of moving some noncontroversial bills. We have had good cooperation on both sides.

So I do have just two or three more, and then we will wrap up.

MINING INSTITUTE LEGISLATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 501, H.R. 3249.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3249) to authorize appropriations for a mining institute to develop domestic technological capabilities for the recovery of minerals from the Nation's seabed, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements be placed at the appropriate place in the RECORD as if read.

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

The bill (H.R 3249) was deemed read a third time, and passed.

DESIGNATION OF THE CLARION RIVER AS COMPONENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3568, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3568) to designate 51.7 miles of the Clarion River, located in Pennsylvania, as component of the National Wild and Scenic Rivers System.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate point in the RECORD.

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

The bill (H.R. 3568) was deemed read a third time, and passed.

AMENDING THE WILD AND SCENIC RIVER ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3155, another Wild and Scenic River designation, which has been received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislation clerk read as follows:

A bill (H.R. 3155) to amend the Wild and Scenic River Act by designating the Wekiva River, Seminole Creek, and Rock Springs Run in the State of Florida for study and potential addition to the National Wild and Scenic Rivers System.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate point in the RECORD.

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

The bill (H.R. 3155) was deemed read a third time, and passed.

EXTENDING CERTAIN PROGRAMS UNDER THE ENERGY POLICY AND CONSERVATION ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4083, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4083) to extend certain programs under the Energy Policy and Conservation Act through September 30, 1997.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate point in the RECORD.

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

The bill (H.R. 4083) was deemed read a third time, and passed.

INTERNATIONALLY RECOGNIZED HUMAN RIGHTS, REFUGEES AND FOREIGN RELATIONS

Mr. LOTT. I ask unanimous consent the Senate now proceed to the consideration of H.R. 4036, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 4036) making certain provisions with respect to internationally recognized human rights, refugees and foreign relations.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENTS NOS. 5435, 5436, 5437, 5438, 5439, EN BLOC

Mr. LOTT. I understand there are amendments at the desk offered by Senators PELL, KERRY, FORD, KASSEBAUM, and JEFFORDS. I ask unanimous consent that the amendments be considered and agreed to en bloc and the motions to reconsider be laid upon the table.

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

The amendments (Nos. 5435, 5436, 5437, 5438, and 5439) were agreed to en bloc, as follows:

AMENDMENT NO. 5435

(Purpose: Human rights, refugee and other foreign relations issues)

Delete sections 101 and 102.

AMENDMENT NO. 5436

(Purpose: Human rights, refugee and other foreign relations issues)

At the end of the bill add the following new title:

TITLE III—CLAIBORNE PELL INSTITUTE FOR INTERNATIONAL RELATIONS AND PUBLIC POLICY

SEC. 301. SHORT TITLE.

This title may be cited as the ''Claiborne Pell Institute for International Relations and Public Policy Act''.

SEC. 302. GRANT AUTHORIZED.

In recognition of the public service of Senator Claiborne Pell, the Secretary of Education is authorized to award a grant, in accordance with the provisions of this title, to assist in the establishment and operation of the Claiborne Pell Institute for International Relations and Public Policy, located at Salve Regina University, Newport, Rhode Island, including the purchase and renovation of facilities to house the Institute.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 1997 such sums, not to exceed $3,000,000, as may be necessary to carry out this title.

SEC. 304. EFFECTIVE DATE.

This title shall take effect on the date of enactment of this Act.

TITLE IV—GEORGE BUSH SCHOOL OF GOVERNMENT AND PUBLIC SERVICE

SEC. 401. SHORT TITLE.

This Act may be cited as the ''George Bush School of Government and Public Service Act''.

SEC. 402. GRANT AUTHORIZED.

In recognition of the public service of President George Bush, the Secretary of Education is authorized to make a grant in accordance with the provisions of this Act to assist in the establishment of the George Bush Fellowship Program, located at the George Bush School of Government and Public Service of the Texas A & M University.

SEC. 403. GRANT CONDITIONS.

No payment may be made under this Act except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary of Education may require.

SEC. 404. APPROPRIATIONS AUTHORIZED.

There are authorized to be appropriated such sums, not to exceed $3,000,000, as may be necessary to carry out the provisions of this Act.

SEC. 405. EFFECTIVE DATE.

This Act shall take effect on October 1, 1996.

AMENDMENT NO. 5437

(Purpose: To provide for the Edmund S. Muskie Foundation)

At the appropriate place; insert the following new section:

SEC. . EDMUND S. MUSKIE FOUNDATION.

In recognition of the public service of Senator and Secretary of State Edmund S. Muskie, the Secretary of Education is authorized to award a grant in accordance with the provisions of this Act to assist in the establishment of the Edmund S. Muskie Foundation, located in Washington, DC, by providing assistance to support the foundation, including assistance to be used for awarding stewardships, supporting the Muskie archives, and supporting the Edmund S. Muskie Institute of Public Affairs.

AMENDMENT NO. 5438

Strike Section 104.

AMENDMENT NO. 5439

(Purpose: To authorize funds for the Calvin Coolidge Memorial Foundation)

At the appropriate place, insert the following:

SEC. ___. CALVIN COOLIDGE MEMORIAL FOUNDATION GRANT.

(a) DEFINITIONS.—In this section:

(1) FOUNDATION.—The term ''Foundation'' means the Calvin Coolidge Memorial Foundation.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(b) GRANT AUTHORIZED.—The Secretary is authorized to make a grant in the amount of $1,000,000 in accordance with the provisions of this section to the Foundation.

(c) GRANT CONDITIONS.—

(1) APPLICATION.—No payment may be made under this section except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

(2) USE OF GRANT FUNDS.—Funds received under this section may be used for any of the following purposes:

(A) To increase the endowment of the Foundation.

(B) To conduct educational, archival, or preservation activities of the Foundation.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $1,000,000, without fiscal year limitation, to carry out the provisions of this section.

(e) EFFECTIVE DATE.—This section shall take effect on October 1, 1996.

Mr. LOTT. I ask unanimous consent that the bill, as amended, be read three times and passed, and the motion to reconsider be laid upon the table.

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

The bill (H.R. 4036), as amended, was passed.

RECORD ACCOMPLISHMENTS OF THE 104TH CONGRESS

Mr. LOTT. Mr. President, before the 104th Congress does come to an end, I want to take this opportunity to thank all Senators for their cooperation and hard work with regard to many accomplishments of this Congress. This is one of the most productive Congresses in recent memory, maybe not in terms of absolute numbers but in terms of historic legislation. There is a long list.

I personally was involved and enjoyed working on such bills as the telecommunications reform legislation, which was a mighty effort that had been in the making for 10 years. We had good bipartisan cooperation on that. We did get small business tax relief and, of course, we have all talked about welfare reform, health insurance reform, illegal immigration and the monumental task of putting together the omnibus appropriations bill without extensions of time, and we got it done.

I think we should rightfully take pride as we went along with more and more bipartisan effort, not always cooperation but we were working together and we were able to get an agreement on a number of issues that looked as if we might not be able to just days or weeks ago.

When I was first elected majority leader in June, the Senate was, frankly, in a logjam situation with regard to several key issues. It was with great cooperation and patience of all Senators, and especially my Republican colleagues, our leadership team, and, quite frankly, with the leadership on the other side of the aisle that we were able to resolve many of those outstanding issues in an orderly fashion.

However, with triumph does come disappointment. That goes to the fact that the Senate was not able to address some of the issues that I really had hoped that we would address in a different way—the partial-birth abortion ban veto vote which was disappointing, and I fully expect that matter will be considered again in the next Congress. But we had ample opportunity to debate and make our case. We had a vote, and in that one we just did not have enough votes to prevail, to override a veto.

All in all, I believe that the entire membership of the 104th Congress can leave today proud of their accomplishments and return in January ready to take on the many new challenges that face us.

Mr. DASCHLE. Mr. President, let me just make a couple of remarks prior to the time we finish our work today.

Let me first begin by again congratulating the majority leader on his first few months in his new position. I would not characterize this Congress quite as he has, but I think we need to end on as positive and as bipartisan a note as we can.

I congratulate him on many of his efforts over the last several months. I do believe this has become a more bipartisan and more cooperative and a more productive session in part because of the leadership that Senator LOTT has demonstrated. I hope that we can work as successfully together in the new Congress.

STAFF CONTRIBUTIONS

Mr. DASCHLE. Mr. President, as we watch them work, I am reminded again of the remarkable contribution made by our staff, the floor staff, our clerks, so many of the people in the cloakrooms and in every facet of the operation of the Senate. I admire them for their amazing dedication to this institution and for their hard work each and every day they come to work. We do not thank them enough. They are hard workers on both sides of the aisle.

I will not begin to name names except John Doney only because we know he is retiring, but we thank him, we applaud him, and we admire his great work—and their great work and contribution to our effort each and every day.

Again, I thank my colleagues and I thank our leadership, and I certainly thank my personal staff for the great job they have done in serving me and working with us in the last 2 years.

With that I yield the floor.

Mr. LOTT. Mr. President, I thank the Senator from South Dakota, the Democratic leader, for observing the fine work that we do receive from our staff. Some of them are on the back rail today. They work long hours. They produce a lot of good legislation on both sides of the aisle. Our own personal staffs in our offices work long hours, but the people here at the desks in front of us, they are here when the doors open and they are the last ones out. We would not dare presume to proceed without their very capable and efficient work. As we have seen here in the last few minutes, there has been a real scramble to get the work done, but it is always done very professionally and accurately, and I also extend my thanks to them.

PROVIDING FUNDING FOR THE OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES

Mr. LOTT. Mr. President, I ask unanimous consent to proceed to the immediate consideration of Senate Resolution 324.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 324) to provide funding for the Office of Senate Fair Employment Practices to carry out certain transition responsibilities.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask that the resolution be adopted and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Under the previous order, the resolution is agreed to.

The resolution (S. Res. 324) was agreed to, as follows:

S. Res. 324

Resolved, That the Secretary of the Senate shall transfer an amount not to exceed $100,000, from the resolution and reorganization reserve of the miscellaneous items appropriations account, within the contingent fund of the Senate, for use by the Director of the Office of Senate Fair Employment Practices for salaries and expenses of such Office through January 30, 1997, related to carrying out the responsibilities of such Office in accordance with section 506 of the Congressional Accountability Act of 1995 (2 U.S.C. 1435). Effective date is October 1, 1996.

RETIREMENT OF SENATOR ALAN SIMPSON, U.S. SENATOR, WYOMING

Mr. WARNER. Mr. President, I rise to join other colleagues in wishing AL, Ann, and their children the best for their future. Senator SIMPSON has wisely reclaimed his life, the balance, for them.

I have waited until this moment, as the Senate ''retires'' from the 104th Congress to make my statement on behalf of one of the most valued and respected friends I have ever had.

A fearless advocate for what he believed. Integrity that could never be doubted.

As the ''whip'' of our side of the aisle, his leadership reconciled the ''mountainous'' Senate egos—ambitions—when all seemed unreconcilable. Leadership is ''background and backbone.'' He was truly a son of the Senate, a son of a proud father, himself a Senator from Wyoming.

By his side, to steady his hand, often to protect, on occasion, fellow Senators from the ''whip,'' to temper his flowing humor, to correct his record, was his wife—loved and respected by all. I shall dearly miss the Simpson family.

SENATOR HOWELL HEFLIN

Mr. LOTT. Mr. President, does the Senator from Alabama have anything? Is he willing to allow us to wrap this up? I know he is enjoying these last few moments that he is sitting here as a Senator. We all have enjoyed working with him so much. I found it interesting that he is here watching these last few moments. Would you like to leave one last word for posterity?

Mr. HEFLIN. It has sort of been a historical sine die session. This being my last few moments in the Senate, I though I would be here and watch this historic event. Thank you.

Mr. LOTT. We felt you presence.

Mr. HEFLINN. Thank you.

Mr. LOTT. We wish you Godspeed in all you do.

Does the Senator from Florida wish to speak?

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I wish to add my voice, first to the great warmth of which we feel towards our esteemed colleague from Alabama and how much we will miss his presence. And I appreciate the leadership that has been provided by both the majority and minority leaders during the session.

UNANIMOUS-CONSENT REQUEST—H.R. 2026

Mr. GRAHAM. Mr. President, to keep on this historical plane as we conclude, what would be more appropriate than to conclude the session by adopting singularly a bill that we already adopted as part of the coin bill package, and that is the one to recognize our first President, George Washington?

So, Mr. Leader, with your permission, I ask unanimous consent that we proceed to a bill, H.R. 2026, which is at the desk, which is the bill to commemorate, by coin, President Washington. I ask unanimous consent to proceed to that bill.

Mr. LOTT. Mr. President, it falls as our responsibility as leaders sometimes to object when we really would rather not. I would like to do this. I would like to accommodate the Senator from Florida. I would like to accommodate him on this particular bill. But there are a number of Senators who have very important coin bills that they would like to move freestanding, and they had objected to moving them individually and objected to them being moved unless they were moved in a group. I do not agree with that analogy. I do not quite understand it, but I am constrained, unfortunately, to object, as much as I prefer not to.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. There being no further business to come before the Senate——

Mr. President, does the Senator from Virginia wish to add one final word?

Mr. WARNER. I just——

Mr. LOTT. You do not have a unanimous consent request, do you?

Mr. WARNER. No. Just to speak on behalf of retiring Senators. But I judge that has now come to an end.

Mr. LOTT. Mr. President, I believe it has. The bewitching hour is before us.

CONDITIONAL ADJOURNMENT SINE DIE

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now move that the Senate stand in adjournment sine die under the provisions of House Concurrent Resolution 230, or until 6 p.m., Friday, October 4, if the House fails to adopt House Concurrent Resolution 230. And God be with you all.

The motion was agreed to, and at 6:54 p.m., the Senate adjourned sine die, conditioned on the House concurrence in the Senate amendment to House Concurrent Resolution 230.

NOMINATIONS

Executive nominations received by the Senate October 3, 1996:

NATIONAL TRANSPORTATION SAFETY BOARD

GEORGE W. BLACK, JR., OF GEORGIA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2001. (REAPPOINTMENT)

EXTENSIONS OF REMARKS

A TRIBUTE TO JOHN H. MCCONNELL—WORTHINGTON INDUSTRIES

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Ms. PRYCE. Mr. Speaker, today I rise to pay tribute to Mr. John McConnell, chairman emeritus and founder of Worthington Industries of Columbus, OH. John McConnell is retiring this year, but the impact that he has in central Ohio will certainly continue.

John McConnell has truly lived the American dream. In 1955, he borrowed $600 on his 1952 Oldsmobile to start Worthington Industries. Under his leadership, Worthington Industries has grown to employ 9,700 people at 55 facilities in 23 States, Canada, Mexico, and France. He turned his initial $600 loan into a $1.8-billion-a-year company that serves as a model for both efficient production and effective leadership. When Worthington Industries was just starting out, John would spend the morning in a suit with customers, but after lunch he would change clothes and spend the afternoon working in the plant. It is this commitment to his company and its employees that has won their respect and loyalty.

Equally important, however, is John McConnell's social and civic involvement. He is chairman of the Law Enforcement Foundation of Ohio, a director of GMI Engineering and Management Institute in Flint, MI, and chairman of the board of the U.S. Health Corp. He also serves on a summer of charitable boards, including the Columbus Zoo and the YMCA.

All of these accomplishments have not gone unnoticed. He is a recipient of the 33 Degree Scottish Rite Mason, the Horatio Alger Award, the Ohio Governor's Award, and the Mr. Ohio Gold Award. Mr. McConnell has been named a Michigan State University Outstanding Alumni and Entrepreneur of the Year by Southern Illinois University. Financial World magazine recogized him as an outstanding Chief Executive Office of the Year. Industry Week magazine applauded his excellence in management.

Mr. Speaker, it is with great pleasure that I ask my colleagues to join me in congratulating my good friend, Mr. John McConnell, on a long and brilliant career with Worthington Industries. I wish him and his wife, Peggy, of 50 years continued health and happiness.

HOW BUREAUCRATS REWRITE LAWS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. GINGRICH. Mr. Speaker, I would like to bring a recent article by John DiIulio, Jr., to the attention of my colleagues.

[The Wall Street Journal, Oct. 2, 1996]

HOW BUREAUCRATS REWRITE LAWS

(By John J. DiIulio Jr.)

As the historic 104th Congress draws to a close, scholars have already begun to debate its legislative record. Some stress that the first Republican Congress in four decades enacted fewer major laws than any Congress since the end of World War II. Others respond that it was only natural that a new conservative Congress committed to restraining the post-New Deal rise of national government activism would pass fewer big-government bills. Likewise, while some interpret President Clinton's bright re-election prospects as a negative referendum on the GOP-led House and Senate, others focus on how Republicans ended up setting the agenda on everything from balancing the budget to welfare reform.

For at least two reasons, however, both sides in this early war over the 104th's history are firing intellectual blanks. One reason is that it is not yet clear how much of the legislation will stick politically. For example, Mr. Clinton has made plain that, if reelcted, he plans to ''fix'' the new welfare law. And should the House fall to the Democrats, ultraliberal committee chairmen will move quickly to undo much of what the Republicans did legislatively on welfare, crime, immigration and more.

The other and more fundamental reason is that, no matter what happens in November, it is by no means certain that the laws passed by the Republican Congress over the last two years will survive administratively.

BUREAUCRATIC WARS

Victories won on the legislative battlefield are routinely lost in the fog of bureaucratic wars over what the laws mean and how best to implement them. One of many recent examples is how the Federal Communications Commission has already virtually rewritten the Telecommunications Act of 1996.

On Feb. 8, President Clinton signed the first major rewrite of telecommunications law in 62 years. To many observers, the act represented the culmination of a series of political and judicial decisions that began in 1974 when the U.S. Justice Department filed an antitrust suit against AT&T, leading to a breakup of the old telephone monopoly and the creation in 1984 of the seven regional ''Baby Bells.'' The bill-signing ceremony, the first ever held at the Library of Congress, was draped in symbolism. The president signed the bill with a digital pen that put his signature on the Internet. On a TV screen, comedian Lily Tomlin played her classic telephone company operator Krnestine, opening her skit with ''one gigabyte'' instead of ''one ringie-dingie.''

During the debate over the bill and for weeks after its enactment, the press played up the law's social-policy side-shows, like the requirement that most new television sets contain a ''V-chip'' enabling parents to lock out programs deemed inappropriate for children. But its true significance lay in removing barriers to competition in the telecommunications industry, and devolving responsibility for remaining regulation to the states. While its language is often technical, you need not be a telecom junkie to understand the letter of the law or the record of floor debates in Congress.

For example, Sections 251 and 252 of the law promote competition in local telephone markets, expressly giving state commissions authority to decide, via a strictly localized, case-specific process, what constitutes ''just and reasonable'' rates. It affords the FCC no role whatsoever in setting local exchange prices: ''Nothing in this chapter shall be construed to apply or to give the Commission jurisdiction with respect to . . . charges, classifications, practices, facilities, or regulations for or in connection with intrastate communication service.''

The law's devolutionary language and deregulatory intent was so clear that groups such as the National Council of Governors' Advisors quickly produced reports advising key state and local decision makers to prepare for ''telewars in the states.'' Soon, one NCGA report on the law explained, ''governors' offices, state legislatures and state public utility commissioners will be drawn into state debates on how to ensure a ''level playing field for competition' among those firms seeking to provide local and intrastate telephone service.'' The major battles, the NCGA predicted, would be over the terms of price and interconnection agreements. Telephone company rivals could be expected to lobby governors, utility commissions and state legislatures in search of allies.

But within six months of the law's enactment, the FCC declared a victor in the ''telewars in the states''—namely, itself. The commissions produced a 600-page document promulgating presumptive national pricing standards in local telephone markets. The FCC insists that the order is necessary to pry open local markets to long-distance carriers like AT&T, small firms like Teleport, and cable and wireless companies. Otherwise, the commission asserts, incumbent local carriers like the Regional Bell Operating Companies will remain invulnerable to real competition as potential entrants to intrastate markets are forced to contend with 50 different, localized state regulatory regimes.

But the FCC's rushed, revanchist rewrite of the telecommunications law is based on a hypothetical pricing scheme that only an armchair economist could love. In its hundreds of pages of national regulatory dictates, the FCC almost completely ignores the actual costs that local companies incurred to create the system, and the regional and other variations in how they operate.

On Aug. 23, GTE Corp. and Southern New England Telephone Co. jointly challenged the FCC in court, arguing that the FCC's order constitutes an uncompensated taking under the Fifth Amendment by requiring them to sell their services at below actual costs. The order, they claim, would almost certainly enervate competition by permitting long-distance giants like AT&T to buy up local phone networks at huge discounts—an ironic potential outcome indeed given how all this began in 1974. Moreover, not only giants like AT&T but fly-by-night arbitrage artists could enrich themselves at the expense of consumers on the spread between actual operating costs and the prices set by the FCC. In response to the suit, a federal appeal court ordered a temporary stay of the FCC regulations and will hear oral arguments in the case tomorrow.

At a recent press conference, GTE's senior vice president and general counsel, former U.S. Attorney General William P. Barr, demanded to know why the FCC believes that it is better at making decisions ''for 50 states

than the state commissions are, who have done this historically, who have all the data that are relevant to the state before them.''

A MOCKERY

But whether or not the FCC is wiser than the states, and regardless of who is right about the economics of the case, the FCC bureaucrats' orders mocks key provisions of a democratically enacted law. The FCC's action is at odds not only with the textbook understanding of ''how a bill becomes law,'' but with the first principles of limited government and American constitutionalism.

The FCC's action should serve to remind us that the devolution and deregulation of federal authority are always in the administrative details. On telecommunications, welfare, and almost every other major issue, big government is the administrative state in which judges and unelected officials, and not the elected representatives who debate and enact the laws, govern us all.

TRIBUTE TO VICE PRESIDENT PREMIER LIEN OF TAIWAN

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. ORTIZ. Mr. Speaker, I would like to commend Vice President/Premier Lien of Taiwan on his interest in continuing to lead Taiwan's move towards democracy, enhanced human rights, and global competitiveness.

I understand that Vice-President/Premier Lien recently reviewed Michael Porter's book ''The Competitive Advantage of Nations.'' In the review, he indicted that the book has great relevance to the future development of Taiwan. Lien calls Porter's work ''the leading edge of contemporary thought that can influence government policy.* * *''

Mr. Speaker, I know that the residents of Taiwan are hard working, dedicated individuals who have demonstrated their strength by becoming one of the most successful business environments in Southeast Asia. Not only have they excelled economically, but politically, they enjoy a strong and vibrant democracy. They also enjoy more individual liberty and personal freedom than any of their neighbors. I share Vice President/Premier Lien's belief that there is a definite relationship between political and economic freedom and continued international financial success. Clearly, Vice President/Premier Lien believes in a dynamic free market and I endorse his position to promote economic opportunity for everyone.

Mr. Speaker, I urge my colleagues to learn more about the changes that have taken place in Taiwan during the last few years.

TRIBUTE TO RICHARD M. LOBENTHAL

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. LEVIN. Mr. Speaker, as this session ends, an era is coming to an end in Michigan. After 32 years of commitment and dedication, Richard M. Lobenthal has led an impassioned fight against prejudice and discrimination as it affects all human beings. As the Michigan director of ADL, Mr. Lobenthal established a reputation as an advocate for the Jewish community speaking out against anti-Semitism and hate crimes.

The mission of the Anti-Defamation League is to preserve and translate into greater effectiveness the ideals of American Democracy. Mr. Lobenthal's advancement of this mission encompassed all minorities and extended beyond the borders of the United States.

Mr. Lobenthal has served in leadership positions on various boards and has been the recipient of numerous awards. He is a founder and past president of the Ecumenical Institute for Jewish-Christian Studies. He is also a founding board member of the Michigan Coalition for Human Rights and served as a cochair of the Bias Crimes Response Task Force of the Michigan Department of Civil Rights. Appointed by Governor Blanchard in 1987, Mr. Lobenthal served on the Michigan Council for the Humanities. In 1989, he was appointed by the Michigan Chiefs of Police as a consultant on anti-democratic movements.

In 1989, Mr. Lobenthal's expertise was sought by the West German government in their study of social and political movements in Europe and Germany and their effects on democratic structure. In 1993, Mr. Lobenthal was named as an American consultant to an international conference in Sofia, Bulgaria aimed at reducing ethnic tension.

I have been privileged to know Dick Lobenthal personally. For three decades, he has been a leader in the fight against injustice, anywhere and at anytime. Indeed, all of us have benefitted from his untiring efforts and dedication. He will be deeply missed.

A TRIBUTE TO CONGRESSMAN ANDY JACOBS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. BURTON of Indiana. Mr. Speaker, ANDY JACOBS is one of those guys who carries the Golden Rule in his heart. I feel very strongly about the caliber of this man, and I think the people really ought to know what he's like.

ANDY JACOBS sits on the other side of the aisle from me, and although we are political opponents, so to speak, I believe him to be one of the most outstanding Congressmen in the House of Representatives.

ANDY has worked these many years in the House to protect the Social Security System and was the chief sponsor of the Social Security Administration to become an independent agency, as well as several other Social Security provisions which have become law.

ANDY has long been a leading proponent of pre-school programs for educationally-disadvantaged children. He authored a provision which was enacted in 1994 which created demonstration projects designed to enhance the cognitive skills and linguistic ability of children under the age of 5 years.

ANDY also was responsible for the law which made Father's Day a national holiday. He authored a law which ended age-old immunity of Federal employees from court process to collect just debts owed by them. And, there are so many more accomplishments by this distinguished gentlemen during his 30 years in the House of Representatives.

Indianapolis Republican mayors have praised ANDY for protecting Indianapolis' interests in Washington during his many years in Congress.

We know ANDY's wife, Kim, and their two sons are very happy he is coming home to stay, but their gain is our loss. Regardless of who replaces ANDY, he will be missed by us on both sides of the aisle.

ONE HUNDRED YEARS OF SERVICE

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. DELAY. Mr. Speaker, I rise today to congratulate the First Baptist Church of Angleton, TX, on its 100-year anniversary.

October marks the celebration of a century of service to the community of Angleton. Growing and changing over the years, the church and its congregation of over 1,800 are currently involved in mission projects and television ministry.

I want to take this opportunity to commend the First Baptist Church of Angleton for its contributions and service and I wish the church and its congregation God's blessings for the years to come.

TRIBUTE TO CONGRESSWOMAN ENID GREENE

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. HANSEN. Mr. Speaker, as this historic session of Congress draws to a close, I wanted to take a moment and reflect upon the contributions of one of its finest Members—ENID GREENE. I have been proud to associate myself with ENID during the past 2 years, and I am sorry to see her leaving so soon.

Few will ever know the hard work, the long hours, and the dedication she has shown. Her tireless work on the Rules Committee has helped to fashion some of the most important legislation we have seen in decades; the balanced budget amendment, the line-item veto, welfare reform, and many, many others. She is a principled person of the highest integrity who has weathered some of the roughest personal seas that could ever be imagined. Through it all, she never lost her vision or gave up on her responsibilities in the Congress. She showed that she was able to continue working despite personal hardships. I marvel at her talents and abilities. She has much to offer, and I know that she will yet contribute in many other ways. I know that I join my colleagues in thanking ENID for her efforts, and wish her well in the future.

TRIBUTE TO RANDOLPH YUNKER

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. LAZIO. Mr. Speaker, I want to pay tribute to my constituent, Mr. Randolph Yunker of

West Babylon, NY, who spent his career in service to his country and this House, and in doing so has made a real difference in his community.

For the past decade, Randy has served the people of Long Island, first as executive assistant to our former colleague, Norman Lent, 4th district, New York, and most recently district director to PETER KING, 3d district, New York. In these capacities, Randy has helped literally thousands of constituents, from the senior citizen experiencing problems receiving a social security check to the anxious child needing an emergency visa to visit an ailing parent in another country. Randy has taken the time to listen to their concerns and then acted quickly to resolve those problems, which may sound trivial to some, but in reality are quite important to the person needing assistance. In recognition of his dedication and support, Randy has been awarded membership in the National Association of Postmasters of the United States, making him the first congressional staff member in history to be accorded that honor.

Mr. Speaker, too often we forget the fine work that is done on our behalf by our dedicated and professional staff. Their efforts often help make our Government more responsive to the people we serve. So, it is only fitting that I take this time to honor Randy Yunker, who has a distinguished career of service to the people of Long Island.

CLINTON'S READING PLAN

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. GINGRICH. Mr. Speaker, I want to encourage my colleagues to read the following article which appeared in the Marietta Daily Journal September 15, 1996. As we look for ways to improve our country's schools, we would do well to listen to the advice of the teachers and parents who are working with the students every day. While the administration would like to simply spend more money on the wasteful education bureaucracy and curry favor with teachers unions, there is no substitute for individual help from teachers like Kay Vaughn who are working with children on a daily basis to teach them to read and write.

[From the Marietta Daily Journal, Sept. 15, 1996]

LOCAL TEACHER SAYS CLINTON'S READING PLAN MISSES THE MARK

(By Jamie Floer)

President Bill Clinton's proposal to send Americorps volunteers into the nation's schools to help teach children to read by the third grade gets a failing mark from Cobb educators.

The president promised during his nomination acceptance speech in August to emphasize reading performance when he proclaimed that ''every student in America should be able to read by the third grade.''

But when professional reading teacher Kay Vaughn heard about the idea, she knew better.

Surrounded by a table of first-graders at Dunleith Elementary School in Marietta, every day Ms. Vaughn teaches students the skills they need to become literate, and she contends the president's plan is not needed.

''We're really working on reading in kindergarten, first and second grade. . . . They definitely know how to read by third grade,'' she said. ''The earlier you get them started the easier it is to break them of bad habits.''

Sitting down to read an easy-reader book about a cat, 6-year-old Darius Alexander, the son of Frances and Lisa Alexander of Marietta, just started first grade a few weeks ago. ''Reading is my favorite thing to do,'' Darius said.

Seeing the reading process click for students like Darius and his classmates makes Ms. Vaughn's efforts worthwhile.

Dunleith Principal Dr. Emily Lembeck said, ''We have a lot of programs in place to support reading in our school.'' A former first-grade teacher herself, Dr. Lembeck said grasping the basics of reading is important and should definitely be in place well before third grade.

Dunleith uses innovative approaches such as the Partnership in Literacy Program that began last year where volunteers spend 15 minute a week listening to students read aloud.

Throughout Marietta, at schools such as West Side and A.L. Burruss, which was recognized last year with an international award for reading, reading has long been a focus.

Kelly Henson, assistant superintendent of the 6,000-student school district, said the city system's approaches have changed but the goal has remained the same—teach children to read by the end of first grade.

For three or four years the system used a one-on-one program called Reading Recovery, which was funded federally.

However, this school year the Early Intervention Reading Program was put into place to expand the program and serve more students. Under the new program school principals can choose to continue with one-on-one instruction or use small groups.

''It takes different shapes at every school depending on the needs. . . . We tried to take some of the restrictions off,'' Henson said.

Henson estimated that 99 percent of the students in Marietta City Schools know how to read by the third grade, except for a few students who speak a foreign language and students with extreme learning difficulties.

''Most of our students are reading easily in the first grade,'' Henson added.

85TH ANNIVERSARY OF THE FOUNDING OF THE REPUBLIC OF CHINA

HON. SOLOMAN P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. ORTIZ. Mr. Speaker, I know that I speak for many of my colleagues in offering my congratulations on the 85th anniversary of the founding of the Republic of China.

Taiwan is a model of 21 million hardworking men and women, who have achieved enormous economic success and political freedom, as well as international admiration and respect.

President Lee Teng-hui and Representatives Jason Hu should be very proud of the achievements of their citizens. I support their continued pragmatic campaign to promote international recognition of the efforts, and successes, of the 21 million men and women living on Taiwan.

I would also like to congratulate Dr. Lyushun Shen on his transfer back to Taiwan for a promotion as the Director of the North American Affairs at the Republic of China Foreign Ministry. As an outstanding diplomat, his services in the past 3 years as the congressional liaison director at the Taipei Economic and Cultural Representative Office in Washington, DC has strengthened our bilateral relations. I wish him the best in his new position.

Mr. Speaker, I urge my colleagues to join me in offering best wishes to the Republic of China on the 85th anniversary of its creation, and thanking Dr. Lyushun Shen for his contribution to a greater understanding of the issues relating to Taiwan.

CONGREGATION SHIR TIKVAH GROUNDBREAKING

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. LEVIN. Mr. Speaker, on Sunday, October 20, Congregation Shir Tikvah will break ground for their permanent home, a house of worship in the heart of Troy.

Congregation Shir Tikvah was founded 14 years ago when Pam Spitzer and Phyllis Wenig met in an elementary school parking lot. Recognizing the need for a worship community for Jewish families in the area, 18 families came together and the number quickly grew to 70. Today, Congregation Shir Tikvah has a membership of 240 families. Until now, the congregation has held its services in the Morman, Catholic, Lutheran, Presbyterian, Unitarian, and Methodist Churches. The cross-cultural enrichment from these exchanges of hospitality fostered outreach to people of other faiths.

Shir Tikvah's Ark houses a sacred Torah which was seized after World War II in Nazi Germany. It travelled from Germany to England and then to Detroit. Led by Rabbi Arnie Sleutelberg, the congregation is open and welcome to all. It is a place to gather for spiritual growth, education, and socialization. Rabbi Arnie and his congregants are an active presence in the faith community of the area.

Shir Takvah translates as ''Son of Hope,'' and the congregation's groundbreaking on October 20 is, indeed, a symbol of their hope for the future. Mr. Speaker, I congratulate the members of Congregation Shir Tikvah on the realization of their dream, and I wish them continued success.

A TRIBUTE TO CONGRESSMAN JOHN T. MYERS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. BURTON of Indiana. Mr. Speaker, one of my very good friends in Congress is JOHN MYERS. JOHN has represented Indiana's 7th District which is adjacent to mine.

JOHN is retiring at the end of this Congress, and he is really going to be missed by everyone who appreciates a warm smile and cheery greeting.

Throughout JOHN's career in the House of Representatives he has the reputation of being a staunch fiscal conservative. He consistently voted against higher spending and never voted for a tax increase.

JOHN has been an institution on the Appropriations Committee. He has served as chairman of the Energy and Water Development Subcommittee during the 104th Congress, after being ranking Republican on the full committee for several years. He also has served as ranking Republican on the Ethics Committee and on the old Post Office and Civil Service Committee.

JOHN's intelligence, fairness, and integrity are unquestionable. JOHN is known to be an independent thinker and is one of those congressmen who really thought hard about an issue before deciding how he should vote. His record of achievement has earned him the respect of everyone on both sides of the aisle.

JOHN has served the 7th District and the State of Indiana in an exemplary manner these past 30 years. I'm really going to miss him. This place won't be the same without him. I wish JOHN and Carol a very long and happy retirement.

LET'S HEAR IT FOR FIRE SAFETY: TEST YOUR DETECTORS

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. WISE. Mr. Speaker, I would like to pay tribute to Fire Prevention Week. This year's Fire Prevention Week theme is ''Let's Hear it for Fire Safety: Test Your Detectors.''

One life lost to fire is a great tragedy. When that tragedy could have been prevented, it compounds the loss. Smoke detectors are necessary equipment in every home to prevent tragedies from occurring. Every home in West Virginia should be equipped with properly installed and maintained smoke detectors outside sleeping areas as well as one on each level of the house, basement included.

Statictics show that 13 out of every 14 homes have at least one smoke detector, but far too many are not working. I am trying to raise that statistic in West Virginia to 100 percent. With the assistance of the Berkeley County Office of Emergency Services and State Farm Insurance, I have made a fire prevention video which teaches children how smoke detectors operate and how to maintain them. This video is distributed to every elementary school in West Virginia.

Obtaining a smoke detector can be as easy as contacting the local fire department. Many fire departments and local organizations participate in free give-aways of smoke detectors.

Over the past 2 weeks the Congressional Fire Services Institute hand delivered to every Member of Congress, a Fire Prevention Week Community Awareness Kit, courtesy of the National Fire Protection Association. I urge all my colleagues to use the information contained in those kits.

USTR ANNOUNCEMENT ON ARGENTINEAN FOOTWEAR

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. NEAL of Massachusetts. Mr. Speaker, I support the action taken by United States Trade Representative Charlene Barshefsky on October 1, 1996, concerning Argentinean footwear. USTR announced the United States has filed a section 301 complaint with the World Trade Organization [WTO] against Argentina due to their practices concerning footwear and textiles. This action is necessary to curb Argentina's unfair trade practices.

Argentina maintains specific import duties on textiles, apparel, and footwear that are above the 35-percent ad valorem tariff rate to which Argentina committed under the WTO agreements. USTR has decided to invoke WTO dispute settlement procedure. The WTO should take action to make Argentina comply with the WTO agreement.

Argentina has taken action in the past and this action is unacceptable. USTR realizes the actions taken by Argentina are insufficient and inappropriate. Consultation with the WTO has become necessary. I commend Ambassador Barshefsky for taking the appropriate action.

For companies in Massachusetts, this action by Argentina is dangerous. The action taken by USTR will help those businesses who have been discriminated against because of the unfair trade practices of Argentina. In Massachusetts, companies such as Reebok and thousands of Massachusetts employees, depend upon fair access to foreign consumer markets for their livelihoods.

Once again, I congratulate Ambassador Barshefsky and offer my continuing support for firm steps to enforce our international trade treaties to benefit U.S. interests.

STATEMENT OF THE HONORABLE DON RITTER

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. ROYCE. Mr. Speaker, I insert the following for the RECORD:

STATEMENT OF THE HONORABLE DON RITTER—FORMER CO-CHAIRMAN, U.S. CONGRESSIONAL TASK FORCE ON AFGHANISTAN, JUNE 6, 1996, NEAR EAST AND SOUTH ASIAN AFFAIRS SUBCOMMITTEE, SENATE FOREIGN RELATIONS COMMITTEE

I want to thank you Chairman Brown and the other distinguished Members of this Committee for holding this important and timely hearing on Afghanistan. I would also like to express my appreciation to my former colleagues, Congressman Dana Rohrabacher and Congressman Charles Wilson, as well as the other witnesses offering testimony today before this Committee. Congressional leadership on this issue has always played an important and historic role.

We are gathered here today out of concern for the people of Afghanistan and that war-torn country that has suffered unspeakable brutality and neglect. Clearly, the United States, so active over so many crucial years, needs to place a higher priority now on the agony and devastation of Afghanistan and its people.

Mr. Chairman, the United States has a moral obligation to the people of Afghanistan because of their pivotal role in defeating the Red Army at a time when Communism was on the march around the globe. This seems like ancient history sometimes but, ultimately, Afghanistan proved to be the Achilles Heel of the Soviet Communism and military expansion. One can make a strong case that the Soviet Empire would not have met its demise, nor would the Berlin Wall have come down and the people of eastern Europe and the former U.S.S.R. made free, if the people of Afghanistan had not had the courage to fight the Red Army when it invaded. For over a decade, the Afghan people paid a heavy and horrible price fighting the Soviet Union for their beloved country—mass executions, chemical attacks, cities destroyed, villages burned, the countryside mined, children orphaned. Millions of Afghans fled or were murdered by the communists. The point is this Mr. Chairman: Freedom loving people in the United States and around the world thus owe an important debt to the Afghans for helping to win the Cold War and the course of world history.

The bipartisan Congressional Task Force on Afghanistan that I helped lead with Senator Gordon Humphrey, Congressman Charles Wilson, Congressman Bob Lagomarsino and others pressed for U.S. humanitarian and military support for the Afghan people during some of the darkest and most brutal periods of Soviet military operations in Afghanistan. In recent years, after the Soviet withdrawal and the communist defeat, I have grown increasingly troubled by the tragic fate that has overtaken Afghanistan. The United States must again reassert a leadership role to help the people of Afghanistan.

The point is this: We fought together with the Afghan people to win the war. In a very real sense they served on the front lines for us. Now is the time to fight together to win the peace. Its the right thing to do. We have the responsibility.

Although I no longer serve in Congress, I am willing to step forward once again to join you, Mr. Chairman, along with Congressman Wilson, Congressman Rohrabacher and others committed to helping to find solutions to the situation in Afghanistan. I would encourage others to join me in this effort—Americans and Afghans, those in government as well as in the private sector. Now is the hour. Now is the time for the United States to launch a new initiative to help bring peace, stability and prosperity to the war-weary and suffering people of Afghanistan.

Finally, the United States, as this Committee well knows and will explore today, ignores the situation in Afghanistan at great peril. Afghanistan remains important to the national interest of the United States for geostrategic and national security reasons because of its pivotal role regarding Central Asia, the Middle East, and South Asia. If the United States will not take a leadership role in Afghanistan, Iran and other hostile terrorist forces will. In a world that for us grows ever smaller and more integrated all the time, this prospect in South Asia is more threatening to the United States. America must act with resolve and courage to help the people of Afghanistan while there is yet time.

TRIBUTE TO THE CIRCLES OF SERBIAN SISTERS OF NORTHWEST INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. VISCLOSKY. Mr. Speaker, it is my great honor to commend the Circles of Serbian Sisters of Northwest Indiana. This distinguished organization is holding its fourth annual benefit at St. George Serbian Orthodox Church in East Chicago, IN this Sunday, October 6, 1996.

The Circles of Serbian Sisters of Northwest Indiana is the combined effort of four separate Circles of Serbian Sisters organizations, each of which contains about 200 members. The presidents of the Circles of Serbian Sisters are: Ms. Helen Tezich, from St. George Serbian Orthodox Church in East Chicago; Ms. Natalie Tieca, from St. George Serbian Orthodox Church in Schererville; Ms. Ann Rudman, from St. Sava Serbian Orthodox Church in Merrillville; and Ms. Milica Bodrozic, from St. Elijah Serbian Orthodox Church in Merrillville.

Four years ago, these organizations unified to assemble this humanitarian fundraiser in order to provide aid to orphaned and refugee children in the former Yugoslavia. Last year alone, the Circles of Serbian Sisters sent over 7,000 packages and vaccines to these displaced children, who are forced to live in refugee camps and shelters. These individually wrapped packages consisted of underwear, sweat suits, and candy. Circles of Serbian Sisters of Northwest Indiana works with the International Orthodox Christian Charities and the Serbian Orthodox Church in the former Yugoslavia.

Four priests, who have supported this effort from the very beginning are: Father Steve Kovaceivich, from St. George Serbian Orthodox Church in East Chicago; the Very Reverend Father Milan Savich, from St. George Serbian Orthodox Church in Schererville; the Arch Priest John Todorovich, from St. Sava Serbian Orthodox Church; and Father Lazar Kostur, from St. Elijah Serbian Orthodox Church.

The following distinguished clergymen from the Serbian Orthodox Church have sent their blessings for the event Metro Bishop Irney—Kovacevich—Serbian Orthodox Hierarch of the New Granica Metropolitinate, seated in Third Lake, IL; His Eminence Metropolitan Christopher—Kovacevich—Serbian Orthodox Hierarch for Midwestern America, seated in Libertyville, IL; and His Grace Bishop Sava—Jurich—Serbian Orthodox Bishop of Australia and New Zealand, Surrogate Bishop to His Holiness Serbian Orthodox Patriarch Pavle, administrator of the Serbian Orthodox Diocese of USA and Canada.

During this year's banquet, which is held at a different church each year, two sisters, Ms. Millica Bodrozic and Mara Dobrijevich, who have been involved in this movement from the very beginning, will describe what they experienced as they traveled to the former Yugoslavia to deliver the aid packages. Thank you notes from the orphaned children will also be read during this benefit.

Mr. Speaker, during this sad time in the former Yugoslavia, the mission of the Circles of Serbian Sisters offers renewed hope in the humanity of all people. I ask you and my other distinguished colleagues to join me in commending the Circles of Serbian Sisters and wishing them well on their fourth annual banquet, as well as the continued success of their humanitarian efforts.

THE SOUTH DADE/HOMESTEAD MOTORSPORTS EXHIBITION CENTER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Ms. ROS-LEHTINEN. Mr. Speaker, Economic Development Administration [EDA] funding of an economic development grant is being sought for the South Dade/Homestead Motorsports Exhibition Center.

Mr. Speaker, the Homestead/South Dade community is still recovering from the brunt of hurricane Andrew in 1992. We continue to seek economic revitalization assistance from the Federal Government, the State of Florida and from the private sector to bring this community back to prosperity.

The South Dade/Homestead Motorsports Speedway Complex has already attracted millions of tourists to the area and has generated jobs at all levels in the community. The city of Homestead and a nonprofit partnership involving private businesses, have proposed a motorsports exhibition center which will build on the success of this complex.

The south Florida community is hopeful that the Subcommittee on Commerce, State and Justice and the EDA will support this project in fiscal year 1997.

HONORING GATEWAY DAY HABILITATION PROGRAM

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. ENGEL. Mr. Speaker, today begins a new program to help the developmentally disabled come into the mainstream of life. The Gateway Day Habilitation Center, a not-for-profit organization, will work to help their consumers achieve further independence and integration into the community at large. In describing the philosophy of Gateway, Sylvia Lask, the director of community relations, says Gateway has as its goal a high quality of life to be achieved, in part, by gainful employment.

Gateway will also help society embrace the developmentally disabled to foster the development of a variety of meaningful relationships. It will provide such day-to-day skills as cooking, money handling, domestic skills, reading, mathematics, writing, basic safety, travel training, therapeutic exercises, and many others. Gateway deserves the praise and cooperation of all of us for the goals it has adopted in helping our fellow citizens.

SUPPORT FOR AUNG SAN SUU KYI

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. ROHRABACHER. Mr. Speaker, the Burmese regime is once again cracking down on Aung San Suu Kyi and her democratic movement. The large scale repression and violence by Burma's tyrants we have witnessed over the past week justifies a tougher approach toward the Rangoon regime.

I introduced legislation this year to impose economic sanctions on Burma. Although that legislation did not become law, the American people are becoming more familiar with the tragic situation in Burma. I intend to reintroduce similar legislation concerning Burma in the 105th Congress if I am reelected.

Last month, the Burmese regime held a long press conference during which various officials criticized Aung San Suu Kyi and the United States. Specifically, the Burmese criticized the International Republican Institute, and its program officer, Mr. Michael Mitchell, for working with the democratic forces inside Burma. That kind of criticism is a badge of honor.

Although the international spotlight rarely shines on Burma, I am watching closely what is happening in that tortured land. The escalating reign of terror against democracy activists and hilltribe people belies Rangoon callous disregard for the infinite value of human life.

Mr. Speaker, the American people stand behind Aung San Suu Kyi and I am proud the International Republican Institute is doing what it can to support democracy in Burma.

THE IMPORTANCE OF FEDERAL SUPPORT FOR HIGHER EDUCATION

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. CLAY. Mr. Speaker, in light of the $3.5 billion increase just given to education in the omnibus spending bill, I rise today to underscore yet again the crucial role that our Federal education programs play. This apparent sudden concern on the part of my Republican colleagues for protecting education is gladly received, because millions of young Americans will benefit from these resources.

During the 104th Congress, the Democratic members of the Economic and Educational Opportunities Committee, however, were distressed by the repeated attempts by the majority to slash funds for education. In fact, earlier this year, we held a hearing to demonstrate the impact that Federal education programs have on preparing America's children for a bright future. At this hearing, we heard many witnesses testify in trenchant detail about the pain that defenseless children, students, and families were suffering from the cuts Congress had imposed on Federal education programs. The higher education student community was represented at this hearing by two outstanding students, Rob Sewell and Willie Brown, then the president and vice-president, respectively, of the American Student Association of Community Colleges. I would like to insert their testimony into the RECORD at this time, because it perfectly illustrates from a student's point of view why Democrats will always fight for education. After all, education is the true path to opportunity, and our role as legislators should be to increase access to lifelong learning for all Americans. This is the only way that our country will become stronger and more productive into the 21st century.

TESTIMONY BY MR. ROB SEWELL, PRESIDENT OF THE AMERICAN STUDENT ASSOCIATION OF COMMUNITY COLLEGES AND MR. WILLIE BROWN, VICE PRESIDENT OF THE AMERICAN STUDENT ASSOCIATION OF COMMUNITY COLLEGES

We appreciate this opportunity to speak to our elected Representatives about federal programs that promote college access and lifelong learning.

My name is Rob Sewell, a student at Northern Virginia Community College Annandale Campus, and President of the American Student Association of Community colleges. I am accompanied by Willie Brown,

ASACC's Vice President for the southeast Region, and a student at Thomas Nelson Community College at Hampton, Virginia, who is now a member of AmeriCorps.

In my years at Northern Virginia Community College, I have held several student leadership positions, including President of our Student Government Association, and President of our campus chapter of Phi Theta Kappa, the International Honor Society of two-year colleges. These activities have made me very conscious of how important and indispensable the federal student aid programs, and especially Pell Grants, are to our students in their pursuits of marketable skills and worthwhile careers

As popular as Pell Grants are, I believe they are under-appreciated as an engine of American competitiveness. Higher education as a community should bear the blame for not doing more research to document the economic significance of Pell Grants: but the general evidence is very plain to see.

As you already know, community colleges have become the nation's largest source, outside industry itself, of the advanced technical training (and retraining) that American workers must have to keep themselves globally competitive in the 21st Century, and to maintain the standard of living that most of us enjoy.

Approximately 11 million students of all ages are now taking credit and non-credit courses annually in the two-year colleges, most of them pursuing better job skills. In some states, the community colleges are tempted to boast that they are the largest graduate school, because they now serve more students with bachelor's or higher degrees than the senior institutions of their state.

Roughly one-third of the full-time equivalency of all this enrollment is identified with students receiving Pell Grants, according to estimates we've heard from various campuses.

Spot surveys of former Pell Grant recipients, made by three colleges at ASACC's request, are giving us a dramatic picture of how the grants have enriched the recipients' lives and work paths.

The latest returns, from Pell grant alumni of North Central Technical College in the district of Rep. David Obey of Wisconsin, typically show a very substantial economic return on the federal investment.

With such positive findings among community colleges, which serve the greater numbers of high-risk students, we have to believe that the same survey done by four-year colleges, public and private, would show equally impressive if not more striking correlations between Pell Grants and post-college success. We believe higher education owes the Congress broader and deeper data in this vein. Pell Grants have helped about three times as many Americans pursue their American Dream, as the four separate GI Bills have. We regard Pell Grants as the best competitiveness policy Congress has yet devised, and colleges essentially have been taking the program for granted.

Summing up our concerns, we emphasize the importance of smaller Pell Grants in community colleges. Our commuter and part-time enrollments are significantly higher than those of four-year colleges. Willie wants to elaborate on this point. Congress will undercut both national competitiveness and the American Dream if it caps either Pell Grant funding or the total awards. The threshold grant should remain $400, and the grant maximum should be increased again.

Funding should also be increased for Work-Study. The benefits could be spread to greater numbers of needy students, if the local matching requirement were increased by 5 percent. Innumerable low-income students taste their first real employment through campus work-study.

I cannot close without expressing deep concern over the expiration of tax code Section 127. The very modest federal contribution to Employee Education Assistance—modest in relative terms—has proven to be another powerful engine of competitiveness. We are actively supporting H.R. 127, which would restore EEA permanently. Because of their low cost, community colleges are the most frequent choices among workers using this incentive to upgrade their job skills. It will be a sad step backward for both the American Dream and workforce productivity if this Congress fails to reinstate Section 127 retroactively.

This policy should never be mistaken for federal give-away—employers are not about to waste tuition payments on workers who can't benefit from the courses they want. I wish I could recall the source of data a decade or so ago that showed that workers who have either two-year or four-year degrees have careers several years longer than those with only a high school diploma or equivalency. Ignoring any promotions, the added federal taxes from those longer careers would alone repay the ''revenue foregone'' a hundred-fold or more.

As students, we will do our best to answer your questions. We respectfully ask that the record of this hearing include the ASACC statement of priorities for this session of Congress.

Again, we thank you for investing our testimony.

THE HONORABLE DON RITTER: HELPING THE PEOPLE OF AFGHANISTAN BUILD A BRIGHTER FUTURE

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. WILSON. Mr. Speaker, I have devoted a significant amount of effort over the years assisting the people of Afghanistan in their struggle for freedom and peace. During difficult periods and in pivotal policy debates, I could always count on a key Member of Congress—Don Ritter. Hence, I wish to express my sincere gratitude to a remarkable individual who has consistently stood with the people of Afghanistan and other freedom loving peoples worldwide during some of their darkest hours and most critical battles. For well over a decade, I have had the distinct honor and pleasure of working with the Honorable Don Ritter, an aggressive champion for freedom and human rights.

As one of the leading congressional proponents of United States assistance to the people of Afghanistan during the Soviet invasion and occupation, Don Ritter continues to seek to build international support for solutions to Afghanistan's problems. Don Ritter is now forging the Washington, District of Columbia-based, Afghanistan Foundation. Ritter seeks to build his organization into a national and international vehicle that will help to bring peace, stability, and prosperity to Afghanistan.

Don Ritter was a leader of the American effort to help the people of Afghanistan throughout the 1980's, working closely with Afghan community and resistance leaders here and abroad. He was the first Member of Congress to act publicly using his position as senior member of the Congressional Helsinki Commission to engage that body in the Afghan human rights and policy debate.

To discuss founding the Afghanistan Foundation, Ritter will be hosting a historic meeting on October 14th in Laguna Beach, CA, with a number of important Afghans who share his vision to help build a brighter future for Afghanistan. Among those attending this special event will be representatives from a variety of Afghan organizations as well as Afghan community and business leaders, professionals, scholars, and artists.

Ritter was the founder of the Congressional Task Force on Afghanistan, the only high level body in Congress to give consistent voice, both public and private, to the cause of freedom for Afghanistan. In this capacity, he helped lead the fight in Congress for humanitarian and military aid to the people of Afghanistan. Congessman Ritter organized a series of historic meetings of task force members with top governmental officials having responsibility for the Afghan assistance program. The Congressional Task Force on Afghanistan played a major role in moving United States policy toward a higher level of positive and practical involvement that helped free Afghanistan from the Soviet military occupation.

Today, Ritter believes that the time has come for the same kind of application of United States policy and influence to help free the people of Afghanistan from the terrible violence and division that have pervaded that country. He sees the Afghan community worldwide as increasing its influence in the professional and business world and ready to assume substantial new responsibility to contribute to Afghanistan's future. The Afghan people have an important and valuable friend in Don Ritter. I salute his efforts to help them bring about a brighter future for their nation.

SPEECH BY JOHN HOLUM, DIRECTOR, U.S. ARMS CONTROL AND DISARMAMENT AGENCY, ON THE COMPREHENSIVE TEST BAN TREATY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. HAMILTON. Mr. Speaker, since the President signed the Comprehensive Test Ban Treaty at the United Nations on September 24, 1996, there are already 100 countries which have followed the U.S. lead. This is truly a significant achievement of this President and his team led by the Arms Control and Disarmament Agency. Such a diplomatic tour de force would not have been possible without the dedicated efforts and personal involvement of the Secretary of State, Warren Christopher and John Holum, Director of ACDA, who were helped by many others in and out of the U.S. Government, not to mention the contributions of many other nations and individuals.

This unique achievement was the subject of a speech by Mr. Holum at the American Bar Association on September 26, 1996. Mr. Holum, in his speech, clearly articulates the CTBT's contribution toward erecting a mighty political barrier to any more nuclear explosions

anywhere and at the same time makes a convincing case of how this treaty does not compromise U.S. national security, even as we wait for its entry into force. The text follows:

The crux of my message today is legal, and so I'm grateful for this sophisticated audience of international lawyers, and the chance to discuss the full implications of events earlier this week in New York.

Two days ago, at the United Nations, President Clinton signed the Comprehensive Test Ban Treaty—a major break with the nuclear past, and an immense practical step toward a safer future. It is a landmark achievement for President Clinton, who took a personal and active interest in the effort, and for Secretary Christopher, Secretary O'Leary, National Security Advisor Lake, and many others who played decisive roles.

ACDA, as you know, had the lead in the negotiations and in the backstopping in Washington. That means I'm realizing these days what Casey Stengel said when he defined managing as ''getting paid for home runs someone else hits.'' For this above all is an achievement of a remarkable team of negotiators, policy analysts and advisors, technical experts, secretaries and clerks—and, of course, lawyers, most of whom you know very well, including Tom Graham, Tom's successor as ACDA's General Counsel Mary Lib Hoinkes, and Marshall Brown and Peter Mason, who carried the legal ball in Geneva.

For my own part, aside from relevant internal management and the interagency effort to craft negotiable positions, early on I saw one contribution I could make on the scene in Geneva. It began when the negotiations opened in January 1994, and I went there and made a speech on the test ban to a plenary session of the Conference on Disarmament. I threatened to keep coming back about every six months and making more speeches until the Treaty was completed. And I make good on that threat.

The only problem turned out to be that India apparently really liked those speeches—and so was prepared to keep the negotiations going for many more years to come.

As you know, that obstacle was surmounted. And so we have completed an effort that has been building since the fallout fears of the 1950s, the verification jockeying of the 1960s, the ''missile gap'' perceptions of the 1970s, the further MIRVing of the 1980s, and now the strategic reductions of the 1990s.

Ever since the Trinity test made glass of the desert sand near Alamagordo, New Mexico in 1945, testing has proved a hard habit to break. Partial measures—the Limited Test Ban Treaty of 1963, the Threshold Test Ban Treaty of 1974 and the Peaceful Nuclear Explosions Treaty of 1976—curbed its most frightening environmental harms, but hardly broke its military momentum. Indeed, most of the world's nuclear tests have occurred in the years since 1963, when the LTBT drove them underground. And with continued testing, nuclear arms capabilities have proliferated horizontally to more countries, and vertically, to fearsome heights of power, portability, and efficiency.

Still, for all the Treaty's historic importance, its practical effect is widely underestimated. Indeed, the entry into force provision probably has received more attention than all the rest of the Treaty combined. For that provision, as you know, establishes as indispensable for entry into force a group of countries that have in common Conference on Disarmament membership and either nuclear power or research reactors—a total of 44 nations. Among them is India. India says it won't sign. That, it is said, makes the Treaty a nullity.

Today I want to discuss with you just one issue, which is why that proposition is wrong—why the CTBT, as it stands, in fact means that more than half a century of nuclear testing is over, at least as surely as anything ever can be in international affairs

I'll address that based upon both the Treaty's political effect and its legal effect now, as well as what we intend to do bring it formally into force.

THE POLITICAL EFFECT OF THE CTBT

The CTBT's political effect has already been considerable. All five declared nuclear weapon states have already stopped testing, in anticipation of the Treaty and under the spotlight of the negotiations. Most recently that has included China. Remember that it also includes a French government under President Chirac that hardly anyone thought would agree to this step.

The restraining effect was powerfully reinforced when virtually all of the now-61 members of the Conference on Disarmament agreed on the text that Chairman Jaap Ramaker of the negotiating committee drew out of nearly three years of painstaking negotiation. For the first time in history, all five of the declared nuclear weapon states accepted not only the principle of a test ban, but every clause of a completed text. At the last minute in Geneva, India was joined only by Iran in blocking consensus—but then Iran voted for the Treaty in New York, so 60 out of 61 CD members came to be in favor.

Next, through an initiative by Australia, an overwhelming margin of UN members—158 to 3—voted in New York to approve the Treaty and open it for signature. On that vote India was joined only by its client state Bhutan and by Libya.

Now we are in the midst of the next step—countries signing and ratifying the Treaty. Thus far 80 countries have done so, including all five of the nuclear weapon states, who signed in succession on Tuesday. Israel also has signed.

The world is acting with unanimity and resolve, in part because we are not so much making new promises as fulfilling existing ones. In particular, in last May's review and extension conference for the Nuclear Non-Proliferation Treaty, there was no dissent to the decision either to make the NPT permanent or to conclude a CTBT no later than this year. And last December the UN General Assembly resolved, by consensus, for an even faster test ban timetable.

What has happened is this: There was considerable sympathy in Geneva and New York for the lofty disarmament mandates in which India wrapped its positions. But there was no sympathy whatsoever for any more nuclear tests by anyone, anywhere, for any purpose. There was certainly no sympathy for the idea that one state should present itself as the world's agent to threaten its own nuclear tests as leverage for further disarmament by others. Instead, the countries of the world were determined to validate the work of the Conference on Disarmament, and claim a forty year dream that could no longer be deferred.

In so doing, no matter what else happens, they have erected a mighty political barrier against nuclear testing. They have declared unmistakably that henceforth the world community will view it as out of bounds for any state. In all likelihood that, alone, will be enough to preclude further nuclear explosions.

THE LEGAL EFFECT OF SIGNING THE CTBT

But there's a strong argument that the CTBT is considerably more than a high political barrier against testing—that the Treaty signings well underway this week erect a legal barrier as well.

As you know, under customary international law as codified in Article 18 of the Vienna Convention on the Law of Treaties, a signatory is obliged, pending ratification, to refrain from any action that would defeat its object and purpose. Broadly speaking, the CTBT's object and purpose is to halt nuclear explosive testing. But we also need to ask, ''Why?'' If the sole aim of the Treaty is to prevent the spread of nuclear weapons to more countries, for example, then arguably its object and purpose would not be defeated if countries that already have such weapons conduct further tests.

Fortunately, we are not left guessing, for the CTBT text speaks to this issue. The Preamble declares, in pertinent part:

''The States Parties to this Treaty . . . Convinced that the cessation of all nuclear weapon test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects . . .

It is fair to assume that the parties, being ''convinced'' of these effects, intend them. The nuclear explosive testing to be stopped by the Treaty is conducted both to develop nuclear weapons and to improve them. Accordingly, as indicated by its Preamble, the CTBT's objective and purpose is to arrest both horizontal and vertical proliferation—not only the spread of nuclear weapons to the ''have nots,'' but also their qualitative improvement by the ''haves.''

The text of the CTBT has always reflected this dual purpose. The United States expectation has been affirmed many times, at the highest possible level. Most recently, after he signed the Treaty Tuesday, President Clinton told the UN General Assembly:

''The Comprehensive Test Ban Treaty will help to prevent the nuclear powers from developing more advanced and more dangerous weapons. It will limit the ability to other states to acquire such devices themselves.''

Having identified the Treaty's objects and purposes, the next step is to determine whether they would be defeated by testing. Over the years the United States has developed two basic principles for applying the Vienna Convention rule. First a signatory must take no action that would render its eventual full compliance impossible. Second, it must take no action that would render impossible, at entry into force, re-establishment of the status quote for the signatory as of when it signed. In these ways, the rule prevents a signatory from taking advantage of the situation to effectively deprive other parties of the benefits of their bargain.

By these standards, for example, a country probably could continue to produce chemical weapons after signing the Chemical Weapons Convention, because those made in the interval could still be destroyed, re-establishing the status quo.

Nuclear explosive testing, however, is done to produce something that is not so destructible: knowledge—or specifically experimental data about whether and how nuclear weapons work. And such knowledge, once gained, cannot be rescinded. Once a country conducts a nuclear test, it cannot unlearn the resulting information. Indeed, even if the test data is not used today in weapons design, it remain available tomorrow for analysis and exploitation. A nuclear explosion is a bell that cannot be un-rung.

Yet denial of such experimental data is the heart of the CTBT bargain. For all countries, the CTBT aims to pull the plug on the primary escalator up the nuclear weapons learning curve. So for any country to conduct a nuclear explosive test would be to deprive other countries of the benefit of their bargain—denial of the technological fruits of that activity to the testing country.

It might be argued, of course, that a test could be conducted for a purpose entirely unrelated to those stated in the Treaty—for example, to make sure an existing weapon won't explode accidentally. But the Treaty negotiators concluded, in part at our insistence, that even nuclear explosions confirmed as entirely peaceful are precluded, because they can't be distinguished from tests with weapons value. Some of you may have heard me refer to so-called ''peaceful nuclear explosions'' as the atomic equivalent of a friendly punch in the nose. Whether or not it accepted the characterization, the CD agreed with the conclusion and outlawed PNEs.

In short, because a test cannot be undone, and the resultant data will not disappear, it is reasonable to conclude that any further testing would defeat the CTBT's object and purpose, and thus is precluded by any signatory state—that if a country signs the CTBT, it is legally bound not to test, whether or not it has ratified, and whether or not the Treaty is in force.

THE U.S. IS PROTECTED PENDING ENTRY INTO FORCE

Does this mean the U.S. has signed on to a bad security bargain, because we cannot test while others, who haven't signed, can press ahead?

First, it is important, of course, that all the declared nuclear weapon states, having sighed, are bound to the same extent we are.

Moreover, note that the obligation not to frustrate the object and purpose of the Treaty does not usurp the Senate's constitutional role of advice and consent to ratification. So if we decide based on international developments that restraint is no longer in our interest, we simply have to provide an authoritative national signal that we no longer intend to ratify the Treaty, and we will no longer be constrained. This is considerably simpler than invoking the ''supreme national interest' clause after ratification to withdraw from the CTBT according to its terms.

Meanwhile, we can do a great deal to assess whether other countries are holding to the bargain. Even before entry into force, we have excellent and improving capabilities to monitor compliance.

This baseline confidence derives from our National Technical Means for detecting nuclear explosions—seismic techniques we've been working on for more than 35 years, our satellite nuclear burst detection system, and other assets. Over the years, our seismologists and other scientists have made great strides in event detection, location, and identification—giving us truly sensitive seismic arrays and other forensic techniques of extraordinary utility. Recent strides in computer modeling and data integration are further improving our capabilities. Such efforts have been spurred by the President's call last year to heighten confidence even at very low yields. So even pending the Treaty's entry into force, our national abilities to monitor nuclear testing will stand us in good stead.

WE WILL NOT REST UNTIL THE TREATY ENTERS INTO FORCE

Does all this mean our diplomatic job is done? Obviously not. Formal entry into force remains indispensable. For only this will bring into being the CTBT's full apparatus for verifying compliance, including the International Monitoring. System with four different kinds of sensors, and its International Data Center, where data from these sensors will be compiled, analyzed, integrated and shared. And the Treaty's provision for on-site inspections is an important means of detecting and deterring cheaters—especially in light of recent and emerging advances in detecting the slightest traces of radioactivity that linger for weeks in the vicinity of even a small and well-hidden nuclear explosion.

This is no time to break strike in the hard climb toward entry into force. For we know that a state violating a treaty commitment is even more of a pariah than one violating a powerful international norm . . . that evidence of any violation is all the more credible when every nation has a state and a voice in its discovery . . . that any would-be testing state is less likely to proceed if it has made a conscious decision not to, instead of chafing against an international opinion it does not share.

It is deeply in our interest for the CTBT to be a binding legal commitment on every country—and for every country to participate in its enforcement. So we are determined to bring it into force.

CONCLUSION

More than 30 years ago, John F. Kennedy said of a CTBT, ''The conclusion of such a treaty, so near and yet so far, would check the spiraling arms race in one of its most dangerous areas. And it would place the nuclear posers in a position to deal more effectively with . . . the further spread of nuclear arms.'' President Kennedy was right on all counts. And his vision is now being realized—a truth to celebrate and savor.

Nuclear weapons have been explored twice in war—and more than 2,000 times in contemplation of war, at more than 20 locations around the globe. And all the while, the world's store of knowledge about how the work has continued to mushroom.

Now, after five decades of testing and four decades of calls to end it, the world has said, ''enough.'' At long last we have erected a powerful barrier to further testing.

Let us do out utmost to buttress it, bring it into force—and then enforce it for all nations, for all time.

For as we do, we will ensure that nuclear explosions were known to our century alone—and as the President said at the UN, enter ''a century in which the roles and risks of nuclear weapons can be further reduced, and ultimately eliminated.''

With the era of nuclear testing at an end, we are a giant step closer to that ultimate goal.

TRIBUTE TO PROVIDENCE POLICE DEPARTMENT'S TOP COPS—DETECTIVES FRANK DELLAVENTURA AND FREDDY ROCHA

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. REED. Mr. Speaker, it gives me great pleasure to recognize and pay tribute to two distinguished individuals who have dedicated their lives to protecting Rhode Islanders against crime and violence.

Today, Detectives Frank DellaVentura and Freddy Rocha of the Police Department in Providence, RI, will receive Top Cops Awards for their outstanding service in protecting our Nation's communities. The Top Cops Award is the only national award for officers nominated by their peers in law enforcement.

Across our country, drug abuse is a root cause of the crime and violence that plague our neighborhoods. In recent years, we have made important strides to stop drug-related crime. Law enforcement has been a vital part of this effort, and Detectives Rocha and DellaVentura have been instrumental in this fight.

For example, in 1994, Detective Rocha went undercover to investigate a group of criminals who were identifying themselves as law enforcement agents and stealing drugs and money from drug dealers. Risking his life by posing as a major cocaine dealer, Detective Rocha gathered evidence against this group, which was also linked to organized crime. Winning the group's confidence, he arranged a meeting at which its members expected to receive drugs and money, but instead were apprehended by the Providence SWAT team. The criminals are now serving prison sentences.

Detective DellaVentura has also played a critical role in Rhode Island's fight against drugs. He organized several of the undercover operations in which Detective Rocha has served. In addition, Detective DellaVentura's detailed research, careful surveillance, and thorough knowledge of the requirements of federal law have been essential to these operations' success.

The work of Detectives DellaVentura and Rocha has been nothing short of exceptional. I respectfully ask my colleagues to join me in saluting these Top Cops for their efforts to make the streets of Rhode Island safer for law-abiding citizens.

ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996

HON. ENI F. H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1996

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to clarify the treatment of American Samoans who are nationals but not citizens of the United States under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 contained in H.R. 3610. It is my understanding that the new act does not alter the status or rights of noncitizen nationals.

I am advised that the intent of the new act is to apply the existing statutory definition of alien as set forth in the Immigration and Nationality Act [INA]. 8 U.S.C. §1101(a)(3). Under the INA, noncitizen nationals of the United States are not considered aliens, and I am advised that they are not considered aliens under the new act. In some instances, the new act expressly incorporates and applies the existing statutory definition of alien contained in the INA. In other instances, the new act amends existing law in a manner which automatically invokes the existing INA definition of alien.

Title I of the new act provides for improvement of border control, facilitation of legal entry, and interior enforcement. For purposes of title I, the INA definition of alien is specifically incorporated. §1(c).

Title II of the new act covers alien smuggling and document fraud, and it amends both the INA and the criminal statutes contained in title 18 of the United States Code. The amendments of the INA are automatically subject to the existing INA definition of alien. I am advised that criminal provisions in title 18 of the Code involving immigration offenses are

normally interpreted to follow the INA definition of alien.

Title III of the new act covers inspection, apprehension, adjudication, and removal of inadmissible and deportable aliens. This title amends the INA and is therefore automatically subject to the existing INA definition of alien.

Title IV of the new act provides for the enforcement of employment restrictions, including use of citizen attestation programs. The title specifically provides that ''United States citizenship'' includes ''United States nationality.'' § 401(d)(6).

Title V of the new act places restrictions on benefits for aliens. The title expressly incorporates the INA definition of alien. § 594(1). Thus, the benefits of noncitizen nationals are not affected.

Title VI of the new act contains miscellaneous provisions, some of which amend the INA and are thus automatically subject to the INA definition of alien. For those provisions of title VI which do not amend the INA, the new act specifically incorporates the INA definition of alien. § 1(c).

GEORGE COBBS HELPS BAY AREA WORKERS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. STARK. Mr. Speaker, I rise today to recognize the achievements of Mr. George E. Cobbs, Jr., president of the International Employee Assistance Professional Association [IEAPA] and a member of the San Francisco Bay Area Chapter of the Employee Assistance Professional Association [EAPA]. On October 12, 1996, the San Francisco Bay Area Chapter of the EAPA will celebrate its 25th anniversary at the IAMW Union Hall in Burlingame, CA, where Mr. Cobbs will be honored for his many years of dedicated service to the association.

The San Francisco Bay Area Chapter of the Employee Assistance Professional Association is recognizing Mr. Cobbs for his distinguished leadership in the IEAPA and for his 30 years of service in the International Longshoremen's and Warehousemen's Union. As president of the IEAPA, Mr. Cobbs has tried to foster a work ethic that promotes the idea that, recovery in the workplace is good business.

The many programs offered through the Employee Assistance Program provide assistance to employees with alcohol and drug related programs as well as with issues dealing with grief, divorce, parental matters, and emotional distress. The Employee Assistance Program provide confidential assessments and referrals, management consulting, and many other services to our country's work force.

Mr. Speaker, I would like to ask that you and my colleagues join me in recognizing Mr. George E. Cobbs, Jr., for his distinguished service to the Employee Assistance Program and for making the Employee Assistance Program such an exceptional program that benefits so many in today's work force.

CONFERENCE REPORT ON S. 640, WATER RESOURCES DEVELOPMENT ACT OF 1996

SPEECH OF

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 3, 1996

Mr. SHUSTER. Mr. Speaker, I want to address section 532 of the bill relating to coastal wetlands restoration projects in Louisiana.

The purpose of section 532 is to amend the Coastal Wetlands Planning, Protection, and Restoration Act (16 U.S.C. 3952(f); 104 Stat. 4782–4783) (the ''Act'') to provide that the Federal share of the cost of certain wetlands restoration projects (''projects'') shall be 90 percent as compared to other projects or portions of projects which may have a Federal share of 75 percent or 85 percent as the case may be, as provided in section 303 of the act.

The intended projects are identified in paragraph (5) of section 303(f)— as amended by section 532—as ''coastal wetlands projects under this section in the calendar years 1996 and 1997.'' This phrase is intended to mean those projects added to the priority project list by annual update in the calendar year 1996 pursuant to section 303(a) of the act—fifth priority list—and those projects hereafter added to the priority list in calendar year 1997 pursuant to the same authority—sixth priority list.

The amendment also requires a determination by the Secretary that a reduction in the non-Federal share is warranted. In making this determination, the Secretary should consider whether additional benefits are likely to accrue to the restoration, protection, or conservation of coastal wetlands in the State of Louisiana as a result of a reduction in such non-Federal share and the application of resulting available state funds to implement the conservation plan and other State funded coastal conservation measures.

PALAU NEEDS U.S. ASSISTANCE

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. UNDERWOOD. Mr. Speaker, last Thursday, September 17, the bridge connecting the islands of Koror and Babeldaob in the Republic of Palau collapsed into the ocean during rush-hour traffic. Two men died in the incident—four others were injured. While the leaders of Palau are thankful that more injuries or deaths did not result it was and is a devastating accident. I rise today to call upon the Federal Government to act quickly in assisting the Republic of Palau.

The Koror-Babeldaob bridge was not just a means of efficient transportation between Palau's two major islands; islands which have no other connection—natural or man-made. The 267-yard structure also brought power and water to Babeldaob, the island with Palau's largest population and industrial base. In addition, the collapsed bridge connected Palau's airport and hospital to many of its villages. Because of this, the impact of the bridge collapsing is far greater than it would have been if it was simply a means of transportation.

One Pacific Daily news report characterized the bridge as the ''backbone'' of Palau's economy. The analogy is a poignant and accurate one. Many of Palau's residents are still without water or power and it is uncertain when these utilities will function again.

The Government of Palau has organized boats and barges to move people and vehicles across the channel and I applaud those private boat owners and others who acted quickly to help in any way they could. I would also like to commend the people of Guam who have offered their assistance in Palau's time of need including the members of the Guam National Guard.

Assistance from the Federal Government, however, is necessary and must go beyond initial emergency assistance and an assessment of the cause of the collapse. The Federal Government must also help Palau restore power and water supplies to its citizens and assist Palau in its effort to build another, more reliable bridge.

As many of you know, the Republic of Palau commemorated its second year of independence just yesterday. Prior to its independence, the Republic of Palau was part of the United States Trust Territory of the Pacific. Palau, the Northern Mariana Islands, the Marshall Islands, and the Federated States of Micronesia, entered into negotiations with the Federal Government in 1968.

In 1994, Palau became an independent nation in free association with the United States. This is a special relationship that Palau and the United States entered into over the long term. This relationship has also helped build a strong relationship along with a special cultural bond between the People of Guam and the People of Palau.

The Federal Government has an obligation and a duty to assist Palau in this time of crisis. I urge the Federal Emergency Management Agency, the U.S. Army Corps of Engineers, and other appropriate Government agencies to assist Palau in meeting its immediate health and safety needs as well as the long term infrastructure needs resulting from this disaster.

BEWARE AMERICAN CONTRACTOR! KUWAIT DOES NOT PAY ITS BILLS

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. COLEMAN. Mr. Speaker, Saddam Hussein is beating the war drums again and the United States is marching to Kuwait to once again save the Kuwaitis from aggression. Fighting for democracy is an American tradition that we want to keep but there is something going on that the Congress and the American people need to know.

When Johnny came marching home from Kuwait after the gulf war his pockets were empty—some say Johnny's pockets had been picked by Kuwaiti business practices.

Take the example of a small business based in Maryland, Integrated Logistics Support Systems International, Inc. [ILS], that helped the Kuwait security by building a sophisticated air support warehouse at Al Jabar Air Base near the Iraqi border. The Al Jabar Base is now used by the U.S.-supported military operations as the first line of defense against Saddam's aggression.

During the Iraqi invasion of Kuwait and operation Desert Storm, ILS was one of the first American companies called upon to provide vital strategic services to Kuwait in order to protect America's national security interests. ILS immediately responded at the request of the U.S. Navy with tactical support facilities. Operation Dessert Storm desperately needed the mobile operations vans provided by ILS in order to operate from an austere base in the Saudi Arabian Desert.

ILS directed activities which permitted the shipment of maintenance material, aircraft spare parts, ordnance and other supplies from the U.S. to Saudi Arabia, enabling the KAF to achieve a reconstituted wartime status. Humanitarian assistance to Kuwaiti citizens in the United States and other nations outside their homeland, was provided by ILS. Special equipment was obtained for the Kuwait resistance movement during Desert Storm/Desert Shield as well.

After the war, the KAF, with the approval of the USN, requested ILS to design a state-of-the-art automated supply system and to adapt the new system to the facilities in Kuwait. ILS did so.

The climate conditions in Kuwait were extreme. ILS responded to the challenge because logistic supply support facilities were critical to the operation of the KAF F–18 Hornet aircraft based at Al Jabar Air Base.

Capt. Nick Kobylk, U.S. Navy, retired, was the former director of operations for the U.S. Navy International Programs Office [Navy IPO] with oversight of more than 5,400 foreign military sales [FMS] contracts for the U.S. Navy prior to his retirement in September 1992. Captain Kobylk who is currently working and living in Kuwait, visited the building site at Al Jabar Air Base while it was being built. He observed the following:

The warehouse location is over an hour drive through the desert and oil fields from the nearest hotel. It was built with temperatures in excess of 50 degrees Celsius (122 degrees Fahrenheit). The work was exhausting and became more dangerous as the day progressed. Food, water and ice were brought daily to the sites by ILS. The base had no security. Unexploded ordnance was discovered around the work area. One man was killed and another wounded for life. The closest full medical facility was over an hour away. There was intermittent and unreliable electrical and water service. The only consistent and reliable means of communication was via a mobile telephone system.

These harsh conditions still exist. However, electrical power, potable water, dining and medical facilities are now locally available. The population has increased. ILS and U.S. Corps of Engineer personnel support and operate a major air base in the desert. The warehouse supply support system implemented 3 years ago met the demands of October 1994. The F/A–18's were prepared and ready to defend Kuwait as Saddam Hussein began massing on the border again. The ILS warehouse system meets the current demands of September 1996, even with the influx of the USAF highly sophisticated weapon systems and their unanticipated requirements. The KAF has realized one of the finest warehousing systems in the world. It is essential to their national security. They are more than pleased with it.

ILS received high praise from the Kuwaitis for the quality of its professionalism and performance.

Kuwait's size, topography, and population do not permit it to unilaterally conduct a meaningful defense of its borders. Kuwait must rely on allies and air defense. The work of ILS literally provided the linchpin of Kuwait's national security by providing the most sophisticated logistical support/supply facility of its kind in that region of the world.

Today, as tensions once again escalate, we should notice that this small American company is to be credited for providing the foundation for the success of the security of the region.

However, Kuwait has not paid its obligations to this company. The U.S. Navy has not assisted this American contractor to obtain payment from Kuwait either.

The contractor has been told that Kuwait will pay its debt if the Navy authorizes it. The Navy has told this contractor the reverse. I consider this to be the run-around.

Why won't Kuwait pay ILS for the work that has been performed or direct the Navy pay the ILS? It is because Kuwait has been systematically defaulting on its debts after the gulf war. It is the way this country does business with American companies.

Congress should initiate a full investigation of these business practices that leave U.S. contractors holding the bag for work that was successfully performed, especially such critical work as this.

Congress should also assist these contractors to unwind the ball of redtape that binds the United States Navy which administers contracts for Kuwait and other foreign allies.

Congress should not allow Johnny to come marching home after the gulf war with his pockets picked by Kuwait.

TRIBUTE TO THE 119TH FIGHTER GROUP

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1996

Mr. POMEROY. Mr. Speaker, I rise today to commend the 119th Fighter Group of the Air National Guard based in Fargo, ND. The 119th, more commonly known as the ''Happy Hooligans,'' was featured in today's edition of the USA Today as they prepare to defend their title as champion of the William Tell air-to-air combat competition. I have submitted a copy of the article that will appear in the RECORD following my remarks.

Mr. Speaker, I urge all of my colleagues to take the time to read this story about the truly remarkable people of the 119th. Two years ago, the Hooligans sent a team to Tyndall AFB, FL, to compete in the most prestigious air-to-air event in the entire Air Force—the William Tell competition. The Hooligans were pitted against the cream of the crop, the ''top guns'' from the Active Duty Air Force. What's more, the Hooligans were flying relatively aged F–16's but competed against units flying the more advanced F–15. Much to the surprise and considerable dismay of the Air Force's young fighter jocks, the Hooligans outperformed the entire field and took home the William Tell trophy.

In 2 weeks, the Hooligans will return to Florida to defend their title. I am confident that they will once again distinguish themselves and make North Dakota proud. Last year, I had the opportunity to fly with the Happy Hooligans in an F–16 piloted by Lt. Colonel Maury Borud, so I can personally attest to their top-shelf performance. I would also note that today Colonel Borud will make the last flight of his distinguished 28-year career.

Mr. Speaker, on an issue of special interest to Congress, I ask my colleagues to remember the championship quality of the Happy Hooligans if the Pentagon once again advances plans to reduce the fighter force structure in the Air National Guard. Such plans are short-sighted and ill-advised, especially given the unparalleled performance of the Hooligans and other ANG fighter units. Cutting the Hooligans would be like benching Michael Jordan, a foolish mistake by any measure.

Congratulatios to the Happy Hooligans. You never cease to make North Dakota proud.

[From the USA Today, Oct. 3, 1996]

OLD-TIME PILOTS SHOW 'TOP GUNS' WHO'S HOT

FARGO, N.D.—The scene around the air base of the 119th Fighter Wing of the Air National Guard here would never be confused with the set of Top Gun. It is no hotbed of 20-something fighter jocks tooling around on motorcycles and doing shooters at the local bar after work.

Here you see balding middle-agers with chiseled faces. People whose ''other jobs'' are at the insurance office, on the farm or flying for FedEx. They are members of local churches, officers in local civic organizations, habitues of the nearby public golf courses.

Yet, when you strap one of these senior fliers into the cockpit of an F-16 Fighting Faclon, the younger boys get out of the way because these are the best air-to-air combat fighters in the world. They are the Godfathers of air superiority—and right now, they are in the final ''spin up'' to defend that title.

Two years ago, in October 1994, Fargo's ''Happy Hooligans'' as they are called, flew down to Tyndall Air Force base in Florida to duke it out in the Super Bowl of dogfights—the biennial William Tell competition. What they accomplished there may rank as one of the greatest upset victories since Joe Namath took his Jets to Florida in 1969.

The Fargo team had the oldest pilots and the oldest aircraft in the competition. Their F–16s were slower and their radar range shorter than that of the F–15s flown by the Air Force regulars from around the world. The Air Force had a vast pool of planes, maintenance crews and sharp young pilots on their teams.

The Fargo group was so sparse, they had Guard part-timers, classic ''weekend warriors,'' flying some of their jets.

And, as if to emphasize their underdog status, Fargo's lead pilot was a diminutive lieutenant colonel nicknamed ''Pee Wee.''

A FAMILY AFFAIR

The William Tell is a grueling weeklong competition conducted by the Air Force that combines air-to-air combat games, weapons loading drills and target shooting.

Imagine a typical scenario.

You are strapped in the cockpit of an F–16 racing at nearly twice the speed of sound, defending a chunk of air space that extends from 0 to 50,000 feet high, 50 miles deep, 30 miles wide.

Five jets come screaming into that space—four ''hostiles,'' one ''friendly.'' Your radar is jammed, you are being fed conflicting and erroneous communications, the horizon is lurching skyward to your right.

Your mission: destroy the hostiles and let the friendly pass. You have five minutes.

''Your concentration level is so high,'' says Maj. Bob Becklund, who will lead Fargo's

team as they defend their title Oct. 21. ''Everything is happening so quickly that it just starts feeling like slow motion.''

When a pilot jerks his plane skyward, as he may do several times in a competition like this one, the blood actually drains from the head and concentration can be affected. Still, the pilot must react instantaneously.

At that point, says Robert ''Pee Wee'' Edlund, ''you are not really flying the plane, it is just something strapped to your back'' as you go through the maneuvers.

In situations like this, the Fargo pilots use the F–16 to their advantage.

''You can visually spot an F–15 maybe 10 miles out,'' says Becklund. ''In the F–16, if I've got the nose pointed at you, and I'm jamming your radar, you aren't going to pick me up visually until I'm maybe 3 miles out.''

At Mach 1.6, three miles out is as good as in your back pocket. If both planes are moving at about the same speed, the F–16 is on you in less than 7 seconds.

''It is physically and emotionally very demanding,'' says Edlund. ''When it's over you are emotionally drained, but euphoric.''

In 1994, when the Fargo team won, ''people were surprised and upset—shocked,'' says Edlund, who is prevented by the rules from competing again but is serving as a kind of coach for the team. ''Believe me, there are some big egos out there. I know those F–15 crews went home embarrassed.'' Particularly because Air Force crews flying F–15s had won the previous two competitions.

The Fargo team also won the Hughes Trophy that year, an award given to the best air combat unit in the Air Force. They were the only F–16 unit ever to win it.

How did a group of such precision fighters spring up in the unlikely location of North Dakota?

''It is a family kind of thing,'' says Maj. Marshall Kjelvik, one of the pilots who will fly in the William Tell. We are a family-oriented organization, with deep roots in the community.''

Indeed, Kjelvik's father worked in maintenance at the Fargo air base and introduced him to jet fighters as a child. ''After that, I always wanted to fly,'' he says.

''It means a lot to represent your hometown, where my family and my father are from,'' says Kjelvik.

Familial connections run through the base like electrical wiring, Kjelvik's sister works in the maintenance division. Becklund's father, retired Brig. Gen. Thornton Becklund, was a former base commander.

First Lt. Brad Derrig is an alternate pilot who will travel to Tyndall. His father also flew for the guard and his brother, Tom, is the flight surgeon. ''That's one of the unique things,'' he says about Fargo. ''There are a lot of brothers, sister and family members working together.''

PRIDE IN SAFETY RECORD

But surely, there must be some Tom Cruse wannabes in the bunch.

''There is a fine line between being a cocky fighter pilot, and being a good pilot. If you are really good, you realize you don't have to be cocky,'' says base commander Col. Mike Haugen, who at 50 still flies the F–16. ''When you are 23, you tjhink there is no end to life and you are always going to be here. But this is a serious business.''

First Lt. Jon Wutzke, 31, is on the Tell team. He joined the Air Force straight out of high school and joined the Fargo Air National Guard when he has going to college at North Dakota State University.

''The age difference was a shock for me,'' he recalls. ''Back then we were flying F–4s and I worked in the shop. Some of those guys have been working on those same engines since the 1950s! So the corporate memory here goes way back.''

And continues. The Fargo team would not be as good in the air without the skills of the crews on the ground.

''As proud as I am of our performance at William Tell,'' says Haugen, ''it is our safety record and our ground crews that make it possible. We haven't lost an aircraft in over 100,000 hours of flight time, over 25 years of flying'' he says.

''Frankly, we should have lost three of those aircraft by now,'' says Haugen of the F–16s on the runway.

''That's what the statistics say.''

Those statistics do not trouble the men who fly these F–16s, however.

''It's like I tell my wife,'' says Edlund, ''the only dangerous part about being a jet fighter pilot is driving to the air base. We have some of the oldest jets in the world, F–16 wise, but the way they are maintained by our crews, they are like brand new.''

EXPERIENCE COUNTS

When it came William Tell contest time, the Hooligans had rebuilt, retuned and customized their F–16s like hotrods in the shop.

As a result, when those old planes went to Tyndall, they were ready to do things that were not even possible when they were brand new.

There also is a distinction among the fliers.

''They are young,'' says Edlund of the regular Air Force units. ''We are experienced. The younger guys might pull more Gs (maximum speed maneuvers) and have quicker reactions, but we've got more flight time. There is no substitute for having been there.''

Edlund, 39, has been there. He spent 11 years in the Air Force, then joined the Guard full-time six years ago. It is not an easy way to make a living.

An F–16 can fly at Mach 2, twice the speed of sound. It is capable of making a 9G turn or climb. In a 9G turn, the gravitational pull on the body is 9 times that of gravity. The force of such a turn is so great that if you happen to be looking over your left shoulder at an approaching plane or missile, and you throw your jet into a steep 9G turn to the right, the force can break your neck.

Even if you do everything right, you can return from a routine flight bruised up and exhausted.

In a 9G turn all the organs of the body will be pulled two inches out of their normal alignments. The liver shifts, the heart moves, connective tissue strains. Pilots training for William Tell will often fly twice daily.

''I pulled a neck muscle once in a 9G turn and it was bad. I couldn't fly for a month,'' says Edlund. ''Finally I went to the flight surgeon and he cleared me. He said, 'Pee Wee, you're good to go. You can Fly, no problem.' But then he took me aside and said he wanted to show me something. He pulled out my X-rays and there were these white spots, calcium deposits and stuff, all up and down my neck and back.

''He said, 'Pee Wee, this is what a 60-year-old man's back looks like. Nobody knows what the long-term affects of flying a jet aircraft like the F–16 will be, but the body was just not designed to take all these Gs.'

''I said, 'That's great, doc, but can I get that in writing?'' He laughs.

''I mean, this the best job there is. Where else can you get to fly a multi-million dollar aircraft that is the best in the world? I wouldn't trade it for all of Bill Gate's money or Michael Jordan's fame,'' he says.

Edlund is nearing the end of his career as a jet pilot. His hair is gray, he's working in an industry that is constantly downsizing. He has a wife, two kids, a dog and a cat, a house in the suburbs and a Little League team he has taken to the state championships. He is no longer much of a Hooligan, but still good to go.

''I'll probably have to hang it up in five years or so, maybe when I have 5,000 hours. That would be a pretty good career for a fighter pilot. Then, I'll just push paper. Be a ground-pounder for the team.''

Daily Digest

HIGHLIGHTS

Senate agreed to FAA Authorizations Conference Report.
Senate agreed to Sine Die Resolution.

Senate

Chamber Action

Routine Proceedings, pages S12217–S12410

Measures Introduced: Ten bills and fourteen resolutions were introduced, as follows: S. 2190–2199, S. Res. 311–323, and S. Con. Res. 74. **Page S12303**

Measures Passed:

Adjournment Resolution: Senate agreed to H. Con. Res. 230, providing for the sine die adjournment of the second session of the One Hundred Fourth Congress, after agreeing to the following amendment proposed thereto. **Pages S12352–53**

Lott Amendment No. 5426, in the nature of a substitute. **Pages S12352–53**

Cache La Poudre River National Water Heritage Area: Senate passed S. 342, to establish the Cache La Poudre River Corridor, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S12353–59**

Lott (for Brown) Amendment No. 5427, in the nature of a substitute. **Pages S12356–59**

Omnibus Parks and Public Lands Management: Senate passed H.R. 4236, to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, clearing the measure for the President. **Pages S12359–67**

Committee to Notify the President: Senate agreed to S. Res. 315, to appoint a committee to notify the President concerning the proposed adjournment of the session. **Page S12367**

Subsequently, the Chair appointed the Majority and Minority Leaders. **Page S12367**

Commending John L. Doney: Senate agreed to S. Res. 312, saluting the service of John L. Doney for his career of public service to the United States Senate and its Members. **Page S12367**

Commending Jeanie Bowles: Senate agreed to S. Res. 313, Resolved, That the Senate of the United States commend Jeanie Bowles for her exemplary service to the Senate and the Nation. **Page S12367**

Adjournment Appointments: Senate agreed to S. Res. 314, authorizing the President of the Senate, the President of the Senate pro tempore, and the Majority and Minority Leaders to make certain appointments after the sine die adjournment of the present session. **Page S12367**

Thanks to the Vice President: Senate agreed to S. Res. 316, tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate. **Page S12368**

Thanks to the President pro tempore: Senate agreed to S. Res. 317, tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate. **Page S12368**

Commending the Democratic Leader: Senate agreed to S. Res. 318, to commend the exemplary leadership of the Democratic Leader. **Page S12368**

Commending the Majority Leader: Senate agreed to S. Res. 319, to commend the exemplary leadership of the Majority Leader. **Page S12368**

Printing of Documents: Senate agreed to S. Res. 320, authorizing the printing of a Senate document. **Pages S12368–69**

Authorizing Legal Services: Senate agreed to S. Res. 321, authorizing the acceptance of pro bono legal services by a Member of the Senate challenging the validity of a Federal Statute in a civil action pursuant to a statute expressly authorizing Members of Congress to bring such a civil action. **Page S12369**

Commending Senator Daschle: Senate agreed to S. Res. 322, to commend the exemplary leadership of the Democratic Leader. **Page S12369**

Commending Senator Lott: Senate agreed to S. Res. 323, to commend the exemplary leadership of the Majority Leader. **Page S12370**

Commemorative Coin Act: Senate passed H.R. 1776, to establish United States commemorative coin programs, after agreeing to the following amendment proposed thereto: **Pages S12374–76**

Lott (for D'Amato) Amendment No. 5428, in the nature of a substitute. **Pages S12374–76**

Drug-Induced Rape Prevention and Punishment Act: Senate passed H.R. 4137, to combat drug-facilitated crimes of violence, including sexual assaults, after agreeing to the following amendment proposed thereto: **Pages S12376–79**

Lott (for Hatch/Biden/Coverdell) Amendment No. 5429, in the nature of a substitute. **Pages S12376–79**

Federal Courts Improvement Act: Senate passed S. 1887, to make improvements in the operation and administration of the Federal courts, after agreeing to committee amendments, and the following amendment proposed thereto: **Pages S12379–90**

Lott (for Hatch) Amendment No. 5430, to make improvements in the judicial system. **Pages S12384–90**

Increased Criminal Mandatory Sentences: Committee on the Judiciary was discharged from further consideration of S. 1612, to provide for increased mandatory minimum sentences for criminals possessing firearms, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S12390**

Lott (for DeWine/Helms/Abraham) Amendment No. 5433, in the nature of a substitute. **Page S12390**

Patent Compensation: Committee on the Judiciary was discharged from further consideration of H.R. 632, to enhance fairness in compensating owners of patents used by the United States, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S12390–91**

Lott (for Hatch) Amendment No. 5431, to provide for a limitation on reasonable costs and fees under special circumstances. **Page S12391**

Ballast Water Management: Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation were discharged from further consideration of H.R. 4283, to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and the bill was then passed, clearing the measure for the President. **Pages S12398–S12401**

Emergency Management Assistance Compact: Senate passed H.J. Res. 193, granting the consent of Congress to the Emergency Management Assistance Compact, clearing the measure for the President. **Page S12401**

Washington Metro Area Transit Regulation Compact: Senate passed H.J. Res. 194, granting the consent of the Congress to amendments made by Maryland, Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact, clearing the measure for the President. **Page S12401**

Talladega National Forest Boundary Modification: Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of H.R. 1874, to modify the boundaries of the Talladega National Forest, Alabama, and the bill was then passed, clearing the measure for the President. **Page S12401**

War Crimes Disclosure Act: Senate passed H.R. 1281, to express the sense of the Congress that it is the policy of the Congress that United States Government agencies in possession of records about individuals who are alleged to have committed Nazi war crimes should make these records public, clearing the measure for the President. **Pages S12401–02**

Nursing Facility Resident Review: Senate passed H.R. 3632, to amend title XIX of the Social Security Act to repeal the requirement for annual resident review for nursing facilities under the Medicaid program and to require resident reviews for mentally ill or mentally retarded residents when there is a significant change in physical or mental condition, clearing the measure for the President. **Page S12402**

GAO Management Reform Act: Committee on Governmental Affairs was discharged from further consideration of H.R. 3864, to amend laws authorizing auditing, reporting, and other functions by the General Accounting Office, and the bill was then passed, clearing the measure for the President. **Pages S12402–03**

Emergency Drought Relief Act: Committee on Energy and Natural Resources was discharged from further consideration of H.R. 3910, to provide emergency drought relief to the city of Corpus Christi, Texas, and the Canadian River Municipal Water Authority, Texas, and the bill was then passed, clearing the measure for the President. **Page S12403**

Nursing Authorized Period of Stay Extension: Senate passed S. 2197, to extend the authorized period of stay within the United States for certain nurses, after agreeing to the following amendment proposed thereto: **Pages S12403–04**

Lott (for Hatch/Kennedy) Amendment No. 5432, to make a technical correction. **Pages S12403–04**

Private Relief: Senate passed H.R. 1087, for the relief of Nguyen Quy An, clearing the measure for the President. **Page S12404**

Presidential and Executive Office Accountability Act: Senate passed H.R. 3452, to make certain laws applicable to the Executive Office of the President, after agreeing to the following amendment proposed thereto: **Pages S12404–05**

Lott (for Coats) Amendment No. 5434, to improve the remedial and enforcement provisions. **Page S12405**

Native American Housing Assistance: Senate passed H.R. 3219, to provide Federal assistance for Indian tribes in a manner that recognizes the right of tribal self-governance, clearing the measure for the President. **Pages S12405–07**

Advisory Commission on Intergovernmental Relations Extension: Senate passed S. 2198, to provide for the Advisory Commission on Intergovernmental Relations to continue in existence. **Page S12407**

Mining and Mineral Resources Institutes Act: Senate passed H.R. 3249, to authorize appropriations for a mining institute or institutes to develop domestic technological capabilities for the recovery of minerals from the Nation's seabed, clearing the measure for the President. **Page S12407**

Pennsylvania Scenic River System: Senate passed H.R. 3568, to designate 51.7 miles of the Clarion River, located in Pennsylvania, as a component of the National Wild and Scenic Rivers System, clearing the measure for the President. **Pages S12407–08**

Florida Scenic River System: Senate passed H.R. 3155, to amend the Wild and Scenic Rivers Act by designating the Wekiva River, Seminole Creek, and Rock Springs Run in the State of Florida for study and potential addition to the national wild and scenic rivers system, clearing the measure for the President. **Page S12408**

Energy Policy and Conservation Act Extension: Senate passed H.R. 4083, to extend certain programs under the Energy Policy and Conservation Act through September 30, 1997, clearing the measure for the President. **Page S12408**

Human Rights Restoration Act: Senate passed H.R. 4036, making certain provisions with respect to internationally recognized human rights, refugees, and foreign relations, after agreeing to the following amendments proposed thereto: **Pages S12408–09**

Lott (for Pell) Amendment No. 5435, to delete sections 101 and 102. **Pages S12408–09**

Lott (for Kerry) Amendment No. 5436, to establish the Claiborne Pell Institute for International Relations and Public Policy and the George Bush School of Government and Public Service. **Pages S12408–09**

Lott (for Ford) Amendment No. 5437, to provide for the Edmund S. Muskie Foundation. **Pages S12408–09**

Lott (for Kassebaum) Amendment No. 5438, to strike section 104. **Pages S12408–09**

Lott (for Jeffords) Amendment No. 5439, to authorize funds for the Calvin Coolidge Memorial Foundation. **Pages S12408–09**

Office of Senate Fair Employment Practices Funding: Senate agreed to S. Res. 324, to provide funding for the Office of Senate Fair Employment Practices to carry out certain transition responsibilities. **Page S12409**

FAA Authorizations—Conference Report: By 92 yeas to 2 nays (Vote No. 306), Senate agreed to the conference report on H.R. 3539, to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, clearing the measure for the President. **Pages S12217–39**

During consideration of this measure today, Senate also took the following action:

By 66 yeas to 31 nays (Vote No. 304), three-fifths of those Senators duly chosen and sworn having voted in the affirmative, Senate agreed to close further debate on the conference report. **Pages S12228–29**

By 39 yeas to 56 nays (Vote No. 305), upon appeal, Senate rejected the ruling of the Chair in sustaining a point of order against the conference report as exceeding the scope of the conference with respect to a certain provision. **Pages S12229–32**

Older Americans Act: Senate disagreed to the amendment of the House to S. 1972, to amend the Older Americans Act of 1965 to improve the provisions relating to Indians. **Pages S12391–98**

Indian Health Care: Senate concurred in the amendment of the House to the Senate amendment to H.R. 3378, to amend the Indian Health Care Improvement Act to extend the demonstration program for direct billing of Medicare, Medicaid, and other third party payors, clearing the measure for the President. **Page S12402**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the reports on motor vehicle safety and highway safety for calendar year 1995; referred to the Committee on Commerce, Science, and Transportation. (PM–176). **Pages S12302–03**

Nominations Received: Senate received the following nominations:

George W. Black, Jr., of Georgia, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2001. **Page S12410**

Messages From the President: **Pages S12302-03**

Executive Reports of Committees: **Page S12303**

Statements on Introduced Bills: **Pages S12304–11**

Additional Cosponsors: **Pages S12311–12**

Amendments Submitted: **Pages S12313–24**

Authority for Committees: **Page S12324**

Additional Statements: **Pages S12324–53**

Record Votes: Three record votes were taken today. (Total—306). **Pages S12228–29, S12232, S12239**

Adjournment Sine Die: Senate convened at 9 a.m. and, in accordance with H. Con. Res. 230, adjourned sine die at 6:54 p.m.

Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on Agriculture, Nutrition, and Forestry: Committee ordered favorably reported the nomination of Ann Jorgenson, of Iowa, to be a Member of the Farm Credit Administration Board.

Prior to this action, committee concluded hearings on the nomination of Ms. Jorgenson, after the nominee testified and answered questions in her own behalf.

BOSNIA

Committee on Armed Services: Committee concluded hearings to examine the status of United States military forces in Bosnia and the President's decision to send an additional 5,000 troops, after receiving testimony from William J. Perry, Secretary of Defense; and Gen. John M. Shalikashvili, USA, Chairman, Joint Chiefs of Staff.

NOMINATIONS

Committee on Governmental Affairs: Committee concluded hearings on the nominations of Daniel R. Stanley, of Kansas, to be a Commissioner of the Postal Rate Commission, David J. Barram, of California, to be Administrator of General Services, General Services Administration, and Mary Ann Gooden Terrell, to be an Associate Judge of the Superior Court of the District of Columbia, after the nominees testified and answered questions in their own behalf.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to consider pending committee business, but made no announcements, and recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 5 public bills, H.R. 4339–4343, were introduced. **Page H12270**

Reports Filed: One report was filed as follows:

H.R. 3534, to authorize the Secretary of the Interior to renew certain permits in the mineral King Addition of the Sequoia National Park and to protect historic and cultural resources in that National Park, amended (H. Rept. 104–866) **Page H12270**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Walker to act as Speaker pro tempore for today. **Page H12265**

Presidential Veto Message—Silvio Conte National Fish and Wildlife Act: Read a message from the President wherein he announced his veto of H.R. 2909, to amend the Silvio O. Conte National Fish and Wildlife Refuge Act to provide that the Secretary of the Interior may acquire lands for purposes of that Act only by donation or exchange, or otherwise with the consent of the owner of the lands, and explains his reasons therefor—ordered printed (H. Doc. 104–271). **Page H12267**

Subsequently, the veto message and bill were referred to the Committee on Resources. **Page H12267**

Presidential Message—Transportation: Read a letter from the President wherein he transmitted his 1995 calendar year reports prepared by the Department of Transportation—referred to the Committees on Transportation and Infrastructure, and Commerce. **Page H12267**

Recess: The House recessed at 2:16 p.m. and reconvened at 5:01 p.m. **Page H12269**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 2:00 p.m. on Friday, October 4, 1996. **Page H12269**

Senate Messages: Message received from the Senate appears on page H12266.

Quorum Calls—Votes: No votes or quorum calls developed during the proceedings of the House today.

Adjournment: Met at 2:00 p.m. and adjourned at 5:02 p.m.

Committee Meetings

No committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST *p. D1043)*

H.R. 3610, making appropriations for the Department of Defense for the fiscal year ending September 30, 1997. Signed September 30, 1996. (P.L. 104–208)

H.R. 1772, to authorize the Secretary of the Interior to acquire certain interests in the Waihee Marsh for inclusion in the Oahu National Wildlife Refuge Complex. Signed October 1, 1996. (P.L. 104–209)

H.R. 2428, to encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals by giving the Model Good Samaritan Food Donation Act the full force and effect of law. Signed October 1, 1996. (P.L. 104–210)

H.R. 2464, to amend Public Law 103–93 to provide additional lands within the State of Utah for the Goshute Indian Reservation. Signed October 1, 1996. (P.L. 104–211)

H.R. 2679, to revise the boundary of the North Platte National Wildlife Refuge, to expand the Pettaquamscutt Cove National Wildlife Refuge. Signed October 1, 1996. (P.L. 104–212)

H.R. 2982, to direct the Secretary of the Interior to convey the Carbon Hill National Fish Hatchery to the State of Alabama. Signed October 1, 1996. (P.L. 104–213)

H.R. 3120, to amend title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering. Signed October 1, 1996. (P.L. 104–214)

H.R. 3287, to direct the Secretary of the Interior to convey the Crawford National Fish Hatchery to the city of Crawford, Nebraska. Signed October 1, 1996. (P.L. 104–215)

H.R. 3553, to amend the Federal Trade Commission Act to authorize appropriations for the Federal Trade Commission. Signed October 1, 1996. (P.L. 104–216)

H.R. 3676, to amend title 18, United States Code, to clarify the intent of Congress with respect to the Federal carjacking prohibition. Signed October 1, 1996. (P.L. 104–217)

H.J. Res. 191, to confer honorary citizenship of the United States on Agnes Gonxha Bojahiu, also known as Mother Teresa. Signed October 1, 1996. (P.L. 104–218)

S. 533, to clarify the rules governing removal of cases to Federal court. Signed October 1, 1996. (P.L. 104–219)

S. 677, to repeal a redundant venue provision. Signed October 1, 1996. (P.L. 104–220)

S. 1636, to designate the United States Courthouse under construction at 1030 Southwest 3rd Avenue, Portland, Oregon, as the ''Mark O. Hatfield United States Courthouse''. Signed October 1, 1996. (P.L. 104–221)

S. 1995, to authorize construction of the Smithsonian Institution National Air and Space Museum Dulles Center at Washington Dulles International Airport. Signed October 1, 1996. (P.L. 104–222)

H.R. 2512, to provide for certain benefits of the Pick-Sloan Missouri River basin program to the Crow Creek Sioux Tribe. Signed October 1, 1996. (P.L. 104–223)

COMMITTEE MEETINGS FOR FRIDAY OCTOBER 4, 1996

House

No committee meetings are scheduled.

Next Meeting of the SENATE

12 noon, Tuesday, January 7, 1997

Senate Chamber

Program for Tuesday: Convening of the 105th Congress.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Friday, October 4

House Chamber

Program for Friday: No legislative business.

Extensions of Remarks, as inserted in this issue

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