BILL LANGUAGE

$100,000 from the Library of Congress budget for an International Copyright Institute.

$2,250 from the Library of Congress budget for official representational and reception expenses for activities of the International Copyright Institute.

$354.2 million for the General Accounting Office—an increase of $15.7 million over last year's level.

This 4.6 percent increase is an unfortunate reversal of the trend to reduce the size and cost of the GAO.

The report states that this will pay for 3,500 full-time equivalent personnel. It is curious to me that the GAO can, in effect, hire 3,500 staffers, while all 100 Senators make do with just slightly more than 3,900 staffers, including our state offices.

Earmark of unlimited amount of GAO's funds to finance ''an appropriate share'' of the expenses of the Joint Financial Management Improvement Program, including the salary of the Executive Director and secretarial support.

Earmark of unlimited amount of GAO's funds to finance ''an appropriate share'' of the costs of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum, as determined by the respective forum, including necessary travel expenses of non-Federal participants.

Earmark of unlimited amount of GAO's funds to finance ''an appropriate share'' of the costs of the American Consortium on International Public Administration, including any expenses attributable to its membership in the International Institute of Administrative Sciences.

REPORT LANGUAGE

$118,000 increase in travel, consultant, and representational funding for the Secretary of the Senate.

Provides $25,000 for training and travel expenses related to training for employees of the Senate Child Care Center.

$500,000 for improved lighting in the Senate Chamber.

$100,000 to design a new subway from the Russell Building to the Capitol building.

$550,000 to modernize elevators in the Hart Building.●

ENERGY AND WATER APPROPRIATIONS BILL

● Mrs. BOXER. Mr. President, I would like to ask the ranking member on the Energy and Water Development Subcommittee, Senator REID of Nevada, a question regarding the funding for hydrogen research in the appropriations bill for fiscal year 1998.

Mr. REID. I would be pleased to answer a question from my colleague.

Mrs. BOXER. Thank you. As you well know, funding for the Department of Energy's Hydrogen Research Program is critical to the advancement of hydrogen technologies. The President's budget for fiscal year 1998 requested $15 million. The committee, through the efforts of the ranking member, increased the budget request by $4 million to $19 million. As we know, the Hydrogen Future Act that passed by the Congress last year authorized $25 million for fiscal year 1998.

As the ranking member of this appropriations subcommittee I sincerely appreciate his efforts to increase funding for hydrogen research in the energy and water development bill. As we know, the Department needs the funding that they have requested to pursue the furthering of hydrogen by working with the private-sector and our national laboratories to demonstrate the effectiveness as well as the safety of hydrogen. I know that my ranking member is as interested as I am in the demonstration and validation of hydrogen power technology. I support his request for a demonstration and evaluation at the Nevada test site as part of the Department of Energy's Hydrogen Research Program budget.

I would like to ask the distinguished ranking member if he would elaborate on the intentions of the committee report language as it relates to the Department allocating funds for a comprehensive validation program at the Nevada test site. If I understand this correctly, the distinguished Senator from Nevada is suggesting that the Department should begin phase 1 of a program in fiscal year 1998 that will establish at the Nevada test site a single location to administer testing and evaluation of industry-led hydrogen energy systems.

Mr. REID. Mr. President, that is correct. First, I am deeply concerned that increased consumption of refined petroleum products for transportation will continue to climb and the quality of the air we breath will continue to deteriorate. Additionally, our reliance on foreign oil can only aggravate our trade imbalance as well as jeopardize our national security.

Therefore, I felt it to be vitally important that we begin to move forward and establish, at least, one location to allow the Department of Energy the ability to begin the precommercialization of hydrogen technologies. And the Department should provide to the committee a plan for the furthering of this center at the Nevada test site in future years. Hopefully, their fiscal year 1999 request will mirror the authorization of $30 million contained in the Hydrogen Future Act in order to fully implement the center. Full funding at the authorized levels are the only way that we can begin to bring this technology to the marketplace. Furthermore, it is my hope that the administration will view our increased funding of the hydrogen research program as a clear indication that there is support for this technology in the U.S. Senate.

Mrs. BOXER. I thank you for clarifying this most important issue and will continue to look to your leadership in this area.●

EXPLANATION OF SELECTED VOTES ON SPENDING PORTION OF THE BALANCED BUDGET ACT

● Mr. ABRAHAM. Mr. President, recently, the Senate considered historic changes to preserve Medicare for future generations. I think it is important to outline my views in detail on a few of the key votes cast regarding these issues.

I voted to table an amendment by Senator MIKULSKI to reinstate the Boren amendment. In negotiating with the White House on this balanced budget agreement, we all agreed that the best way to reform Medicaid is to allow Governors the maximum flexibility to design programs that meet the unique needs of their States. The biggest barrier to this flexibility, according to the bipartisan National Governors Association, is the Boren amendment. The Boren amendment has allowed the court system to set reimbursement rates, and these rates have been inflated much higher than what the market would determine. These higher rates have cost the States millions of dollars a year and have inhibited the ability of States to implement real program reforms. For this reason, I supported the bipartisan budget agreement and the decision to revoke the Boren amendment.

I voted to table an amendment by Senator KENNEDY which would require specific health benefits for children with special needs. I believe that our package went a long way in meeting the important goal of providing health benefits to children in need. Mr. KENNEDY's amendment, however, would take away the flexibility that Governors need to develop the best possible plan for their States. Instead, Mr. KENNEDY's amendment would allow the Federal Government to mandate both what the benefits should look like and who should receive them. I believe this amendment represents movement in the wrong direction.

I voted against an amendment offered by Senator DURBIN and Senator WELLSTONE which would reinstate food stamp benefits to the children of legal immigrants. We have already negotiated certain changes in regard to services for legal immigrants in the bipartisan budget agreement. I am committed to upholding that agreement and believe that this amendment went outside the scope of the agreed to changes.

Senator D'AMATO offered an amendment to take the money saved by changing the Medicare and Medicaid Program and direct it to National Institutes of Health to provide medical research. While I wholeheartedly support increased funding for NIH, I do not believe this is an appropriate funding avenue and therefore opposed it. In fact, I believe that money saved through changes to Medicare should go toward maintaining the long-term solvency of the Medicare Program.

I voted against an amendment offered by Senator DODD which would add $100 million to provide health care to children who are severely disabled. While I believe this is an important goal, I maintain, and received assurances to that end, that the health needs of severely disabled children would be met through the additional $24 billion we will be spending on our children's health package already incorporated in this bill.

I supported Senator LEVIN's amendment which would allow vocational education training to count toward meeting the work requirement under the welfare reform law. The current welfare law limits the amount of time an individual can be on vocational education to 12 months. This amendment will increase that limit to 24 months. I believe this change will allow individuals the time necessary to engage in training programs to provide real work opportunities once they leave the welfare system.

I opposed an amendment offered by Senator SPECTER which would have provided $1.5 billion over 5 years to pay the Medicare premium for low-income seniors. I voted against this amendment because the budget reconciliation package provides $1.5 billion in new funds to assist Medicare beneficiaries between 120 and 150 percent of the poverty line with their Medicare premium. I believe the legislation already addresses this important need.

Finally, I voted in favor of waiving the Budget Act to include the Medicare Choice program as part of the budget reconciliation bill. I believe that this is one of the most important provisions of the Medicare bill. Our legislation will allow seniors a wide array of choices in care. Seniors will be able to choose from a variety of insurance plans including medical savings accounts [MSA] and private fee-for-service plans. It is critical to keep these provisions in the legislation to allow seniors a real choice in care and to protect seniors from rationing services in the future.●

REAUTHORIZING AMTRAK APPROPRIATIONS

● Mr. HOLLINGS. Mr. President, I support S. 961, the administration's bill to reauthorize appropriations for the National Rail Passenger Corporation, better known as Amtrak. Amtrak is a necessary part of a national transportation system. It has demonstrated its popularity with the traveling public and, more importantly, its ability to provide safe, efficient transportation at reasonable prices.

My South Carolina constituents have made it quite clear that they want Amtrak to prosper, and wish it expanded, not terminated or forced to operate under unreasonable restrictions or reduced to the status of a regional railroad. The citizens of South Carolina and the Nation demand a first class rail passenger transportation service. This is Amtrak's mission, and its promise.

S. 961 puts Amtrak on the path to fulfilling that promise. The bill concentrates on what is important, the operational and financial viability of Amtrak, and is not diverted from its goal by including provisions that are divisive and will not save Amtrak significant money or allow it to maximize its revenues.

Specifically, S. 961 does not include a provision which would impose so-called caps on the punitive damages available to passengers involved in accidents while aboard Amtrak trains. Other bills which purport to aid Amtrak would cap punitive damages to twice compensatory damages or $250,000, whichever is greater. While I understand the necessity of any business to reduce costs, placing liability caps against passengers will not significantly improve Amtrak's bottom line. The General Accounting Office's (GAO) highest estimate of savings from such caps is less than one percent of Amtrak's capital funding needs.

Moreover, the provision ignores the value of punitive damages to the public. With punitive damages a possibility, Amtrak has the incentive to properly train its personnel, invest in safe equipment, and reward safe operations. Finally, such a provision is unnecessary. Punitive damages have never been awarded against Amtrak.

S. 961 puts the emphasis where it should be, on authorizing appropriations of $5 billion for Amtrak over the next six years. It is this money that is needed to fund Amtrak operations, equipment purchases, much needed capital improvements, and expanded services, not the small amount any liability cap will provide the rail carrier. We would all like to avoid paying Government subsidies for this service, but we cannot ignore that the provision of transportation infrastructure is a necessary function of Government, whether involving highways, bridges, airports, mass transit, or rail. It should be noted that a 1994 study of central government subsidies of rail transportation showed that U.S. subsidy levels are 35th in the world, well below those of Europe.

S. 961 also avoids the unnecessary controversy brought about by an effort to provide indemnification for freight railroads over whose tracks Amtrak largely operates. Some argue that freight railroads need protection from accidents between their trains and Amtrak trains. Whatever the merits of indemnifying particular freight railroads in particular cases, what has been proposed in several bills is the complete indemnification of any freight railroad for any accident, regardless of cause or fault. In other words, if a freight railroad employee acts intentionally or with gross negligence and causes an accident, Amtrak would pay for that accident, most likely with tax dollars paid by the American people. The American people would be forced to pay for the mistakes of a multi-million dollar private corporation. This is indefensible.

In 1987, a Conrail engineer, after smoking marijuana, drinking beer, and disabling safety equipment, ran his Conrail locomotives into the rear of an Amtrak train near Chase, MD. The disaster cost 16 lives and 175 injuries. In the resulting litigation, a court found the conduct of the engineer to involve gross negligence. The accident cost $130 million. If the full indemnification provision had been in effect at that time, Amtrak, which was completely blameless, would have been required to pay all of the damages associated with that accident. Amtrak would have had to pay the cost of an accident beyond its control and that it was powerless to prevent. There is no more potent example of the unfairness of such a provision.

One other unacceptable provision that was wisely omitted from S. 961 is a so-called sunset trigger provision. Unfortunately, such a provision is contained in S. 738, the Amtrak bill recently ordered reported by the Commerce Committee. The provision establishes a new Amtrak Reform Council [ARC] to investigate Amtrak's financial condition, make a determination of Amtrak's ability to meet its financial goals, and present a report on Amtrak's condition to the Congress. If the ARC determination is negative, Amtrak is required to prepare a liquidation plan and the ARC is required to prepare a plan for restructuring Amtrak. Both plans are sent to Congress and if, within 90 days, the Congress does not enact the restructuring plan, the liquidation plan must be implemented. Thus, to kill Amtrak, any action to save it need only be delayed by its congressional opponents for 3 months.

Under this provision, Amtrak could be liquidated without either House of Congress taking any responsibility by voting for or against the liquidation plan. There would not have to be any debate in Congress on Amtrak or the liquidation plan. No questions of Amtrak's worth or importance and no indication of the consequences of eliminating Amtrak would have to be addressed. A transportation program of vital importance to millions of Americans would be eliminated without another word. This is nothing more than Congress evading its responsibilities and should not be allowed.

S. 961 is the right approach. We should insist that Amtrak run its operations in a business-like, efficient manner. And we should conduct vigorous oversight. However, we should not complicate its authorization legislation with extraneous provisions, and any decision to discontinue passenger rail service in this country must be made in full view and with complete information on the economic and social costs of doing so.●

CHEMICAL AND BIOLOGICAL DEFENSE RESEARCH

● Ms. SNOWE. Mr. President, on Monday, July 14, 1997, I offered an amendment to the fiscal year 1998 Department of Defense appropriations bill which specifically appropriated funds for a program of basic research in the area of chemical and biological defenses. I want to thank the distinguished chairman of the Defense Appropriations Subcommittee, Senator STEVENS, and the ranking minority